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Anti-Doping Convention (ETS 135)

EVALUATION REPORT OF THE MONITORING GROUP (T-DO)

Evaluation Visit in Nicosia, Cyprus

16 – 17 December 2019

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Introduction

Acknowledgements

The Evaluation Team of the Monitoring Group of the Anti-Doping Convention would like to thank all those who contributed to the preparation of the Visit and the Visit itself. In particular, the Team would like to thank Mr Prodromos Prodromou, Minister of Education, Culture, Sport and Youth for the hearing, Dr Michael Petrou, President of Cyprus Anti-Doping Authority (CyADA) for the coordination of the Visit and his support and readiness to provide the Evaluation Team with the best information before, during and after the Evaluation Visit as well as Mrs Marianna Megalemou, Officer at the Ministry of Education, Culture, Sport and Youth for her commitment and time dedicated to discuss with the Evaluation Team.

Glossary

AAF	Adverse Analytical Finding
ADAMS	Anti-Doping Administration and Management System
ATF	Atypical Finding
CAHAMA	Ad Hoc European Committee for the World Anti-Doping Agency
CAS	Court of Arbitration for Sport
CDDS	Committee for the Development for Sport
Code	World Anti-Doping Code
CyADA	Cyprus Anti-Doping Authority
EPO	Erythropoietin
ETS	European Treaty Series
IC	in-competition
iNADO	Institute of National Anti-Doping Organisations
IPC	International Paralympic Committee
IRMS	Isotope Ratio Mass Spectrometry
ISL	International Standard for Laboratories
ISO	International Standards Organisation
ISTI	International Standard for Testing and Investigations
NADO	National Anti-Doping Organisation
NF	national federation
NOC	National Olympic Committee
OOC	out-of-competition
RTP	Registered Testing Pool
T-DO	Monitoring Group of the Anti-Doping Convention of the Council of Europe
UNESCO	United Nations Educational, Scientific and Cultural Organization
WADA	World Anti-Doping Agency

Executive summary

1. As part of the Compliance with Commitments project of the Council of Europe and on the request of the Ministry of Education, Culture, Sport and Youth of Cyprus, an Evaluation Team held a Visit to Nicosia, Cyprus from 16 to 17 December 2019.
2. The aim of the Evaluation Visit was to assess the compliance of Cyprus with the Anti-Doping Convention of the Council of Europe (hereinafter referred to as the “Convention”) and in particular, to evaluate those Articles of the Convention and its Additional Protocol that place obligations on the State Parties.
3. Summarised below are the principal findings and outcomes of the Evaluation Team on each of the Articles of the Convention and its Additional Protocol that have been evaluated whereas background and detailed findings are provided in subsequent chapters of this Report.
4. Convention Article 1- Aim of the Convention: Cyprus has ratified the Convention in 1994 and the Additional Protocol to the Convention in 2004. State Parties are required to take measures to reduce and eliminate doping in sport, including legislation and commit themselves towards this responsibility. The Law N. 7(III) of 2009 Ratifying the International Convention against Doping in Sport of UNESCO is a primary piece of the anti-doping legislation in place in Cyprus. However, it is the Decree RAA 183/2016 of the Minister of Education and Culture that provides the legal background for the fight against doping in Cyprus. Moreover, pursuant to the Law N. 7(III) of 2009 another decree was issued in 2009 to establish the Cyprus Anti-Doping Authority (CyADA). Although the Law does not make direct reference to the Convention, Cyprus has fulfilled the political commitments under Article 1 of the Anti-Doping Convention of the Council of Europe.
5. Convention Article 2 – Definitions and scope of the Convention: The Decree RAA 183/2016 provides for the definition of doping, in line with the World Anti-Doping Code which covers the respective definition of doping of sport of the Convention and is even broader. WADA's Prohibited List is incorporated in the Cypriot legal system; however, there is no reference to the role of the Monitoring Group on the adoption of the list of pharmacological classes of doping substances and doping methods. The Decree also contains the Code-based definition of athlete which is not as broad as the respective definition of the Convention.
6. Convention Article 3 – Domestic co-ordination: In accordance with the Decree RAA 183/2016, CyADA is the responsible authority for the fight against doping in Cyprus. CyADA cooperates with some state agencies for the purpose of the fight against doping. CyADA receives funding from the government. The Evaluation Team has serious concerns about the independence of CyADA. Therefore, the Cyprus authorities shall restructure CyADA based on the recommended governance principles to comply with both, the Convention and the Code.
7. Convention Article 4 – Measures to restrict the availability and use of banned doping agents and methods: Cyprus has only fragmentary legislation aiming to restrict the availability of doping agents and methods. However, the accessibility to certain groups of doping substances and methods may be considered as restricted also on the basis of the administrative, criminal or pharmaceutical laws and regulations of a more general nature. There is a need for a closer and more formal cooperation between CyADA and different law enforcement bodies in Cyprus.

8. Convention Article 5 – Laboratories: Decree RAA 183/2016 requires CyADA to use WADA-accredited laboratories for analysis of samples. CyADA signed contracts with such laboratories.
9. Convention Article 6 – Education: Although the educational activities of CyADA are carried out in compliance with the Convention, the Evaluation Team is not satisfied with the level of those activities. They are targeting mainly athletes and their support personnel. For its anti-doping information and education activities CyADA receives funding from the government. Contrary to information and education, the involvement of CyADA in research activities in the field of anti-doping is very impressive.
10. Convention Article 7 – Cooperation with sports organisations on measures to be taken by them: CyADA, acting as the National Anti-Doping Organisation, has developed its Anti-Doping Rules, in line with the 2015 Code, that are nationally enforced across all sports in Cyprus. CyADA has a sufficient testing programme in place. However, there are certain improvements recommended. Moreover, the Anti-Doping Rules of CyADA (in a form of the Decree) provide for a harmonised hearings procedure.
11. Convention Article 8 – International Cooperation: The representative of CyADA actively participates in the meetings of the Monitoring Group and its Advisory Groups as well as the meetings of CAHAMA at the Council of Europe. CyADA is a member of the Institute of National Anti-Doping Organisations and also has established collaborations and cooperation with other National Anti-Doping Organisations.
12. Convention Article 9 – Provision of Information: The representative of CyADA attends the Monitoring Group meetings and regularly reports on the legislative and other measures taken for the purposes of the implementation of the Convention. Cyprus also responds regularly to the annual questionnaire.
13. Additional Protocol Article 1 – Mutual recognition of doping controls: CyADA incorporates in its Anti-Doping Rules the Code-based provisions for the mutual recognition of sanctions.
14. In conclusion, it is the opinion of the Evaluation Team that Cyprus has only partially fulfilled the commitments under the Anti-Doping Convention of the Council of Europe and its Additional Protocol. Although Cyprus has implemented most of the Articles of the Convention, there are still some serious non-conformities with Convention. They have been reflected in this Report.
15. The Evaluation Team's recommendations on each of the Articles that have been evaluated are provided in the Part I of this Report, whereas an overview of all of the recommendations are presented in Part III, which will be completed with the comments from the Cyprus authorities.
16. The following key recommendations are proposed by the Evaluation Team:
 - The Cyprus authorities shall restructure CyADA based on the following governance principles:
 - CyADA should have a robust governance structure that is determined in principle by the national legislation and in detail by its statutes. The relationship between the Ministry of Education, Culture, Sport and Youth and CyADA should also be determined and the Minister (or the Ministry) should remain the supervisory body approving the statutes of CyADA.

- The Evaluation Team believes that CyADA would benefit from having an independent Supervisory Board, to assist it in developing a strategic plan, evaluate strategic risk and to ensure that it remains compliant with various governance requirements.
- The executive powers should be separated from the supervisory powers. Therefore, the executive body (e.g. the President or the Executive Committee) should be appointed with responsibility over the actual execution of all anti-doping work, including the planning and execution of doping control plan. The executive body must be free of any conflicts of interest. The Cyprus authorities shall provide the executive body with the necessary personnel.
- The Cyprus authorities should ensure that CyADA is independent in its operations (including budget) and decisions and free of organisational and individual conflicts of interest. Therefore, the following steps should be taken:
 - The Evaluation Team considers that the annual budget provided to CyADA is not sufficient to properly address all the expectations towards NADOs expressed in both, the Convention and the Code. This had and, if continues, will have a direct effect on the quality of the anti-doping programme in Cyprus. The staffing situation should be also resolved.
 - CyADA should have a Conflict of Interest Policy in place to avoid individuals with any actual or potential conflict of interest from having any role or function in the CyADA's executive or operational decision-making in relation to anti-doping investigations, case management, test distribution planning and execution, and prosecuting anti-doping rule violation matters before hearing panels.
 - The funding scheme of CyADA should be adjusted to: (a) allow the organisation to accept the income related to the external services provided by CyADA (e.g. doping controls requested by the other Anti-Doping Organisations), and (b) establish oversight and accountability measures in respect of CyADA's use of public funds that do not unreasonably affect the CyADA's independence.
- The Cyprus authorities should consider introducing a legal framework for intelligence and information sharing between CyADA and different public bodies and agencies, including Police, Customs and Prosecutor's Office.
- The Cyprus authorities shall adopt comprehensive legislative measures to control the trafficking of doping substances; these measures should include, as a minimum, the list of substances to be controlled, the agencies to be involved, and the applicable sanctions.
- The Cyprus Sports Organisation needs to set up a framework for the effective implementation of the Anti-Doping Decree of 2016 in regard to the granting and withholding of public funding to the national sports federations.
- The Cyprus authorities should continue assessing the effectiveness and proportionality of its penal provisions regarding doping in sport.
- The Evaluation Team suggests that in order to complement the capacity of existing field staff, and to enhance the delivery of face-to-face (in-person) education across the country, CyADA should consider the following solutions:
 - CyADA is encouraged to identify, train and work with a pool of talented university students.
 - The Evaluation Team recommends that a network of collaborators within the national federations should be established.
- Although CyADA has a right to issue decisions on the basis of the mutual consent with the athletes, it seems that its right is exercised extensively. Therefore, CyADA should make a considerable effort to inform athletes of their rights to have access to a fair hearing and to encourage them to request their disputes being resolved by an independent and impartial hearing panel. At the same time, attention should be paid to the quality of the hearing panels.

- The public authorities in Cyprus should ensure CyADA is provided with an adequate budget to implement an effective doping control programme. It is worth noting that the CyADA should at least re-establish the average number of tests performed until 2019 as well as have enough staff personnel with at least one person dedicated for testing.
- In order to harmonise standards and procedures in its doping control processes and to show to its stakeholders that its stands to the highest international standards, CyADA is required to get an ISO certification of its processes.

Background, Methodology and Scope

Background

The Compliance with Commitments project was developed in 1997 by CDDS with the main aim to help participating countries to determine how the European Sports Charter, the Anti-Doping Convention and the European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches are applied in their countries.

The preferred working method involves interactions between a national team who prepare a detailed report on compliance with the commitments entered into under the Convention or Charter (hereinafter referred to as the “National Report”) and an Evaluation Team appointed by the Council of Europe. Following a Visit by the Evaluation Team, a second report is prepared detailing their findings, suggestions, and possible recommendations for improved compliance with the commitments.

Methodology

By letter dated 7 March 2018, signed by Mrs Egly Pantelaki, Permanent Secretary of the Ministry of Education, Culture, Sport and Youth, and addressed to Mr. Sergey Khrychikov, Head of Sport Conventions at the Council of Europe, the Cypriot authorities invited the Council of Europe to pay an Evaluation Visit to Cyprus.

The Secretariat of the Sport Conventions of the Council of Europe in cooperation with the Chair of the Monitoring Group of the Anti-Doping Convention appointed the Evaluation Team for the Evaluation Visit to Cyprus (hereinafter referred to as the “Visit”). The Evaluation Team was comprised of Mr Rafal Piechota, Advisor to the Minister at the Ministry of Sport of Poland¹ as the Head of Delegation and Rapporteur, Mrs Shafag Huseynli, Chief Executive Officer of the Azerbaijan National Anti-Doping Agency (AMADA), Mrs Margarita Pakhnotskaya, Deputy Director General of the Russian Anti-Doping Agency “RUSADA”, Mr Adam Pengilly, representing athletes and Mr Sergey Khrychikov, Head of Sport Conventions Division at the Council of Europe. Furthermore, the World Anti-Doping Agency appointed Mr Raphael Rezende, Coordinator, IF and NADO Relations to be a member of the Team. The composition of the Evaluation Team is presented in Annex 1.

The Visit was organised by CyADA jointly with the Secretariat of the Sport Conventions of the Council of Europe and the Evaluation Team. Ahead of the Visit, the Cypriot authorities provided the Secretariat of Sport Conventions of the Council of Europe with the National Report (Part II) and additional documents. In addition, a list of questions was prepared and submitted by the Evaluation Team and answered by CyADA prior to the Visit.

The aim of the Evaluation Team was to be as prepared as possible for the Visit in order to have efficient and constructive meetings. In other words, the Evaluation Team wanted to familiarise itself as much as possible with the anti-doping work in Cyprus prior to the Visit in order to conduct an in-depth evaluation of the anti-doping policies and actions in the country and provide recommendations accordingly.

The study of the National Report and the additional documents provided to the Evaluation Team gave the Evaluation Team an insight into the country’s anti-doping programme.

¹ Mr Rafal Piechota is currently holding a position of the Director of the Office of the WADA President.

For the preparation of the Visit to Cyprus, the Evaluation Team reviewed the information on Cyprus from the Council of Europe's annual questionnaire on national anti-doping policies and from the WADA Code Compliance Questionnaire.

As part of its preparation, the Evaluation Team convened in the evening before the Visit to discuss about the agenda, the approach to the meetings and the interviews and the key questions and issues per Convention article.

The Visit of the Evaluation Team in Nicosia, Cyprus was held from 16 to 18 December 2019 and included meetings with Mr Prodromos Prodromou, Minister of Education, Culture, Sport and Youth, representatives from the Ministry of Education, Culture, Sport and Youth, the Ministry of Health, the Customs Services and the Police, the management of the Cyprus Sport Organisation, the Secretary General and Director General of the Cyprus National Olympic Committee, the President of CyADA, representatives of national sport federations, universities, athletes and other stakeholders. The Team also attended the event organised by CyADA to celebrate its 10th Anniversary that was held on 16 December 2019.

In order to ensure that every stakeholder and interviewee was informed about the Anti-Doping Convention of the Council of Europe as well as the aim of the Visit and the expectations from the interviews, the Evaluation Team agreed to structure the interviews as below:

- a. to provide each interviewee with a brief introduction about the Anti-Doping Convention, the members of the Evaluation Team and the purpose of the Visit;
- b. to explain to each interviewee that the objective of the Evaluation Team was to assess the implementation of the Convention in Cyprus and the actions taken by each stakeholder in that respect;
- c. to ask each interviewee about the strengths, weaknesses and challenges that they face towards the implementation of the Convention and to identify areas of improvement; and
- d. to invite each interviewee to engage in an open discussion with the Evaluation Team.

All the meetings were conducted in a friendly and open way, and all the governmental and sport representatives with whom the Evaluation Team met shared their concerns and showed great interest to hear how their anti-doping programme could be improved.

During the Visit, the Evaluation Team met and discussed with the Minister of Education, Culture, Sport and Youth of Cyprus the Team's preliminary findings and conclusions and the most important recommendations.

The Evaluation Team prepared the Report "Respect by Cyprus with the Anti-Doping Convention" with the aim of providing the Monitoring Group with the following on each article or sub-article of the Convention: (a) a short introduction; (b) summary of the findings and analysis; (c) conclusion in relation to the question whether Cyprus complies with its commitments under the Anti-Doping Convention of the Council of Europe; and (d) recommendations. It also refers to some best practices identified by the Evaluation Team in regard to the application of certain Convention articles by Cyprus. The Report also includes the Executive Summary, the Convention Compliance Chart and the overview of the Evaluation Team's recommendations.

Following the Visit, WADA addressed a formal letter to the Minister of Education, Culture, Sport and Youth dated 27 February 2020 summarising their observations from the Visit. WADA expressed their concerns regarding the recent developments in the Cyprus anti-doping system, including the significant

decrease in programme activities of CyADA due to limited resources (both financial and human) and the need for Cyprus to meet the increased requirements of the 2021 Code. Finally, WADA invited the Cyprus authorities to take actions in this regard and to review the situation of CyADA and ensure it is provided with the resources, both human and financial, necessary to fulfil all of the requirements of the Code (including the 2021 Code), the Council of Europe Anti-Doping Convention and the UNESCO International Convention against Doping in Sport.

A draft version of the Evaluation Team's Report was provided to the Ministry of Education, Culture, Sport and Youth of Cyprus for review and their comments will be included in the Part III.

Following reception of the comments, the finalised Evaluation Team's Report will be submitted for review and approval by the Monitoring Group of the Anti-Doping Convention.

Scope

The aim of the Visit to Cyprus was to monitor compliance with the Anti-Doping Convention. In that respect, the Evaluation Team evaluated the following articles of the Convention and the Additional Protocol to the Convention that place obligations on State Parties:

- Convention Article 1: Aim of the Convention;
- Convention Article 2: Definition and scope of the Convention;
- Convention Article 3: Domestic coordination;
- Convention Article 4: Measures to restrict the availability and use of banned doping agents and methods;
- Convention Article 5: Laboratories;
- Convention Article 6: Education;
- Convention Article 7: Cooperation with sports organisations and measures to be taken by them;
- Convention Article 8: International cooperation;
- Convention Article 9: Provision of information; and
- Additional Protocol Article 1: Mutual recognition of doping controls.

Taking into account that (a) the Cypriot authorities have ratified the International Convention against Doping in Sport of UNESCO and signed the Copenhagen Declaration on Anti-Doping in Sport that refer to the World Anti-Doping Code; and (b) the Convention requires from States Parties to harmonise their anti-doping rules which can only be achieved under the umbrella of the Code, the Evaluation Team agreed that a comparison between the anti-doping rules and regulations adopted in Cyprus and the World Anti-Doping Code fell within the Scope of the Visit.

Part I

Convention Article 1

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.

1.1. Introduction

1.1.1. The Convention, under this introductory article, requires State Parties to take measures to reduce and eliminate doping in sport, including legislation, and commit themselves towards this responsibility. Because of the wide variety of constitutional arrangements within the states the Convention tries, however, to avoid setting out a rigid model for legislation or implementation. The Convention recognises that many actors will be involved, and that Parties will use the structures and bodies which are most appropriate to it. It is also for this reason that the Convention has purposely avoided making detailed provisions. It sets out a series of basic common principles, the implementation of which is up to the appropriate national authorities.²

1.1.2. The Additional Protocol to the Anti-Doping Convention (ETS No. 188) opened for signature in Warsaw, Poland on 12 September 2002 and entered into force in 2004. The aim of the Additional Protocol is to enhance and reinforce the application of the provisions of the Convention.

1.2. Findings

1.2.1. The Republic of Cyprus is a party to the Anti-Doping Convention of the Council of Europe which it signed on 20 June 1991 and ratified on 2 February 1994 by the Law N. 37(III) of 1993. The Convention entered into force for Cyprus on 1 April 1994. The Additional Protocol to the Anti-Doping Convention, was signed by Cyprus on 12 September 2002 and ratified on 15 December 2004 by the Law N. 6(III) of 2004. It entered into force for Cyprus on 1 April 2005. In addition, on 8 September 2009 Cyprus ratified the International Convention against Doping in Sport of UNESCO by the Law N. 7(III) of 2009.

1.2.2. The Cyprus authorities have also signed the Copenhagen Declaration against Doping in Sport³ and on 29 May 2009 CyADA accepted the World Anti-Doping Code. As required by the Code, CyADA, being its Signatory and acting as the National Anti-Doping Agency of Cyprus, developed its Anti-Doping Rules. They are in line with the Code and are enforced nationally across all sports by the Decree RAA 183/2016 of the Minister of Education and Culture (hereinafter referred to as “the Anti-Doping Decree of 2016”) issued pursuant to the Law N. 7(III) of 2009.

1.2.3. There is no sport specific legislation in place in Cyprus. A lot of powers in sport were delegated by the Cyprus Government to the Cyprus Sports Organisation. It is the supreme sport authority in Cyprus established by the Law 41/1969. This Law is the only sport-related piece of legislation in effect in Cyprus. However, it is neither comprehensive nor substantive. The Cyprus Sports Organisation is responsible, among other things, for funding of sport on behalf of the Cyprus Government. Therefore, many of the actions in anti-doping that are expected under the Convention from the State Parties

² Explanatory Report to the Anti-Doping Convention, Strasbourg, 16.XI.1989, paragraph 33.

³ The Copenhagen Declaration on Anti-Doping in Sport (Copenhagen Declaration) was drafted and agreed to by governments at the Second World Conference on Doping in Sport held in Copenhagen, Denmark, in March 2003. The Copenhagen Declaration was the political document through which governments signalled their intention to formally recognize and implement the World Anti-Doping Code. This initiative was the first step taken by governments towards the preparation of the UNESCO International Convention against Doping in Sport. (Source: www.wada-ama.org/en/governments#CopenhagenDeclaration; accessed: 25.2.2020).

(e.g. withholding of funding from doped athletes or sport organisations that do not follow anti-doping rules) are the responsibilities of the Cyprus Sports Organisation. In this regard, it plays a role that is usually played by the Sports Ministries in most of the State Parties. Consequently, this Report also covers the actions and programmes carried out by the Cyprus Sports Organisation and, when necessary, goes into details with the relevant rules and regulations approved and implemented by this entity.

1.2.4. There is a specific legislation on combating doping in sport in place in Cyprus. The primary piece of it is the already mentioned Law N. 7(III) of 2009. It is the Ratifying Law of the International Convention against Doping in Sport of UNESCO. It stipulates, among other things, some basic definitions used for the purposes of the Law (Article 2), the composition of the Competent Authority (see below, Article 4.3 of the Law) and a range of the penal provisions (Article 5). It also empowers the Cyprus Government to issue decrees relevant to the anti-doping matters in Cyprus. Pursuant to the Law N. 7(III) of 2009, the scope of such decrees covers, among other issues, the appointment of a Competent Authority in order to enforce implementation of the provisions of the Convention and its Appendices and Annexes, the Law itself and any decrees issued on the basis of this Law. By this means, the Cyprus Anti-Doping Authority (the “Competent Authority” as stipulated in the Law) was established in 2009. Furthermore, the National Anti-Doping Disciplinary and Appeal Panels were established in 2011, following the provisions of the Law N. 7(III) of 2009.

1.2.5. The Anti-Doping Decree of 2016 issued pursuant to the Article 4 of the Law N. 7(III) of 2009 is to enforce the Anti-Doping Rules of CyADA nationally across all sports. The Rules are in line with the Code and were drafted based on the 2015 Model Rules for National Anti-Doping Organisations. Therefore, the structure of the Decree and its content are like the structure and the content of the Anti-Doping Rules adopted in many State Parties to the Convention. The Decree delegates a number of roles and responsibilities to CyADA as it is the Competent Authority pursuant to the Law N. 7(III) of 2009.

1.2.6. Cyprus has only a fragmentary legislation regarding the availability of doping substances. There are penal provisions in place criminalizing possession, administering and (partly) trafficking in doping substances (e.g. Article 5.1(e) and (f) of the Law N. 7(III) of 2009). However, there is a lack of complementary administrative rules and procedures making the penal law effective, especially in regard to the control of trafficking in doping substances. Moreover, the Evaluation Team was made aware that certain non-sports related laws in place in Cyprus lead to restricting the availability of medicines and drugs and are thus relevant to anti-doping.

1.2.7. As already stated, the Law N. 7(III) of 2009 is the Ratifying Law of the International Convention against Doping in Sport of UNESCO. Furthermore, the Anti-Doping Decree of 2016 issued pursuant to this Law is dedicated to the implementation of the UNESCO Convention, its Annexes and Appendices. There is no single clause in the anti-doping legislation of Cyprus referring to the Anti-Doping Convention of the Council of Europe, except from the Law N. 37(III) of 1993 and the Law N.6(III) of 2004 that ratify the Anti-Doping Convention and its Additional Protocol, respectively. However, even these Laws do not include any clauses on the implementation of the Convention.

1.2.8. The Anti-Doping Convention of the Council of Europe is the international instrument that stipulates governmental support for the fight against doping in the State Parties’ countries, not limited to the operations of their National Anti-Doping Organisation. Therefore, the Evaluation Team is of the opinion that the implementation of the Council of Europe’s Anti-Doping Convention should always be explicitly mentioned in the relevant legislation and policy related documents.

1.3. Conclusion

1.3.1. The Evaluation Team concludes that Cyprus has fulfilled the political commitments under Article 1 of the Anti-Doping Convention of the Council of Europe.

1.4. Recommendations

1.4.1. Recommendation no. 1: The Cyprus authorities should indicate in its respective anti-doping legislation that the fight against doping in the country shall respect and be governed by the Anti-Doping Convention of the Council of Europe.

Convention Article 2

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.

2.1. Introduction

2.1.1. This article provides for the definitions of “doping in sport”, “pharmacological classes of doping agents and doping methods” and “sportsmen and sportswomen”.

2.1.2. With the entry into force of the World Anti-Doping Code in 2004 and its consecutive revisions in 2009 and 2015, a broader definition of doping is established. The Code-based definition of doping has been adopted by the International Convention against Doping in Sport of UNESCO.

2.1.3. Similarly, since the entry into force of the World Anti-Doping Code, the list of banned doping agents and doping methods has been revised at least once a year and is published by WADA instead of the International Olympic Committee.

2.1.4. Unlike with the definition of doping in sport, the list of pharmacological classes of doping agents and doping methods is reproduced in the appendix to the Council of Europe’s Anti-Doping Convention and is approved by the Monitoring Group whenever is revised by WADA. This mechanism allows for a speedy approval by the Monitoring Group of new lists, so that they become legally applicable for the State Parties’ own purposes.

2.1.5. Article 2.1.c provides the definition of “sportsmen” and “sportswomen” as “those persons who participate regularly in sports”. As clarified in the Explanatory Report to the Anti-Doping Convention⁴:

“It is not the drafters’ intention that the Convention is to be applied indiscriminately to all sports and to all levels of sports. National authorities will decide their own priorities and make appropriate selections and decisions: (...) The Convention will be applied realistically, concentrating firstly on sports where doping is known to exist. (...) The use of the adverb “regularly” in Article 2.1.c is designed to bring these participants within the merit of the Convention where it is appropriate, while not prescribing an unduly heavy obligation to control purely casual participants”.

⁴ Explanatory Report to the Anti-Doping Convention, Strasbourg, 16.XI.1989, paragraph 48.

2.2. Findings

2.2.1. The Anti-Doping Decree of 2016 enforces the Anti-Doping Rules of CyADA nationally across all sports. The Rules were developed based on the WADA Model Rules for NADOs and following a review by WADA were deemed Code Compliant. Article 35 in connection with Article 2 of the Decree provides for the following definition of doping in sport:

“35. Doping is defined as the occurrence of one or more of the anti-doping rule violations set forth in paragraphs [Articles] 36-45 of the present Decree. [...]

36. Presence of a prohibited substance or its metabolites or markers in an athlete’s sample is an anti-doping rule violation. [...]

37. Use or attempted use by an athlete of a prohibited substance or a prohibited method is an anti-doping rule violation. [...]

38. Athlete evading sample collection, or without compelling justification refusing or failing to submit to sample collection after notification as authorised in the present Decree or other applicable anti-doping rules, is an anti-doping rule violation.

39. Any combination of three (3) missed tests and/or filling failures, as defined in the International Standards for Testing and Investigations committed within twelve-month period by an athlete in a registered testing pool, shall constitute an anti-doping rule violation.

40. Conduct which subverts the doping control process, but which would not otherwise be included in the definition of prohibited methods. tempering should include, without limitation, intentionally interfering or attempting to interfere with a doping control official, providing fraudulent information to an Anti-Doping Organisation or intimidating or attempting to intimidate a potential witness is an anti-doping rule violation.

41.1. Possession by an athlete in-competition of any prohibited substance or any prohibited method, or possession by an athlete out-of-competition of any prohibited substance or any prohibited method which is prohibited out-of-competition, unless the athlete establishes that the possession is consistent with a therapeutic use exemption granted in accordance with the present Decree and the International Standard for Therapeutic Use Exemptions or other acceptable justification, is an anti-doping rule violation.

41.2. Possession by an athlete support person in-competition of any prohibited substance or any prohibited method, or possession by an athlete support person out-of-competition of any prohibited substance or any prohibited method which is prohibited out-of-competition, in connection with an athlete, competition or training, unless the athlete support person establishes that the possession is consistent with a therapeutic use exemption granted to an athlete in accordance with the therapeutic use exemption provisions or other acceptable justification, is an anti-doping rule violation.

42. Trafficking or attempted trafficking in any prohibited substance or prohibited method is an anti-doping rule violation.

43. Administration or attempted administration to any athlete in-competition of any prohibited substance or prohibited method, or administration or attempted administration to any athlete out-of-competition of any prohibited substance or any prohibited method that is prohibited out-of-competition.

44. Assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of intentional complicity involving an anti-doping rule violation, attempted anti-doping rule violation or violation of paragraph 72(1) by another person is an anti-doping rule violation.

45.1. Association by an athlete or other person subject to the authority of an Anti-Doping Organisation in a professional or sport-related capacity with any athlete support person who:

- a) if subject to the authority of an Anti-Doping Organisation, is serving a period of ineligibility; or*
- b) if not subject to the authority of an Anti-Doping Organisation, and where ineligibility has not been addressed in a results management process pursuant to the Code, has been convicted or found in a criminal, disciplinary or professional proceeding to have engaged in conduct which would have constituted a violation of anti-doping rules if Code-compliant rules had been applicable to such person. The disqualifying status of such person shall be in force for the longer of six years from the criminal, professional or disciplinary decision or the duration of the criminal, disciplinary or professional sanction imposed; or*
- c) is serving as a front or intermediary for an individual described in (a) or (b), above is an anti-doping rule violation.”*

2.2.2. The Code-based definition of doping that is found in the Anti-Doping Decree of 2016 covers the respective definition of doping in sport from the Convention. In fact, it is even broader.

2.2.3. The Anti-Doping Decree of 2016 under Article 2.1 provides for the definition of prohibited list, prohibited method and prohibited substance, referring to WADA’s Prohibited List International Standard that is annexed to the International Convention against Doping in Sport of UNESCO, as below:

“»Prohibited List« means the list identifying the Prohibited Substances and Prohibited Methods as referred in Annex I of the [UNESCO] Convention.

»Prohibited Method« means any method so described on the Prohibited List.

»Prohibited Substance« means any substance so described on the Prohibited List.”

2.2.4. The Evaluation Team notes that the definitions of prohibited substance and prohibited method found in the Anti-Doping Decree of 2016 are both Code-based. Moreover, the Evaluation Team points out that the role of the Monitoring Group of the Convention in approving the List of banned substances and methods is not mentioned in the Cyprus legislation – despite of the fact that there is the Law N. 37(III) of 1993 in place, ratifying the Anti-Doping Convention of the Council of Europe. Finally, the issue of compatibility of the lists should be raised. The WADA Prohibited List is beyond doubt compliant with the Convention. However, if the Monitoring Group of the Convention adopts a prohibited list that differs from WADA’s Prohibited List (and the one of UNESCO), albeit this is improbable, then Cyprus – as well as many other State Parties to the Convention – would have to deal with such a peculiar situation.

2.2.5. The Anti-Doping Decree of 2016 under Article 14 refer to the WADA Prohibited List (as adopted by UNESCO) as below:

14.1. All athletes and other Persons shall be bound by the Prohibited List, and any revisions thereto, from the date they go into effect, without further formality (Annex I to the Convention).

2. The Prohibited List shall identify those Prohibited Substances and Prohibited Methods which are prohibited as doping at all times (both In-Competition and Out-of-Competition) because of their potential to enhance performance in future Competitions or their masking potential, and those substances and methods which are prohibited InCompetition only. The Prohibited List may be expanded by WADA for a particular sport. Prohibited Substances and Prohibited Methods may be included in the Prohibited List by general category (e.g., anabolic agents) or by specific reference to a particular substance or method.

3. It is the responsibility of all Athletes and other Persons to familiarize themselves with the most up-to-date version of the Prohibited List and all revisions thereto.

2.2.6. The Evaluation Team observes that neither the Law N. 7(III) of 2009 nor the Anti-Doping Decree of 2016 foresee a comprehensive mechanism for the implementation of the List of banned substances and methods. The abovementioned clause on automatic update of the List once it goes into effect (as described in the previous paragraph of this Report) is imperfect for the following reasons: 1) it only serves the purposes of the disciplinary proceedings (while there are also penal sanctions associated with the use/possession/administering etc. of prohibited substances and methods), 2) only athletes and other persons as defined by the Decree are bound by the List, and 3) the above clause does not indicate what is the procedure for the List to come into force (i.e. UNESCO v. WADA procedure).

Moreover, there is no obligation explicitly expressed in any of the already mentioned pieces of legislation to publish the List in the Official Gazette of the Cyprus Government (for more details see paragraph 2.2.7.). However, the Evaluation Team understands that there is a general obligation in Cyprus legal system to publish any amendments to the existing legislation.

Taking all of the abovementioned into account, the Team is of the opinion that it is unclear at any time as to which version of the List is relevant to the Law. This lack of clarity might have the potential to complicate any proceedings that are brought pursuant to the Law against persons suspected of violating the anti-doping rules.

2.2.7. Another issue that relates to the List of banned substances and methods is its publication. The Evaluation Team is aware of the variety of actions taken by CyADA to promote the Prohibited List, including its translation to Greek language. However, it is not clear to the Team if the list is being timely published in the Official Gazette of the Cyprus Government. Given that there are administrative and penal sanctions imposed for doping-related offences in Cyprus, the Evaluation Team is of the opinion that, the List of banned substances and methods as an Appendix to the Anti-Doping Convention of the Council of Europe (and similarly the Prohibited List of WADA as an Annex to the International Convention against Doping in Sport of UNESCO) should be published in the Official Gazette immediately after its adoption by the Monitoring Group of the Anti-Doping Convention of the Council of Europe or WADA, respectively, and that the publication should occur prior to its entry into force. Timely publication of the List is important, not only for the prevention of possible legal challenges regarding the version of the List that is in effect but also for its prompt communication to the public, and in particular to the athletes and their support personnel. It is even more important when knowing that WADA publishes its Prohibited List in a limited number of languages and Greek is not among them.

2.2.8. As far as the definitions of “sportsmen” and “sportswomen” are concerned, the Anti-Doping Decree of 2016 introduces in Article 2.1 a Code-based definition of “athlete” which reads as follows:

“»Athlete« means any Person who competes in sport at the international level (as defined by each International Federation), or the national level (as defined by each National Anti-Doping Organisation). An Anti-Doping Organisation has discretion to apply anti-doping rules to an Athlete who is neither an International-Level Athlete nor a National-Level Athlete, and thus to bring them within the definition of “Athlete.” In relation to Athletes who are neither International-Level nor National-Level Athletes, an Anti-Doping Organisation may elect to: conduct limited Testing or no Testing at all; analyze Samples for less than the full menu of Prohibited Substances; require limited or no whereabouts information; or not require advance TUEs. However, if a Code Article 2.1, 2.3 or 2.5 (paragraph 36, 38 or 40 of this Decree) anti-doping rule violation is committed by any Athlete over whom an Anti-Doping Organisation has authority who competes below the international or national level, then the Consequences set forth in the Code (except Article 14.3.2) and this Decree (except paragraph 106(2)) must be applied. For purposes of Code Article 2.8 and Article 2.9 (paragraph 43 and paragraph 44 of this Decree) and for purposes of anti-doping information and education, any Person who participates in sport

under the authority of any Signatory, government, or other sports organisation accepting the Code is an Athlete.”.

2.2.9. The abovementioned definition of athlete does not refer directly to the most substantial elements found in the definition of athlete in the Council of Europe’s Convention, including the “regular” participation in sports and its “organised” nature. However, its formulation implies that these elements are essential for both, the International Federations and National Anti-Doping Organisations in defining the athletes “competing” at international and national levels. Thus, the definition of athlete found in the national legislation of Cyprus is found coherent with the requirements from the Anti-Doping Convention.

2.2.10. In line with the definition of “athlete” introduced in the Anti-Doping Decree of 2016, its Article 3.1 defines the persons that fall into the scope of the Decree. It reads as follows:

“3.1 The provisions of the present Decree apply to the Competent Authority, the Cyprus Sports Organisation, the Cyprus Olympic Committee, the Cyprus National Paralympic Committee, and Cyprus Sports Federations, and

a) the following Persons, including Minors, whether or not such Person is a national of or resident in Cyprus, in each case, –

i. all Athletes and Athlete Support Personnel who are members or license-holders of a Cyprus Sports Federation;

ii. all Athletes and Athlete Support Personnel who participate in any capacity in any activity organised, held, convened or authorised by the Cyprus National Olympic Committee, the Cyprus National Paralympic Committee, and Cyprus Sports Federations;

iii. any other Athlete or Athlete Support Person or other Person who, by virtue of an accreditation, a licence or other contractual arrangement, or otherwise, is subject to the jurisdiction of a Cyprus Sports Federation or of any member or affiliate organisation of any Cyprus Sports Federation;

iv. all Athletes and Athlete Support Personnel who participate in any capacity in any activity organised, held, convened or authorized by the organiser of a National Event, or of a national league that is not affiliated with a Cyprus Sports Federation and

v. any other Athletes.

b) to all other Persons over whom the Code gives the Competent Authority jurisdiction, including all Athletes who are nationals of or resident in the Republic of Cyprus, and all Athletes who are present in the Republic of Cyprus, whether to compete or to train or otherwise.

c) in all circumstances where the Competent Authority has jurisdiction over Doping Controls and where the Competent Authority started and managed a sample collection or discovered an anti-doping rule violation.

2.2.11. The Evaluation Team is of the opinion that the definition of athlete that is found in the Convention (i.e., “those persons who participate regularly in sports”) is broader than the definition of athlete that is found in the Anti-Doping Decree of 2016. However, the Team finds that Article 3.1 of the said Decree provides for a realistic application of the Convention in Cyprus sport.

2.3. Conclusion

2.3.1. The Evaluation Team concludes that Cyprus has fulfilled the commitments under Article 2.1 of the Anti-Doping Convention of the Council of Europe.

2.3.2. The minor non-conformities under this sub-article are: (a) the lack of any reference in the Cyprus legislation to the List of banned pharmacological classes of doping agents and doping methods and the role of the Monitoring Group in its adoption; (b) no mechanism for the implementation of the new

version of the List (e.g. no clause on its automatic update); and (c) no policy in place to timely publish the Prohibited List in the Official Gazette (it takes months to publish the List that is already in force based on the Code provisions, e.g. as of 23 April 2020, the 2020 List has not yet been published).

2.4. Recommendations

2.4.1. Recommendation no. 2: The Cyprus authorities should ensure that the List of banned pharmacological classes of doping agents and banned doping methods in force in the Republic of Cyprus is the one adopted by the Monitoring Group. It does not mean, however, that it cannot be the WADA Prohibited List since the two Lists are identical.

2.4.2. Recommendation no. 3: The Cyprus authorities should clarify in the law how the new version of the List of banned pharmacological classes of doping agents and banned doping methods comes into force, either through its automatic update (also for the purposes of the criminal provisions, if only allowed under the Cyprus legal system) or/and by publishing the List that at the same time constitutes an obligation for all anti-doping stakeholders to follow it (once it is published).

2.4.3. Recommendation no. 4: The Cyprus authorities should publish the List of banned pharmacological classes of doping agents and doping methods in the Official Gazette of the Cyprus Government, prior to its entry into force.

* * *

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

2.5. Introduction

2.5.1. The list of banned pharmacological classes of doping agents and doping methods that was in effect at the time when the Convention came into force was in appendix to the original text of the Convention. When the Monitoring Group of the Convention approves a new list, it is reproduced in the appendix so that it becomes legally applicable for the Parties' own purposes (and the previous version cease to be effective).

2.6. Findings

2.6.1. Cyprus ratified the Council of Europe's Anti-Doping Convention in 1994 and the International Convention against Doping in Sport of UNESCO in 2009. The two Conventions are similar in the sense that they both have the List of banned substances and banned methods and the WADA Prohibited List as an appendix or annex, respectively.

2.6.2. As mentioned in paragraph 2.2.6. above, the Cyprus authorities do not publish the List of banned substances and banned methods adopted by the Monitoring Group of the Anti-Doping Convention of the Council of Europe but the Prohibited List that is Annexed to the International Convention against Doping in Sport of UNESCO. For more comments on the List, see paragraphs 2.2.3. to 2.2.7.

2.7. Conclusion

2.7.1. The Evaluation Team concludes that Cyprus does not fully comply with the commitments under Article 2.2 of the Anti-Doping Convention of the Council of Europe.

2.8. Recommendations

2.8.1. See Recommendations no. 2 and no. 4 (paragraphs 2.4.1. and 2.4.3. above).

Convention Article 3

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.

3.1. Introduction

3.1.1. The fight against doping in sports is a permanent and complex activity that involves different national governmental institutions or agencies, including those responsible for public health, medical care, police, customs, sports, education, etc. They all need to work together constructively to achieve best results. Even though the Convention does not propose a single operative method, Parties should ensure the practical implementation of the Convention and – in that respect – establish a national responsible body, with certain degree of authority over individual sports to ensure consistency across all sports at the national level.

3.1.2. The World Anti-Doping Code requires each country to designate a National Anti-Doping Organisation (NADO) defined as an entity “(...) possessing the primary authority and responsibility to adopt and implement anti-doping rules, direct the collection of samples, the management of test results, and the conduct of hearings at the national level”. Moreover, the Code under Article 22.6 requires each government to “respect the autonomy of a National Anti-Doping Organisation in its country and not interfere in its operational decisions and activities”.

3.2. Findings

3.2.1. The Law N. 7(III) of 2009 and the Anti-Doping Decree of 2016 outline somehow the division of responsibilities between governmental authorities, public agencies and other stakeholders, including national sports federations and other sporting bodies.

3.2.2. The practical application of the Convention has been delegated by the Government of the Republic of Cyprus to CyADA. It was established by the Decree No 227/2009 of the Minister of Education and Culture with the objective of acting as the independent National Anti-Doping Organisation for Cyprus. CyADA is the competent authority responsible for the development and implementation of the anti-doping policy in Cyprus, in line with the relevant Laws as well as international conventions and other obligations of the Government of the Republic of Cyprus.

3.2.3. As to the scope of responsibilities of CyADA, Article 5.1 of the Anti-Doping Decree of 2016 specifies its tasks, as follows:

- “5.1. The Competent Authority [...] has the necessary authority and responsibility for:*
- a) planning, coordinating, implementing, monitoring and advocating improvements in Doping Control;*

- b) *cooperating with other relevant national organisations, agencies and other Anti-Doping Organisations;*
- c) *encouraging reciprocal Testing between National Anti-Doping Organisations;*
- d) *planning, implementing and monitoring anti-doping information, education and prevention programmes;*
- e) *promoting anti-doping research;*
- f) *vigorously pursuing all potential anti-doping rule violations within its jurisdiction, including investigating whether Athlete Support Personnel or other Persons may have been involved in each case of doping, and ensuring proper enforcement of Consequences;*
- g) *conducting an automatic investigation of Athlete Support Personnel within its jurisdiction in the case of any anti-doping rule violation by a Minor and of any Athlete Support Personnel who has provided support to more than one Athlete found to have committed an anti-doping rule violation;*
- h) *cooperating fully with WADA in connection with investigations conducted by WADA pursuant to Article 20.7.10 of the Code.*
- i) *monitor the application of the provisions of the present Decree by the Cyprus Sports Organisation, the Cyprus Olympic Committee, the Cyprus National Paralympic Committee, the Cyprus Sports Federations evaluate the measures taken to implement the provisions of the present Decree and provide annual reports to the Minister on the application of the present Decree;*
- j) *cooperate with the Cyprus Sports Organisation, the Cyprus Olympic Committee, the Cyprus National Paralympic Committee, the Cyprus [National] Federations, and the Government to encourage and promote anti-doping education and research and to take reasonable measures to ensure all research and the results of such research is consistent with the principles of the Code.”*

3.2.4. The governance structure of CyADA includes a body appointed by the Decree of the Minister of Education, Culture, Sport and Youth (published in the Official Gazette of the Cyprus Government). First such decree was issued in 2009. Currently, there are seven members of this body, including four members appointed ex officio by the Cyprus Government (these being the Director General of the Ministry of Education, Culture, Sport and Youth; the Chief of Police; the President of the Cyprus Sports Organisation; and the President of the Cyprus National Olympic Committee, or their representatives); two experts; and the Executive President. The term of office of the members of this body is five years.

3.2.5. In practice, CyADA acts in a form of the abovementioned collective body. There are no further internal structures such as the supervisory board or the executive committee. As a result, the executive and supervisory roles are played by the same body. Furthermore, there are no clear provisions on the number of members of CyADA and on its internal rules and regulations. Therefore, CyADA is lacking some basic internal governance rules in a form of the statutes (or constitution). This issue is directly linked to the relations between the Ministry of Education, Culture, Sport and Youth and CyADA which, again, are not regulated in the law.

3.2.6. The independence of National Anti-Doping Organisations is acknowledged as a critical foundation for the effectiveness of the fight against doping in sport. In the 2015 Code under article 22.6 it is stated that:

“Each government will respect the autonomy of a National Anti-Doping Organisation in its country and not interfere in its operational decisions and activities”.

The Monitoring Group of the Anti-Doping Convention during its conference “Council of Europe and fight against doping – 25 years of the Anti-Doping Convention: from past to future” (Strasbourg, 4 November 2014) stressed the importance of National Anti-Doping Organisations’ independence from sports and government pressure. Moreover, in 2018 the Monitoring Group adopted the Recommendation on the operational independence of National Anti-Doping Organisations⁵. It constitutes several conditions for the independence of NADOs by recommending State Parties to the Anti-Doping Convention to:

- “(a) provide an adequate foundation either in law or using other measures for a single National Anti-Doping Organisation (“NADO”) to fulfill all of its Code-mandated (and Convention-related) responsibilities, consistent with broader legislation;*
- (b) respect the autonomy of the NADO and ensure that its operational decisions and activities will not be interfered with;*
- (c) ensure that the NADO’s governance structure restricts individuals with any actual or potential conflict of interest from having any role or function in the NADO’s executive or operational decision-making in relation to anti-doping investigations, case management, test distribution planning and execution, and prosecuting anti-doping rule violation matters before hearing panels;*
- (d) require that a NADO’s rules, policies and operational activities comply with the Code and that a NADO’s compliance with its Code obligations can be monitored and enforced by the World Anti-Doping Agency;*
- (e) establish oversight and accountability measures in respect of a NADO’s use of public funds that do not unreasonably affect a NADO’s independence;*
- (f) provide a level of funding that allows a NADO to carry out the duties required by the Convention, the Code and the International Standards on an effective scale;*
- (g) adopt policies that reflect the overriding principle that all NADOs should maintain and promote the principle of good governance. [...]*
- (h) adopt policies that foster an effective working relationship between Government, the NADO and sport governing bodies.”.*

3.2.7. The Anti-Doping Decree of 2016 provides under Article 5.2 that CyADA should be independent in its operational decisions and activities from all public and sports movement bodies.

“5.2. (2) The Competent Authority should be independent in operational decisions and activities from all public and sports movement bodies. In that respect, a person is not eligible to be member, employ or volunteer of the Competent Authority, if he or she or any of his/her immediate family members are: (a) employee of or serve in any governance or policy making capacity of a Cyprus Sport Federation or for any other sport organisation for which the Competent Authority conducts doping controls; and (b) active athlete or Athlete Support Personnel of an active athlete in an organisation for which the Competent Authority conducts doping controls.”.

⁵ Recommendation on the operational independence of National Anti-Doping Organisations (T-DO/Rec (2018) 01) was adopted by the Monitoring Group following the written consultation process via T-DO Circular Letter 2018-10. Before its adoption the Conference of European Ministers for Sport in 2016 recognized “the crucial role of National Anti-Doping Organizations (NADOs) in the implementation of the 2015 World Anti-Doping Code and the need to ensure their independence in operational decisions and activities” and agreed that consideration be given to “promoting further autonomy of NADOs with a view to expanding their scope of responsibilities and providing them with the resources needed to implement the Code”.

3.2.8. Taking into account the overall framework for the independence of NADOs, including its international part, the Evaluation Team made the following observations that should be of concern for the Cyprus authorities, especially in the light of the new standards of independence under the 2021 World Anti-Doping Code:

3.2.8.1. There is a strict employment policy in place in the public sector in Cyprus. It is based on a central pool of employees being delegated to different institutions, including the ministries. Such policy does not favour CyADA and leads to the situation in which CyADA suffers from a shortage in workforce and, therefore, cannot carry out its activities properly. Furthermore, to improve CyADA's situation, a temporary staffing arrangement was made with the Cyprus Sports Organisation since its establishment in 2009. As a result, two employees of the Cyprus Sports Organisation were seconded to CyADA to work part time. Although intended to be a temporary measure, this arrangement remains in place. As from December 2018, the Executive President of CyADA is supported by one part-time employee of the Cyprus Sports Organisation. There is no other support and no other permanent staff. Moreover, the involvement of the part-time employee of the Cyprus Sports Organisation in the daily activities of CyADA raises a question on the potential conflict of interests of this person.

3.2.8.2. CyADA is funded by the Cyprus Government by way of a grant allocated through the budget of the Ministry of Education, Culture, Sport and Youth. The budget allocated by the Cyprus Government to CyADA in 2019 was €161.570. The Evaluation Team is of the opinion that the obligation of the Cyprus authorities to fund CyADA is met. However, the issue whether this amount is sufficient to implement a robust anti-doping programme that serves clean athletes and allows to achieve a level playing field leaves serious doubts. According to the 2017 Council of Europe Questionnaire on the implementation of the Anti-Doping Convention, the Cyprus government expenditure on anti-doping as percentage of the total budget for sport was 0.7%. This placed Cyprus as one of the countries with the lowest such share (25 out of 36 classified in 2017). Similarly, in case of the total amount spent on anti-doping in 2017 (26 out of 36). It should be noted, however, that the budget for anti-doping in 2017 was substantially higher than in 2019.

Moreover, the issue of the "financial independence" of CyADA is questionable. Although CyADA is independent in its operations, all its major expenses are paid subject to the approval of the Ministry. The Evaluation Team noted that this type of financial arrangements could have a negative impact on the independence of CyADA giving the Ministry powers to indirectly control the operations of CyADA.

3.2.8.3. The governance structure of CyADA includes individuals with a potential conflict of interest from both, the government and the sports movement. They are playing a major role in CyADA's executive decision-making in relation to many fields of its activities as NADO. It must be noted, especially that there is a strict rule in place under Article 4.3(c) of the Law N. 7(III) of 2009 stating that individuals having conflict of interest cannot be members of CyADA. It seems, however, that this criterion is not met under the current formation of the body and, consequently, that the Cyprus Government violates its own rules. The Evaluation Team is of the opinion that some of those individuals could still play a role at CyADA (e.g. Director General of the Ministry of Education, Culture, Sport and Youth), however, the nature of their positions should change (i.e. by transforming the [executive] body into the supervisory one).

3.2.9. The Cyprus Government is well aware that the fight against doping in sport requires a multi-stakeholder approach and 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). This is reflected in the Law N. 7(III) of 2009 which under Article 8 provides that:

“8. The competent Authority [CyADA] can seek and obtain from any public service, including the Police, its contribution in achieving its tasks when circumstances require so.”

3.2.10. CyADA maintains a day-to-day relationship with the Ministry of Education, Culture, Sports and Youth, in particular with its department responsible for physical education. However, the relation between the Ministry of Education, Culture, Sports and Youth and CyADA is not well defined in the law. From the anti-doping perspective, the role of the Ministry of Education, Culture, Sports and Youth should be to act as information hub and coordinator of the anti-doping policy and to give administrative and political support to CyADA. Furthermore, the Ministry of Education, Culture, Sports and Youth should be responsible for international cooperation where it should participate together with CyADA. The Evaluation Team doubts that all the listed functions are currently performed by the Ministry of Education, Culture, Sports and Youth.

3.2.11. The Police is a part of the law enforcement scheme in Cyprus. Pursuant to the Law N. 7(III) of 2009 certain anti-doping rule violations may constitute criminal offences. Therefore, combating doping also falls within the scope of the activities of the Police forces. The Drug Law Enforcement Unit is entrusted with this task acting as the anti-drug section of the Police. Moreover, one Police officer is a member of CyADA on behalf of the Chief of Police. The Evaluation Team was made aware that the Police in Cyprus recognises the problem of doping and its impact on health in professional and amateur sport. It was also informed that the Police is working closely with other governmental law enforcement agencies and CyADA in order to facilitate evidence gathering and information sharing. However, the Evaluation Team is at the same time under the impression that there is a lack of the proper formal relationship (no memorandum of understanding, no provisions in the law) between the NADO and the Cyprus Police that makes their cooperation quite difficult. It is clear to the Evaluation Team that due to the legalities (like data protection) no real and timely information sharing between CyADA and the Police is possible unless there is a proper legal framework.

3.2.12. The Department of Customs and Excise is the competent authority at the entry and exit points of the Republic of Cyprus carrying out the controls on persons and goods to detect, amongst others, illegal trafficking in anabolic steroids and other doping substances. Eventually, the substances are seized, suspects (if any) are arrested and the cases are delivered to Drugs Law Enforcement Unit of Cyprus Police for further investigation and prosecution. The cooperation between the Customs and the Police on combating trafficking in drugs and doping substances is based on the Memorandum of Understanding and a good cooperation is in place. A similar framework is implemented for the cooperation with the Pharmaceutical Services of the Ministry of Health. Finally, there is a Memorandum of Understanding in place between the Department of Customs and Excise and CyADA. It was signed on 22 May 2018. The MoU is aimed at enhancing the cooperation and the exchange of information between the two agencies. The aforementioned memorandum has been communicated to all the front-line customs officers and points of contact between the two agencies have been assigned. As a result, whenever it is needed the customs officers may get in touch with CyADA for consultation and expertise concerning anabolic steroids and other doping substances that are detected during their controls. CyADA also offers trainings sessions to the customs officers. Two such training courses on the detection and identification of anabolic and other doping substances during customs controls were conducted in 2018. 40 front line customs officers were trained. Although there is a memorandum in place between the Customs and CyADA, there is no formal information sharing between the two institutions. The Evaluation Team is again of the opinion that the reason for it is the lack of a formal framework for such cooperation. It seems that a detailed and robust legislation is needed in this regard.

3.2.13. The Ministry of Health touches on anti-doping mainly in the context of pharmaceuticals and food supplements. There is a State General Laboratory in Cyprus acting under the supervision of the Ministry of Health and checking on the medicines and food supplements with a view to ensuring safety of their

use and the compliance with existing quality standards. The essential details of the process were provided to the Evaluation Team by the Public Health Services of the Ministry of Health. They are the competent authority for the control of import and sale of food supplements. The Evaluation Team was also familiarized with the outcomes of the pilot project on doping substances in food supplements in Cyprus that was conducted by CyADA.

3.2.14. Completing the picture, CyADA also works closely with several sports organisations, including the Cyprus Sports Organisation, the Cyprus National Olympic Committee, the Cyprus National Sports Federations and the Cyprus Sports Medicine Association. Certain aspects of this cooperation will be elaborated in the relevant parts of this Report, especially in regard to the Cyprus Sports Organisation which is a semi-governmental body established to fulfil a number of functions associated with sport in Cyprus, including the provision of funding.

3.3. Conclusion

3.3.1. The Evaluation Team concludes that Cyprus has only partially fulfilled the requirements set in the Article 3 of the Convention. Moreover, it should be mentioned that the co-ordination of the policies and actions between the different ministries and other public agencies (horizontally) was not a subject of in-depth analysis based on facts, as the discussion was concentrated on developing co-operation between each ministry or agency and CyADA (vertically).

3.3.2. The Evaluation Team finds the structures for the policy making and share of responsibilities complex and the coordination between the different public authorities appeared to be vague, which leaves, in practice, lots of coordination responsibility for the operational body, CyADA. This could cause not only a lack of policy coherence but also potentially unnecessary inefficiency to the whole system.

3.3.3. Furthermore, the Evaluation Team observed that lots of communication appears to be handled on informal basis. The Team understands that this is a result of the trust-based relationship developed by the President of CyADA with different stakeholders. It is the opinion of the Team, however, that more formal and institutionalized cooperation is needed.

3.3.4. The most serious concern for the Evaluation Team is the issue of the independence of CyADA. The Team has listed several independence-related non-conformities in the Report. The elimination of these non-conformities is necessary for the proper implementation of the Convention and the country's anti-doping programme as required by the Convention and the Code.

3.4. Recommendations

3.4.1. Recommendation no. 5: The Cyprus authorities shall restructure CyADA based on the following governance principles:

3.4.1.1. CyADA should have a robust governance structure that is determined in principles by the national legislation and in details by its statutes. The relation between the Ministry of Education, Culture, Sport and Youth and CyADA should also be determined and the Minister (or the Ministry) should remain the supervisory body approving the statutes of CyADA.

3.4.1.2. The Evaluation Team believes that CyADA would benefit from having an independent Supervisory Board, to assist it in developing a strategic plan and to ensure that it remains compliant with various governance requirements. The Supervisory Board could have a number of key functions, including strategy setting, providing advice and directions at policy making level, and overseeing the executive in implementing of the NADO's roles and responsibilities.

The Evaluation Team is of the opinion that the current composition of CyADA with representatives from sport and those governmental departments with a role in the fight against doping could continue but only as a Supervisory Board.

3.4.1.3. The executive powers should be separated from the supervisory powers. Therefore, the executive body (e.g. the President or the Executive Committee) should be appointed with responsibility over the actual execution of all anti-doping work, including planning and execution of doping control plan and results management. The executive body must be free of any conflicts of interest. The Cyprus authorities shall provide the executive body with the necessary personnel.

3.4.2. Recommendation no. 6: The Cyprus authorities should ensure that CyADA is independent on its operations (including budget) and decisions and free of organisational and individual conflicts of interest. Therefore, the following steps should be taken:

3.4.2.1. The Evaluation Team is aware of the realities related to the Governmental funding and the competing demands placed on that funding. Nevertheless, based on the budgetary exercise from 2019, the Evaluation Team considers that the annual budget provided to CyADA is not sufficient to properly address all the expectations towards NADOs expressed in both, the Convention and the Code (and the Cyprus legislation to which the Convention and the Code are annexed). This had and, if continues, will have a direct effect on the quality of the anti-doping programme in Cyprus. The staffing situation should also be resolved: the NADO like CyADA cannot function with just one full-time employee being the Executive President plus one part-time staff who are together required to manage a full-scale anti-doping agenda. The Evaluation Team notes with respect the dedication and skills of the President of CyADA but is also convinced that the pressure on so few staff members will very soon result in a rapid decrease in quality of their activities.

3.4.2.2. CyADA should have a Conflict of Interest Policy in place to avoid individuals with any actual or potential conflict of interest from having any role or function in the CyADA's executive or operational decision-making in relation to anti-doping investigations, case management, test distribution planning and execution, and prosecuting anti-doping rule violation matters before hearing panels. It also refers to the current staffing situation. It should not be accepted that an employee of the sports organisation is seconded to the NADO. The same applies to the current CyADA's governance structure with the participation of representatives of the Cyprus Sports Organisation and Cyprus National Olympic Committee that should be timely changed in accordance with the recommendation no. 5.

3.4.2.3. The funding scheme of CyADA should be adjusted to: (a) allow the organisation to directly benefit from the income related to the external services provided by CyADA (e.g. doping controls requested by the other Anti-Doping Organisations), and (b) establish oversight and accountability measures in respect of CyADA's use of public funds that do not unreasonably affect the CyADA's independence.

3.4.3. Recommendation no. 7: The Ministry of Education, Culture, Sport and Youth should take more possession of the co-ordination between the public authorities in anti-doping policy by appropriate measures. Therefore, the Ministry is recommended to ensure adequate human and financial resources and means for coordination in order to implement the Article 3 of the Convention more effectively.

3.4.4. Recommendation no. 8: The Cyprus authorities should consider introducing a legal framework for intelligence and information sharing between CyADA and different public bodies and agencies, including Police, Customs, and Prosecutor's Office.

3.4.5. Recommendation no. 9: The health authorities should include the fight against doping in their scope of activities more efficiently, especially the control of availability of doping substances and methods as well as the prevention of doping in society; and cooperate, collaborate and coordinate with CyADA as the competent authority, including sharing of information.

3.4.6. Recommendation no. 10: CyADA and the Cyprus authorities should jointly consider a broad application of the Monitoring Group Recommendation on Information Sharing. In particular, it would be helpful to organise a series of seminars involving judges, prosecutors, police and customs officers, and the CyADA staff, in order to train the representatives of all the relevant authorities on doping-related matters and the practicalities of information sharing.

Convention Article 4

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.

4.1. Introduction

4.1.1. Under Convention sub-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. As it is explained in the Explanatory Report to the Anti-Doping Convention⁶, most of the classes of banned substances and methods are under pharmacists' regulations or strict medical control and the main area of further restrictions lies in the anabolic steroids.

4.1.2. In addition to the above provision of the Convention, the Monitoring Group adopted the Recommendation Rec (94/2) on Measures to Restrict the Availability of Anabolic Steroids that recommends the Parties to ensure – among other – that a legislative framework that provides for (a) efficient control of the unauthorised possession, supply and transfer of anabolic androgenic steroids; and (b) appropriate penalties for such conduct are in place.

4.2. Findings

4.2.1. Cyprus has only a fragmentary legislation regarding the availability of doping substances. There are penal provisions in place criminalizing possession, administering and (partly) trafficking in doping substances (e.g. Article 5.1(e) and (f) of the Law N. 7(III) of 2009). However, there is a lack of complementary administrative rules and procedures making the penal law effective, especially in regard to the control of trafficking in doping substances. In addition, the accessibility to certain groups of doping substances is restricted on the basis of different legislative and administrative measures in effect in Cyprus. Most of the measures that are in place in Cyprus aim to restrict the use of banned substances and methods in general and are not limited to sports (e.g. national legislation on narcotics and on medicinal products).

4.2.2. The National Report contains a list of measures taken to restrict the availability of all or certain groups of banned doping agents and doping methods in Cyprus. It includes the so-called “universal measures” such as criminal liability in case of manufacturing and trafficking in doping substances and methods as well as in the event of their use or related offences (pursuant to Article 5 of the Law N. 7(III) of 2009). The list also covers the measures that apply to the sports organisations and sports persons, including but not limited to the disciplinary sanctions for committing the anti-doping rule violations, a number of duties and responsibilities applicable to the national sports federations (e.g. requirement to comply with the provisions of the Anti-Doping Decree of 2016 and the obligation to deliver, in cooperation with CyADA, a comprehensive anti-doping programme to the athletes and their support personnel) and other sporting bodies such as the Cyprus Sports Organisation, the Cyprus National Olympic Committee, the Cyprus National Paralympic Committee and the Cyprus Commonwealth Games Committee, including that they should develop and adopt: (a) the anti-doping policies and

⁶ Explanatory Report to the Anti-Doping Convention, Strasbourg, 16.XI.1989, paragraph 52.

programmes for the sports events under their jurisdiction, (b) and for the national teams taking part in the international competitions and (c) the doping control programmes for major sports events they hold.

4.2.3. In addition to the National Report, the Evaluation Team requested a summary of the activities taken by the Police, the Customs and the Public Health Services to restrict the availability of doping substances and methods. The reported activities relate to the fight against narcotic drugs (pursuant to the Law on Narcotic Drugs and Psychotropic Substances of 1977, Law N. 29 of 1977); the availability of medicines (pursuant to the Law on Medicinal Products for Human Use of 2001, Law N. 70(I) of 2001) and the import and sale of food supplements in Cyprus.

4.2.4. The aforementioned legislation and actions mostly aim at regulating the availability of medicines and narcotics and is not limited to sport. The Evaluation Team did not evaluate the aforementioned legislation. However, based on the information that is available in the National Report and the discussions that the Team held during the Visit about the impact of the said Laws and actions taken pursuant to their provisions on the fight against doping in Cyprus, it is the opinion of the Evaluation Team that the legislation in place for limiting the availability of doping substances and doping methods should go much further.

4.2.5. The role of law enforcement agencies and customs for the restriction of the availability and the use in sport of banned doping agents and doping methods is of great importance. Moreover, the cooperation between National Anti-Doping Organisations and law enforcement agencies and customs has proved to be an effective measure in the fight against doping in sport, and governments should find ways to facilitate and promote such cooperation. Since 2018, CyADA has a memorandum of understanding in place with the Department of Customs and Excise allowing for the exchange of information with the aim to increase the effectiveness of the fight against trafficking, smuggling and use of prohibited substances and methods (see paragraphs 3.2.11. and 3.2.12.).

4.3. Conclusion

4.3.1. The Evaluation Team concludes that Cyprus has fulfilled the commitments under Article 4.1 of the Anti-Doping Convention of the Council of Europe. However, it is the opinion of the Team that the legislative and other measures aiming to limit the availability of banned substances could be improved further.

4.4. Recommendations

4.4.1. Recommendation no. 11: The Cyprus authorities shall adopt comprehensive legislative measures to control the trafficking of doping substances; these measures should include, as a minimum, the list of substances to be controlled, the agencies to be involved, the obligation of information sharing as well as the provisions regulating this process.

4.4.2. Recommendation no. 12: CyADA should establish cooperation agreements with as many law enforcement bodies and other agencies as necessary, including information sharing, to control the availability of doping substances and methods.

* * *

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.

4.5. Introduction

4.5.1. Article 4.2 of Anti-Doping Convention obliges State Parties or, if applicable, their non-governmental organisations to set an application and the effective implementation of anti-doping regulations as a criterion when granting public subsidies to their sports organisations. It is done to boost sports organisations to fight against doping in sport.

4.6. Findings

4.6.1. The Cyprus Sports Organisation, as the supreme highest sport authority in the country, is responsible for funding of sport organisations on behalf of the Cyprus Government. However, the relevant provisions regarding the need for recipients of funding to comply with the Anti-Doping Decree of 2016 and the related risk of losing funding once they are non-compliant are not fully developed under the funding agreements between the Cyprus Sports Organisation and the national sports federations being subsidized.

4.6.2. According to the additional information provided by CyADA on request of the Evaluation Team, it has been indicated that the only legal act regulating sport that is in place in Cyprus is the Law on Cyprus Sports Organisation. During the Visit, the Evaluation Team held a meeting with the representatives of the Cyprus Sports Organisation. They explained to the Team that there is no provision in the aforementioned Law that obliges sports organisations to comply with the anti-doping rules, and consequently, setting up a framework of consequences to be applied once they are found non-compliant with those rules. Furthermore, the Evaluation Team was made aware that there is no clause in the contracts between the Cyprus Sports Organisation and the respective national sports federations setting up the requirement for them to comply with the anti-doping rules to receive public subsidies. There is only a very general set of requirements for this kind of funding.

4.6.3. At the same time, Chapter F of the Anti-Doping Decree of 2016, in particular its Article 77 provides as follows:

“77. The Competent Authority [CyADA] has the authority to request the relevant public authorities to withhold some or all funding or other non-financial support to National Federations or other sporting bodies that are not in compliance with this Decree.”

4.6.4. Furthermore, Chapter B of the Anti-Doping Decree of 2016, in particular its Article 8.1(h) requires from the Cyprus Sports Federations to:

“h) develop and implement, in conjunction with the Competent Authority [CyADA], anti-doping policies and programmes for the events under their jurisdiction, and for national teams attending competitions within the Republic [of Cyprus] or abroad;”

4.6.5. Although the abovementioned provisions of the Anti-Doping Decree of 2016 set up the requirements for the sports federations to develop and implement the anti-doping rules and give CyADA the authority to request withholding some or all funding or other financial support from the federations that do not comply with the anti-doping rules, there is no mechanism in place allowing for the practical implementation of the aforementioned provisions. In particular, there is (a) no formal protocol in place to assess the compliance of the sports federations with the anti-doping rules as one of the factors being taken into account when the public subsidies are being granted to those federations and (b) no clause in the contracts between the Cyprus Sports Organisation and the national sports federations allowing for the reduction or complete withholding of public funding once they do not comply with the anti-doping rules.

4.7. Conclusion

4.7.1. The Evaluation Team concludes that Cyprus has not fully fulfilled the commitments under Article 4.2 of the Anti-Doping Convention of the Council of Europe.

4.8. Recommendations

4.8.1. Recommendation no. 13: The Cyprus Sports Organisation needs to set up a framework for the effective implementation of the provisions of the Anti-Doping Decree of 2016 in regard to granting and withholding of public funding to the national sports federations. The effective application of the anti-doping rules should be made a criterion for granting/withholding public subsidies to/from sports organisations, either by introducing the relevant provisions to the legislation or on contractual basis agreed by the national sports federations. Furthermore, at need, the Cyprus Sports Organisation should advise the federations in this work (together with CyADA).

* * *

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;

4.9. Introduction

4.9.1. Under this sub-article of the Convention, 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.

4.10. Findings

4.10.1. Pursuant to Article 5.1(a) of the Anti-Doping Decree of 2016, planning, coordinating, implementing, monitoring and advocating improvements in doping control are the responsibilities of CyADA. The budgetary appropriations for CyADA for such implementation of the tasks are allocated in the state budget. Unfortunately, the current financial procedures in place for accepting external funding provided to CyADA (e.g. all the financial resources received are directed to the state budget and CyADA is not necessarily the recipient of these resources; and even if it finally is, it takes time) is a disincentive for accepting any requests for testing made by the other Anti-Doping Organisations.

4.10.2. Based on the information available in the National Report, CyADA is funded by the Cyprus Government. It receives its budget from the Ministry of Education, Culture, Sport and Youth for the implementation of its tasks, including samples collection and analysis. The budget allocated to CyADA by the Cyprus Government for 2019 was €161,570.00. Although CyADA operates as an “independent” department of the Ministry, it is not financially independent. CyADA’s expenses are paid subject to the approval of the Ministry.

4.10.3. The Evaluation Team is of the opinion that doping controls and analysis are funded by the Cyprus Government on a small but reasonable scale. At the same time, the Team considers CyADA’s funding in general as insufficient to carry out all its responsibilities set out in the different rules and legislation, including in the Code and both Conventions. Moreover, the financial regulations applicable to CyADA

requiring the approval from the Ministry of Education, Culture, Sport and Youth for all CyADA's major expenditures go against the operational independence of CyADA. Lastly, it is also detrimental to the overall budgetary situation of CyADA that all the fees that CyADA may receive from its anti-doping activity go to the budget of the Ministry.

4.11. Conclusion

4.11.1. The Evaluation Team concludes that Cyprus has partially fulfilled the commitments under Article 4.3.a of the Anti-Doping Convention of the Council of Europe.

4.12. Recommendations

4.12.1. See Recommendation no. 6 (paragraphs 3.4.2.1. and 3.4.2.3.).

* * *

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;

4.13. Introduction

4.13.1. This sub-article of the Convention is to be interpreted in the sense of withholding financial support given from public funds, whether directly from the state budget or indirectly through sport organisations, to sportsmen and sportswomen once they are suspended for doping, during the period of their suspension.

4.14. Findings

4.14.1. The Anti-Doping Decree of 2016 includes certain provisions that allow for withholding of financial support or other sport related benefits from athletes serving a period of ineligibility. Article 70.3 of the Decree provides as follows:

“Any Athlete or other Person who commits and is sanctioned for an anti-doping rule violation may be subject to the reduction or elimination of Government financial assistance or benefits on a temporary or permanent basis.”

4.14.2. The National Report provides that the Cyprus Sports Organisation is responsible for the application of the above rule. It is the decision-making body on matters such as the eligibility of athletes and their support personnel to receive public funding and/or other benefits financed from the state budget. The National Report states, however, that a fully-formed policy explaining how the abovementioned Decree provision is applied and what circumstances should be considered (taking into account factors such as the nature of the anti-doping violation, the length of ineligibility period, and other specific issues) has yet to be developed.

4.14.3. During the Visit, the Evaluation Team was informed that the internal rules and regulations of the Cyprus Sports Organisation allow the latter to withdraw subsidies from athletes and their support personnel who committed an anti-doping rule violation. According to the additional materials requested by the Team and provided after the Visit by CyADA, there are three different sets of rules regulating three different types of Government financial assistance provided to the athletes and (in some cases) to their support personnel. They include the following: a) the retirement scheme, b) the complimentary

grant scheme for athletes with results at high level competition and c) the operational guide of the funding programme for elite level performances for individual Olympic sports.

4.14.4. The retirement scheme provides for the whole life benefits available to the athletes who achieved outstanding results in certain international competitions (e.g. Olympic and Paralympic Games, World Championships in Olympic and Paralympic sports) and retired already from their sporting careers. Once they fulfil the abovementioned requirements, they are entitled to one of the following retirement paths: a) education/vocational training, b) employment by one of the national sports federations or c) lump sum payment exempted from any taxes. However, the athletes that have been sanctioned, at any point of their sporting career, for anti-doping rule violation, are excluded from the retirement scheme. It is unclear, however, to the Evaluation Team whether the athletes who are found guilty of committing anti-doping rule violations after their retirement, are also excluded from the retirement scheme, especially in case when they have already started their employment relationship. This issue is not addressed in the retirement scheme, even though it seems to be substantial in the context of the reanalysis of samples (the provision that is found in the Code and the Anti-Doping Decree of 2016).

4.14.5. The complimentary grant scheme provides for one-time bonuses paid to the athletes who achieved outstanding results in major international competitions, as well as to their coaches. The amount of money specified in the scheme is granted to the athletes in the year following their achievements, provided that up to the date of the successful performance, they have not been tested positive, regardless of the date that the test results are announced. The scheme covers only the Olympic sports. Taking all the aforementioned into account, it is still unclear to the Evaluation Team what happens if a positive result is announced after the payment of the complimentary grant.

4.14.6. The funding programme for elite level performances for individual Olympic sports (hereinafter referred to as “the Programme”) is aimed at creating optimal conditions for the athletes to succeed at major international competitions. It clarifies, however, that any success must be achieved in a way that complies with the spirit of “Fair Play”. The Programme provides for the financial and scientific support to the athletes. However, only athletes representing individual Olympic sports are eligible to be included in the Programme. The financial support to the athletes and their coaches who are covered by the Programme includes monthly paid subsidies. An athlete is excluded from the Programme if he or she is “found guilty of the violation of the anti-doping rules” or “in case of [his/her] cooperation with the coach or other supporting personnel (e.g. doctor, physiotherapist etc.) who is under suspension due to the anti-doping rules violation. Furthermore, the coach is excluded from the Programme automatically for the time of such suspension. It remains unclear to the Evaluation Team whether there is a mechanism in place allowing for a temporary exclusion from the Programme in case of the provisional suspension of the athlete as the Programme refers only to the athletes that “are [already] found guilty of violating the anti-doping rules”.

4.14.7. Although the abovementioned schemes provide for the mechanism allowing, under certain circumstances, for the withdrawal of subsidies, the Evaluation Team is of the opinion that more thorough and clear policy which addressing all the issues raised in paragraphs 4.14.4 to 4.14.6 shall be developed, especially that none of the regulations (schemes) studied by the Team refers to the non-Olympic sports. The Evaluation Team would also like to note that the operational guide of the funding programme for elite level performances for individual Olympic sports was developed in 2020 and it is unclear to the Team whether this document existed in the same shape at the time the Visit was paid.

4.15. Conclusion

4.15.1. The Evaluation Team concludes that Cyprus has partially implemented Article 4.3.b of the Anti-Doping Convention of the Council of Europe; therefore, the Team is of the opinion that the relevant legislative and/or regulatory/policy framework needs to be strengthened.

4.16. Recommendations

4.16.1. Recommendation no. 14: The Cyprus authorities should introduce, in close collaboration with CyADA, a more thorough legal framework and/or policy enabling relevant authorities to withhold any sport-related financial support from athletes or their support personnel during the period of their suspension; all the ambiguities mentioned under paragraphs 4.14.4 to 4.14.7 should be thoroughly addressed.

4.16.2. Recommendation no. 15: The Cyprus Sports Organisation should adopt and enforce (as necessary) a policy or other mechanism for reporting by CyADA of all the anti-doping rule violations and provisional suspensions to allow the Cyprus Sports Organisation for the timely withdrawal of some or all sport-related financial support or other related benefits granted to the persons who committed those violations. Furthermore, the Cyprus Sports Organisation should work hand in hand with CyADA on any future policies and their implementations in case they refer to doping in sport (whatever the scope of those policies would be).

* * *

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

4.17. Introduction

4.17.1 The Convention requires from State Parties to take measures to reduce the use of doping in sport. In addition to the direct measures (restrict of availability required in Article 4.1), the 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 the State Parties more practical forms of encouragement such as facilitating doping control testing, both in-, and out-of-competition.

4.18. Findings

4.18.1. CyADA collaborates with overseas Anti-Doping Organisations to facilitate testing of athletes who are temporarily present in Cyprus. It includes both, in-competition (as it refers to the international events being hosted by Cyprus) and out-of-competition testing (for athletes under their jurisdiction who are training in Cyprus).

4.18.2. Based on the figures provided by CyADA, the number of doping controls conducted by CyADA upon the request of the foreign Anti-Doping Organisations varies. For example, in 2014 CyADA conducted 116 tests commissioned by different Anti-Doping Organisations, including International Federations and other NADOs. It is worth pointing out that the number of tests conducted by CyADA for third parties in the year 2014 equals to one third of the tests conducted by CyADA for the Cyprus anti-doping programme. CyADA's services were requested, among others, by NADOs e.g. the Greek NADO (ESKAN), UKAD (mainly for testing Russian athletes training in Cyprus during the period of RUSADA's suspension), the Romanian NADO (ANAD) and the International Federations e.g. the International Shooting Sport Federation (ISSF), International Weightlifting Federation (IWF), International Volleyball Federation (FIVB), International Sambo Federation (FIAS), the Union Cycliste Internationale (UCI) as well as other sport organisations.

4.18.3. The Evaluation Team became aware of the difficulties on financing of doping controls authorised by International Federations or foreign NADOs, either at international events that take place in Cyprus or on athletes in their jurisdiction who train there. As a state budget entity CyADA covers its expenditures directly from the state budget, but its income (revenue) has to be paid in full to the state budget too. Therefore, when a third party requests from CyADA to conduct testing (e.g. at the international events hosted by Cyprus or on the athletes who are training in Cyprus) at their sole expenses, CyADA has to cover the expenses for these tests from the its own funds (e.g., sample collection personnel compensation, traveling, coordination of the mission etc.) and the third party would pay to the state budget as its revenue. CyADA is not necessarily the recipient of these resources; and even if it finally is, it takes time. The Team is of the opinion that a solution to this issue should be found, not only to facilitate testing by international organisations in Cyprus but also as a way of increasing the budget of CyADA.

4.19. Conclusion

4.19.1. The Evaluation Team concludes that Cyprus has fulfilled the commitments under Article 4.3.c of the Anti-Doping Convention of the Council of Europe.

4.20. Recommendations

4.20.1. Recommendation no. 16: The Cyprus authorities should reconsider the payment model for doping tests and other services provided by CyADA to the International Federations or foreign NADOs with the view to facilitate such services.

* * *

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.

4.21. Introduction

4.21.1. The aim of this provision of the Convention is to ensure that athletes continue to be subject to testing even when they are out of their countries, for training or competition.

4.21.2. The importance of testing of athletes when they are out of the country, for training or competition is reflected in the Additional Protocol to the Convention.

4.21.3. Similarly, the World Anti-Doping Code under Article 20.5 (Roles and Responsibilities of National Anti-Doping Organisations) requires National Anti-Doping Organisations “to encourage reciprocal testing” between them.

4.22. Findings

4.22.1. The Anti-Doping Decree of 2016 confirms CyADA’s responsibility for conducting doping controls in the country as well as for enhancing reciprocal testing between the National Anti-Doping Organisations. It also requires from the athletes to be available for sample collection at all times and confirms that CyADA may request those athletes over whom it has testing authority to provide a sample at any time and at any place. The abovementioned provisions provide as follows:

“5.1. [...] The Competent Authority [CyADA] has the necessary authority and responsibility for:

a) planning, coordinating, implementing, monitoring and advocating improvements in Doping Control;

[...]

c) encouraging reciprocal Testing between National Anti-Doping Organisations;

6. Athletes shall:

[...]

c) be available for sample collection at all times;

29.2. The Competent Authority [CyADA] may require any athlete over whom it has testing authority, including any athlete serving a period of ineligibility, to provide a sample at any time and at any place.”.

4.22.2. As mentioned in the National Report, CyADA acknowledges the importance of testing of athletes when training and/or competing in other countries and agrees that the lack of such testing is one of the reasons why the drug testing programmes have been generally ineffective in detecting dopers. Therefore, CyADA has developed a mechanism to undertake testing of Cypriot athletes when training out of the country through other National Anti-Doping Organisations or private testing companies worldwide.

4.22.3. The Evaluation Team was made aware that CyADA regularly conducted testing in Greece (with the support of the Greek NADO ESKAN) since many of Cypriot athletes live and train there. It also conducted testing in South Africa (with the support of SAIDS – South African Institute for Drug Free Sport) since many Cypriot athletes go there for training. Although the Team was not presented with any concrete data on those testing activities, it has no doubts that testing of Cypriot athletes out of the country on the request of CyADA is possible.

4.23. Conclusion

4.23.1. The Evaluation Team concludes that Cyprus has fulfilled the commitments set in Article 4.3.d of the Anti-Doping Convention of the Council of Europe.

4.24. Recommendations

4.24.1. Recommendation no. 17: The Ministry of Education, Culture, Sport and Youth shall provide CyADA with adequate testing budget allowing it to continue testing the Cypriot athletes abroad.

4.24.2. Recommendation no. 18: CyADA should consider negotiating and signing formal agreements with other Anti-Doping Organisations or private sample collection companies for testing of Cypriot athletes when training 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.

4.25. Introduction

4.25.1. This Article of the Convention acknowledges the right of the State Parties to adopt legislation by virtue of which, inter alia, public authorities may themselves organise doping controls. As it is explained in the Explanatory Report to the Anti-Doping Convention this is particularly the case where the public authorities feel that the sport organisations are not fulfilling their responsibilities adequately.

4.25.2. The Anti-Doping Convention, as well as other regulations adopted by the Council of Europe on the matter of sport, aim to ensure that the rights of athletes are guaranteed, including in the disciplinary procedures. These standards should be reflected in the regulations adopted based on Article 4.4 of the Convention.

4.26. Findings

4.26.1. The Evaluation Team was made aware of the anti-doping regulations being developed in Cyprus. Most of them were already referred to in the previous chapters of this Report. See below for an overview of the major anti-doping regulations in effect in Cyprus.

4.26.2. There is no sport specific legislation in place in Cyprus based on which a general reference to importance of combating doping could be made. There is, however, a specific legislation on doping in sport. It includes the already mentioned Law N. 7(III) of 2009. It stipulates, among other things, some basic definitions used for the purposes of the Law, the composition of the Competent Authority [CyADA] (i.e. the number of its members) and a range of penal provisions. It also empowers the Cyprus Government to issue decrees regulating the anti-doping matters in Cyprus. Pursuant to the Law N. 7(III) of 2009, such a complex decree was issued in 2016 (for more details see paragraph 1.2.4. and other relevant parts of this Report). It has been developed in line with the World Anti-Doping Code.

4.26.3. The Evaluation Team would like to elaborate more on a wide range of penal provisions on doping in sport introduced in the Law N. 7(III) of 2009. This act provides for criminal liability in case of the use in sport of doping substances and/or methods as well as in the event of other doping behaviours. The respective criminal penalties include imprisonment up to two (2) years and/or a fine not exceeding ten thousand euro (€10.000) for the use of doping. Below are the relevant provisions of the Law N. 7(III) of 2009 listing certain behaviours being subject to criminal liability:

“5.1. An offence is committed by whoever:

- (a) in his/her sample, as defined in the applicable anti-doping rules, a prohibited substance or prohibited method, or its metabolites or its markers is presence, or*
- (b) uses or applies for oneself any prohibited substance or method in sport, respectively, violating, therefore, the provisions of the Convention or its Appendages or its Annexes or the Decrees, or*
- (c) refusing or failing without compelling justification to submit to Sample collection after notification as authorised in applicable anti-doping rules, or otherwise evading sample collection, or*
- (d) violates applicable requirements regarding Athlete availability for out-of-competition testing, including failure to file required whereabouts information and missed tests which are declared based on rules which comply with International Standard for Testing, or*
- (e) has in one’s possession or ensures the movement or supplies or administers to an athlete any prohibited substance or bestows on an athlete any prohibited method in sport, violating, therefore, the provisions of the Convention or its Appendages or its Annexes or the Decrees, or*

- (f) being staff supporting athletes, has in one's possession or ensures the movement or issues prescriptions or supplies or administers to an athlete any prohibited substance or bestows on an athlete any prohibited method in sport, violating, therefore, the provisions of the Convention or its Appendages or its Annexes or the Decrees, or*
- (g) assists or encourages or incites or covers up a person in order to use or have in this person's possession or ensures the movement of a prohibited substance or applies any prohibited method, violating, therefore, the provisions of the Convention or its Appendages or its Annexes or the Decrees or contributes, by any other means, in violating the aforementioned provisions, or*
- (h) without inducing the 1994 to 2002 Animals Protection and Welfare Law in force each time, has in one's possession or ensures the movement or issues prescriptions or supplies or administers to an animal used in sport any prohibited substance by virtue of Decree or applies to such an animal any prohibited method by virtue of Decree or assists or encourages or incites or covers up another person to commit any of the aforementioned acts, violating, therefore, the provisions of the Convention or its Appendages or its Annexes or the Decree, or*
- (i) interferes with the procedure or with the samples, which are obtained in the context of an anti-doping test, or*
- (j) makes an attempt to proceed with committing any act or action as provided in the articles (a) to (i), included, of this para, or*
- (k) allows or tolerates the use of the estate under one's own possession or of the estate under one's business possession in order to commit any of the acts or actions or make an attempt to commit acts or actions as provided in the articles (a), (e), (f), (g), (h) and (j) of this para or*
- (l) produces or ensures the movement or imports or distributes or sells or supplies food substitutes or supplements, without confirming the quality as required by the Decree."*

The Evaluation Team was informed that CyADA together with the Ministry of Education, Culture, Sport and Youth, after having assessed the effectiveness and usefulness of these particular provisions of the Law, is consulting with the sport movement in Cyprus as to whether to retain or amend these provisions.

4.26.4. CyADA, as a signatory to the Code, has developed its Anti-Doping Rules in line with the Code. They are enforced nationally across all sports in a form of a ministerial decree. The Anti-Doping Decree of 2016 gives CyADA full authority and exclusivity to execute a comprehensive national anti-doping programme encompassing testing, education, research and other activities reflected in the Code and international standards; and to develop programmes, policies and procedures in each of these areas. Furthermore, all the national sports federations, other registered sporting bodies, athletes, their support personnel acknowledge and accept the exclusive jurisdiction of CyADA as the provisions of the Decree apply automatically to all these entities and persons.

- 3.1. The provisions of the present Decree apply to the Competent Authority [CyADA], the Cyprus Sports Organisation, the Cyprus Olympic Committee, the Cyprus National Paralympic Committee, and Cyprus Sports Federations, and*
- a) the following persons, including minors, whether or not such person is a national of or resident in Cyprus, in each case,*
 - i. all athletes and athlete support personnel who are members or license-holders of a Cyprus Sports Federation;*
 - ii. all athletes and athlete support personnel who participate in any capacity in any activity organised, held, convened or authorised by the Cyprus National Olympic Committee, the Cyprus National Paralympic Committee, and Cyprus Sports Federations;*

iii. any other athlete or athlete support personnel or other person who, by virtue of an accreditation, a licence or other contractual arrangement, or otherwise, is subject to the jurisdiction of a Cyprus Sports Federation or of any member or affiliate organisation of any Cyprus Sports Federation;

iv. all athletes and athlete support personnel who participate in any capacity in any activity organised, held, convened or authorized by the organiser of a national event, or of a national league that is not affiliated with a Cyprus Sports Federation and

v. any other Athletes.

b) to all other persons over whom the Code gives the Competent Authority jurisdiction, including all athletes who are nationals of or resident in the Republic of Cyprus, and all athletes who are present in the Republic of Cyprus, whether to compete or to train or otherwise.

c) in all circumstances where the Competent Authority has jurisdiction over doping controls and where the Competent Authority started and managed a sample collection or discovered an anti-doping rule violation.

2. Decisions taken in accordance with the present Decree and specifically the decisions taken by the Competent Authority, the Anti-Doping Disciplinary Panel and the Anti-Doping Appeal Panel are binding on the Cyprus Sports Organisation, the Cyprus National Olympic Committee, the Cyprus National Paralympic Committee and all Cyprus Sports Federations as well as on their athletes and all other athletes under the jurisdiction of the Competent Authority.”.

4.26.5. The Anti-Doping Decree of 2016 also mandates CyADA to conduct testing:

“29.1. Subject to the jurisdictional limitations for event testing set out in Article 5.3 of the Code, the Competent Authority shall have in-competition and out-of-competition testing authority over all of the athletes falling within the scope of Article 3.1 of this Decree.”.

4.26.6. Cyprus has only a fragmentary legislation regarding the availability of doping substances. There are penal provisions in place criminalizing possession, administering and (partly) trafficking in doping substances (e.g. Article 5.1(e) and (f) of the Law N. 7(III) of 2009). In addition, the Evaluation Team was made aware that certain laws in place relate to restricting the availability of medicines and drugs and are thus relevant to anti-doping. However, the Team was not presented with any data illustrating whether those laws are effective in term of preventing doping in sport.

4.26.7. As to the issue of the rights of the athletes and their guarantees in the disciplinary procedures, see paragraphs 7.18.5. to 7.18.11. of this Report.

4.27. Conclusion

4.27.1. The Evaluation Team concludes that Cyprus has fulfilled the commitments under Article 4.4 of the Anti-Doping Convention of the Council of Europe.

4.28. Recommendations

4.28.1. Recommendation no. 19: The Cyprus authorities should continue assessing the effectiveness and proportionality of its penal provisions regarding doping in sport. They should consider WADA’s statement on the criminalization of doping in sport⁷ while making the assessment. They should also seek

⁷ WADA Statement on the Criminalization of Doping in Sport was published on its website on 25 October 2015. It says: “WADA and its partners in the anti-doping community do encourage governments to introduce laws that

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to contribute to the ongoing discussion on criminal legislation on doping in sport carried out by the Council of Europe.

penalize those who are trafficking and distributing banned substances; those individuals who are ultimately putting banned substances into the hands of athletes. This is a commitment that governments made in ratifying the UNESCO International Convention against Doping in Sport.”

Convention Article 5

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.

5.1. Introduction

5.1.1. 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 International Convention against Doping in Sport of UNESCO.

5.1.2. Since 2004, the anti-doping laboratories are accredited by WADA who also monitors and assess their performance continuously. The requirements for obtaining and maintaining WADA accreditation of laboratories, as well as the operating standards for laboratory performance are included in the World Anti-Doping Code International Standard for Laboratories (ISL), a mandatory International Standard developed as a part of the World Anti-Doping Programme. The use of laboratories accredited by the World Anti-Doping Agency (WADA) is required for the analysis of all urine and blood samples collected for doping control purposes (Article 6 of the Code).

5.1.3. The Executive Committee of WADA adopted in September 2013 a strategy for the development of the anti-doping laboratory network for the years 2013-2018, based on which no additional laboratories would be approved in Europe. However, this document was complemented in November 2017 by the recommendations of the Working Group on Laboratory Accreditation prioritizing laboratory quality over geographic distribution.

5.1.4 The Convention, under Article 5, requires member states either to create doping control laboratories suitable for accreditation or, if such a laboratory is not in place, then access to the accredited laboratory in another state must be sought and subsidized. Moreover, the Convention aims to have all State Parties using accredited laboratories as an essential part of a coherent anti-doping strategy and equal treatment of athletes. Similarly, WADA requires Anti-Doping Organisations, as signatories to the World Anti-Doping Code, to have all samples analyzed for doping control purposes in WADA-accredited laboratories or laboratories otherwise approved by WADA and considers this to be critical requirement in the fight against doping in sport.

5.2. Findings

5.2.1. There is no laboratory in Cyprus that has been either accredited or approved by WADA.

5.2.2. The Anti-Doping Decree of 2016 empowers CyADA to use WADA-accredited laboratories for the purposes of sample analysis. It provides as follows:

“16.1. For the purposes of Article 2.1 of the Code (paragraph 36 of this Decree), samples shall be analyzed only in WADA-accredited laboratories or otherwise approved by WADA. The choice of the WADA-accredited or WADA-approved laboratory used for the sample analysis shall be determined exclusively by the Competent Authority.”.

5.2.3. Based on the Decree, CyADA has the authority to determine which WADA-accredited laboratories it will use for its doping control programme and has proceeded to enter into agreements outlining the roles and responsibilities, as well as the financial terms, of the arrangements.

5.2.4. CyADA collaborates with a number of WADA-accredited laboratories for the analysis of urine and blood samples, mainly with Seibersdorf (Austria), the Institute of Biochemistry, Sports University Cologne (Germany); and the Swiss Laboratory for Doping Analyses, Lausanne (Switzerland). CyADA has historically collaborated with the WADA-accredited Doping Control Laboratory of Athens (Greece), however that collaboration is currently suspended due to the suspension of the Athens Laboratory’s accreditation that started in October 2019.

5.2.5. CyADA engages the Seibersdorf Laboratory to act as its Athlete Passport Management Unit (APMU) for the evaluation of both, the hematological and steroidal modules of the Athlete Biological Passport as approved by WADA.

5.2.6. CyADA indicated to the Evaluation Team that the services of the above-mentioned WADA-accredited laboratories are provided in a satisfactory manner and that there is a healthy working relationship between CyADA and those laboratories.

5.3. Conclusion

5.3.1. The Evaluation Team concludes that the Cyprus authorities have complied with the commitments described in Article 5 of the Anti-Doping Convention of the Council of Europe.

5.4. Recommendations

5.4.1. None.

Convention Article 6

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.

6.1. Introduction

6.1.1. The Anti-Doping Convention of the Council of Europe acknowledges the importance of education and information for the prevention of doping in sport and requires from both, the State Parties and the sport organisations, to cooperate in that respect. The educational and informational programmes should be comprehensive and be directed mainly to the athletes and their support personnel.

6.1.2. Apart from the Convention, the importance of education for the fight against doping in sport is reflected by the World Anti-Doping Code, and the International Convention against Doping in Sport of UNESCO, as well as in the newly adopted International Standard for Education and Information.

6.1.3. 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.

6.1.4. 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 Education Institutions.

6.2. Findings

6.2.1. The Cyprus Government understands the importance of prevention in the fight against doping in Cyprus. It has introduced certain provisions in this regard in the Anti-Doping Decree of 2016 and imposed a specific requirement on CyADA to act in this area. The Decree requires CyADA to engage actively in the anti-doping education and awareness raising activities. Articles 5.1(d) and (j) of the Decree read as follows:

*“5.1 Competent Authority [CyADA] [...] has the necessary authority and responsibility for:
[...]*

d) planning, implementing and monitoring anti-doping information, education and prevention programmes,

[...]

j) cooperate with the Cyprus Sports Organisation, the Cyprus Olympic Committee, the Cyprus National Paralympic Committee, the Cyprus Sports Federations, and the Government to encourage and promote anti-doping education and research and to take reasonable measures to ensure all research and the results of such research is consistent with the principles of the Code.”.

6.2.2. Furthermore, the Anti-Doping Decree of 2016 includes Part III that is dedicated to education. It provides the following:

“10. The Competent Authority [CyADA] and the Cyprus Sports Organisation, the Cyprus Olympic Committee, the Cyprus National Paralympic Committee, the Cyprus Sports Federations, other national or local organisations and the Government shall plan, implement, evaluate and monitor information, education and prevention programmes for doping-free sport on at least the issues listed at Article 18.2 of the Code, and shall support active participation by athletes and athlete support personnel in such programmes.

11. Educational programmes will promote the spirit of sport in order to establish an environment that is strongly conducive to doping-free sport in an effort to have a positive and long-term influence on the choices made by athletes and other persons. These programmes will be directed at young people, appropriate to their stage of development in their schools and sports clubs, and to parents, adult Athletes, sport officials, coaches, medical personnel and the media.

12. Education programmes shall provide athletes and other persons with updated and accurate information on at least the following issues:

- a) substances and methods on the Prohibited List;*
- b) anti-doping rule violations and consequences;*
- c) health and social consequences of doping;*
- d) sample collection procedures;*
- e) athletes’ and athlete support personnel rights and responsibilities;*
- f) therapeutic use exemptions;*
- g) managing the risks of nutritional supplements;*
- h) the harm of doping to the spirit of sport; and*
- i) applicable whereabouts requirements.*

13. All Athletes and the Cyprus Sports Federations as well as other persons shall cooperate with each other, the Competent Authority [CyADA] and the Government to coordinate their efforts in anti-doping information and education in order to share experience and ensure these programmes are effective in preventing doping in sport.”

6.2.3. The National Report provides a comprehensive overview of the information and education activities carried out by CyADA. The Evaluation Team also received further information about CyADA’s activities from its website and discussions held with different stakeholders, including the Cyprus National Olympic Committee, the representatives of the national federations and the athletes. Some of these activities are referred to further below:

6.2.3.1. CyADA provides regular face-to-face sessions to the athletes and coaches under the umbrella of different national federations as well as to the athletes and coaches of national teams as part of their preparation to the major events. These sessions are organised with the support of the Cyprus National Olympic Committee, relevant national federations and sports clubs.

6.2.3.2. CyADA also provides regular face-to-face school sessions to the students of secondary schools, including the athletics schools around the country. Apart from these sessions on anti-doping, CyADA has engaged with students into their classrooms or other school activities related to physical education and health. These sessions are organised with the support of the Ministry of Education, Culture, Sport and Youth and relevant schools.

6.2.3.3. CyADA has made particular effort to provide information and education on anti-doping to the medical practitioners. CyADA has participated in and given lectures at conferences of different medical specialties regarding the dangers of doping, and the Therapeutic Use Exemption process. Through a partnership with the Cyprus Sports Medicine Association, CyADA has organised a series

of seminars for sport doctors and lectures on the occasion of different sports medicine conferences to inform sports doctors and physiotherapists about the anti-doping matters.

6.2.3.4. In addition to that, in 2019 CyADA participated in #BeActive - the European Week of Sport communication campaign aimed at increasing the participation in sport and physical activity across Europe. It included two events where CyADA was present. First event was organised by the Cyprus Association of Physical Education and Sports Science and the Cyprus Cycling Federation under the title 'Sport as a tool for developing life-skills'. The second one was organised by CyADA jointly with the Cyprus Sports Medicine Association and presented new developments on anti-doping.

6.2.4. In the years 2017-2019, CyADA organised a number of seminars and conferences covering the various aspects of combating doping in sport. Below is a list of the most important ones organised within this period:

6.2.4.1. In 2019, CyADA organised a seminar on anti-doping for the team doctors. It was addressed to the medical doctors working with the football teams.

6.2.4.2. In 2017 and 2018, two editions of the conference on nutritional supplements in sport and associated risks were organised. The conferences were organised with the participation of experts covering the fields of anti-doping, exercise physiology, sports nutrition and sociology of sports. The conferences were addressed not only to the athletes and their support personnel but also to the students and their parents.

6.2.4.3. A conference on the Code and its implementation in Cyprus legislation took place in June 2017. It was combined with a seminar for the members of the National Anti-Doping Panel and National Anti-Doping Appeal Panel; both were attended by Mr. Graham Arthur, anti-doping expert from the United Kingdom (former chair of the T-DO Advisory Group on Legal Issues).

6.2.4.4. In 2017, CyADA organised the Conference on the ethics of doping and anti-doping. It was organised in cooperation with the Cyprus National Bioethics Committee, with the participation of, among others, Prof. Heather Reid, Professor of Philosophy at Morning College, USA, a well-known ethicist on sport, and local experts. The aim of the conference was to discuss different ethical aspects of anti-doping.

6.2.5. CyADA is also active in acquiring expertise from abroad to further develop its capacity to undertake education and prevention activities. For example, CyADA has collaborated with the UK Anti-Doping and trained and accredited three specialized anti-doping educators.

6.2.6. The National Report also indicates extensive plans for the futures actions to be taken by CyADA in the field of education and information. Below is a list of the most important ones:

6.2.6.1. CyADA will continue developing the Education Strategy. It will explain CyADA's plans to meet the educational needs of the athletes, their support personnel, national federations and other stakeholders. It will also set CyADA's strategic directions in regard to anti-doping education and information programmes. CyADA aims to embed anti-doping education into the Cyprus sport system by working in partnership with key sports organisations and professional bodies and thereby reach as many athletes and their support personnel as possible. The Education Strategy will be aligned with the new Code and International Standards.

6.2.6.2. CyADA will look to identify persons within key national federations to act as first points of contact for the anti-doping inquiries from their athletes. CyADA will look to train and educate these points of contact using a variety of means, including the online resources referred to below.

6.2.6.3. CyADA is also working towards the development of information and education resources for the support of its Education Strategy. In that respect, CyADA has contracted two well-known experts in the field of anti-doping education and doping prevention to develop 1) comprehensive and up-to-day information to be made available to athletes and support personnel on CyADA's website; and 2) the e-learning material to be used for self-administered education courses for athletes and their support personnel. Twelve different education courses will be offered, including the topics that are listed on Article 5.2 of the International Standard for Education. Each session will be accompanied by supplementary material for reading and learning activities, assessment (through multiple choice questions) and certification upon successful completion of the course.

6.2.6.4. CyADA plans to take the advantage of the capacity of different academic institutions to impact the attitudes and behaviours of the young people they educate and/or train. Therefore, CyADA is working in partnership with some universities to enable it to reach future generations of athletes, as well as coaches, doctors, physiotherapists and support personnel. CyADA has developed a University Partnership Programme. This Programme is framed through Memoranda of Understanding signed by the Universities and CyADA and provide for certain actions from both sides, including education and research. The Programme will be formally launched in 2020.

6.2.6.5. CyADA is also working on the development of a comprehensive policy on the use of nutritional supplements in sport. The aim of the policy is to raise awareness on the inherent risks associated with the use of supplements and provide advice as to how to deal with this problem. The policy covers also topics such as advertising supplements, ethical aspects, and practical advice to Athletes using supplements. CyADA's policy on nutritional supplements will be formalised in 2020.

6.2.6.6. CyADA is in contact with, and has provisionally been accepted to join in 2020, Global Drug Reference Online (Global DRO), an online search engine that provides athletes and Support personnel with information about the prohibited status of the licensed medications based on the Prohibited List.

6.2.7. A series of meetings with different stakeholders held by the Evaluation Team during its Visit, proved that there is a common understanding for the importance of value-based education for the athletes and their support personnel. CyADA managed to engage a range of stakeholders in running a number of different educational activities. The Evaluation Team witnessed several presentations of the projects/initiatives carried out by CyADA in cooperation with the Ministry of Education, Culture, Sport and Youth (Secondary General Education, Inspectorate of Physical Education, including Athletic Schools, and Higher Education), the universities and national federations.

6.2.8. The Evaluation Team observed that CyADA cooperates closely with a number of universities, including the European University Cyprus, the University of Central Lancashire (UCLan) Cyprus and the University of Nicosia (UNIC). As stated by the representatives of these universities, some of them include the anti-doping agenda in their curricula. In addition to that, there were several local and international conferences, social research projects and round table discussions organised jointly by CyADA and the abovementioned universities.

6.2.9. The Evaluation Team is of the opinion that there should be a greater degree of collaboration as regards education and prevention between CyADA and the Cyprus National Olympic Committee. The NOC has regular contact with the athletes in the lead up to major events. It also has proper resources that could be used for joint projects with CyADA. At present these opportunities to facilitate anti-doping education to all team members are not fully embraced. The current scope of cooperation between the two institutions is very limited and leaves an impression that anti-doping is not a top priority for the NOC.

6.2.10. The Evaluation Team also had an opportunity to meet and discuss with the national federations. In the course of the meeting they acknowledged their general responsibility to provide education to their athletes and support personnel. However, based on these discussions, it became apparent to the Evaluation Team that the federations should play a more active role in the anti-doping education. They should not only facilitate the contacts between CyADA and the athletes and their support personnel but also initiate different anti-doping educational campaigns. Therefore, the Evaluation Team welcomes one of the future activities planned already by CyADA to identify persons within key national federations to act as first points of contact for the anti-doping inquiries from their athletes. On a separate note, it might be necessary not only to train such persons but also to develop and provide the national federations with necessary tools to enable them to go beyond the role of the contact point and to take their responsibility for delivering the anti-doping education to their athletes. The Evaluation Team is, therefore, of the opinion that a more serious approach to the anti-doping education should be taken by the national federations.

6.2.11. The Evaluation Team was informed that an athlete's committee is in place under the Cyprus National Olympic Committee. It is well acknowledged that athletes' committees established by sport organisations or National Anti-Doping Organisations to represent the views and rights of the athletes, can play an important role in the fight against doping. The athlete committees' members can assist in raising awareness among athletes about anti-doping and in promotion of the clean sport message; at the same time, athletes' committees can help sport organisations and National Anti-Doping Organisations understand the challenges athletes face and develop strategies to not only detect, but also deter and prevent doping in sport. The Evaluation Team was advised that the collaboration of the Cyprus National Olympic Committee's athlete committee with CyADA is generally good but quite limited. Furthermore, there is no separate athletes' committee established by CyADA.

6.2.12. It should be stressed that several Anti-Doping Organisations have special athlete ambassador programmes in place. The most successful athletes are usually selected for this role, advocating for the fight against doping in sport and promoting athletes' participation in the anti-doping work. The Evaluation Team made an observation that there is no such programme in place in Cyprus and, therefore, the potential of athletes advocating for the fight against doping is lost somehow.

6.2.13. Finally, the Evaluation Team had an opportunity to meet with the athletes. It made the following observations: 1) the effective communication to athletes is a challenge and there is also a lack of opportunity for athlete input into relevant policy decisions by CyADA, as those who are most affected, 2) athletes stated that information can get "stuck" in the national federation and does not get transferred to athletes, 3) there was a view from the athletes that the only ones who know about their rights and responsibilities in anti-doping, are the ones who have spent significant time abroad or are at the very top level (globally). Athletes were also of the view they lacked a point of contact for key information/ advice on matters such as medicines and supplements. The Evaluation Team also noted that some of the athletes emphasized the need for having access to different education tools via Internet and mobile applications. At the same time, the Team observed that CyADA currently provides most of the information only through its website and specially designed brochures or leaflets.

6.3. Conclusion

6.3.1. The Evaluation Team concludes that Cyprus has fulfilled the commitments described in Article 6.1 of the Anti-Doping Convention of the Council of Europe; however, the Team is of the opinion that the anti-doping information, education, and prevention programmes could be improved further in line with the proposed recommendations.

6.4. Recommendations

6.4.1. Recommendation no. 20: The Evaluation Team recommends that while the Education Strategy is being developed, an integrated and coordinated short-term (1 year) education plan should also be

developed with sports governing bodies to ensure that the maximum 'reach' is achieved through the activities planned and conducted across Cyprus, distributing the available resources properly. Once the Education Strategy is developed, it should be accompanied by the implementation plan (year-by-year approach) indicating the timeframe, the responsible actors as well as the available resources for each and every activity planned. Both, the Strategy and the annual plans should cover the activities based on risk assessment rather than on a request basis.

6.4.2. Recommendation no. 21: The Cyprus authorities should consider introducing anti-doping education and prevention programmes in schools, in physical education classes in line with the Recommendation Rec (2011) 1 on the use of the model guidelines for core information/education programmes to prevent doping in sport, adopted by the Monitoring Group.

6.4.3. Recommendation no. 22: The Cyprus authorities should advise and encourage the relevant academic institutions in the country to develop, implement and deliver effective anti-doping education in tertiary education, in line with Recommendation Rec (2016) 2 on Anti-Doping Education Guidelines for Tertiary Education Institutions, adopted by the Monitoring Group.

6.4.4. Recommendation no. 23: The Evaluation Team suggests that in order to complement the capacity of existing field staff, and to enhance the delivery of face-to-face (in-person) education across the country, CyADA should consider the following solutions:

6.4.4.1. CyADA is encouraged to identify, train and work with a pool of talented university students. The Evaluation Team understands that there might be students and possibly university staff who would be willing to support the delivery of the anti-doping programme in the field. Like in many countries, people passionate about sport would welcome the opportunity to volunteer to contribute to the protection of clean sport by helping to deliver the anti-doping programme. The Evaluation Team recommends that this possibility should be explored.

6.4.4.2. The Evaluation Team recommends that a network of collaborators within the national federations should be established. They should not only serve as contact points but could also be properly trained to deliver education themselves to their members within their own sporting environments and to form a field-based group of educators who can be deployed by CyADA to deliver education when required.

6.4.5. Recommendation no. 24: The Evaluation Team recommends that CyADA develops close working relationships in education with the Cyprus National Olympic Committee, as well as with the national federations. It should be stressed that education and prevention are shared responsibilities of the aforementioned entities and many other stakeholders, and, therefore, their close cooperation is vital for the success of all education efforts. This should work on a structured and regular basis (e.g. by creating working groups and/or cooperation plans). It must be stressed, however, that greater initiative from the NOC and all the national federations is required.

6.4.6. Recommendation no. 25: The Evaluation Team recommends that while developing different educational programmes and tools, CyADA should take the following approach:

6.4.6.1. CyADA should consider adopting a sport-specific rather than a more general approach to its education and information programmes, based on the characteristics of each sport and the risk evaluation developed as part of a sports categorisation concept. As part of this approach, the methods, tools and resources to be used should be sport-specific and can be developed in cooperation with the national federations concerned.

6.4.6.2. CyADA should constantly evaluate the implementation and effectiveness of its anti-doping information and education programmes and adapt accordingly.

6.4.7. Recommendation no. 26: CyADA should work closely with the Cyprus National Olympic Committee athletes' committee or, preferably, consider establishing its own athlete committee with representation of athletes from Olympic, Paralympic and non-Olympic, individual and team sports with the view, among others, to promote active participation of athletes in the fight against doping.

6.4.8. Recommendation no. 27: CyADA should consider appointing one or more athletes as anti-doping ambassadors, if deemed useful.

6.4.9. Recommendation no. 28: The Evaluation Team recommends CyADA to be active over the Internet, to launch social media (Facebook, Instagram) and develop further the existing website to better address the needs of the users of electronic resources. The website is a very comprehensive source of information for the athletes and their support personnel. It is also crucial to complete the establishment of an e-learning platform accessible to all the athletes and coaches at any time and to set up a tool/database for checking medicines (if they contain prohibited substances).

* * *

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.

6.5. Introduction

6.5.1 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. This is reflected not only by the provisions of the Anti-Doping Convention of the Council of Europe but also the World Anti-Doping Code, and the International Convention against Doping in Sport of UNESCO.

6.6. Findings

6.6.1. The Anti-Doping Decree of 2016 provides under Article 5.1 for the research-related obligations of CyADA, including “*to encourage and promote anti-doping research and to take reasonable measures to ensure that the results of such research are used for the promotion of the goals that are consistent with the principles of the Code*”.

6.6.2. CyADA conducts and facilitates research on anti-doping in a variety of areas, including detection of prohibited substances, nutritional supplements, social aspects of doping and whistleblowing in sport. In that respect, CyADA collaborates with universities, WADA-accredited laboratories, NADOs and other institutions. The National Report refers to nine completed and six ongoing research projects on timely, vital and relevant issues in anti-doping.

6.6.3. In Cyprus, there are several well-established academic institutions, including universities that offer courses on sport science, and these institutions are very active in research in the field of sport. CyADA managed to establish either permanent or project-based cooperation with most of them.

6.7. Conclusion

6.7.1. The Evaluation Team concludes that the Cyprus authorities have complied with the commitments under Article 6.2 of the Anti-Doping Convention of the Council of Europe.

6.8. Recommendations

6.8.1. Recommendation no. 29: The Evaluation Team is of the opinion that the outcomes and main conclusions of different research projects carried out in cooperation with CyADA deserve to be better promoted and presented further at the relevant international events (e.g. iNADO workshops, meetings of the Monitoring Group etc.).

6.9. Example of Best Practices

6.9.1. The Evaluation team was impressed with the scope and intensity of research activities carried out by CyADA, despite the fact that only one person remains responsible there for all functional areas, including research. According to the National Report, CyADA conducted a number of valuable and advanced research projects in a variety of fields. Unlike many other Anti-Doping Organisations, especially of a similar size, CyADA pays a lot of attention to the research activities. It also developed a unique framework of cooperation with many universities across the country involving them in the anti-doping research. The quality of the actions taken by CyADA in this respect is extraordinary as for such a small organisation. Therefore, the Evaluation Team finds it useful to promote this approach among other Anti-Doping Organisations.

Convention Article 7

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

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

7.1. Introduction

7.1.1. The Convention, within Article 7.1 and a series of subsequent articles (7.2 and 7.3), aims to encourage sport organisations to adopt and implement – within their competence – effective programmes against doping in sport but also to indicate the strong desire for national and international compatibility and harmonisation of these programmes between sports and countries.

7.2. Findings

7.2.1. Pursuant to the Law N 7(III)/2009, the Minister of Education and Culture (now also Sport and Youth) is mandated to issue decrees. As such: to appoint a Competent Authority to implement said Law (that is, CyADA), to regulate CyADA, to amend or replace the Code, International Standards and Prohibited List, to establish and regulate a National Anti-Doping Disciplinary Board and National Anti-Doping Appeal Board, to regulate the quality assurance of food substitutes and nutritional supplements, and to restrict the production, trafficking, import, distribution, sale or supply of prohibited doping substances. The aforementioned Decree appointing CyADA as the Competent Authority was issued in 2009 and re-issued in 2016 to reflect the changes to the Code.

7.2.2. Consequently, CyADA has the primary responsibility to formulate and apply all appropriate measures, falling within their competence, against doping in sport, and to work with the national sports organisations to achieve this aim. The Law N 7(III)/2009 stipulates that CyADA as the Competent Authority is to “*enforce implementation of the provisions of the Convention and its Appendices and Annexes, this Law and the Decrees*” (Article 4.1(b)).

7.2.3. The Anti-Doping Decree of 2016 applies to all sports organisations and sports-related persons and provides harmonised anti-doping regulations across Cyprus. In addition, it has been reviewed by WADA and deemed compliant with the World Anti-Doping Code. Article 3.1 of the Decree reads as follows:

“3.1 The provisions of the present Decree apply to the Competent Authority, the Cyprus Sports Organisation, the Cyprus Olympic Committee, the Cyprus National Paralympic Committee, and Cyprus Sports Federations, and [different sport-related persons, including minors, listed in paragraphs a-c].”

7.2.4. The Anti-Doping Decree contains several provisions aiming to encourage sport organisations – within their competence – to take measures against doping in sport. For example, Article 8 lists the anti-doping responsibilities of national sports federations. It reads as follows:

“8.1 The Cyprus Sports Federations shall:

- a) require, as a condition of membership, that their policies, rules and programmes are in full compliance with the provisions of the present Decree and that all athletes and Athlete Support Personnel within their jurisdiction recognise and implement their obligations as defined in the present Decree;*
- b) make every possible effort to make the provisions of the present Decree available to members, athletes, and Athletes Support Personnel;*
- c) in cooperation with the Competent Authority, deliver comprehensive and ethical anti-*

doping programmes to their athletes, Athlete Support Personnel and other participants;
d) contribute to doping control by assisting with testing and contribute to doping control by assisting with testing and results management [...];
e) make every possible effort to assist athletes to fulfil their obligations under the provisions of the present Decree, including providing accurate and up-to-date athlete whereabouts information;
f) actively cooperate and participate with the Competent Authority in any investigation of possible violation of the provisions of the present Decree;
g) immediately refer all instances of possible anti-doping rule violations to the Competent Authority for investigation;
h) develop and implement, in conjunction with the Competent Authority, anti-doping policies and programmes for the events under their jurisdiction, and for national teams attending competitions within the Republic or abroad; and
i) develop and implement, in conjunction with the Competent Authority, doping control programmes for major events they hold.”.

7.2.5. The Cyprus Sport Organisation has been established by law (Law 41/1969) as an independent semi-governmental body with broad and delegated responsibility over matters of sport within Cyprus. One of its roles is to recognise, regulate and distribute funding to national sport federations from public funds. The Cyprus Sport Organisation has a pivotal role in Cypriot sport given its considerable power over national federations.

7.2.6. There is a process in place for recognising the national federations as they are defined in Article 2 of the Law 41/1969. This definition reads as follows:

“Sport federation” shall include any sport federation, which has legally been established and is functioning legally in the Republic [of Cyprus] with a view to promoting sports outside school in Cyprus and the founding members of which are clubs, which have legally been established and are functioning legally in the Republic [of Cyprus]. Being so recognised and complying with this Law, the federation acquires a legal entity.”.

The procedure for recognising and registering sport federations is provided in the Cyprus Sports Organisation Rules of 1970 to 1996. Article 2C provides as follows:

“2C. A Sports Federation is recognised and registered in a sports registry kept specifically for this purpose and is given a certification for the registration and recognition if:
a) has at least three registered and in full operation sport clubs;
b) organises and conducts a National Championship;
c) has a recognised constitution and regulation that define clearly that the purpose of the federation is directly related to sports;
d) the constitution provides clearly how the federation member clubs are represented;
e) includes in its registry all clubs that are recognised by the Cyprus Sports Organisation as a club of the corresponding sport, if these clubs wish to be included in the Federation’s registry, given that the corresponding Federation is consenting in accordance to its constitutional provisions, without the possibility of denial based on irrational or non-sport-related grounds.”.

None of the above criteria refers to anti-doping, although the sports federations are required by the provisions of the Anti-Doping Decree of 2016 to have their policies, rules and programmes in full compliance with the provisions of the Decree.

7.2.7. The Evaluation Team is of the opinion that the procedures in place for both, the recognition and financing of sports federations do not reflect the relevant provisions of the Anti-Doping Decree of 2016 in regards to the compliance of the sports federations with the anti-doping rules [of the Decree] as well as the Code and the Convention. Firstly, there is no obligation for an organisation to have “rules and

programmes in full compliance with the provisions of the present Decree” to be recognised as a national federation. Secondly, there is no real mechanism in place allowing for monitoring of this compliance. And thirdly, there is no practical framework of consequences for the non-compliance with the provisions of the aforementioned Decree (neither financial, nor organisational).

7.3. Conclusion

7.3.1 The Evaluation Team concludes that the Republic of Cyprus has fulfilled the commitments under Article 7.1 of the Anti-Doping Convention of the Council of Europe, however, there is significant scope for improvement.

7.4. Recommendations

7.4.1. Recommendation no. 30: CyADA should ensure that all relevant anti-doping policies affecting athletes and national federations (education, testing, access to justice) are adequate and up-to-date, and communicate them to national federations. It should also clarify its current authority over the national federations, including with the Cyprus Sport Organisation, and where necessary increase these powers in line with said policies (CyADA should have a position within different policies developed by the Cyprus Sports Organisation allowing it to exercise its functions as the competent authority in anti-doping).

7.4.2. Recommendation no. 31: The Cyprus authorities, including the Cyprus Sport Organisation, should introduce, in close cooperation with CyADA, a robust and efficient mechanism ensuring that sports federations are compliant with the anti-doping rules in force in Cyprus. It should provide for 1) clear anti-doping criteria for the recognition of the sports federations, 2) policies for the monitoring of compliance of sport organisations with the provisions of the Anti-Doping Decree of 2016 and their responsibilities to fight against doping in their sport, and 3) framework of clear consequences for a lack of compliance by national federations.

* * *

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;

7.5. Introduction

7.5.1. The Convention requires governments which are State Parties to the Convention to encourage their sport organisations to have harmonised anti-doping regulations, as a principle of fair justice and due process for all athletes.

7.5.2. The harmonisation of anti-doping regulations of different National Anti-Doping Organisations and national and international sport organisations is achieved under the umbrella of the World Anti-Doping Code considering that their anti-doping rules are Code compliant.

7.6. Findings

7.6.1. The National Report provides that Cyprus Government has complied with this commitment by ensuring that sports organisations adopt and implement the standards mandated by the Code, which in turn is achieved via the Anti-Doping Decree of 2016. It is a comprehensive and universal instrument that applies to all sports persons and sports organisations in Cyprus, establishing a single set of anti-doping regulations. The Decree has been reviewed by WADA and deemed to be compliant with the 2015 World Anti-Doping Code.

7.6.2. The Anti-Doping Decree of 2016 confirmed that CyADA as the National Anti-Doping Organisation of Cyprus. The relevant part of Article 5.1 reads as follows:

“5.1 The Competent Authority [CyADA] was established by the Minister of Education and Culture with the objective of acting as the independent National Anti-Doping Organisation for Cyprus. [...]”.

7.6.3. The abovementioned Article 5.1 in connection with Article 1 of the Decree provides that the role of CyADA is to act for the implementation of the measures of the International Convention against Doping in Sport and its Annexes and Appendices, including the Code, and thereby ensure that the Republic of Cyprus complies with its international agreements related to doping in sport that the country has signed or is a Party to. It should be reminded, therefore, that the Anti-Doping Decree of 2016 was deemed in line with the Code.

7.6.4. Article 5.1 of the Anti-Doping Decree of 2016 states that CyADA has the authority to execute a comprehensive anti-doping programme in the country (including testing, education, research, etc.) and to develop policies and procedures in each of these areas. All national federations, athletes and their support personnel automatically acknowledge and accept being bound by the provisions of the Decree and by this mean they accept the exclusive jurisdiction of CyADA. The Decree, under Article 3, states as follows:

“3.1 The provisions of the present Decree apply to the Competent Authority [CyADA], the Cyprus Sports Organisation, the Cyprus Olympic Committee, the Cyprus National Paralympic Committee, and Cyprus Sports Federations, and [...]”

2. Decisions taken in accordance with the present Decree and specifically the decisions taken by the Competent Authority [CyADA], the Anti-Doping Disciplinary Panel and the Anti-Doping Appeal Panel are binding on the Cyprus Sports Organisation, the Cyprus National Olympic Committee, the Cyprus National Paralympic Committee and all Cyprus Sports Federations as well as on their Athletes and all other Athletes under the jurisdiction of the Competent Authority [CyADA].”

7.6.5. In addition, Article 8.1 of the Anti-Doping Decree of 2016 provides as follows:

*“8.1 The Cyprus Sports Federations shall
a) require, as a condition of membership, that their policies, rules and programmes are in full compliance with the provisions of the present Decree and that all athletes and Athlete Support Personnel within their jurisdiction recognise and implement their obligations as defined in the present Decree;
[...]*

h) develop and implement, in conjunction with the Competent Authority [CyADA], anti-doping policies and programmes for the events under their jurisdiction, and for national teams attending competitions within the Republic or abroad; [...]”.

7.6.6. Similarly, Article 9(a) requires that:

*“9. The Cyprus Sports Organisation, the Cyprus Olympic Committee, the Cyprus National Paralympic Committee and the Cyprus Commonwealth Games Committee shall develop and implement, in conjunction with the Competent Authority [CyADA],
a) anti-doping policies and programmes for the events under their jurisdiction, and for national teams attending competitions within the Republic or abroad; [...]”.*

7.6.7. Although the Anti-Doping Decree of 2016 and the rules of international sports federations are both Code-based tools, they may differ in their application. However, given that the Anti-Doping Decree of 2016 is operational and with its publication in the Official Gazette of the Government of Cyprus is

nationally enforced across all sports in Cyprus, the harmonisation required by the Convention is achieved.

7.6.8. In addition to the legislative measures, the Evaluation Team was made aware during its Visit that CyADA had prepared draft Memoranda of Understanding between CyADA and certain big national federations providing for Action Plans with the aim to assist the federations to meet their obligations and duties under the Anti-Doping Decree of 2016, and improve their anti-doping activities. However, the Memoranda of Understanding had not been put in place because of CyADA's lack of resources.

7.6.9. In summary, the laws in place are compliant with the requirements of the Convention. Cyprus has established a set of anti-doping measures that complies with the international commitments of the country. The legislation endorses CyADA with the full responsibility of implementing the anti-doping programme in the country, which ensures the harmonisation of anti-doping policies in Cyprus.

7.7. Conclusion

7.7.1. The Evaluation Team concludes that Cyprus has fulfilled the commitments under Article 7.2.a of the Anti-Doping Convention of the Council of Europe.

7.8. Recommendations

7.8.1. Recommendation no. 32: All Cypriot stakeholders involved in the anti-doping activities should continue working together to ensure the effectiveness of the anti-doping programme.

* * *

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;

7.9. Introduction

7.9.1. The required harmonisation on the list of banned pharmacological substances and methods is achieved under the umbrella of the Code and WADA's Prohibited List International Standard that applies to all signatories to the Code, including the International Federations and National Anti-Doping Organisations.

7.10. Findings

7.10.1. As mentioned under Article 2 in this Report (paragraphs 2.2.3. to 2.2.7.), the Anti-Doping Decree of 2016, under its Article 2.1 defines the "Prohibited List" as the "list identifying the Prohibited Substances and Prohibited Methods as referenced in Annex 1 of the Convention [International Convention against Doping in Sport of UNESCO]".

7.10.2. Furthermore, Article 14.1 of the Anti-Doping Decree of 2016 states that:

"14.1 All Athletes and other Persons shall be bound by the Prohibited List, and any revisions thereto, from the date they go into effect, without further formality (Annex I to the Convention [International Convention against Doping in Sport of UNESCO])."

7.10.3. It is the opinion of the Evaluation Team that the Anti-Doping Decree of 2016 provides for the required harmonisation on the List of banned substances and banned methods. However, the Team notes that the Cyprus legislation makes no reference to the List of banned pharmacological classes of doping agents and banned doping methods adopted by the Monitoring Group of the Anti-Doping Convention

of the Council of Europe (for more comments about the List of banned pharmacological classes of doping agents and banned doping methods, see paragraphs 2.2.3. to 2.2.7.).

7.11. Conclusion

7.11.1. The Evaluation Team concludes that Cyprus fully comply with the commitments under Article 7.2.b of the Anti-Doping Convention.

7.12. Recommendations

7.12.1. Recommendation no. 33: Although the legislation puts responsibility on the athletes and other persons to familiarize themselves with the most up-to-date version of the list, CyADA should make sure that all athletes receive the appropriate information, for example through the publication of the list on CyADA's website well in advance and through the diffusion of the list to the national federations.

* * *

c. doping control procedures;

7.13. Introduction

7.13.1. The required harmonisation on doping control procedures – in principle – is achieved under the umbrella of the Code and the International Standard for Testing and Investigations.

7.14. Findings

7.14.1. The Anti-Doping Decree gives responsibilities to CyADA to collect samples from sportspersons in accordance with the international standard and specific protocols. Articles 28.1 of the Decree provides as follows:

“28.1. Testing and investigations shall only be undertaken for anti-doping purposes. They shall be conducted in conformity with the provisions of the International Standard for Testing and Investigations and the specific protocols of the Competent Authority [CyADA] supplementing that International Standard.”.

7.14.2. Furthermore, Article 29.1 of Anti-Doping Decree states as follows:

“29.1 Subject to the jurisdictional limitations for event testing set out in the Article 5.3 of the Code, the Competent Authority [CyADA] shall have in-competition and out-of-competition testing authority over all of the athletes falling within the scope of Article 3.1 of this Decree.”.

7.14.3. The Anti-Doping Decree is in line with the 2015 Code. Part VII of the said Decree organises the cooperation and coordination of doping controls in Cyprus to maximise the effectiveness of testing efforts and avoid unnecessary repetitive testing. It provides for a detailed doping control procedure consistent with the standards set up in the Code and the International Standard for Testing and Investigations, including the authority to test, test distribution plan, in-, and out-of-competition testing, athlete whereabouts requirements and selection of athletes to be tested.

7.14.4. In particular, Article 31 of the Anti-Doping Decree states that CyADA “[...] shall develop and implement an effective, intelligent and proportionate test distribution plan that prioritizes appropriately between disciplines, categories of athletes, types of testing, types of samples collected and types of

sample analysis, all in compliance with the requirements of the International Standard for Testing and Investigations. [...]”.

7.14.5. As mentioned above, the Anti-Doping Decree of 2016 establishes a detailed doping control procedure consistent with the standards set up in the Code and the International Standard for Testing and Investigations. However, CyADA has not yet implemented the ISO 9001 standard in respect of its test planning and testing procedures. For more information see paragraph P2.4. of this Report. In the meantime, CyADA makes other efforts to comply with the highest possible standards in terms of testing. The National Report lists the following measures:

7.14.5.1. For a number of years, CyADA has partnered with the United Kingdom NADO in respect of the training and assessment of CyADA's Sample Collection Personnel.

7.14.5.2. All Sample Collection Personnel must comply with the procedures described in CyADA's Sample Collection Personnel Manual, which in turn reflects the requirements of the International Standard for Testing and Investigations.

7.14.5.3. CyADA holds seminars for its Sample Collection Personnel twice a year to ensure the maintenance of high standards and strict adherence to the Sample Collection Personnel Manual.

7.14.6. Based on the information provided in the National Report as well as WADA's statistics, only a small percentage of CyADA's tests (10-15%) are conducted out-of-competition. It must be explained that out-of-competition testing is of paramount importance for both detecting athletes who cheat and for deterrence, however, for a successful out-of-competition testing programme, apart from the necessary resources, it requires the cooperation of all interested stakeholders. The Evaluation Team was made aware that Cyprus Sport Organisation and Cyprus National Olympic Committee do not provide CyADA with the required information (e.g. list of athletes who are included in the national teams and their training and competition schedules, list of athletes who are included in the various funding programmes etc). This information would assist CyADA to improve its out-of-competition testing programme. For more comments about testing see also paragraphs 7.29 to 7.32.

7.15. Conclusion

7.15.1. The Evaluation Team concludes that Cyprus has fulfilled the commitments required under Article 7.2.c of the Anti-Doping Convention of the Council of Europe.

7.16. Recommendations

7.16.1. Recommendation no. 34: The Evaluation Team recommends that the Cyprus Sport Organisation, Cyprus National Olympic Committee and CyADA to work out a solution, preferably in form of a policy or memorandum of understanding, allowing for the provision of relevant information to CyADA on athletes, including on their memberships in the national teams, clubs and/or their training and competition schedules.

7.16.2. See Recommendation no. 49 (paragraph P4.1.).

* * *

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;

7.17. Introduction

7.17.1. This Article of the Convention requires from State Parties to put in place regulations about their disciplinary and appeal procedures that respect the concept of natural justice and due process.

7.17.2. The Monitoring Group of the Anti-Doping Convention (T-DO) during its conference “Council of Europe and fight against doping – 25 years of the Anti-Doping Convention: from past to future” (Strasbourg, 4 November 2014)⁸ stressed the importance of the following: (a) clear distinction between reporting and disciplinary bodies, (b) independent and impartial disciplinary bodies, free of conflicts of interest; and (c) experienced disciplinary bodies, with members possessing the right skills.

7.17.3. In 2017, the Monitoring Group of the Anti-Doping Convention (T-DO) adopted the recommendation on ensuring the independence of hearing panels and promoting fair trial in anti-doping cases (T-DO/ Rec (2017) 01) that responds to Article 7.2.d of the Convention.

7.18. Findings

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

7.18.1. Article 5.1 of the Anti-Doping Decree of 2016 gives CyADA the responsibility to prosecute anti-doping offenses. It provides that CyADA has the necessary authority and responsibility for “*vigorously pursuing all potential anti-doping rule violations within its jurisdiction, including investigating whether athlete support personnel or other persons may have been involved in each case of doping, and ensuring proper enforcement of consequences*”.

7.18.2. Pursuant to Law N. 7(III) of 2009 the Cyprus Government has established both, the Cyprus National Anti-Doping Disciplinary Panel and the Cyprus National Anti-Doping Appeals Panel. Part IX and X of the Anti-Doping Decree of 2016 organise the functioning and responsibilities of the disciplinary bodies, both for first instance and appeal.

7.18.3. According to Article 79.1 of the Decree, the Anti-Doping Disciplinary Panel is responsible “*to adjudicate and impose sanctions on athletes and any other persons being disciplinarily responsible for violation of the provisions of this Decree and the Code, as modified and substituted*”. Furthermore, Article 95.1 stipulates that the Anti-Doping Appeal Panel is responsible “*to adjudicate appeals against decisions of the Anti-Doping Disciplinary Panel and the Competent Authority [CyADA]*”.

7.18.4. Part VIII (Chapter C) of the Anti-Doping Decree of 2016 organises the results management process, which falls under the responsibility of CyADA. It is the body responsible for investigating on potential anti-doping rule violations committed by an athlete or athlete support personnel. CyADA is also responsible for imposing provisional suspensions. When an athlete accepts the anti-doping rule violation asserted, or if he or she does not dispute the assertion within a deadline set by CyADA, CyADA shall promptly issue a written decision confirming the commission of an anti-doping rule violation and the consequences imposed, including the period of ineligibility.

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

7.18.5. Both, the Anti-Doping Disciplinary and Anti-Doping Appeal Panels, are composed of a Chair, a Vice-Chair and three members. The members of the bodies come from the legal, medical and sport fields. The candidates are appointed for a 1-year term, with the possibility for reappointment, without

⁸ “Council of Europe and fight against doping – 25 years of the Anti-Doping Convention: from past to future” [T-DO (2014) 30 rev1]: Draft Summary. Prepared by Mr Anders Solheim, Chair of the Monitoring Group of the Anti-Doping Convention.

term limit, by the announcement of the Minister published in the Official Gazette of the Republic of Cyprus, on the basis that they are in a position to hear the cases fairly, impartially and independently.

7.18.6. Parts IX and X of the Anti-Doping Decree of 2016 organise the procedures applicable to ensure athletes and athletes support personnel a right to a fair hearing. These parts set up the standards and principles for a fair hearing, including the right to a timely hearing, impartiality and independence of the hearing panels, the right for a party to be represented and to present evidence. As determined in Articles 85 and 96.9 of the Anti-Doping Decree of 2016, the athlete, as well as the other party, has the right to be represented at the hearing, at his own expense. Also, in accordance with the Article 87 and 96.11, the party shall have a right to an interpreter, if deemed necessary by the hearing panel. The responsibility for the cost of the interpreter shall be determined by the hearing panel.

7.18.8. The National Report provides that CyADA is aiming to explore means by which athletes who require legal assistance in relation to anti-doping disciplinary proceedings but are not in a position to fund the provision of that assistance, have access to some form of 'legal aid'. This would be designed to ensure that there is access to affordable legal support, and overall equality of arms in terms of the level of representation.

7.18.9. Parts IX and XX also state that the Anti-Doping Disciplinary and Anti-Doping Appeal Panels shall determine the procedure to be followed at the hearing. The panel shall issue, at the end of the hearing, a written decision that gives the reasoning for any sanction imposed.

7.18.10. According to the Decree, a failure by any party or its representative to attend a hearing after notification will be deemed to be an abandonment of its right to a hearing, unless reasonable grounds permit a reinstatement of this right.

7.18.11. The National Report mentions that CyADA seeks wherever possible to resolve disciplinary disputes by way of agreement without the need for a hearing, in line with the Anti-Doing Decree of 2016 and the Code. This involves the acceptance by the relevant Athlete or other person of a sanction proposed by CyADA. In addition, based on the information provided to the Evaluation Team by CyADA, only a small number of disputes went before the disciplinary or appeal panels.

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

7.18.12. The procedure for appeals is determined in accordance with the World Anti-Doping Code and International Standards provisions. The applicable rules are detailed in Part X of the Anti-Doping Decree of 2016.

7.18.13. The international level athletes may appeal directly to CAS. Other athletes can appeal to the Anti-Doping Appeal Panel, which shall be independent and impartial. The procedure is the same as the one applicable in front of the Anti-Doping Disciplinary Panel, in first instance.

7.19. Conclusion

7.19.1. The Evaluation Team concludes that Cyprus has fulfilled the commitments under Article 7.2.d of the Anti-Doping Convention of the Council of Europe. However, certain practices should be revised and possibly changed in order to put the human rights of athletes' standards at the highest level possible during the disciplinary process.

7.20. Recommendations

7.20.1. Recommendation no. 35: Although CyADA has a right to issue decisions on the basis of the mutual consent with the athletes, it seems that its right is exercised extensively. Therefore, CyADA should make a considerable effort to inform athletes of their rights to have access to a fair hearing and

to encourage them to request their disputes being resolved by an independent and impartial hearing panel.

7.20.2. Recommendation no. 36: The Cyprus authorities shall ensure that the Anti-Doping Disciplinary and Anti-Doping Appeal Panels are independent, impartial and their members or volunteers are free of organisational and individual conflicts of interest, secured by law or other regulations, as necessary. For this purpose, introducing a definition of conflicts of interest applicable to the members or volunteers of the panels should be considered. Moreover, the Ministry should prolong the term of the members of the disciplinary and appeal bodies for more than 1 year.

7.20.3. Recommendation no. 37: The Cyprus authorities should ensure the quality of the hearing panels. The members of the Anti-Doping Disciplinary and Anti-Doping Appeal Panels should be legally qualified persons with skills and experience in resolving disciplinary disputes, high performance sport, sports science and sports medicine. Taking into account a small number of decisions rendered so far by both panels, the Ministry of Education, Culture, Sport and Youth should ensure, in close collaboration with CyADA, that members of these bodies undergo necessary training in order to effectively resolve anti-doping disputes.

7.20.4. Recommendation no. 38: The Cyprus authorities should ensure that the disciplinary procedure complies not only with the Anti-Doping Convention, but also with the recommendations of the Monitoring Group of the Anti-Doping Convention (T-DO), in particular the recommendation on ensuring the independence of hearing panels and promoting fair trial in anti-doping cases (Rec (2017) 01 adopted on 20 February 2017), in particular:

7.20.4.1. CyADA should ensure that procedural fees do not prevent a person from accessing to a hearing. Therefore, the athlete should have the right to be assisted by an interpreter if needed, with the responsibility for the costs of such interpreter falling on the hearing panel and not on the athlete.

7.20.4.2. CyADA should consider the possibility of organising the public nature of hearings as a general principle, with a possibility to have a private hearing if requested by the athlete or the hearing body.

7.20.4.3. CyADA should also continue exploring means to ensure that there is an access to the affordable legal support offered to the athletes and other persons, and, consequently, that the overall equality of arms in terms of the level of representation is achieved.

* * *

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;

7.21. Introduction

7.21.1. The involvement of athlete support persons (i.e., coaches, trainers, team staff, team officials, medical and paramedical personnel and other persons working with, or treating an athlete) in doping of athletes is not uncommon. Thus, this Article of the Convention requires State Parties to have procedures in place allowing the imposition of effective penalties against those who are associated with doping infringements. This provision of the Convention includes also the veterinary doctors in order to ensure that they can be sanctioned in cases of doping in animals competing in sport.

7.22. Findings

7.22.1. The Anti-Doping Decree of 2016 defines the athlete support personnel as “*any coach, trainer, manager, agent, team staff, official, medical, paramedical personnel, parent or any other person working with, treating or assisting an athlete participating in or preparing for sports competitions*”. Consequently, the said Decree introduces the Code-based definition of athlete support personnel which is broader than the scope of this Article of the Convention.

7.22.2. Article 3.1(a) of the Decree states that its provisions shall apply to the following persons: i. all athletes and athlete support personnel who are members or license-holders of a Cyprus Sports Federation; ii. all athletes and athlete support personnel who participate in any capacity in any activity organised, held, convened or authorised by the Cyprus National Olympic Committee, the Cyprus National Paralympic Committee, and Cyprus Sports Federations; iii. any other athlete or athlete support personnel or other person who, by virtue of an accreditation, a licence or other contractual arrangement, or otherwise, is subject to the jurisdiction of a Cyprus Sports Federation or of any member or affiliate organisation of any Cyprus Sports Federation; iv. all athletes and athlete support personnel who participate in any capacity in any activity organised, held, convened or authorized by the organiser of a National Event, or of a national league that is not affiliated with a Cyprus Sports Federation and v. any other athletes.

7.22.3. Articles 5.1(f) and 5.1(g) of the Decree state that CyADA has the necessary authority and responsibility for “*vigorously pursuing all potential anti-doping rule violations within its jurisdiction, including investigating whether athlete support personnel or other persons may have been involved in each case of doping, ensuring proper enforcement of Consequences*” as well as for “*conducting an automatic investigation of athlete support personnel within its jurisdiction in case of any anti-doping rule violation by a minor and of any athlete support personnel who has provided support to more than one athlete found to have committed an anti-doping rule violation*”. In addition to that, according to Article 70.3 of the Decree, “*any athlete or other person who commits and is sanctioned for an anti-doping rule violation may be subject to the reduction or elimination of Government financial assistance or benefits on a temporary or permanent basis.*”.

7.22.4. Definitions of the anti-doping rule violations refer to athlete support personnel in particular with regards to the possession of a prohibited substance or method (Article 41.2 of the Decree) or the prohibited association (Article 45.1). Moreover, Article 63.1(c) of the Decree allows for more rigorous sanctions for violations of Articles 42 or 43 involving minors, if committed by athlete support personnel for violations other than for specified substances.

7.22.5. In addition, the aforementioned Article 63.1(c) of the Decree includes the provisions cited below that allow for additional sanctions to be imposed on athlete support personnel by the competent administrative, professional or judicial authorities, since the authority of sport organisations is generally limited to ineligibility for accreditation, membership and other sport benefits:

“[...] In addition, significant violations of paragraph 42 or 43 which may also violate non-sporting laws and regulations, shall be reported to the competent administrative, professional or judicial authorities.”.

7.22.6. Apart from the Anti-Doping Decree of 2016, Law N. 7(III) of 2009 provides for criminal liability in cases of possession or trafficking of doping substances or methods by athlete support persons as well as in cases of administration of doping substances or methods to athletes by athlete support persons; or assisting, encouraging, abetting or covering up an anti-doping rule violation. Criminal penalties include jail time of up to seven (7) years and/or a fine not exceeding seventy-five thousand euro (€75.000), with these sanctions having the potential to be doubled if the relevant conduct involves a minor. The Law N. 7(III) of 2009 also provides for criminal penalties in cases of possession, trafficking, prescribing,

supplying or administering to an animal used in sport a prohibited substance or method, or assisting, encouraging, abetting or covering up another person to commit any of these acts or actions, or attempting such conduct, in breach of any applicable anti-doping rules. Criminal penalties include jail time of up to five (5) years and/or a fine not exceeding fifty thousand euro (€50.000).

7.22.7. As mentioned in the National Report, CyADA maintains a working relationship with key Cyprus law enforcement agencies, being the Cyprus Police and the Department of Customs, with a view to exchanging information and intelligence relevant to anti-doping operations. However, it is not clear to the Evaluation Team if it is also used for the purposes of reporting on the athlete support personnel committing doping offences.

7.23. Conclusion

7.23.1. The Evaluation Team concludes that Cyprus fulfilled the commitments under Article 7.2.e of the Anti-Doping Convention of the Council of Europe.

7.24. Recommendations

7.24.1. Recommendation no. 39: In order to ensure the effectiveness in place of the relevant provisions of the Anti-Doping Decree of 2016, CyADA should establish a process aiming at effectively investigating on anti-doping rule violations committed by the athlete support personnel (ways and means of the investigation process, cooperation with law enforcement authorities and other relevant bodies including the Ministry of Health, collection of evidence etc.) and reporting its outcomes to the competent administrative or professional authorities with sanctioning powers.

* * *

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

7.25. Introduction

7.25.1. The Convention under this Article introduces elements of consistency between sports and between nations to ensure that sanctions imposed for doping rule violations are mutually recognised and not seeking alternative jurisdictions.

7.25.2. Mutual recognition of sanctions is one of the principles of the World Anti-Doping Code.

7.25.3. The principle of mutual recognition of sanctions is enhanced and reinforced by the Additional Protocol to the Anti-Doping Convention that entered into force in 2002.

7.26. Findings

7.26.1 The Anti-Doping Decree of 2016 provides that the decisions rendered by the Code Signatories shall be recognised and respected by CyADA and all national federations.

Article 29.5 of the Anti-Doping Decree of 2016 states as follows:

“Where another Anti-Doping Organisation with testing authority over an athlete who is subject to this Decree conducts testing on that athlete, the Competent Authority [CyADA] and the athlete's national federation shall recognise such testing in accordance with Article 111 of this Decree, and where agreed with that other Anti-Doping Organisation or otherwise provided in Article 7 of the Code the Competent Authority [CyADA] may bring

proceedings against the Athlete pursuant to this Decree for any anti-doping rule violation(s) arising in relation to such Testing.”.

In addition, Article 111 of the Decree provides that:

“111.1 Subject to the right of appeal provided in paragraphs 93 through 103, hearing results or other final adjudications of any Signatory which are consistent with the Code and are within that Signatory’s authority shall be applicable worldwide and shall be recognised and respected by the Competent Authority [CyADA] and by all National Federations and all persons bound by and subject to the provisions of this Decree.

2. The Competent Authority [CyADA] and all National Federations shall recognise the measures taken by other bodies which have not accepted the Code shall also be recognised and respected if the rules of those bodies are otherwise consistent with the Code or the provisions of the present Decree.”.

7.26.2. The Evaluation Team finds that the above provisions of the Anti-Doping Decree of 2016 cover the requirements under the Convention. However, in order to ensure the efficiency of the Decree in place, CyADA should establish a process for the analysis of the consistency of the decisions rendered by non-Signatories of the Code before their recognition.

7.27. Conclusion

7.27.1. The Evaluation Team concludes that Cyprus has fulfilled the commitments under Article 7.2.f of the Anti-Doping Convention of the Council of Europe.

7.28. Recommendations

7.28.1. None.

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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;

7.29. Introduction

7.29.1. Under this Article, the Convention requires from State Parties to 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.

7.29.2. In addition to the aforementioned elements, the Convention requires testing to 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.

7.29.3. In addition to the Convention, the World Anti-Doping Code requires Code-signatories to conduct testing in conformity with the provisions of the International Standard for Testing and Investigations

(ISTI)⁹. Among the purposes of the ISTI is, to plan for intelligence and effective testing, both in-competition and out-of-competition. To that end, the ISTI establishes mandatory standards among others, for test distribution planning (including collection and use of athlete whereabouts information) and the conduct of sample collection.

7.30. Findings

7.30.1. The Anti-Doping Decree of 2016 contains the operative Anti-Doping Rules that apply to sports persons, sporting institutions and national federations in Cyprus. Article 5.1 of the Decree outlines that CyADA has the necessary authority and responsibility to perform a list of activities that includes planning, coordinating, implementing, monitoring and advocating improvements in doping control.

7.30.2. The Decree has been declared in line with the 2015 World Anti-Doping Code by WADA. The Decree provides guidance related to the testing programme, including:

7.30.2.1. Testing shall be undertaken to obtain analytical evidence as to the athlete's compliance (or non-compliance) with the strict Code prohibition on the presence/use of a prohibited substance or prohibited method. Test distribution planning, testing, post-testing activity and all related activities conducted by CyADA shall be in conformity with the International Standard for Testing and Investigations. All provisions of the International Standard for Testing and Investigations shall apply automatically in respect of all such Testing (Article 29.2).

7.30.2.2. Subject to the jurisdictional limitations for event testing set out in Article 5.3 of the Code, CyADA shall have in-competition and out-of-competition testing authority over all of the athletes falling within the scope of Article 3.1 of the Anti-Doping Decree of 2016 (Article 29.1).

7.30.2.3. CyADA may require any athlete over whom it has testing authority (including any athlete serving a period of ineligibility) to provide a sample at any time and at any place (Article 29.2).

7.30.2.4. CyADA shall develop and implement an effective, intelligent and proportionate test distribution plan (TDP), in compliance with the requirements of the ISTI (Article 31).

7.30.2.5. CyADA shall identify a Registered Testing Pool (RTP) of those who are required to comply with the whereabouts requirements of Annex I to the ISTI (Article 33).

7.30.3. CyADA has a relatively extensive testing programme in place (compared with that of other NADOs of countries with a similar population and level of sporting activity). CyADA's testing figures for the years 2015-2018 are presented in table below. However, the number of samples collected in 2019 has significantly decreased to 125 samples (by 45%), the Evaluation Team understood that this is the result of CyADA's lack of funds and – mainly – the lack of human resources. The Evaluation Team is also concerned with the percentage of the out-of-competition tests. In the years 2015-2018 CyADA collected only 91 samples out-of-competition (out of 893). It represents around 10% of all the samples collected over this period.

Year	Samples		Tests		Total	AAFs
	Urine	Blood	IC	OOO		
2015	264	2	239	27	266	1
2016	163	4	144	23	167	3
2017	224	2	209	17	226	5
2018	234	-	210	24	234	3

⁹ The World Anti-Doping Code International Standard for Testing and Investigations (ISTI) is a mandatory International Standard developed as part of the World Anti-Doping Programme. The purposes of the ISTI are to plan for intelligent and effective Testing, both In-Competition and Out-of-Competition, the efficient and effective gathering, assessment and use of anti-doping intelligence and the efficient and effective conduct of investigations into possible anti-doping rule violations

7.30.4. CyADA's testing programme is based on risk assessment, in accordance with the International Standard for Testing and Investigation and the Technical Document for Sport Specific Analysis (TDSSA).

7.30.5. CyADA develops its Test Distribution Plan, establishes its Registered Testing Pool (RTP) and collects whereabouts from the athletes included in the RTP.

7.30.6. In 2019, CyADA's RTP includes 10 athletes from individual, Olympic and Paralympic sports. A separate pool for team sports (football, handball and basketball) has been developed by CyADA but has not been put in place because of its limited resources.

7.30.7. Since 2014, CyADA has a sample long-term storage policy based on which samples are placed in long-term storage. More than 250 samples have already been stored for reanalysis purposes. Apart from 8 samples stored at the South African Doping Control Laboratory in Bloemfontein, all other samples are stored at the Doping Control Laboratory of Athens. So far, only one sample was reanalyzed (based on intelligence received by CyADA), and it returned an adverse analytical finding.

7.30.8. CyADA's national testing activities are fully funded by the budget provided by the Ministry of Education, Culture, Sport and Youth. The budget to be allocated to CyADA by the Cyprus Government for 2020 is €199,500.

7.30.9. CyADA has conducted tests on behalf of other Anti-Doping Organisations (International Federations and National Anti-Doping Organisations) but in 2019 CyADA faced difficulties on completing such tests mainly due to the lack of resources and because the income generated by these activities goes to a general Government pool of funds and there is a bureaucratic process to claim back these resources. In practice, instead of generating an extra income to CyADA, these testing activities only drain the NADO's human and financial resources.

7.30.10. The Evaluation Team is of the opinion that the testing programme in place in Cyprus is in line with the principles of the Convention: on an effective scale, in-, and out-of-competition, without advance notice, and equitable for all sportsmen and sportswomen.

7.31. Conclusion

7.31.1. The Evaluation Team concludes that Cyprus has fulfilled its commitments under Article 7.3.a of the Anti-Doping Convention of the Council of Europe.

7.32. Recommendations

7.32.1. Recommendation no. 40: The public authorities in Cyprus should ensure CyADA is provided with an adequate budget to implement an effective doping control programme. It is worth noting that the CyADA should at least re-establish the average number of tests performed before 2019 as well as have enough staff personnel with at least a person dedicated for testing.

7.32.2. Recommendation no. 41: CyADA should address the weaknesses of its testing programme and focus more on out-of-competition testing. It should result in a substantial increase in the number of samples collected out-of-competition in the upcoming years.

* * *

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;

7.33. Introduction

7.33.1. Under this Article of the Convention the Parties are required to establish agreements (as necessary) with other organisations for testing their athletes when training in other countries.

7.33.2. The lack of testing of athletes when training in other countries has been identified as one of the reasons why the drug testing programmes have been generally ineffective in detecting dopers¹⁰.

7.34. Findings

7.34.1. In addition to the authority and jurisdiction outlined in the Anti-Doping Decree of 2016 and as described in the previous parts of this Report, Article 5.1(b) and (c) of the Decree states that CyADA has the necessary authority and responsibility for cooperating with other relevant national organisations, agencies and other Anti-Doping Organisations as well as encouraging reciprocal testing between National Anti-Doping Organisations.

7.34.2. CyADA has developed mechanisms and undertakes testing of Cypriot athletes when training out of the country through other NADOs or private testing companies worldwide.

7.34.3. CyADA has recently agreed to collaborate with the Polish NADO (POLADA) by means of which they can exchange information, intelligence and best practices regarding anti-doping activity, provide mutual support for sample collection sessions during national and international doping controls; and collaborate in relation to the funding and implementation of research projects.

7.35. Conclusion

7.35.1. The Evaluation Team concludes that Cyprus has fulfilled its commitments under Article 7.3.b of the Anti-Doping Convention of the Council of Europe.

7.36. Recommendations

7.36.1. Recommendation no. 42: The public authorities in Cyprus should continue to support CyADA in establishing further relationships with other NADOs and organisations to ensure Cypriot athletes are tested while training outside of Cyprus.

* * *

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

7.37. Introduction

7.37.1. 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. It assists Anti-Doping Organisations to detect those athletes who may choose to use prohibited substances or methods in order to enhance their performance in competition. In addition, 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.

¹⁰ The Report to WADA Executive Committee on Lack of Effectiveness of Testing Programs prepared by Working Group Established Following Foundation Board Meeting of 18 May 2012 was published by WADA on 5 December 2013 and is available at: www.wada-ama.org/en/resources/world-anti-doping-program/lack-of-effectiveness-of-testing-programs.

7.37.2. At the international level, major event organisations (e.g 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 organisations.

7.38. Findings

7.38.1. In addition to the authority and jurisdiction outlined in the Anti-Doping Decree of 2016 and as described above, Article 8.1(d) of the said Decree states that the Cyprus Sports Federations shall contribute to doping control by assisting with testing and results management and in particular provide to CyADA their activities and competition calendar, when requested, in order to facilitate testing. Additionally, Article 30.1 of the Decree defines that at national events held in Cyprus, the collection of samples shall be initiated and directed by CyADA.

7.38.2. During the development of its Risk Assessment and TDP, CyADA takes into consideration the calendar of events, both national and international, to determine the appropriate testing plan. This is effectively provided for in the Decree by operation of the test planning and execution duties assigned to CyADA. Moreover, in practice, CyADA collaborates with the taskforces that are established by major event organisations to gather intelligence and coordinate testing in the lead up to major events (e.g. the Olympic Games, Commonwealth Games, European Games and similar multisport events).

7.38.3. According to the information reviewed by the Evaluation Team, apart from the process for the development of CyADA's Risk Assessment and TDP, there does not appear to be a specific directive or policy that encourages CyADA to focus its testing and/or education plans on athletes competing in major events.

7.39. Conclusion

7.39.1. The Evaluation Team concludes that Cyprus has fulfilled its commitments under Article 7.3.c of the Anti-Doping Convention of the Council of Europe.

7.40. Recommendations

7.40.1. Recommendation no. 43: Given the large number of anti-doping rule violations as a result of the IOC's re-analysis of samples from past Olympic Games, the Cypriot authorities should consider supporting CyADA to include, as part of its processes, specific testing and education plans related to athletes and teams preparing/participating in major events.

* * *

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

7.41. Introduction

7.41.1. Several International Federations run anti-doping information and educational programmes for those athletes who are included in their registered testing pool or competing in their events.

7.41.2. The World Anti-Doping Agency and many international sports organisations (e.g. the International Olympic Committee (IOC), the International Paralympic Committee (IPC) and International Federations) establish their athlete committee, with aim to serve as the voice of clean

athletes, encouraging integrity and fairness for sport and athletes. Moreover, the participating athletes act as ambassadors for the fight against doping worldwide.

7.42. Findings

7.42.1. The Evaluation Team understood that only a few national federations have conducted anti-doping information and education programmes for athletes in Cyprus but even those that have the initiative do not make it consistently.

7.42.2. The Evaluation Team was advised that Cypriot athletes who are included in the Registered Testing Pool (RTP) of their International Federation participate from time to time in the International Federation's anti-doping information and education programmes. Similarly, many young athletes from Cyprus attend information and education programmes organised by their International Federations during competitions or training camps.

7.43. Conclusion

7.43.1. The Evaluation Team concludes that Cyprus has not fully fulfilled its commitments under Article 7.3.d of the Anti-Doping Convention of the Council of Europe.

7.44. Recommendations

7.44.1. Recommendation no. 44: The public authorities and National Federations in Cyprus should encourage and provide the necessary support to Cyprus athletes to participate in the anti-doping work of international sport organisations.

* * *

e. to make full and efficient use of the facilities available for doping analysis at the laboratories provided for by Article 5, both during and outside sports competitions;

7.45. Introduction

7.45.1. 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. The Convention under Article 7.3.e requires from the Parties to make full and efficient use of the analytical capacities of the laboratories.

7.45.2. In accordance with the Code, Anti-Doping Organisations may store samples for up to ten years for re-analysis at a later stage using improved analytical techniques developed in the meantime. This action has proved to be very effective on uncovering doped athletes and has a strong deterrent effect¹¹.

7.46. Findings

7.46.1. Part V of the Anti-Doping Decree of 2016 (more specifically under Articles 16 to 18) provides for the legal framework that regulates the relation between CyADA and laboratories.

¹¹ See, for example, the Press Releases from WADA regarding reanalysis of samples from Beijing 2008 and London 2012 Olympic Games by the International Olympic Committee in the lead up of the Rio 2016 Games. (<https://www.wada-ama.org/en/media/news/2016-05/wada-statement-regarding-re-testing-of-2008-beijingolympic-samples> and <https://www.wada-ama.org/en/media/news/2016-05/wada-statement-regarding-reanalysisof-2012-london-olympic-samples>, respectively; accessed: 14.11.2016)

7.46.2. Acknowledging that WADA-accredited laboratories may differ in analytical capacity, as well as their experience and expertise, CyADA has ensured the budgetary and administrative flexibility to send samples to any WADA-accredited laboratory, according to the analytical needs. For the analysis of urine and blood samples CyADA works with the following laboratories:

- Seibersdorf Labor GmbH Doping Control Laboratory, Austria;
- German Sport University Cologne - Institute of Biochemistry, Germany;
- Laboratoire Suisse d'Analyse du Dopage - Centre Hospitalier Universitaire Vaudois et Université de Lausanne, Switzerland ;
- Doping Control Laboratory of Athens, Greece, although that collaboration is currently suspended in light of the Athens Laboratory having had its accreditation suspended by WADA since October 2019.

7.46.3. The Seibersdorf Laboratory is also the competent Athlete Passport Management Unit (APMU) and manages both the haematological and steroidal modules of CyADA's Athlete Biological Passport (ABP) programme.

7.46.4. CyADA has established a storage and re-analysis strategy that includes identifying samples for storage based on top performances at national and World Championships as well as the high ranked athletes in high risk sport disciplines as identified in the risk assessment. The re-analysis of samples is based on Athlete Biological Passport data, intelligence received and laboratory recommendations. Since 2014 when CyADA put in place its sample long-term storage policy based on which samples are placed in long-term storage, more than 250 samples have already been stored for reanalysis purposes. So far, only one sample was reanalyzed (based on intelligence received by CyADA), and it returned an adverse analytical finding.

7.47. Conclusion

7.47.1. The Evaluation Team concludes that Cyprus has fulfilled its commitments under Article 7.3.e of the Anti-Doping Convention of the Council of Europe.

7.48. Recommendations

7.48.1. None.

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

7.49. Introduction

7.49.1. This Article of the Convention is a further reflection of the concern expressed in Article 6.2, namely that athletes need to be provided with scientifically prepared guidelines to support their training and protect them from unnecessary harm, and also to prevent them from doping.

7.50. Findings

7.50.1. During the meetings held with the representatives from Cyprus Secondary Education, Higher Education and Universities, the Evaluation Team was informed of the following:

7.50.1.1. The Academic Athletic Schools project was implemented in 2006 and currently allocates around 900 students from 12 to 18 years old. These are secondary schools with focus in sports. The

teachers/coaches have to be graduated in Physical Education and to be affiliated to a national federation of a given sport. The students receive anti-doping education and are subject to anti-doping tests whenever they take part in an official competition organised by a National Federation.

7.50.1.2. At the University of Nicosia (UNIC) an elective course on “Drugs in Sport and Ethics” is offered whereas at the European University Cyprus, anti-doping topics are currently addressed under the “Ethics & Integrity” course. The University of Central Lancashire Cyprus has signed a Memorandum of Understanding with CyADA and its Sports Sociology classes address the anti-doping topic, using WADA material. They also take part in outreach activities with CyADA and collaborate in researches and symposiums.

7.50.2. Several academic and research institutions in Cyprus conduct research in the field of sport (e.g. exercise physiology, nutrition, biomechanics, psychology etc.). The results of the research projects are disseminated for the support of the Athletes, including in events organised by CyADA in that respect.

7.51. Conclusion

7.51.1. The Evaluation Team concludes that Cyprus has fulfilled its commitments under Article 7.3.f of the Anti-Doping Convention of the Council of Europe.

7.52. Recommendations

7.52.1. Recommendation no. 45: The public authorities should continue to encourage and support their sport organisations, academic institutions, Public Health Services, other interested institutions and CyADA to work together in order to enhance the provision of scientific support of athletes in Cyprus.

Convention Article 8

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.

8.1. Introduction

8.1.1. Articles 8.1 and 8.2.c of the Convention emphasise the importance of coordination and cooperation among States Parties to the Convention at the international level.

8.1.2. The main channel for such cooperation is the Monitoring Group set up by virtue of the Article 10 of the Convention as well as the Advisory Groups and the ad hoc groups of experts established by virtue of the Article 11.2 of the Convention to support the work of the Monitoring Group¹².

8.1.3. Another important channel of cooperation within 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 the World Anti-Doping Agency.

8.1.4. Outside the structures of the Council of Europe, cooperation in the field of anti-doping can be achieved through many fora, including but not limited to WADA, UNESCO and the Conference of Parties to the International Convention against Doping in Sport, and the Institute of National Anti-Doping Organisations (iNADO)¹³.

8.1.5. Article 8.2.a refers to a regulation that is in place by many international sports organisations based on which they ratify records only if accompanied by a negative doping control report. As it is clarified in the Explanatory Report to the Anti-Doping Convention¹⁴:

¹² In accordance with the revised Rules of Procedures of the Monitoring Group of the Anti-Doping Convention, the Monitoring Group is assisted in its work by four permanently functioning Advisory Groups: a. Advisory Group on Compliance (T-DO COMP); b. Advisory Group on Education (T-DO ED); c. Advisory Group on Legal Issues (T-DO LI); and d. Advisory Group on Science (T-DO SCI). In addition, the Monitoring Group establishes ad hoc expert groups to undertake specific tasks that cannot be performed by any of the Advisory Groups.

¹³ The Institute of National Anti-Doping Organisations (iNADO), established in 2012, is the international member body for National Anti-Doping Organisations (NADOs): www.inado.org.

¹⁴ Explanatory Report to the Anti-Doping Convention, Strasbourg, 16.XI.1989, paragraph 78.

“(…) The drafters discussed the desirability of obliging national record claims to be subject to a similar requirement, but the practical difficulties of having a doping control team at every event, in every sport at which a national record might be claimed would be too great. In some countries where the emphasis is on out-of-competition controls, it would also be retrograde. However, the drafters considered that it was important that this explanatory report should mention the desirability of having such a condition, where practical, for national records, at least in high profile sports or events.”

8.2. Findings

8.2.1. The Republic of Cyprus signed the Anti-Doping Convention of the Council of Europe on 20 June 1991 and ratified it on 2 February 1994. Cyprus also signed and ratified the Additional Protocol to the Anti-Doping Convention of the Council of Europe: on 12 September 2002 and on 15 December 2004, respectively.

8.2.2. The Republic of Cyprus accessed the International Convention against Doping in Sport of UNESCO on 8 September 2009.

8.2.3. CyADA signed the World Anti-Doping Code Acceptance Form on 29 May 2009.

8.2.4. Representatives of CyADA regularly attend the meetings of the Monitoring Group of the Anti-Doping Convention (T-DO) and its Advisory Groups as well as the meetings of the Ad hoc European Committee for the World Anti-Doping Agency (CAHAMA). A representative from Cyprus, Dr Michael Petrou, President of CyADA, is currently the Chair of the Monitoring Group (T-DO)¹⁵ and previously served as Chair of the Advisory Group on Science (2006-2010), Vice-Chair of the Monitoring Group (2012-2014), and Chair of the Advisory Group on Compliance (2014-2018).

8.2.5. It is also worth mentioning that Cyprus has hosted several Council of Europe Anti-Doping Convention meetings listed below:

- Conference on Ethics and Social Science Research in Anti-Doping (13-14 April 2006),
- Informal Round-Table Discussion on Science in the fight against doping (25 March 2010),
- Advisory Group on Science (26 March 2010),
- Discussion on the improvement of the procedures to monitor compliance of the States parties with the Council of Europe Anti-Doping Convention (13-14 October 2014),
- Coordination Group meeting (12 October 2015),
- Advisory Group on Compliance (13 October 2015),
- Advisory Group on Compliance (3 October 2016),
- Coordination Group meeting (4 October 2016),
- Council of Europe Anti-Doping Symposium on the implementation of the Monitoring Group Recommendations (16 April 2018),
- Coordination Group meeting (17 April 2018).

8.2.6. Cyprus attends the Conference of Parties to the International Convention against Doping in Sport of UNESCO and the WADA Annual Symposium for Anti-Doping Organisations.

8.2.7. CyADA is a member of the Institute of National Anti-Doping Organisations (iNADO) since 2013.

¹⁵ Dr Michael Petrou was voted in as Chair of the Monitoring Group following formal elections in May 2018 for a two-year term with possible reelection. With T-DO being the body in which officials from the European countries take decisions on the future of the anti-doping policy in the region, Dr Petrou's position is of particular importance for the development of the European and global anti-doping policy.

8.2.8. In addition to the aforementioned fora, CyADA collaborates with many Anti-Doping Organisations, including the International Federations, mainly for testing services in international events that are held in Cyprus.

8.2.9. CyADA cooperates on more regular basis with some National Anti-Doping Organisations, including the following:

- ESKAN: CyADA has established formal cooperation with the NADO of Greece (ESKAN) with the aim to assisting the Greek authorities in the development of their anti-doping programme. This has been in effect since 2018.
- UKAD: CyADA has a long-standing partnership with the United Kingdom NADO (UKAD) which provides regular training and assessment to CyADA's Doping Control Personnel. Since 2018, the partnership has expanded with UKAD providing training and assessment of CyADA's Anti-Doping Educators.
- POLADA: CyADA has recently agreed to collaborate with the Polish NADO (POLADA) in relation to a project whereby each will exchange best practices and operational experiences. In particular, CyADA and POLADA will identify opportunities whereby they can exchange information, intelligence and best practices regarding anti-doping activity, provide mutual support for sample collection sessions during national and international doping controls; and collaborate in relation to the funding and implementation of research projects.

8.2.10. Regarding the regulation based on which sport organisations ratify records only if accompanied by a negative doping control report (Convention Article 8.2.a), the Evaluation Team understood that although none of the national federations in Cyprus have such requirements in place, CyADA makes every possible effort to test athletes when they break national record.

8.3. Conclusion

8.3.1. The Evaluation Team concludes that Cyprus has fulfilled the commitments under Article 8 of the Anti-Doping Convention of the Council of Europe.

8.4. Recommendations

8.4.1. Recommendation no. 46: The Evaluation Team encourages CyADA and the Ministry of Education, Culture, Sport and Youth to continue participating actively in the T-DO and CAHAMA activities as well as other international activities regarding the fight against doping in sport.

8.5. Example of Best Practices

8.5.1. Given the size of the organisation and its limited staff, CyADA managed to develop an extensive programme of international cooperation. It works individually with many international organisations, including other National Anti-Doping Organisation and Universities. The Evaluation Team is also impressed by the role played internationally by the President of CyADA, especially taking into account the range of his national responsibilities and the fact that he is the only full-time employee of CyADA. International cooperation and different partnerships worldwide are crucial for the fight against doping in sport to be effective. Therefore, the Evaluation Team finds it useful to promote CyADA's approach among other Anti-Doping Organisations.

Convention Article 9

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.

9.1. Introduction

9.1.1. The Convention requires State 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.

9.2. Findings

9.2.1. Representatives of Cyprus attend the meetings of the Monitoring Group and report to the Monitoring Group on the legislative and other measures taken for the purpose of the implementation of the provisions of the Convention as well as on any developments made at the national level for the fight against doping in Cyprus.

9.2.2. The Cyprus authorities regularly reply to the annual questionnaire that is set up by the Monitoring Group to provide information about the implementation of the Convention.

9.2.3. In addition, Cyprus is also involved in the other compliance monitoring tools, including the WADA Code Compliance Questionnaire (CyADA responded to the questionnaire in 2017 and agreed to share it with the Monitoring Group) and the UNESCO questionnaire (Anti-Doping Logic) measuring the implementation of the International Convention against Doping in Sport.

9.3. Conclusion

9.3.1. The Evaluation Team concludes that Cyprus has fully implemented Article 9 of the Anti-Doping Convention of the Council of Europe.

9.4. Recommendations

9.4.1. Recommendation no. 47: The Cyprus authorities should continuously provide information to the Monitoring Group on the legislative and other measures they take for the purpose of the implementation of the provisions of the Convention and the developments, at the national level, for the fight against doping in Cyprus.

9.4.2. Recommendation no. 48: CyADA should enable the other Parties to the Convention to easily access all the relevant information about the anti-doping system in Cyprus. Therefore, it should draft and publish an annual report on its activities, also to comply with Article 14.4 of the Code.

Additional Protocol

Article 1 – Mutual recognition of doping controls

1. Bearing in mind the provisions of Articles 3.2, 4.3.d and 7.3.b of the Convention, the Parties shall mutually recognise the competence of sports or national anti-doping organisations to conduct doping controls on their territory, in compliance with the national regulations of the host country, on sportsmen and women coming from other Parties to the Convention. The result of such controls shall be communicated simultaneously to the national anti-doping organisation and national sports federation of the sportsman or sportswoman concerned, to the national anti-doping organisation of the host country, and to the international sports federation.

2. The Parties shall take such measures as are necessary for the conduct of such controls, which may be in addition to those carried out by virtue of a previous bilateral or other specific agreement. In order to ensure compliance with internationally recognised standards, the sports or national anti-doping organisations shall be certified to the ISO quality standards for doping control recognised by the Monitoring Group, set up by virtue of Article 10 of the Convention.

3. The Parties shall similarly recognise the competence of the World Anti-Doping Agency (WADA) and of other doping control organisations operating under its authority to conduct out-of-competition controls on their sportsmen and women, whether on their territory or elsewhere. The results of these tests shall be communicated to the national anti-doping organisation of the sportsmen and women concerned. Any such controls shall be carried out, in agreement with the sports organisations referred to in Article 4.3.c of the Convention, in accordance with regulations in force and with the provisions of national law of the host country.

P1. Introduction

P1.1. As explained in the preamble of the Additional Protocol to the Anti-Doping Convention, “a general agreement on the mutual recognition of the anti-doping controls (...) would increase the effectiveness of these controls by contributing to the harmonisation, the transparency and the efficiency of existing and future bilateral or multilateral doping agreements reached in this area and by providing the necessary authority for such controls in the absence of any agreement on the matter.”

P1.2. The principle of mutual recognition of doping controls is found in the World Anti-Doping Code. Article 15 of the Code reads as follows:

“ARTICLE 15 APPLICATION AND RECOGNITION OF DECISIONS

15.1 Subject to the right to appeal provided in Article 13, testing, hearing results or other final adjudications of any Signatory which are consistent with the Code and are within that Signatory’s authority, shall be applicable worldwide and shall be recognised and respected by all other Signatories.

15.2 Signatories shall recognise the measures taken by other bodies which have not accepted the Code if the rules of those bodies are otherwise consistent with the Code.”

P1.3 The importance of adoption of ISO standards by Anti-Doping Organisations is reflected in the Additional Protocol to the Anti-Doping Convention of the Council of Europe. ISO certification represents a tool for achieving harmonisation of standards and procedures in doping control.

In addition, ISO certification helps to enhance the level of confidence that athletes have in the doping control system.

P2. Findings

P2.1. In addition to the authority and jurisdiction outlined in the Anti-Doping Decree of 2016 and as described above, the said Decree also addresses the topics outlined in the Convention Additional Protocol Article 1 in several articles, including:

P2.1.1. Article 5.1(b) and (c) outlines that CyADA, has the necessary authority and responsibility for cooperating with other relevant national organisations, agencies and other Anti-Doping Organisations and encouraging reciprocal testing between National Anti-Doping Organisations

P2.1.2. Article 29.3 states that WADA shall have in-competition and out-of-competition testing authority as set out in Article 20.7.8 of the Code.

P2.1.3. Article 29.5 rules that where another Anti-Doping Organisation with testing authority over an athlete who is subject to the 2016 Decree conducts testing on that athlete, CyADA and the athlete's national federation shall recognise such testing in accordance with Article 111 of the Decree, and where agreed with that other Anti-Doping Organisation or otherwise provided in Article 7 of the Code CyADA may bring proceedings against the athlete for any anti-doping rule violation(s) arising in relation to such testing.

P2.1.4. Article 30.1 outlines that, at international events held in Cyprus, the collection of samples shall be initiated and directed by the International Federation (or any other international organisation which is the ruling body for the event).

P2.1.5. Article 49.1(a) informs that the results from all analyses must be sent to CyADA in encoded form, in a report signed by an authorized representative of the laboratory. All communication must be conducted confidentially and in conformity with ADAMS or another system approved by WADA.

P2.1.6. Article 111.1 indicates that, subject to the right of appeal provided in Article 93 through 103 of the Decree, hearing results or other final adjudications of any signatory which are consistent with the Code and are within that signatory's authority shall be applicable worldwide and shall be recognised and respected by CyADA and by all National Federations and all persons bound by and subject to the provisions of the Decree.

P2.1.7. Finally, Article 111.2 rules that CyADA and all national federations shall recognise the measures taken by other bodies which have not accepted the Code if the rules of those bodies are otherwise consistent with the Code or the provisions of the Decree.

P2.2. Cyprus imposes no restrictions on International Federations conducting doping tests on Cypriot athletes. The results of such tests are recognised by CyADA and the national federations, in accordance with the Code and Cyprus Anti-Doping Rules.

P2.3. It is worth noting that due to the political situation, CyADA does not conduct testing or any other anti-doping activities in the northern part of the country (36.2% of its territory).

P2.4. CyADA is not ISO certified. The Evaluation Team was advised that CyADA had initial discussions with certain ISO accreditation bodies; however, with CyADA's limited resources and staff, it was impossible to achieve and maintain ISO certification.

P3. Conclusion

P3.1. The Evaluation Team concludes that Cyprus has not fully fulfilled its commitments under Additional Protocol Article 1 of the Anti-Doping Convention of the Council of Europe.

P4. Recommendations

P4.1. Recommendation no. 49: In order to harmonise standards and procedures in its doping control and other (e.g. TUEs) processes and to show to its stakeholders that its stands to the highest international standards, CyADA is required to get an ISO certification of its processes.

Examples of Best Practices

Convention Article 6: Education

The Evaluation team was impressed with the scope and intensity of research activities carried out by CyADA, despite the fact that only one person remains responsible there for all functional areas, including research. According to the National Report, CyADA conducted a number of valuable and advanced research projects in a variety of fields. Unlike many other Anti-Doping Organisations, especially of a similar size, CyADA pays a lot of attention to the research activities. It also developed a unique framework of cooperation with many universities across the country involving them in the anti-doping research. The quality of the actions taken by CyADA in this respect is extraordinary as for such a small organisation. Therefore, the Evaluation Team finds it useful to promote this approach among other Anti-Doping Organisations.

Convention Article 8: International co-operation

Given the size of the organisation and its limited staff, CyADA managed to develop an extensive programme of international cooperation. It works individually with many international organisations, including the other National Anti-Doping Organisation and Universities. The Evaluation Team is also impressed by the role played internationally by the President of CyADA, especially taking into account the range of his national responsibilities and the fact that he is the only full-time employee of CyADA. International cooperation and different partnerships worldwide are crucial for the fight against doping in sport to be effective. Therefore, the Evaluation Team finds it useful to promote CyADA's approach among other Anti-Doping Organisations.

Convention Compliance Chart

Convention Article & sub-articles	State of implementation		
	Implemented (✓)	Partly / Not fully implemented (O)	Not implemented (X)
Convention Article 1	✓		
Convention Article 2			
sub-Article 2.1	✓		
sub-Article 2.2		O	
Convention Article 3		O	
Convention Article 4			
sub-Article 4.1	✓		
sub-Article 4.2		O	
sub-Article 4.3			
sub-Article 4.3.a		O	
sub-Article 4.3.b		O	
sub-Article 4.3.c	✓		
sub-Article 4.3.d	✓		
sub-Article 4.4	✓		
Convention Article 5	✓		
Convention Article 6			
sub-Article 6.1	✓		
sub-Article 6.2	✓		
Convention Article 7			
sub-Article 7.1	✓		
sub-Article 7.2			
sub-Article 7.2.a	✓		
sub-Article 7.2.b	✓		
sub-Article 7.2.c	✓		
sub-Article 7.2.d	✓		
sub-Article 7.2.e	✓		
sub-Article 7.2.f	✓		
sub-Article 7.3			
sub-Article 7.3.a	✓		
sub-Article 7.3.b	✓		
sub-Article 7.3.c	✓		
sub-Article 7.3.d		O	
sub-Article 7.3.e	✓		
sub-Article 7.3.f	✓		
Convention Article 8	✓		
Convention Article 9	✓		
Additional Protocol Article 1		O	

MONITORING GROUP (T-DO)

ANTI-DOPING CONVENTION

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Annex 1: Composition of the Evaluation Team

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Annex 2: Programme of the Evaluation Visit

16 December 2019

- 9:45 – 10:30 Meeting with the Cyprus Anti-Doping Authority (CyADA),
- Dr Michael PETROU, President of CyADA
- 10:45 – 11:30 Meeting with the representatives responsible for Secondary Education, Ministry of Education, Culture, Sport and Youth
- Mr Neophytos PAPAIOANNOU, Physical Education Inspector, Ministry of Education, Culture, Sport and Youth
 - Mr Renos PITTALIS, Athletic Director of Athletic School (Gymnasium), Ministry of Education, Culture, Sport and Youth
 - Dr Michael PETROU, President of CyADA
- 11:30 – 12:00 Meeting with the Minister of Education, Culture, Sport and Youth
- Mr Prodromos PRODROMOU, Minister of Education, Culture, Sport and Youth
 - Mrs Marianna MEGALEMOU, Officer, Ministry of Education, Culture, Sport and Youth; and Member of CyADA on behalf of the Permanent Secretary of the Ministry
 - Dr Michael PETROU, President of CyADA
- 12:00 – 12:45 Meeting with the representatives responsible for Higher Education; and with the Universities, Ministry of Education, Culture, Sport and Youth
- Mr Leonidas NEOCLEOUS, Senior Education Officer, Department of Higher Education, Ministry of Education, Culture, Sport and Youth
 - Dr Antonis ALEXOPOULOS, Lecturer in Sports Sociology, European University
 - Dr Efstathios CHRISTODOULIDES, Lecturer in Sports and Exercise Science, University of Central Lancashire (UCLan)
 - Dr Stella NICOLAOU, Assistant Professor, School of Sciences and Engineering, University of Nicosia
 - Dr Michael PETROU, President of CyADA
- 13:45 – 15:00 Meeting with the representatives from Cyprus Police; Customs; Health Ministry
- Mr Andreas ANASTASIOU, Senior Police Sergeant, Anti-Drugs Unit; and Member of CyADA (on behalf of the Chief of Police)
 - Mr Christos CHRISTOU, Customs Officer A, Head of Customs, Larnaca Airport

- Mr Kyriakos KYRIAKOU, Customs Officer, Investigations Section
- Mrs Dora PARTASSIDES, Senior Chemist, State General Laboratory, Ministry of Health
- Mr Giorgos HARTOUTSIOS, Public Health Officer, Public Health Services, Ministry of Health
- Dr Michael PETROU, President of CyADA

15:00 – 16:30 Meeting with Cyprus Anti-Doping Authority (CyADA)

- Dr Michael PETROU, President of CyADA

18:00 – 19:30 CyADA 10th Anniversary Event

17 December 2019

9:00 – 9:45 Meeting with the Cyprus Anti-Doping Authority (CyADA)

- Dr Michael PETROU, President of CyADA

10:00 – 10:30 Meeting with the Cyprus National Olympic Committee (NOC)

- Mrs Olga PIPERIDOU – CHRYSAFI, General Director, Cyprus NOC; and Member of CyADA (on behalf of the President of the Cyprus NOC)
- General Charalambos LOTTAS, Secretary General, Cyprus NOC
- Mr Nikos SOFIOPOULOS, Press Officer, Cyprus NOC
- Dr Michael PETROU, President of CyADA

10:30 – 11:30 Meeting with the representatives of different national sport federations

- Mr Alexandros CHRISTOPHOROU, President, Cyprus Swimming Federation
- Mr Athos ANTONIOU, Director, Cyprus Basketball Federation
- Mr Petros IOANNOU, Director, Cyprus Shooting Federation
- Mr Petros KIRITSIS, Counsel (former Director), Cyprus Shooting Federation
- Mrs Denisse OFFERMAN LOIZOU, Secretary General, Cyprus Weightlifting Federation
- Mrs Skevi ANDREOU, Technical Advisor, Cyprus Gymnastics Federation
- Mr Nikos SOFIOPOULOS, Press Officer, Cyprus NOC
- Dr Michael PETROU, President of CyADA

11:30 – 12:30 Meeting with the athletes

- Mr Christophoros PAPACHRISTOPHOROU, Ski; Vice-President, Cyprus National Olympic Committee Athletes Commission
- Mr Nicolas CONSTANTINOU, Basketball
- Mr Andreas MILTIADOUS, Cycling
- Ms Kyriaki KOUTTOUKI, Taekwondo
- Mr Marios GEORGIU, Gymnastics

- Mr Thomas TSIOPANIS, Swimming
- Mr Nikos SOFIOPOULOS, Press Officer, Cyprus NOC
- Dr Michael PETROU, President of CyADA

13:00 – 14:00 Meeting with the Cyprus Sports Organisation (CSO)

- Mr Andreas MICHAELIDES, President, Board of Directors, CSO
- Mrs Mary CHARALAMBOUS – PAPAMILTIADES, Director General, CSO
- Mr Vassos KOUTSIOUNTAS, Head of Finance, CSO
- Mr Paris AVRAAMIDES, Senior Officer, CSO
- Mrs Marianna MEGALEMOU, Officer, Ministry of Education, Culture, Sport and Youth; and Member of CyADA
- Dr Michael PETROU, President of CyADA

15:00 – 16:00 Meeting with the Cyprus Anti-Doping Authority (CyADA)

- Dr Michael PETROU, President of CyADA

16:00 – 17:30 Meeting with the Ministry of Education, Culture, Sport and Youth

- Mrs Marianna MEGALEMOU, Officer, Ministry of Education, Culture, Sport and Youth; and Member of CyADA
- Dr Michael PETROU, President of CyADA

17:30 – 19:30 Meeting with the Cyprus Anti-Doping Authority (CyADA)

- Dr Michael PETROU, President of CyADA

Part II - National Report of the Republic of Cyprus

CYPRUS

**COUNCIL OF EUROPE ANTI-DOPING CONVENTION
MONITORING GROUP EVALUATION VISIT
DECEMBER 16-17 2019**

NATIONAL REPORT

Prepared by

**Cyprus Anti-Doping Authority
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CYPRUS**

*Dr Michael Petrou, President, Cyprus Anti-Doping Authority
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A. Introduction

In 2018, the Cyprus Government extended to the Council of Europe an invitation for an Expert Group to visit Cyprus, for the purpose of evaluating the measures taken by the Cyprus Government to comply with its commitments pursuant to the Council of Europe Anti-Doping Convention, and to provide recommendations in respect of the implementation of the Convention in Cyprus and the domestic anti-doping programme.

This Report ('the National Report') has been compiled pursuant to that invitation. It details the measures taken by the Cyprus Government to comply with the commitments made pursuant to the Convention. The National Report is concerned solely with Articles 1-9 of the Convention, and Article 1 of the Additional Protocol to the Convention that create responsibilities for States parties.

The Cyprus Government has also ratified the International Convention against Doping in Sport of UNESCO. The measures taken to implement the UNESCO Convention overlap substantially with those taken to implement the Council of Europe Anti-Doping Convention, and where relevant are discussed in the National Report.

B. Structure

The National Report adopts a straightforward structure, being divided into ten Parts. Parts 1-9 contain information relevant to the corresponding Article of the Convention; Part 1 details the measures taken by the Cyprus Government that are relevant to Article 1 of the Convention, and so on. Part 10 refers to the various Annexes and Appendices identified in the National Report.

The different Parts of this National Report are included at the following pages:

<i>Content</i>	<i>Page Number</i>
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References

The following references are used in this Report

Term	Meaning
<i>Convention</i>	The Council of Europe Anti-Doping Convention
<i>UNESCO Convention</i>	The International Convention Against Doping in Sport
<i>Code</i>	The World Anti-Doping Code 2015
<i>Standards</i>	The International Standards to the World Anti-Doping Code
<i>National Federation</i>	A Governing body for a sport in Cyprus
<i>NADO</i>	National Anti-Doping Organisation, as that term is used and defined in the Code
<i>Athlete</i>	To be construed and read as that term is used and defined in the Code
<i>Athlete Support Personnel</i>	To be construed and read as that term is used and defined in the Code
<i>Doping Control</i>	To be construed and read as that term is used and defined in the Code
<i>Anti-Doping Organisation</i>	To be construed and read as that term is used and defined in the Code

PART ONE

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 1 requires State Parties to the Convention to take measures to reduce and eliminate doping in sport, including by way of legislation.

The Convention

2. The Convention was ratified by the Cyprus Government on 2 February 1994 by way of Law N. 37(III) of 1993 and entered into force on 1 April 1994¹⁶ (**Appendix One to this Report**). The Additional Protocol to the Convention was ratified by the Cyprus Government on 15 December 2004 by way of Law N. 6(III) of 2004 (**Appendix Two to this Report**) and entered into force on 1 April 2005¹⁷.

Anti-Doping Legislation

3. The principal legislation concerning doping in sport in Cyprus is Law N. 7(III) of 2009, being the 2009 (Ratifying) Law of the International (UNESCO) Convention Against Doping in Sport (**Appendix Three to this Report**). Law N. 7(III) of 2009 empowers the Cyprus Government to issue decrees relevant to anti-doping matters in Cyprus.
4. Pursuant to Law N. 7(III) of 2009, the Cyprus Government has established the Cyprus Anti-Doping Authority ('CyADA') by way of the Anti-Doping (Establishment of the Competent Authority) Decree of 2009. CyADA is the National Anti-Doping Organisation for Cyprus. It is a Signatory to the Code.
5. Pursuant to Law N. 7(III) of 2009, the Cyprus Government also established, in 2011:
 - the National Disciplinary Anti-Doping Panel (having the responsibility to '*adjudicate and impose sanctions on athletes and other persons being disciplinarily responsible for violation of the provisions of the Code as modified or substituted*'); and
 - the National Anti-Doping Appeal Panel (with the responsibility to '*adjudicate appeals against decisions of the Anti-Doping Disciplinary Panel, [CyADA] or the Therapeutic Use Committee*').
6. Pursuant to Law N. 7(III) of 2009, the Cyprus Government has enacted the Anti-Doping (Implementing measures of the Convention, its Annexes and Appendices, Functioning of the Competent Authority, Functioning of the Anti-Doping Disciplinary Panel and Functioning of the Anti-Doping Appeal Panel) Decree of 2016 ('RAA 183/2016')¹⁸ (**Appendix Four to this Report**). This is referred to as '**the Decree**' in this National Report.

¹⁶ See the full list of ratifications hosted at: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/135/signatures?p_auth=jL6pUtDN

¹⁷ https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/188/signatures?p_auth=HeFVN63Z

¹⁸ This replaced a similar, earlier instrument that gave effect to the 2009 Code

7. The Decree forms the operative Anti-Doping Rules that apply to sports persons, sporting institutions and National Federations in Cyprus. It delegates a number of roles and responsibilities to a '*Competent Authority*': as noted above, CyADA has been designated as the Competent Authority by the Cyprus Government.
8. Law N. 7(III) of 2009 establishes criminal penalties in respect of acts that constitute or are equivalent to violations of anti-doping standards.
9. These legislative mechanisms are discussed in further detail in the National Report.

PART TWO

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.***

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

1. Article 2.1 does not specify 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. The key terms relevant to anti-doping regulation are defined in (or by reference to) the Decree. The Decree constitutes a unified system of anti-doping regulations that apply to sports institutions and persons as provided for in the Decree. CyADA’s jurisdiction over sports institutions and persons is established by the Decree. In practice, this means that the Decree is the set of anti-doping rules that all National Federations in Cyprus must comply with, and that CyADA is the sole body empowered by the Decree to conduct the key operational tasks associated with anti-doping: including in particular, testing, the provision of therapeutic use exemptions, results management and disciplinary and investigation actions.
3. In relation to the specific terms identified in Article 2, the Decree (in Paragraph 2.1) uses the following terms –

“Anti-Doping Rule Violation” means one or more anti-doping rule violations as established by paragraphs 36 to 45 of this Decree.

“Prohibited List” means the list identifying the Prohibited Substances and Prohibited Methods as referenced in Annex I of the [UNESCO] Convention.

“Athlete” means any Person who competes in sport at the international level (as defined by each International Federation), or the national level (as defined by each National Anti-Doping Organization). An Anti-Doping Organization has discretion to apply anti-doping rules to an Athlete who is neither an International-Level Athlete nor a National-Level Athlete, and thus to bring them within the definition of “Athlete.” For purposes of Code

Article 2.8 and Article 2.9 (paragraph 43¹⁹ and paragraph 44²⁰ of this Decree) and for purposes of anti-doping information and education, any Person who participates in sport under the authority of any Signatory, government, or other sports organization accepting the Code is an Athlete.

“Athlete Support Personnel” means any coach, trainer, manager, agent, team staff, official, medical or paramedical personnel, parent or any other person working with, treating or assisting an athlete participating in or preparing for sports competitions.

4. In relation to the Convention terms used in Article 2.1, and the corresponding Definitions used in the Decree –

4.1. Doping Violations

Article 2.1(a) of the Convention defines doping in sport by reference to specific acts (these being ‘administration’ and ‘use’ of doping agents or methods). These acts are included within Article 2 of the Code, which details in total ten Anti-Doping Rule Violations. The Decree definition refers to the Anti-Doping Rule Violations listed at Article 2 of the Code, and so includes the acts referred to in Article 2.1(a) of the Convention.

4.2. Prohibited List

The International Standard for the Prohibited List²¹ is updated annually by WADA and forms the ‘Prohibited List’ of prohibited substances and methods. The Decree incorporates the Prohibited List by reference to ‘*the List of the Prohibited Substances and Prohibited Methods as referenced in Annex I of the Convention*’. The reference in the Decree to ‘*Annex I of the Convention*’ is to Annex I of the UNESCO Convention. The UNESCO Convention automatically updates each year with the latest version of the Prohibited List, and as a result, the Decree automatically updates also. The Decree will always apply whatever version of the Prohibited List that forms Annex I of the UNESCO Convention.

Law N. 7(III) of 2009 does not expressly refer to this automatic updating of the Prohibited List. It is therefore unclear at any particular time which version of the Prohibited List is relevant to the Law. This lack of clarity might have the potential to complicate any proceedings that are brought pursuant to the Law against persons suspected of committing a doping-related offence.

4.3. Sportspersons

The Convention encompasses by way of Article 2.1(a) ‘*persons who participate regularly in organised sports activities*’. This is a broader community than that referred to in the Decree, which defines participants in a manner that is consistent with the Code. However, Law N. 7(III) of 2009 applies to a broader class of person, in that it states that the provisions in Law N. 7(III) of 2009 relating to criminal matters are ‘*valid in the meaning of athletes in the sense of the Anti-Doping Convention of the Council of Europe*’. This ensures that doping-related misconduct offences apply equally to all Cypriot citizens who engage in ‘organised sports activities’.

¹⁹ Administration or Attempted Administration

²⁰ Complicity

²¹ <https://www.wada-ama.org/en/content/what-is-prohibited>

PART THREE

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.

1. The Convention envisages that to achieve the practical implementation of the Convention, States Parties should establish a national responsible body, with some degree of authority over individual sports so as to ensure consistency across all sports at the national level. Likewise, the Code contemplates the establishing of a NADO defined as an entity “(...) possessing the primary authority and responsibility to adopt and implement anti-doping rules, direct the collection of samples, the management of test results, and the conduct of hearings at the national level”. A NADO should be able to give effect to a Government’s commitments under the Convention, and comply with the NADO’s own commitments as a Signatory to the Code.
2. This National Report explains in relation to Article 1 how the ‘*implementation of some of the provisions of this Convention*’ have been entrusted by the Cyprus Government ‘*to a designated governmental ... sports authority*’. That trusted authority is CyADA.
3. CyADA is the ‘competent authority’ referred to in Law N. 7(III) of 2009 and the Decree and designated by the Decree (in paragraph 5(1)) as having a number of duties and responsibilities. These include –
 - *Planning, coordinating, implementing, monitoring and advocating improvements in Doping Control;*
 - *Cooperating with other relevant national organizations, agencies and other Anti-Doping Organizations;*
 - *Encouraging reciprocal Testing between National Anti-Doping Organizations;*
 - *Planning, implementing and monitoring anti-doping information, education and prevention programs;*
 - *Promoting anti-doping research;*
 - *Vigorously pursuing all potential anti-doping rule violations within its jurisdiction, including investigating whether Athlete Support Personnel or other Persons may have been involved in each case of doping, and ensuring proper enforcement of Consequences;*
 - *Conducting an automatic investigation of Athlete Support Personnel within its jurisdiction in the case of any anti-doping rule violation by a Minor and of any Athlete Support Personnel who has provided support to more than one Athlete found to have committed an anti-doping rule violation;*
 - *Cooperating fully with WADA in connection with investigations conducted by WADA pursuant to Article 20.7.10 of the Code.*

- *monitor the application of the provisions of the present Decree by the Cyprus Sports Organisation, the Cyprus Olympic Committee, the Cyprus National Paralympic Committee, the Cyprus Sports Federations evaluate the measures taken to implement the provisions of the present Decree and provide annual reports to the Minister on the application of the present Decree;*
 - *cooperate with the Cyprus Sports Organisation, the Cyprus Olympic Committee, the Cyprus National Paralympic Committee, the Cyprus [National] Federations, and the Government to encourage and promote anti-doping education and research and to take reasonable measures to ensure all research and the results of such research is consistent with the principles of the Code.*
4. The Decree also provides (in paragraph 5(2)) that CyADA should be '*independent in operational decisions and activities from all public and sports movement bodies*'. In that respect, no person who is '*(a) employee of or serve in any governance or policy making capacity of a [National Federation] or for any other sport organisation for which CyADA conducts doping controls; or (b) an active Athlete (or an Athlete Support Personnel of an active Athlete) in a sport for which CyADA conducts doping controls*' is permitted to have any association with CyADA.
 5. CyADA's governance structures includes a body appointed by way of Ministerial Decree published in the Official Gazette of the Cyprus Government. There are seven members of this body, including four members who are appointed by the Cyprus Government *ex officio* (these being the Director General of the Ministry of Education, Culture, Sport and Youth; the Chief of Police; the President of the Cyprus Sports Organisation; and the President of the Cyprus National Olympic Committee, or their representatives); two experts; and an Executive President. The term of office of the members of this body is five years.
 6. The Cyprus Sports Organisation is semi-governmental body established to fulfil a number of functions associated with sport in Cyprus, including the provision of funding. It is governed by a Board appointed by the Cyprus Government. CyADA's office has, in the past, agreed a temporary staffing arrangement with the Cyprus Sports Organisation, whereby staff from the Cyprus Sports Organisation have provided assistance to CyADA. Although intended to be a temporary measure, this arrangement has remained in place. At present, the Executive President of CyADA is supported by one part-time employee of the Cyprus Sports Organisation. There is no other support and no other permanent staff.
 7. CyADA's management is engaged in a dialogue with the Ministry of Education, Culture, Sport and Youth regarding the level of staff and resources available to CyADA, with a view to these being increased in 2020. This increase will be required to address the ongoing demands of, and to assist and prepare sport in Cyprus for, the new Code and Standards, these being effective in 2021. Significant extra resource will be required also to assist in the preparation for the Tokyo 2020 Olympic and Paralympic Games.
 8. The Cyprus Government understands 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). This is reflected in Law N. 7(III) of 2009 which, at Article 8 provides that '*[CyADA] can seek and obtain from any public service, including the Police, its contribution in achieving its tasks when circumstances require so.*'

9. Consistent with this, CyADA maintains a working relationship with its key stakeholders in Cyprus, with a view to maximising the efficiency, depth and consistency of its operational activities. These stakeholders include the Cyprus Sports Organisation, Cyprus National Olympic Committee, Cyprus National Federations, and the Cyprus Sports Medicine Association. CyADA also maintains a working relationship with the Ministry of Education, Culture, Sports and Youth, in particular the department concerning physical education.
10. Moreover, CyADA also maintains a working relationship with key Cyprus law enforcement agencies, being the Cyprus Police and the Department of Customs, with a view to exchanging information and intelligence relevant to anti-doping operations.
11. CyADA is funded by the Cyprus Government by way of a grant allocated through the budget of the Ministry of Education, Culture, Sport and Youth. Although CyADA operates as an 'independent department' of the Ministry, it is not financially independent. CyADA's expenses are paid subject to the approval of the Ministry. The budget allocated to CyADA by the Cyprus Government for 2019 is €161.570.

PART FOUR

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.*

Article 4.1

1. Article 4.1 requires State Parties to adopt measures to restrict the availability, including trafficking, of banned substances and methods and, in particular, anabolic steroids, as well as the use in sport of banned doping agents and doping methods.
2. The Cyprus Government has adopted two broad measures that restrict the availability of banned substances in sport: sport specific regulations that apply to sport and sports persons, and universal criminal measures that extend beyond sport. These measures are in addition to the general measures that have been taken by the Cyprus Government in respect of the illegal sale, supply and distribution of drugs, narcotics and pharmaceutical products.

Sport Measures

3. The Decree is a comprehensive regulation that applies to sports persons and sports institutions in Cyprus. The Decree provides regulation in respect of the activities referred to in Article 4.1 (that is, to limit the availability and use in sport of doping substances and methods), as part of its overall implementation of Article 2 of the Code relating to anti-doping

rule violations. Each of these violations is subject to disciplinary sanctions consistent with those provided for in the Code.

4. CyADA has a central role in the Decree in respect of its operational provisions. These are explained at length in relation to the content of this Report relating to Article 3 of the Convention, above.
5. The Decree establishes a number of duties and responsibilities applicable to National Federations, all of which contribute to the restriction of availability of doping substances. In particular, they must –
 - 5.1. require, as a condition of membership, that their policies, rules and programmes are in full compliance with the provisions of the Decree and that all Athletes and Athlete Support Personnel within their jurisdiction recognise and implement their obligations as defined in the Decree;
 - 5.2. make every possible effort to make the provisions of the Decree available to members, Athletes, and Athletes Support Persons;
 - 5.3. in cooperation with the CyADA, deliver comprehensive and ethical anti-doping programmes to their Athletes, Athlete Support Personnel and other participants; contribute to Doping Control by assisting with testing and results management.
6. The Decree also establishes a number of duties and responsibilities applicable to the Cyprus Sports Organisation, the Cyprus Olympic Committee, the Cyprus National Paralympic Committee and the Cyprus Commonwealth Games Committee, including that they should develop and adopt –
 - 6.1. anti-doping policies and programmes for the events under their jurisdiction, and for national teams attending competitions within the Republic or abroad; and
 - 6.2. Doping Control programmes for major sports events they hold.

Universal Measures

7. Law N. 7(III) of 2009 establishes criminal liability in respect of the trafficking of doping substances and methods. To further restrict the availability of doping substances, in 2011 the Law was amended to provide that the production of doping substances is also a criminal offense. Criminal penalties include jail time of up to seven (5) years and/or a fine not exceeding fifty thousand Euro (€50.000).
8. Law N. 7(III) of 2009 also establishes criminal liability in respect of the use in sport of doping substances and methods, as well as related offences. The respective criminal penalties include jail time of up to two (2) years and/or a fine not exceeding ten thousand Euro (€10.000). CyADA and the Ministry of Education, after having assessed the effectiveness and usefulness of these particular provisions of the Law, are consulting with the sport movement in Cyprus as to whether to retain or amend these provisions.
9. The Cyprus Government understands that the role of law enforcement agencies and customs for the restriction of the availability and the use in sport of banned doping agents and doping methods is of great importance. It recognises that the cooperation between NADOs and law enforcement agencies and customs has proved to be an effective measure in the fight against

doping in sport, and such cooperation needs to be facilitated and promoted at all times. In that respect –

- a serving law enforcement officer is an ex officio member of CyADA's governance structure, to promote and facilitate the cooperation between CyADA and Police; and
- in 2018, CyADA and Customs signed a Memorandum of Understanding that provides for sharing of information between CyADA and Customs, joint training seminars as well as other measures with the aim to increase the effectiveness of the fight against trafficking of prohibited substances and methods.

Article 4.2

10. As a form of encouragement to sport organisations to fight doping, Article 4.2 of the Convention requires the States or the relevant non-governmental organisations to make it a criterion for the grant of public subsidies to sports organisations that they effectively apply anti-doping regulations.

11. The Decree in paragraph 77 provides that -

'[CyADA] has the authority to request the relevant public authorities to withhold some or all funding or other non-financial support to [National Federations] or other sporting bodies that are not in compliance with the Decree'.

12. The Cyprus Sports Organisation is the primary body in Cyprus responsible for funding of sport on behalf of the Cyprus Government. The provisions in its funding agreements with National Federations regarding the need for recipients of funding to comply with the Decree, or risk losing funding, are not fully developed.

Article 4.3(a)

13. Under this Article of the Convention, 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.

14. In accordance with the Decree, Doping Control is a task of CyADA. CyADA receives its budget from the Ministry of Education, Culture, Sport and Youth for the implementation of its tasks, including samples collection and analysis.

Article 4.3(b)

15. The Decree provides at paragraph 70(3)) that any -

'Athlete or other Person who commits and is sanctioned for an anti-doping rule violation may be subject to the reduction or elimination of Government financial assistance or benefits on a temporary or permanent basis.'

16. The implementation of the above provision rests with the Cyprus Sport Organisation, being the body responsible for deciding who is eligible to receive public funding and/or publicly funded benefits. A fully-formed policy explaining how the abovementioned Decree provision is applied and what circumstances should be considered (taking into account factors such as

the nature of the anti-doping violation, the length of ineligibility period, and other specific issues) has yet to be developed.

Article 4.3(c)

17. CyADA collaborates with overseas Anti-Doping Organisations to facilitate the testing of Athletes who are temporarily present in Cyprus, this testing being both in-competition (in respect of international events taking place in Cyprus), and out-of-competition (for Athletes under their jurisdiction who are training in Cyprus).

Article 4.3(d)

18. This is provided for in the Decree. Athletes are required to be '*available for sample collection at all times*' ((paragraph Article 6(c)) and CyADA (paragraph 29(2))-

'may require any Athlete over whom it has Testing authority, including any Athlete serving a period of Ineligibility, to provide a Sample at any time and at any place'.

19. In addition, as explained under Article 7, CyADA has developed mechanisms and undertakes testing of Cypriot athletes when training out of the country through other National Anti-Doping Organisations or private testing companies worldwide.
20. These provisions give effect to the relevant requirements of the relevant provisions of the Additional Protocol to the Convention.

Article 4.4

21. This is provided for in the Decree, in that CyADA is delegated the responsibility of undertaking Doping Controls.

PART FIVE

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.**

1. 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 Code and the UNESCO Convention.
2. It is of fundamental importance that the analysis of biological samples provided by Athletes is undertaken in a consistent and harmonised manner, so that the same standards are applied to all Athletes, regardless of nationality, sport or location. Since 2004, WADA is responsible for accrediting and re-accrediting anti-doping laboratories, thereby ensuring that they maintain the highest quality standards, according to the provisions of the International Standard for Laboratories. The Code requires that biological samples provided by Athletes are analysed 'only in WADA-accredited laboratories or laboratories otherwise approved by WADA', this requirement being reflected in the Decree.
3. There is no laboratory in Cyprus that has been accredited by WADA. Instead, CyADA collaborates with a number of WADA-accredited laboratories for the analysis of urine and blood samples, primarily those at Seibersdorf, Austria; the Institute of Biochemistry, Sports University Cologne, Germany; and the Swiss Laboratory for Doping Analyses, Lausanne, Switzerland. CyADA has historically collaborated with the WADA-accredited Doping Control Laboratory of Athens, Greece, although that collaboration is currently suspended in light of the Athens Laboratory having had its accreditation suspended by WADA in October 2019.
4. CyADA engages the Siebersdorf Laboratory to act as its Athlete Passport Management Unit (APMU) for the evaluation of both the haematological and steroidal modules of the Athlete Biological Passport mandated for use by the relevant WADA Standards.

PART SIX

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.

1. The Convention acknowledges the importance of education and information for the prevention of doping in sport, and anticipates State Parties and sport organisations cooperating in that respect. It is generally agreed that educational and informational programmes should be comprehensive and be directed mainly to Athletes and their Support Personnel. Apart from the Convention, the importance of education for the fight against doping in sport is reflected in the UNESCO Convention, the Code, and the recently adopted International Standard for Education.
2. The Monitoring Group has developed *Model Guidelines for Core Information/Education Programmes to prevent Doping in Sport*, 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 has also 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*.

Legislation

3. The Cyprus Government understands the importance of prevention in the fight against doping in Cyprus. It has made specific provision for this in the Decree and created a specific requirement upon CyADA to act in this space. The Decree (at paragraph 5(1)) requires '*CyADA* ... to cooperate with the Cyprus Sports Organisation, the Cyprus Olympic Committee, the Cyprus Sports Federations, and the Government to encourage and promote anti-doping education'. The Decree also provides (at paragraphs 10-13) the following –

'10. [CyADA] and the Cyprus Sports Organisation, the Cyprus Olympic Committee, the Cyprus National Paralympic Committee, the Cyprus Sports Federations, other national or local organisations and the Government shall plan, implement, evaluate and monitor information, education and prevention programmes for doping-free sport on at least the issues listed at Article 18.2 of the Code, and shall support active participation by athletes and athlete support personnel in such programmes.

11. Educational programs will promote the spirit of sport in order to establish an environment that is strongly conducive to doping-free sport in an effort to have a positive and long-term influence on the choices made by Athletes and other Persons. These programs will be directed at young people, appropriate to their stage of development in their schools and sports clubs, and to parents, adult Athletes, sport officials, coaches, medical personnel and the media.

12. Education programmes shall provide athletes and other persons with updated and accurate information on at least the following issues:

- substances and methods on the Prohibited List;*
- anti-doping rule violations and consequences;*
- health and social consequences of doping;*
- sample collection procedures;*
- athletes' and Athlete Support Personnel rights and responsibilities;*
- therapeutic use exemptions;*
- managing the risks of nutritional supplements;*
- the harm of doping to the spirit of sport; and*
- applicable whereabouts requirements.*

13. All Athletes and the Cyprus Sports Federations as well as other persons shall cooperate with each other, [CyADA] and the Government to coordinate their efforts in anti-doping information and education in order to share experience and ensure these programmes are effective in preventing doping in sport.'

CyADA Activities

4. The following examples are referred to as illustrations of the education and prevention activities and initiatives undertaken by CyADA. They are not an exhaustive list of those activities, but rather are referred to as a general overview:
 - 4.1. CyADA provides, on a regular basis, face-to-face sessions for Athletes and coaches of National Federations as well as Athletes and coaches of national teams as part of the preparation for Major Events. These sessions are organized with the support of the Cyprus National Olympic Committee, relevant National Federations, and clubs.
 - 4.2. CyADA also provides, on a regular basis, face-to-face school sessions to support students of Secondary Schools including Athletics Schools around the country. Apart from sessions on anti-doping, CyADA has engaged with students into their classrooms or other school activities related to physical education and health. These sessions are organized with the support of the Ministry of Education, Culture, Sport and Youth and the relevant schools.
 - 4.3. CyADA has made particular effort to provide information and education on anti-doping to medical practitioners. CyADA has participated in and given lectures at conferences of different medical specialties regarding the dangers of doping, and the Therapeutic Use Exemption (as that term is used in the Code) process. Through a partnership with the Cyprus Sports Medicine Association, CyADA has organized a series of seminars for sport doctors and lectures to sports medicine conferences to inform sports doctors and physiotherapists about anti-doping.
 - 4.4. In 2019, CyADA participated in #BeActive, the European Week of Sport communication campaign aimed at increasing participation in sport and physical activity across Europe. The first event was organized by the Cyprus Association of Physical Education and

Sports Science and the Cyprus Cycling Federation with the title 'Sport as a tool for developing life-skills'. The second event was organized by CyADA jointly with the Cyprus Sports Medicine Association and presented new developments on anti-doping.

5. CyADA has organized seminars and conferences covering the various aspects of doping and anti-doping. Below is a list of the most important seminars and conferences organized during the years 2017–2019:
 - 5.1. Seminar on anti-doping for team doctors, in 2019. The seminar was addressed to doctors working with football teams.
 - 5.2. Conference on nutritional supplements in sport and associated risks, in 2017 and 2018. The conferences were organized with the participation of experts covering the fields of anti-doping, exercise physiology, sports nutrition and sociology of sports. The conferences were addressed not only to Athletes and Support Personnel but also to students and their parents.
 - 5.3. Conference regarding the Code and its implementation in Cyprus legislation, in June 2017; and a seminar for members of the National Anti-Doping Panel and National Anti-Doping Appeal Panel; both with the participation of Mr Graham Arthur, an anti-doping expert from the United Kingdom.
 - 5.4. Conference on the ethics of doping and anti-doping, in 2017. The conference was organized jointly with the Cyprus National Bioethics Committee, with the participation of, among other, Prof. Heather Reid, Professor of Philosophy at Morning College, USA, a well-known ethicist on sport and local experts. The aim of the conference was to present the ethical aspects of anti-doping.
6. To further develop its capacity to undertake education and prevention activities, in collaboration with UK Anti-Doping, CyADA has trained and accredited three specialised anti-doping educators.

Future Plans

7. In respect of future education and prevention work, CyADA is developing an Education Strategy. This will explain how CyADA will meet the educational needs of Athletes, Athlete Support Personnel, National Federations and other sport organisations; and also, to set its strategic direction relating to anti-doping education and information programmes. CyADA's vision and mission are clean sport and the protection of the right to participate in clean sport. CyADA aims to embed anti-doping education into the Cyprus sport system by working in partnership with key sports organisations and professional bodies and thereby reach as many Athletes and Athlete Support Personnel as possible.
8. The Education Strategy will be aligned with the new Code and International Standards and focus on specific issues that arise from in particular the new International Standard for Education.
9. In addition to the anti-doping educators referred to above at paragraph 6, CyADA will look to identify persons within key National Federations to act as a first point of contact for doping questions from their Athletes. CyADA will look to train and educate these points of contact utilising a variety of means, including the online resources referred to below.

10. CyADA is also working towards the development of information and education resources for the support of its Education Strategy. In that respect, CyADA has contracted two well-known experts in the field of anti-doping education and doping prevention (Dr Lambros Lazuras from the University of Sheffield, U.K. and Dr Vassilis Barkoukis from the Aristotle University of Thessaloniki, Greece) to prepare:
 - 10.1. comprehensive, and up-to-day information to be made available to Athletes and Support Personnel on CyADA's website; and
 - 10.2. e-learning material, to be used for self-administered education courses for Athletes and Support Personnel. Twelve different education courses²² will be offered, including the topics that are listed on Article 5.2 of the International Standard for Education. Each session will be accompanied by supplementary material for reading and learning activities, assessment (through multiple choice questions) and certification upon successful completion of the course.
10. CyADA, acknowledging that academic institutions exert a major influence on the attitudes and behaviours of the young people they educate and/or train, and that working in partnership with universities enables CyADA to reach future generations of athletes, as well as coaches, doctors, physiotherapists and support personnel, has developed a University Partnership Programme. This Programme is framed through Memoranda of Understanding signed by the Universities and CyADA and provide for certain actions from both sides including education and research. The Programme will be formally launched in 2020.
11. Another important initiative is the development of a comprehensive policy on the use of nutritional supplements in sport. The aim of the policy is to raise awareness on the inherent risks associated with the use of supplements and provide advice as to how to deal with this. The policy covers also topics including advertising supplements, ethical aspects, and practical advice for Athletes using supplements. CyADA's policy on nutritional supplements will be formalised in 2020.
12. CyADA is in contact with, and has provisionally been accepted to join in 2020, Global Drug Reference Online (Global DRO), an online search engine that provides Athletes and Support Personnel with information about the prohibited status of the licensed medications based on the Prohibited List.
13. CyADA is also planning to hold a seminar in 2020 for sports organisations and participants regarding the revisions to the Code and Standards. It is hoped that this will attract attendees from a number of nations in the immediate Eastern Mediterranean.

²² E-learning material will cover the following topics: 1. Principles and values associated with clean sport; 2. Athletes', Athlete Support Personnel's and other groups' rights and responsibilities under the Code; 3. The principle of Strict Liability; 4. Consequences of doping; 5. Anti-doping rule violations; 6. Substances and Methods on the Prohibited List; 7. Risks of supplement use; 8. Use of medications and Therapeutic Use Exemptions; 9. Testing procedures, including urine, blood and the Athlete Biological Passport; 10. Requirements of the Registered Testing Pool, including whereabouts and the use of ADAMS; 11. Speaking up to share concerns about doping; and 12. Resisting internal and external temptations to use prohibited substances

Research

14. 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. This is reflected not only by the provisions of the Convention but also the Code, and the UNESCO Convention.
15. Paragraph 5(1) of the Decree provides for the research-related obligations of CyADA, including *“to encourage and promote anti-doping education and research and to take reasonable measures to ensure that the results of such research are used for the promotion of the goals that are consistent with the principles of the Code.”*
16. CyADA conducts and facilitates research on anti-doping in a variety of areas, including detection of Prohibited Substances, nutritional supplements, social aspects of doping and whistleblowing. In that respect, CyADA collaborates with universities, WADA-accredited Laboratories, NADOs and other institutions. A list of CyADA’s completed and ongoing research projects is included at Annex 1 to this Report.

PART SEVEN

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) to make full and efficient use of the facilities available for doping analysis at the laboratories provided for by Article 5, both during and outside sports competitions;*
- f) to study scientific training methods and to devise guidelines to protect sportsmen and sportswomen of all ages appropriate for each sport.*

1. 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):

2. The Cyprus Government has complied with these commitments by ensuring that sports organisations adopt and implement the standards mandated by the Code, which in turn is achieved via the Decree. The Decree, as explained elsewhere in this National Report, is a comprehensive and universal instrument that applies to all sports persons and sports organisations in Cyprus, establishing a single set of anti-doping regulations. It incorporates the Prohibited List as updated each year by WADA, which effectively binds sports organisations to the Prohibited List (as envisaged by Article 7.2 (b). The Decree has been reviewed by WADA and deemed to be compliant with the Code.
3. In relation to Article 7.2(c), paragraph 28(1) of the Decree mandates that testing must '*be conducted in conformity with the provisions of the International Standard for Testing and Investigations and the specific protocols of the Competent Authority supplementing that International Standard*'. In this regard –
 - 3.1. For a number of years, CyADA has partnered with the United Kingdom NADO in respect of the training and assessment of CyADA's Sample Collection Personnel;
 - 3.2. All Sample Collection Personnel must comply with the procedures described in CyADA's Sample Collection Personnel Manual, which in turn reflects the requirements of the International Standard for Testing and Investigations;
 - 3.3. CyADA holds seminars for its Sample Collection Personnel twice a year to ensure the maintenance of high standards and strict adherence to the Sample Collection Personnel Manual;
 - 3.4. CyADA has a strategic objective of implementing ISO 9001 in respect of its test planning and testing procedures.

Article 7.2(d):

4. This Article 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 resolution (the Recommendation on ensuring the independence of hearing panels (bodies) and promoting fair trial in anti-doping cases) (T-DO/Rec(2017)01).
5. As noted in this National Report in relation to Article 1, pursuant to Law N. 7(III) of 2009 the Cyprus Government has established CyADA as being the body designated to '*enforce implementation of the provisions of the Convention and its Appendices and Annexes, this Law and the Decrees*', and has further established both the Cyprus National Anti-Doping Disciplinary Panel and the Cyprus National Anti-Doping Appeals Panel.
6. The Cyprus Government and CyADA have paid close attention to the recommendations and guidelines that have been published and promulgated from a variety of sources concerning disciplinary procedures, and dispute resolution bodies. Annex 2 to this Report is the response made by CyADA to an informal questionnaire prepared by CyADA to assess how the disciplinary measures in Cyprus for anti-doping matters align with the Monitoring Group guidelines and recommendations, particularly the hearing panels and dispute resolution recommendation, and how those recommendations have been implemented.

7. In practice, in line with the Code and the Decree, CyADA seeks wherever possible to resolve disciplinary disputes by way of agreement without the need for a hearing. This involves the acceptance by the relevant Athlete or other person of a sanction proposed by CyADA (which may either be the mandatory sanction imposed by the Code or a reduced sanction proposed by CyADA after consideration of the various mechanisms in the Code for reducing mandatory sanctions). These agreements constitute 'decisions' as that term is used in the Code, and so are shared with the relevant Interested Parties, including WADA. In certain cases, these decisions are discussed prior to agreement with relevant parties to ensure that those parties understand the basis for the agreement. CyADA is committed to agreement by way of consensus when it comes to these decisions and will take all necessary and reasonable steps to ensure that the decisions constitute a final resolution. CyADA's approach has proved to be very effective, since the vast majority of anti-doping matters are resolved this way.
8. CyADA has a strategic objective of exploring means by which Athletes who require specialist assistance in relation to anti-doping disciplinary proceedings, but are not in a position to fund the provision of that assistance, have access to some form of 'legal aid'. This would be designed to ensure that there is access to affordable legal support, and overall equality of arms in terms of the level of representation.

Article 7.2(e)

9. The involvement of athlete support persons in doping of athletes is not uncommon. The Convention requires State Parties to provide for the imposition of effective penalties against those who are associated with doping infringements (including veterinary doctors). In this regard, the Decree applies to 'Athlete Support Personnel', this term including any '*coach, trainer, manager, agent, team staff, official, medical, paramedical personnel, parent or any other Person working with, treating or assisting an Athlete participating in or preparing for sports Competition*'.
10. The Decree includes provision for the imposition of Code-mandated disciplinary sanctions upon the Athlete Support Personnel if they are found to have committed an Anti-Doping Rule Violation. It also provides that '*significant violations of paragraph 42 (Trafficking of Prohibited Substances or Methods) or 43 (Administration of Prohibited Substances or Methods) which may also violate non-sporting laws and regulations, shall be reported to the competent administrative, professional or judicial authorities.*'
11. As noted elsewhere in this National Report, Law N. 7(III) of 2009 provides for criminal liability in cases of possession or trafficking of doping substances or methods by athlete support persons as well as in cases of administration of doping substances or methods to athletes by athlete support persons; or assisting, encouraging, abetting or covering up an anti-doping rule violation. Criminal penalties include jail time of up to seven (7) years and/or a fine not exceeding seventy-five thousand Euro (€75.000), with these sanctions having the potential to be doubled if the relevant conduct involves a minor. Law N. 7(III) of 2009 also provides for criminal penalties in cases of possession, trafficking, prescribing, supplying or administering to an animal used in sport a prohibited substance or method, or assisting, encouraging, abetting or covering up another person to commit any of these acts or actions, or attempting such conduct, in breach of any applicable anti-doping rules. Criminal penalties include jail time of up to five (5) years and/or a fine not exceeding fifty thousand Euro (€50.000).

Article 7.2(f)

12. This article is intended to ensure consistency between sports and between nations; and that penalties are not disregarded by those penalised seeking alternative jurisdictions within which to compete²³. In this regard, mutual recognition of sanctions is one of the principles of the World Anti-Doping Code
13. The principle of mutual recognition of sanctions is enhanced and reinforced by the Additional Protocol to the Anti-Doping Convention.
14. The Decree gives effect to this principle: paragraph 29(5) provides that –

'Where another Anti-Doping Organization with Testing authority over an Athlete who is subject to this Decree conducts Testing on that Athlete, [CyADA] and the Athlete's National Federation shall recognize such Testing in accordance with ... this Decree, and where agreed with that other Anti-Doping Organization or otherwise provided in ... the Code, [CyADA] may bring proceedings against the Athlete pursuant to this Decree for any anti-doping rule violation(s) arising in relation to such Testing'

and paragraphs 111(1) – 111(2) provide that -

'Subject to the right of appeal provided in [the Decree], hearing results or other final adjudications of any Signatory which are consistent with the Code and are within that Signatory's authority shall be applicable worldwide and shall be recognised and respected by [CyADA] and by all National Federations and all persons bound by and subject; to the provisions of this Decree.

[CyADA] and all National Federations shall recognise the measures taken by other bodies which have not accepted the Code shall also be recognised and respected if the rules of those bodies are otherwise consistent with the Code or the provisions of the present Decree.'

Article 7.3:

15. This requires State Parties to ensure their sports organisations 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.
16. This is provided for in the Decree. CyADA is responsible for test planning and is regulated by WADA in this regard. Some outline details concerning CyADA's testing program are included in this National Report, as follows -
 - 16.1. CyADA's testing programme in place in Cyprus is in line with the principles of the Convention: on an effective scale, in-, and out-of-competition, without advance

²³ Explanatory Report Report to the Anti-Doping Convention, Strasbourg, 16.XI.1989, paragraph 71

notice, and equitable for all sportsmen and sportswomen while reflecting the priorities of Cyprus sport.

- 16.2. CyADA's testing figures for the years 2015-2018 are presented in Table 1 (below).

Table 1. Testing figures for the years 2015-2018 where CyADA is the testing authority.

Year	Samples		Tests		Total	AAFs
	Urine	Blood	IC	OOB		
2015	264	2	239	27	266	1
2016	163	4	144	23	167	3
2017	224	2	209	17	226	5
2018	234	-	210	24	234	3

Abbreviations: IC: In-competition; OOB: out-of-competition; AAF: Adverse Analytical Finding.

- 16.3. CyADA has a relatively extensive testing programme in place (compared with that of other NADOs of countries with a similar population and level of sporting activity to Cyprus). However, the number of samples collected in 2019 has significantly decreased, primarily due to CyADA's lack of human resources.
- 16.4. CyADA's testing programme is based on risk assessment, in accordance with the International Standard for Testing and Investigation and the Technical Document for Sport Specific Analysis. CyADA develops its Test Distribution Plan, establishes its Registered Testing Pool (RTP) and collects whereabouts from the Athletes included in the RTP.
- 16.5. In 2019, CyADA's RTP includes 10 Athletes from individual, Olympic and Paralympic sports. A separate pool for team sports (football, handball and basketball) has been developed by CyADA (but has not been put in place because of its limited resources).

Article 7.3(b)

17. This Article requires State Parties to ensure their sports organisations establish agreements (as necessary) with other organisations for testing their Athletes when training in other countries. This is provided for in the Decree.
18. CyADA acknowledges the importance of testing of Athletes when training and/or competing in other countries, and agrees that the lack of such testing is one of the reasons why the drug testing programmes have been generally ineffective in detecting dopers. Therefore, CyADA has developed mechanisms and undertakes testing of Cypriot Athletes when training out of the country through other NADOs or private testing companies worldwide.

Article 7.3(c)

19. This Article 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.
20. At the international level, major event organisations (like, for example, the International Olympic Committee and International Paralympic 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, a NADO 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.
21. This is effectively provided for in the Decree by operation of the test planning and execution duties assigned to CyADA. Moreover, in practice, CyADA collaborates with the taskforce that is established by major event organisations to gather intelligence and coordinate testing in the lead up to major events (for example, the Olympic Games, Commonwealth Games, European Games and similar multisport events).

Article 7.3(d)

22. This Article requires State Parties to ensure their sports organisations involve clean athletes in their anti-doping programmes, encouraging integrity and fairness for sport and athletes. This is encompassed within the measures taken in relation to Article 6 of the Convention.

Article 7.3(e)

23. This Article 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.
24. In accordance with the Code, Anti-Doping Organisations may store samples for up to ten years for re-analysis at a later stage using improved analytical techniques developed in the meantime. Long term storage and reanalysis of samples has proved to be very effective on uncovering doped athletes and has a strong deterrent effect.
25. CyADA has a Sample Long-term Storage and Reanalysis Policy based on which samples are placed in long-term storage. CyADA has been storing samples in different WADA-accredited laboratories since 2014.
26. CyADA acknowledges that WADA-accredited laboratories may differ in analytical capacity, as well as their experience and expertise. Thus, CyADA has ensured the budgetary and administrative flexibility to send samples in any WADA-accredited laboratory, according to the analytical needs.

Article 7.3(f)

27. This Article 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. It is a further reflection of the concern expressed in Article 6.2 of the Convention, namely that Athletes need to be provided with scientifically prepared guidelines to support their training and protect them from unnecessary harm, and also to prevent them from doping.
28. Several academic and research institutions in Cyprus conduct research in the field of sport (e.g., exercise physiology, nutrition, biomechanics, psychology, etc.). The results of the research projects are disseminated for the support of the Athletes, including in events organised by CyADA in that respect.

PART EIGHT

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.*

1. Articles 8.1 and 8.2.c of the Convention emphasise 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 of the Anti-Doping Convention (T-DO) set up by virtue of Article 10 of the Convention as well as the Advisory Groups and the ad hoc groups of experts established by virtue of Article 11.2 of the Convention, 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 States Parties to the European Cultural Convention, with regard to questions and policy relating to WADA, WADA policies and WADA's operational activities.
2. CyADA regularly attends the meetings of the T-DO and its four Advisory Groups as well as the meetings of CAHAMA. Dr Michael Petrou, President of the Cyprus Ant-Doping Authority is currently the Chair of the Monitoring Group. Dr Petrou was elected by States Parties to the Convention as Chair of the Monitoring Group of the Anti-Doping Convention in May 2018, after having previously served as Chair of the Advisory Group on Science (2006-2010), Vice-Chair of the Monitoring Group (2012-2014), and Chair of the Advisory Group on Compliance (2014-2018). The Cyprus Government strongly supports Dr Petrou holding this position, seeing it as of particular importance in the development of the European and global anti-doping policy.
3. Further information relevant to the above paragraphs is included in the detail provided in this National Report regarding Article 9 of the Convention.
4. Outside the structures of the Council of Europe, CyADA's cooperation in the field of anti-doping includes collaboration with WADA, UNESCO and the Conference of Parties to the International Convention against Doping in Sport, and the Institute of National Anti-Doping

Organisations (iNADO). CyADA is a Signatory to the Code, and so subject to the WADA compliance and regulatory processes. Representatives of the Cyprus Government attend the Conference of Parties to the International Convention against Doping in Sport of UNESCO, and CyADA has been a participating member of iNADO since 2013.

5. At an operational level, CyADA collaborates with many Anti-Doping Organisations, mainly for testing services in international events that are held in Cyprus, and in relation to the testing of International-level Athletes training in Cyprus. As noted in this National Report, CyADA has a duty to collaborate with '*other relevant national organizations, agencies and other Anti-Doping Organizations*'. In this regard, CyADA has collaborated with a number of partner Anti-Doping Organisations, including –
 - 5.1. CyADA has established formal cooperation with the NADO of Greece (ESKAN) with the aim to assisting the Greek authorities with the conduct and development of its anti-doping programme. This has been in effect since 2018.
 - 5.2. CyADA has a long-standing partnership with the United Kingdom NADO (UKAD) which provides regular training and assessment to CyADA's Doping Control Personnel. Since 2018, the partnership has expanded with UKAD providing training and assessment of CyADA's Anti-Doping Educators.
 - 5.3. CyADA has recently agreed to collaborate with the Polish NADO (POLADA) in relation to a project whereby each will exchange best practices and operational experiences. In particular, CyADA and POLADA will identify opportunities whereby they can exchange information, intelligence and best practices regarding anti-doping activity, provide mutual support for sample collection sessions during national and international doping controls; and collaborate in relation to the funding and implementation of research projects.
6. Article 8.2.a refers to a regulation adopted by many international sports organisations whereby performance records will be ratified only if the relevant participant can demonstrate a clean performance through a negative Doping Control. As it is clarified in the Explanatory Report to the Anti-Doping Convention:²⁴

"(...) The drafters discussed the desirability of obliging national record claims to be subject to a similar requirement, but the practical difficulties of having a doping control team at every event, in every sport at which a national record might be claimed would be too great. In some countries where the emphasis is on out-of-competition controls, it would also be retrograde. However, the drafters considered that it was important that this explanatory report should mention the desirability of having such a condition, where practical, for national records, at least in high profile sports or events."

7. Regarding the regulation referred to above, CyADA has policies in place based on which, in high profile sports or events (e.g., Cyprus National Athletics Championships) athletes that break national records are subjected to testing and their records are recognised only if accompanied by a negative doping control.

²⁴ Explanatory Report to the Anti-Doping Convention, Strasbourg, 16.XI.1989, paragraph 78.

PART NINE

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.

1. 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.
2. Representatives of CyADA attend the meetings of the Monitoring Group and report to the Monitoring Group on legislative and other measures taken for the purpose of the implementation of the provisions of the Convention as well as on any developments made at the national level for the fight against doping in Cyprus.
3. The Cyprus Government regularly replies to the annual questionnaire that is set up by the Monitoring Group providing information about the implementation of the Convention.
4. CyADA responded in 2017 to WADA's Code Compliance Questionnaire. The Code Compliance Questionnaire is a tool developed by WADA to measure the compliance of Anti-Doping Organisations with the mandatory requirements of the Code and Standards, and contains a series of questions relating to many different areas of a Signatory's anti-doping programme. CyADA's reply to the Code Compliance Questionnaire has been shared with the Monitoring Group.
5. CyADA also completes the on-line questionnaire (Anti-Doping Logic) issued by UNESCO on a bi-annual basis to assess compliance with the obligations set forth in the International Convention against Doping in Sport of UNESCO.

PART TEN

(available upon request from sport.t-do@coe.int)

ANNEXES

ANNEX 1	CyADA Research Projects
ANNEX 2	Implementation by Cyprus of the T-DO Rec on ensuring the independence of hearing panels (bodies) and promoting fair trial in anti-doping cases [T-DO/Rec(2017)01]

APPENDICES

APPENDIX 1	Law Number 37(III) 1993
APPENDIX 2	Law 6(III) 2004
APPENDIX 3	Law Number 7(III) 2009
APPENDIX 4	Decree RAA 183-2016

Part III - Comments by the Cyprus authorities



**MINISTRY OF EDUCATION, CULTURE, SPORT AND YOUTH
MINISTER**

Ref.: 4 11.38.4/26

October 19, 2020


Dear Director Schokkenbroek,

With reference to your letter dated June 8, I would like to express my deep gratitude for the visit of the Evaluation Team of the Monitoring Group to the Council of Europe on 16-18 December 2019 in Cyprus and for the preparation of the draft Evaluation Report regarding the compliance of the Republic of Cyprus with the Convention.

I find The Evaluation Report very comprehensive and useful in that it contains important practical recommendations for enhancing the fight against doping in Cyprus. The Ministry of Education, Culture, Sport and Youth, the Cyprus Anti-doping Authority and all other stakeholders, acknowledge that the fight against doping is a defining challenge of our time and consequently we shall all work towards utilizing the recommendations.

Wishing you well in the current difficult situation.

Yours sincerely,



Prodromos Prodromou
Minister