

MONITORING GROUP (T-DO)

ANTI-DOPING CONVENTION



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T-DO(2025)25

Application of the Anti-Doping Convention by States Parties

Evaluation visit to Bosnia and Herzegovina
Sarajevo, 26-28 November 2024

in accordance with the Guidelines regarding the evaluation of States Parties'
compliance with the Anti-Doping Convention

EVALUATION REPORT

Contents

I.	INTRODUCTION	3
A.	Overview of the Council of Europe work on Anti-Doping and the global legal framework.....	3
B.	The political commitment of BiH to combat doping in sports	6
C.	Evaluation visit in BiH, 26-28 November 2024	7
D.	Structure and Methodology of this Report	9
E.	Summary of requirements of Articles 1-9 of the Convention	10
II.	Evaluation Report.....	12
A.	Section One – summary of recommendations.....	13
B.	Section Two observations, conclusions and recommendations	18
1.	Legislation, regulations and administrative provisions.....	18
2.	Public authorities.....	20
3.	National anti-doping organisation (NADO) – structure and governance	26
4.	Sports organisations.....	28
5.	Restricting the availability of doping substances	31
6.	Testing and the analysis of biological samples	36
7.	Education and research	37
8.	Disciplinary measures	39
9.	International co-operation and provision of information	42
III.	ANNEX 1 – Programme of the visit	44
IV.	ANNEX 2 – National Report.....	46

I. INTRODUCTION

A. Overview of the Council of Europe work on Anti-Doping and the global legal framework

The Council of Europe was the first intergovernmental organization to address the issue of doping in sports. This initiative was prompted by the refusal of the initial five cyclists at the 1966 World Road Race Championship in Nürburgring, Germany to undergo doping tests, along with the tragic death of a professional cyclist during the 1967 Tour de France, which raised significant public alarm regarding drug misuse in sports.

In response to these events, the Committee of Ministers of the Council of Europe enacted Resolution (67)12 in 1967, marking the first international framework addressing doping in sports. Since that time, the organization has consistently reinforced its dedication to eradicating doping in sports.

The Council of Europe Anti-Doping Convention¹, ETS 135 (the Convention) was established in 1989, followed by an Additional Protocol, ETS 188 (the Protocol)² in 2002. The Convention emphasizes the commitment of the States Parties to actively and collaboratively fight against doping in sports. It is important to highlight that as of today, the Convention has garnered 52 signatures and ratifications, including those from four States that are not members of the Council of Europe. This underscores the significant milestone that the Convention represents for nations aiming to develop a strong national programme to combat doping in sports.

The Convention established a framework for the subsequent UNESCO International Convention against Doping in Sport³, which was adopted on 19 October 2005 and came into effect on 1 February 2007. As of the date of this report, it has received 192 signatures.

The entity responsible for overseeing the execution of the Convention is the Monitoring Group (T-DO)⁴, as per article 10 of the Convention. This distinctive network comprises governmental experts and officials from anti-doping organizations, Ministries responsible for sport and sports organisations, who spearhead the monitoring of anti-doping policies across its 52 States Parties, which also include non-European States.

Functioning as an international benchmark for anti-doping efforts, it establishes standards and formulates specific recommendations for the States Parties. Specifically, article 11, paragraph 1 of the Convention stipulates that the T-DO is responsible for overseeing the implementation of the Convention. Furthermore, article 11, paragraph 1(d) empowers the *T-DO to offer recommendations to the Parties concerning actions to be undertaken in relation to this Convention.*

¹ <https://rm.coe.int/168007b0e0>

² <https://www.coe.int/en/web/conventions/full-list?module=treaty-detail&treatynum=188>

³ <https://www.unesco.org/en/legal-affairs/international-convention-against-doping-sport>

⁴ <https://www.coe.int/en/web/sport/t-do>

The Protocol to the Convention enhanced the duties of the T-DO by mandating the T-DO to a more targeted supervision of the implementation of the Convention.

The Protocol provides that the T-DO can establish a schedule for States Parties evaluations, and operating procedures for the conduct of the evaluations. The supervision of the application and implementation of the Convention by Parties is achieved through an evaluation process, whereby an Evaluation Team of experts appointed by the T-DO (Evaluation Team) examines the implementation of the Convention by a Party and provides a report (Evaluation Report) to the T-DO. Additional information on how the Evaluation visits are conducted can be found in the Guidelines (the Guidelines) regarding the evaluation of States Parties' compliance with the Anti-Doping Convention.⁵

The Evaluation Team typically undertakes an Evaluation Visit to the Party being evaluated. Before the visit takes place, the State Party that is the subject of the Evaluation Visit (Host Party) is required to provide a National Report. The National Report will explain how the Host Party has implemented and complied with the Convention, by reference to each relevant article. The National Report may also identify challenges in relation to the implementation of the Convention by the Host Party and areas where the expertise of the Evaluation Team is needed.

The T-DO has a Strategic Aim (refer to document T-DO (2024)25)⁶ of improving its monitoring activities by ensuring that:

- all States Parties are evaluated over a defined period of time, specifically targeting those Parties where implementation of the Anti-Doping Convention could be improved, as well as prioritising the countries planning to host major sporting events;
- evaluation activities are carried out in close coordination and cooperation with WADA and other relevant sport organisations to ensure maximum synergy and reduce duplication;
- the evaluation process is followed by practical cooperation activities aimed at implementing the recommendations formulated by the evaluation report and approved by the Monitoring Group.

Since the entry into force of the Convention, the fight against doping has undergone considerable transformation, particularly with the establishment of the World Anti-Doping Agency (WADA) in 1999⁷. A key development was the release of the inaugural World Anti-Doping Code (the Code)⁸ in 2003, which serves as the foundational document for standardizing anti-doping policies, rules, and regulations across sports organizations and public authorities globally. The 2021 edition of the Code, which is the fourth updated version as of the report's writing, functions in conjunction with eight International Standards⁹ aimed at fostering harmonisation among anti-doping organizations across different areas.

⁵ [1680ab57af](#)

⁶ <https://rm.coe.int/t-do-2024-25-strategy-en-in-force/1680b30136>

⁷ <https://www.wada-ama.org/en/who-we-are>

⁸ https://www.wada-ama.org/sites/default/files/resources/files/2021_wada_code.pdf

⁹ <https://www.wada-ama.org/en/what-we-do/international-standards>

Taking into account all the points presented above, the objective of the T-DO's Evaluation visit is to provide valuable recommendations to the States Parties in order to help them carry out the requirements laid down in the Convention and enable them to establish robust anti-doping programmes, thereby reinforcing their political commitment to combating doping, as evidenced by their signing of the Convention. The T-DO is cooperating closely with the key stakeholders in the fight against doping, as WADA, UNESCO and other relevant sport organisations, under their status of observers to the T-DO. Therefore, when the T-DO Evaluation Teams are conducting evaluation visits, they take into account the multifaceted anti-doping landscape and aim at providing recommendations that will aid the States Parties to the implementation of the Convention but also adhering to the guidelines of all regulatory bodies involved in the anti-doping effort, taking a global look at of the States' Parties anti-doping programme, limiting although their pure competence and recommendations in the Convention requirements.

B. The political commitment of BiH to combat doping in sports

The Government of Bosnia and Herzegovina (BiH), despite experiencing a challenging political climate during the adoption and ratification of the Convention, demonstrated its political commitment to combating doping by endorsing of the Convention as early as after its independence from Yugoslavia.

BiH ratified the Convention on 29 December 1994, and it entered into force on 01 February 1995.

BiH signed the Protocol on 3 October 2003, ratified it on 30 March 2009 and entered into force on 1 July 2009.

Furthermore, the Government of BiH reaffirmed this commitment by ratifying the UNESCO International Convention against Doping in Sport on 22 April 2009.

Subsequently, BiH took steps to implement the Convention by establishing the Anti-Doping Agency of BiH (ADA BH) in 2009 and allocating resources to combat doping throughout the entire country.

C. Evaluation visit in BiH, 26-28 November 2024

On 3 June 2024, the Ministry of Civil Affairs of BiH, in collaboration with ADA BH, the designated authority for implementing the Convention in the country, confirmed to the Convention Secretariat their readiness and dedication to facilitate a visit.

The visit took place from 26 to 28 November 2024.

The Evaluation Team consisted of the following members:

1. Mr Michael Petrou, President of the Cyprus Anti-Doping Authority, Team Lead
2. Mr Michal Rykowski, Director of the Polish Anti-Doping Agency
3. Mr Mehmet Yogurtcuoglu, Chief Operations Officer/ Lawyer of the Turkish National Anti-Doping Commission
4. Ms Liene Kozlovskas, Senior Programme Manager, Sport Division, Anti-Doping Unit
5. Mr Jamie Brown, Head of Anti-Doping Unit, Council of Europe
6. Ms Olympia Karavasili, Independent Expert, Rapporteur of the Visit

The Evaluation Team wishes to convey its gratitude to the ADA BH staff for their considerable efforts in effectively coordinating the visit and providing the essential documentation. Additionally, the Evaluation team would like to thank all the Stakeholders who participated in the visit, appreciating their time and dedication.

During the visit, a transition occurred in the leadership of ADA BH, as the long-serving Deputy Director, Dr. Amir Avdagic, was departing from the organization, and Mr. Nikola Cica was set to assume the role of Director.

While the Evaluation Team acknowledges the difficulties faced by national authorities in coordinating and organizing such visits, particularly in uniting all relevant stakeholders, it would have enhanced the visit's efficiency if the Evaluation Team had received the required documents, including the National report at least one month prior to the visit. Nevertheless, the Evaluation Team recognizes the willingness of all representatives to share information transparently. The discussions took place in an open and collaborative manner, and the evaluation Team is thankful to the BiH authorities for facilitating this environment.

The Evaluation Team acknowledges that, before the visit, it had access to the responses submitted by the BiH authorities in the T-DO Annual Questionnaire for 2022 and 2023, as well as the answers provided by ADA BH in the WADA Code Compliance Questionnaire (CCQ) in 2023. This information proved to be highly beneficial for the preparation of the visit and drafting of this report.

The Evaluation Team had the opportunity to meet with a range of representatives in charge for the implementation of the Convention from the Public Authorities, Law enforcement agencies, Academia, Media, ADA BH staff and others.

In particular the Evaluation Team met with: the Assistant Minister for Sports from the Ministry of Civil Affairs, the Director of the Food Safety Agency, the Head of the Department of Sports of the Ministry of Civil Affairs, the Chair of the working group for the implementation of the Medicrime Convention who also happens to

be working in the Directorate of coordination of police bodies, A professor from the Faculty of Sports from the University of Tuzla, another Sports Professor, the Director of the Federal News Agency, the Director of Food Safety Agency, the Head of Department of the Agency for Medicines and Medical devices of B&H and the President of the first instance Hearing Panel of the Anti-Doping Agency as well representatives from the National Olympic Committee (NOC) and National Paralympic Committee (NPC).

The Evaluation Team had planned to meet with representatives from National Federations (NFs) and the Appeal panel; however, these meetings did not take place because the sessions on the second day of the program ran over time for practical reasons out of the Evaluation Team's control, which was when the meetings were supposed to occur. The Evaluation Team would have valued the chance to engage with these representatives, as their absence restricts the Evaluation Team's ability to evaluate and assess the commitment of these stakeholders in the fight against doping.

Lastly, it was agreed with the Ministry of Civil Affairs and the ADA BH that a list of follow-up questions would be sent, which would need a prompt reply to allow the evaluation Team to complete the report on schedule. The Evaluation Team appreciates that the necessary clarifications were provided in a timely manner, and the ADA BH was consistently available during the report drafting phase for further explanations.

D. Structure and Methodology of this Report

The Convention outlines the actions that States Parties are required to take in the initial nine articles of it to establish a national anti-doping programme, which includes fostering international collaboration.

Reflecting the collective determination of the States Parties to combat doping in sports, the Convention acknowledges that successful measures at national level must be both multilateral and collaborative.

The Convention is supplemented by a helpful Explanatory Note¹⁰, which serves as a valuable resource for interpreting the Articles of the Convention.

Below is a concise summary of the requirements specified in each article. Following this, the recommendations made to the BiH authorities and best practices that may be of use and benefit to other Parties are provided in Section One. Section Two contains the "observations, conclusions and recommendations of the Evaluation Team.

¹⁰ <https://rm.coe.int/16800cb349>

E. Summary of requirements of Articles 1-9 of the Convention

Below is a summary of the primary obligations outlined in Articles 1-9 of the Convention, as well as Articles 1 and 2 of the Protocol, which establish specific duties for States Parties. This summary is not exhaustive and does not encompass all the requirements of the Convention, nor does it serve as a replacement for the Convention or its Additional Protocol.

Article 1: Article 1 of the Convention mandates that States Parties adopt measures to enforce the provisions of the Convention, which are designed to reduce and eradicate doping in sports, including through legislative actions.

Article 2: Article 2.1 does not specify a particular obligation or expectation. Its importance is rooted in the requirement for States Parties to apply the terms outlined in Article 2.1(a), (b), and (c) in accordance with the principles of the Convention. These terms have been revised since the Convention came into effect, taking into account the implementation of the Code.

Article 3: The Convention anticipates that to effectively implement its provisions, States Parties should create a designated national authority with clearly defined and mutually accepted jurisdiction over individual sports. Since the entry into force of the Code, this single designated authority is the National Anti-Doping Organisation (NADO). Numerous governmental departments or agencies are expected to participate in the fight against doping, including those responsible for sports, physical education, public health, medical services, law enforcement, customs, academic institutions, research, and veterinary services. Collaborative efforts among these entities will be essential to attain optimal outcomes.

Article 4.1 mandates that States Parties implement measures to limit the availability, including trafficking, of prohibited substances and methods, specifically anabolic steroids, as well as the utilization of banned doping agents and techniques in sports.

Article 4.2 mandates that States or pertinent non-governmental organizations establish the effective implementation of anti-doping regulations as a prerequisite for awarding public subsidies to sports organizations.

Article 4.3 (a): Governments may fully fund the expenses associated with Doping Controls and analysis on a significant scale.

Article 4.3 (b): The Parties are required to: b. implement necessary measures to prevent and/ or withhold, if necessary, the allocation of subsidies from public funds for training purposes to individual athletes who have been suspended due to a doping violation in sports, for the duration of their suspension;

Article 4.3(c): Article 4.3 c primarily addresses the protocols established for the collection of biological samples from athletes, commonly referred to as Testing.

Article 4.3 (d): Article 4.3(d) urges States Parties to enter into agreement with them to undergo testing by officially authorized doping control officers. in their nation athletes living or competing outside of their territory.

Article 4.4: Parties retain the authority to implement anti-doping regulations and to conduct doping tests independently and at their own discretion, as long as these actions align with the pertinent principles outlined in this Convention.

Article 5: Article 5 of the Convention outlines several obligations related to laboratories. The significant contribution of doping control laboratories in the fight against doping is acknowledged within the Convention, as well as in the Code and the UNESCO Convention.

Article 6: The Convention recognizes the critical role of education and research, and information in preventing doping in sports and expects collaboration between States Parties and sports organizations in this area. In addition to the Convention, the framework for education in anti-doping has been notably shaped by the WADA International Standard for Education.

Article 7: Article 7 outlines several obligations for States Parties, designed to ensure that sports organizations undertake all necessary measures to implement effective anti-doping programmes. Among various responsibilities, Article 7 of the Convention emphasizes the significance of implementing human rights principles in disciplinary anti-doping procedures. Based on this, the T-DO has adopted two highly beneficial Recommendations, which are elaborated upon in greater detail on pages 29-31 of this report.

Article 8: Article 8 of the Convention highlights the significance of coordination and collaboration among the States Parties at the international level. A primary avenue for such cooperation is the T-DO, the Advisory Groups and ad hoc expert groups formed pursuant to Article 11.2 of the Convention play a supportive role in the T-DO's efforts. Another vital channel for cooperation within the Council of Europe is the Ad hoc European Committee for the World Anti-Doping Agency (CAHAMA), which is tasked with aligning the positions of all States Parties to the European Cultural Convention on matters and policies related to WADA, its policies, and its operational activities.

Article 9: The Convention mandates that States Parties share information and experiences with each other and with observers regarding matters pertinent to the implementation of the Convention. The gatherings of the T-DO provide an appropriate platform for the dissemination and exchange of this information as well as the completion of the T-DO's annual questionnaire.

II. Evaluation Report

This Evaluation Report is divided into two Sections:

Section One The recommendations made to the BiH authorities and best practices that may be of use and benefit to other Parties.

Section Two The observations, conclusions and recommendations of the Evaluation Team.

The Evaluation visit's program (Annex 1) and the National Report (Annex 2) can be found in the end of this report.

A. Section One – summary of recommendations

A summary of the Evaluation Team’s recommendations is provided below, with a comprehensive analysis set forth in Section Two. Among the principal recommendations, the Evaluation Team suggests a revision of the Sports Law to fortify the national anti-doping program by establishing a sound legal framework. Beyond the specific legislative proposals, the Team has identified a series of measures designed to facilitate the effective implementation of the Convention, notably in the domains of resource allocation, disciplinary governance, educational programming, and the regulation of access to prohibited substances.

1. Definition of Doping

It is recommended to amend Article 49 of the Sports Law to explicitly include the term doping, thereby ensuring that all violations outlined in Code Article 2 are addressed.

2. Jurisdiction of ADA BH and enforcement of the Rules in BiH

2.1. It is imperative to fortify the language of the Sports Law to unequivocally affirm that ADA BiH is the recognized authority throughout BiH, possessing the jurisdiction for both In-Competition and Out-of-Competition Testing for all athletes who are nationals, residents, license-holders, or members of sports organizations within the country at all times, as well as those present in the national territory, as specified in the Rules.

2.2. Additionally, it should be clearly stated in the Sports Law that all Athletes preparing for or participating in a Competition or activity authorized or organized by a National Federation or one of its member organizations, and all Athlete Support Personnel associated with such Athletes shall agree to be bound by the Rules and the Results Management authority of ADA BH as a condition of their participation.

2.3. It is recommended to introduce a provision to the Sports Law that clearly states that the Rules of apply at all times.

3. Other Recommendations in the Report referring to amendments in the Sports Law

Please also refer to Recommendations number 7, 8, 20, 21 and 22 of this Report, regarding suggested amendments and additions to the Sports Law.

4. Establishment of an independent Supervisory Board

This board would assist in developing an effective strategic plan and ensuring compliance with various governance standards. The Supervisory Board could undertake several critical functions, including defining strategy, providing policy-level guidance and direction. Additionally, representatives from various entities and cantons, particularly the largest ones, could contribute to the board, bringing insights from their regions. This collaboration could help ADA BH create a more effective testing distribution plan that takes into account the specific needs of such governmental entities.

5. Increase of the ADA BH Annual Budget

Considering the constant increase of the needs of anti-doping programmes, including extending testing of recreational athletes, it is recommended to consider increasing the ADA BH annual budget.

6. Fostering collaboration with NFs in the fight against doping

ADA BH could foster its collaboration with the NFs. A broader strategy could involve developing a comprehensive action plan with the NFs to foster the collaboration of ADA BH in the fight against doping.

7. Conditioning the funding of NFs to the application of Anti-Doping Regulations

The Evaluation Team recommends the inclusion of a provision in the Sports Law or any relevant administrative document regarding the funding of NFs conditioned to their application of anti-doping regulations. This provision should clearly stipulate that financial assistance to these federations is dependent on their compliance with anti-doping regulations.

8. Development of a policy assessing the NF's compliance with Anti-Doping Regulations

It also recommended that the BiH authorities need to develop a detailed policy on this with criteria on assessing the NFs' compliance with the anti-doping regulations and the relevant consequences in cases on non-compliance.

9. Incorporate the absence of ADRV as criterion for athlete scholarship eligibility into the NOC and NPC Statutes.

As per article 4.3 (b) of the Convention, regarding the NOC and NPC, both organizations might consider explicitly incorporating a criterion in their Statutes that states that eligibility for athlete scholarships will be based on the absence of any serving ADRV at the time of the grant of the scholarship. Furthermore, should an ADRV occur during the scholarship period, the scholarship will be revoked.

10. Formalising the cooperation with the Customs and Police

The T-DO has put forth a valuable Recommendation concerning the sharing of information among public agencies, known as 'Recommendation Rec (2016) 1 of the Monitoring Group on Information Sharing between Public Agencies and Anti-Doping Organisations in the Fight against Doping.' ADA BH can leverage this Recommendation to engage in discussions with the pertinent authorities to facilitate the establishment of a MoU. The groundwork for this MoU has already been laid as the Evaluation team was told national administrative law mandates that public entities share information in all circumstances and cooperate among them.

11. Training of Law Enforcement officers

To foster collaboration among these institutions and aid in the development of a MoU, implementing a joint training program for these officers, featuring experts from other NADOs for one or two days, organized by ADA BH, could be a constructive initial step.

12. Introduction of provisions in the law to restrict the trafficking of doping substances

The Criminal Provisions in force in BiH when it comes to smuggling and trafficking do not apply in case of doping substances except those substances and methods covered by other laws (e.g. narcotics, controlled medicines). ADA BH in collaboration with the Ministry of Civil Affairs should introduce provisions in the

legislation on eliminating the availability of doping substances in the territory of BiH.

13. Collaboration with the Ministry of Justice could be explored

While ADA BH has delegated the adjudication of ADRVs to disciplinary Hearing Panels instead of Ordinary Courts, it could be advantageous for ADA BH to provide training on anti-doping matter for state attorneys, judges, prosecutors, and other legal professionals. This training would be particularly useful, as they may encounter cases related to trafficking, among others, when appropriate legislation comes into force. By educating these officials on the intricacies of the anti-doping legal framework and the Prohibited List, their comprehension and effectiveness will be improved. Furthermore, this initiative will reinforce ADA BH's role as the sole authority in the nation responsible for anti-doping matters.

14. Considering that neither ADA BH nor the FSA has implemented any definitive measures regarding the **risks associated with athletes consuming food supplements**, the following recommendations are proposed:

14.1. It is recommended for ADA BH and the FSA to consider incorporating an objective in their MoU aimed at identifying shared interests related to prohibited substances in food supplements and to translate this into actionable steps.

14.2. The FSA and ADA BH could collaborate to launch joint awareness campaign(s) about the risks of supplements and how these risks may be minimised.

14.3. ADA BH should enhance its website by providing information about the risks linked to the consumption of food supplements.

15. ADA BH and the Agency for Medicinal Products and Medical Devices could further investigate ways to offer **information regarding medications that include banned substances**. For example, they might consider creating online resources to help verify their medications (e.g., an application similar to globaldro.com).

16. Promoting cooperation between the Medicrime Convention and Anti-Doping Convention

It is recommended to continue exploring synergies of cooperation between the Medicrime Convention and the Convention at the national level.

17. In-person and online education activities

The Evaluation Team's recommendation is for the ADA BH to persist in its educational initiatives across the entire territory of BiH. This should include an increased focus on both in-person and online educational activities like webinars, e-Learnings, utilizing the cost-effective technological tools currently available for educational purposes. ADA BH is also recommended to use the technological tools available to raise awareness in the athlete's community and athlete support personnel. Considering the existing widely used tools by Athletes, ADA BH may consider creating official NADO webpages in other social media platforms, like Instagram, Tik Toc etc in light of the habits of the Athletes in BiH. The NADO could also consider contracting media-oriented studies trainees which is a cost-effective method to promote anti-doping awareness and education.

18. Human Resources on Education

Additionally, it is advised that if a permanent education manager cannot be appointed within the NADO, the responsibilities for education should be distributed

among the permanent staff, alongside the external contractor, to ensure the continuity of educational activities, even in the event that the external contractor ceases to provide services to the NADO. Furthermore, the Evaluation Team encourages the NADO to collaborate closely with relevant ministries, such as the Ministry of Education and the Ministry of Health, to facilitate anti-doping education (at sport schools or the medical personnel, respectively). It is also recommended that the NADO work in partnership with the country's sports organizations to tailor educational efforts to meet the specific needs of each sport.

19. Exploring additional research opportunities

It is suggested that ADA BH explores additional opportunities to carry out research in the country, collaborating with research institutions and universities. ADA BH should also look into the potential to participate in joint projects with other NADOs utilizing European Union (EU) Funds or WADA's Social Science Research Grant Program.

20. Establishment of the First Instance and Appeal Panel in accordance with the International legal framework on the matter

It is recommended that the formation and presence of the Hearing Panels at the first instance and the Appeal Panel be explicitly stated in the Sports Law (or any other legal act deemed appropriate in the national system of BiH), as indicated by the Rules, to affirm their legal standing. Furthermore, it is essential that the selection of the Hearing Panel members and the functioning of both panels remain independent and impartial from ADA BH, adhere to the Convention, and comply with the T-DO and Committee of Ministers Recommendations regarding this issue, as well as the Code and ISRM, thereby ensuring the right to a fair trial in accordance with Article 6 of the European Convention on Human Rights.

21. Training of the First Instance and Appeal Panel Members

Given the recent formation of the First Instance and Appeal Panel, it is recommended that the ADA BH pursue potential collaborations with the T-DO to arrange training sessions for the Hearing Panel members and explore additional opportunities that could enhance the training for the Panel members.

22. Legal aid mechanism

If free legal aid is to be provided, it must be explicitly stated in the Procedural Rules of the Hearing Panels or the Rules, following as well Paragraph k. 30 of the CM/Rec(2022)14 regarding this issue.

23. ADA BH to formulate a policy regarding its Intelligence and Investigations

ADA BH is recommended to evaluate its Intelligence and Investigative practices and formalize them in a policy document outlining the procedures for conducting investigations, collecting intelligence, including whistleblowing. Given the recommendation for ADA BH to enhance its collaboration with law enforcement agencies (Please also refer to Recommendation number 11), it is crucial for the organization to establish a clear protocol for investigations, including the cooperation with other NADOs and responsible entities. The T-DO 2021/28, together with WADA Guidelines on Information Gathering and Intelligence Sharing together with the International Standard on Testing and Investigations should be the basis for the ADA BH policy document on the matter.

24. ADA BH to formulate a Whistleblowing policy and online platform

ADA BH is recommended to formulate its Whistleblowing policy and formalise it in a policy document. ADA BH is also recommended to develop its own whistleblowing platform. In the meantime, ADA BH may include a link to WADA's Speak Up platform on its website and relevant social media channels until it develops its own platform.

25. ADA BH to ensure appropriate sanctions are imposed to Athlete Support Personnel and Other Persons

ADA BH shall ensure the effective imposition of sanctions to Athlete Support Personnel and Other Persons involved in an ADRV, as per Article 7 paragraph 2 (e) of the Convention and the Code.

26. Representation of the BiH Authorities at the Council of Europe and other international anti-doping gatherings

Recognizing the efforts of ADA BH to be represented at the T-DO, CAHAMA, T-DO advisory groups, and other international anti-doping events, it is recommended that more members of ADA BH be given the opportunity to participate in these meetings. Additionally, it is encouraged that representatives from the Ministry of Civil Affairs or other government officials, apart from those from ADA BH, take part in the CAHAMA and T-DO meetings.

27. Cooperation with other Anti-Doping Organisations (ADOs)

ADA BH is strongly recommended to cooperate closer with other ADOS. It is becoming increasingly prevalent among NADOs to create MoUs for mutual cooperation, which aim to enhance their programs and collaborative efforts in various domains. For example, NADO X might establish a partnership with NADO Z to work together on results management and conduct training sessions, thereby promoting deeper collaboration.

The Evaluation Team recommends that ADA BH, without the necessity of entering into a formal agreement, collaborate and share best practices with other NADOs, particularly those from countries of similar size and geographical proximity, as well as larger NADOs and International Federations (IFs), to enhance its own policies and practices and foster international cooperation.

BEST PRACTICE EXAMPLE

Following the meeting the Federal News Agency (FENA), the Evaluation Team learned that ADA BH has established a noteworthy MoU with the Federal News Agency of BiH. This collaboration focuses on gathering information regarding media coverage related to doping, including the attention given to specific doping cases and any relevant media relations information concerning doping issues. Such an MoU is uncommon within the T-DO community, leading the Evaluation Team to consider it a Best Practice Example.

B. Section Two observations, conclusions and recommendations

1. Legislation, regulations and administrative provisions

Background information on the political structure of BiH

In order to better understand the content of this report, it is essential to emphasize that the institutional structure of BiH presents certain complexities which impact the ways that the State administration functions in the country, including sport.

The particular governance structure of BiH is also reflected in article 5 of the National Sports Law of 25 February 2008 (the Sports Law), under the name 'Decentralisation' where it is mentioned:

'Sport in BiH shall be organised in a decentralised manner with the specific rights and powers of BiH, the entities, the Brcko District of BiH and other levels of administrative organisation.'

BiH comprises 4 tiers of governance, at the State, Entity, Canton and municipal levels:

- BiH shall consist of two Entities: the Republika Srpska and the Federation of BiH (Federacija Bosna i Hercegovina – hereinafter FBiH) and it also exists the Brcko District.
- Republika Srpska: The Republika Srpska is a unique and indivisible constitutional and legal entity comprising one level of local self-government with 57 Municipalities.
- FBiH: The FBiH consists of ten federal units, the Cantons, which have their own Constitution, Parliament, Government and judicial powers. In total, there are eleven constitutions, governments and legislators in the FBiH (10 cantonal and one Entity). Cantons operate under the laws of FBiH as a whole. Moreover, they are further divided into seventy-nine municipalities and cities, which constitute the local self-government units. They hold both executive and legislative powers.
- Brcko District: It was previously considered a municipality divided into two parts, one in the Republika Srpska and the other in FBiH. The final award was brought by an international arbitration tribunal in 1999 and prescribed the establishment of Brcko as a District. It is since then a condominium jointly owned by the Entities. State legislation directly applies to the District and its fields of competence are nearly the same as the ones of the Entities (including executive, legal and judiciary authorities).

A directly elected tripartite Presidency governs the country, which is in charge of foreign, diplomatic and military affairs, and the budget of state-level institutions. The three presidency members are from the three constituent nations - one Bosniak, one Serb, one Croat.

At an entity level, both the Federation of BiH and the Republika Srpska have significant autonomy. The Federation of BiH has a directly elected 98-member house of representatives. The Republika Srpska has an 83-member national assembly. Entities' parliaments have jurisdiction over healthcare, education, agriculture, culture, veteran issues, labour, police and internal affairs.

Both entities have a Prime Minister and 16 ministries. The Federation is furthermore divided into 10 cantons, each with its own administrative government and relative autonomy on local issues such as education and health care.

The Parliament of BiH encompasses a House of Representatives and a House of Peoples.

2. *Public authorities*

MINISTRY OF CIVIL AFFAIRS

Sports in BiH fall under the jurisdiction of the Ministry of Civil Affairs as per article 15 of the Sports Law.

The Sports Department within the Ministry of Civil Affairs is tasked with enforcing the Law on Sports in BiH.

The Sports Department comprises three distinct departments:

1. Department for International Cooperation;
2. Department for the Implementation and Development of Sports Strategies, Projects, and Programmes;
3. Information System in Sports.

The Sports Department comprises a total of nine employees. Leadership is provided by the Assistant Minister for Sports, with department heads managing the three distinct departments within the sector. On the first day of their visit, the Evaluation Team had the opportunity to meet with the Assistant Minister in person and shared the preliminary findings of their visit on the following day. The Ministry of Civil Affairs is responsible for coordinating sports at the cantonal level.

ADA BH is funded by the State budget. The relationship between the Ministry and ADA BH is positive. Although the Cantons and entities operate under their own legal frameworks, the Sports Law governs anti-doping matters across the entire territory of BiH, with no distinct laws in effect. As the Ministry of Civil Affairs supervises the implementation of the law in the entire territory of BiH, it ensures that the laws from the other administrative structures are harmonised and confirmed that no disruptive or disharmonised articles that do not correspond to the Sports Law, including areas like anti-doping, have been observed.

The Ministry has affirmed that ADA BH is the sole organization in the country tasked with anti-doping responsibilities.

When it comes to sport, there is also the Sports Council of BiH serving as the principal advisory body to the Ministry of Civil Affairs, focusing on the advancement and quality of sports throughout the country. The Sports Council has an advisory role when it comes to anti-doping matters.

The Sports Council consists of 17 members, appointed by the Ministers of BiH upon the recommendation of the Minister of Civil Affairs. This includes a president, two vice presidents, and 14 members selected from distinguished athletes and sports professionals. The members of the Sports Council are nominated by seven representatives from the Ministry of Civil Affairs, three from the Olympic Committee of BiH, and three from each entity, in collaboration with the relevant entity and cantonal ministries responsible for sports, along with one member from the Brčko District of BiH. The Sports Council's term lasts for four years, aligning with the Olympic cycle.

THE SPORTS LAW

The Sports Law governs the realm of sports within BiH, addressing the public interest and objectives pertinent to the jurisdiction of BiH, Republika Srpska, and the Federation of BiH (hereafter referred to as "entities"), as well as the Brčko District and other administrative levels.

It outlines fundamental principles for the organization of sports, delineates the rights and responsibilities of athletes, and encompasses domestic and international sports competitions across various administrative tiers in BiH. It is important to highlight that Article 4 (reproduced below for reference) stipulates that the Sports Law in BiH will align with the principles set forth in the European Sport Charter and the European Convention on Human Rights, among other documents. This demonstrates the Government of BiH's dedication to upholding the highest international standards in the realm of sports.

Article 4 International basis

Sport in BiH shall be based on the principles and standards established in the European Sport Charter, the European Convention on the Protection of Human Rights and Fundamental Freedoms, the UN Convention on the Rights of the Child, the International Convention Against Doping in Sport, The European Convention on Spectator Violence and Misbehaviour at Sports Events, the Olympic Charter, the Paralympic Charter, the rules of international sports associations, The European Code of Sports Ethics, the Declaration on Sport, Tolerance and Fair Play, and the Lausanne Statement concerning the organisation of sport in BiH.

In 2009, the Sports Law underwent amendments that addressed minor technical adjustments and enhanced the comprehensiveness of provisions related to Paralympic sports.

Additionally, the Sports Law outlines the process for recognizing a new sports discipline, which requires the relevant Sport Federation to be registered first with the Ministry of Justice and subsequently with the Ministry of Civil Affairs.

The provisions of the Sports Law apply to NFs recognised in the territory of BiH and registered as such in the Ministry of Civil Affairs.

Additionally, it covers the planning, construction, maintenance, and utilization of sports facilities, the promotion of international collaboration, and the organization and functioning of sports institutions. The Sports Law also addresses sports activities for individuals with impairments, the recognition and awards for athletes and sports organizations, athlete healthcare, the prevention and eradication of violence and inappropriate conduct among spectators, the fight against doping, professional practices, scientific research, and informatics in sports, as well as the funding of sports activities, oversight, and punitive measures.

Sport in BiH is structured in a decentralized manner, with defined rights and responsibilities assigned to BiH, its entities, the Brčko District, and other administrative levels. In alignment with the constitutions of the entities and other administrative levels, as well as their respective sports laws, matters related to sports that are not addressed by the National Sports Law are regulated in respective laws and other legal framework of the respective entities.

It is noteworthy and a significant accomplishment that when it comes to the fight against doping the provisions of the Sports Law apply in the entire territory of the BiH with no additional laws addressing this issue in the country.

ESTABLISHMENT OF THE ADA BH

In accordance with Articles 49 and 61 of the Sports Law, the ADA BH was created as an independent administrative body, receiving its funding solely and directly from the national state budget. The establishment of ADA BH is outlined in Articles 61 to 63 of the Sports Law, which are provided below for reference.

Article 49

Prohibition of doping

Athletes and all participants in sport are prohibited from taking, giving to others and encouraging the use of illegal performance-enhancing drugs in accordance with the rules of the World Anti-Doping Agency (WADA).

Article 61

Anti-Doping Agency

(1) An Anti-Doping Agency shall be established under this Law.

(2) The Anti-Doping Agency shall be established as an autonomous administrative organisation for monitoring and implementing international sports anti-doping conventions in BiH.

(3) The work of the Anti-Doping Agency shall be managed by its director.

(4) The director of the Anti-Doping Agency shall be appointed by the Council of Ministers of BiH at the proposal of the chairman of the Council of Ministers of BiH.

(5) The director of the Anti-Doping Agency shall have two assistant directors.

Article 62

Powers of the Agency

The Anti-Doping Agency shall perform the following tasks:

- a) continuously monitoring and coordinating anti-doping activities in sport,*
- b) proposing and implementing anti-doping measures in sport,*
- c) being responsible for the implementation of conventions, the WADA Code and the rules of the International Olympic Committee, the International Paralympic Committee and international sports alliances,*
- d) managing the preparations and procedures for passing laws governing these issues.*

Article 63

Internal organisation of the Agency

(1) The internal organisation of the Anti-Doping Agency shall be defined in the rules governing its internal organisation and functioning.

(2) The rules governing the internal organisation and functioning of the Anti-Doping Agency shall be adopted by the director with the consent of the Council of Ministers of BiH.

During the visit, it was emphasized and later documented for the Evaluation Team that the ADA BH is the only officially recognized agency responsible for testing

across the entire territory of BiH, notwithstanding the country's intricate governance framework.

According to paragraph 2 of Article 63 of the Sports Law, the ADA BH Anti-Doping Rules (the Rules) are established and outline the operations and responsibilities of ADA BH, which following review by WADA have been deemed compliant with the Code.

The Evaluation Team wished to clarify during the visit the legal basis with which the Rules apply to all the territory of BiH and that all the athletes preparing for or participating in a Competition or activity authorized or organized by a National Federation or one of its member organizations, and all Athlete Support Personnel associated with such Athletes are bound by the anti-doping rules and the Results Management authority of ADA BH as a condition of such participation.

It was confirmed during the visit and in the post-visit exchanges that the legal basis are articles 61 to 63 of the Sports Law in combination with article 2 of the Rules.

According to Article 2 of the Rules, athletes are required to:

- undergo doping control conducted by an authorized anti-doping organization;
- comply with all procedures related to sample collection;
- provide whereabouts information to enable out-of-competition testing.

The Rules mandate that all athletes competing in BiH must comply with anti-doping standards and undergo testing when requested. It was clarified in writing that the Rules are applicable to all NFs through the Instructions, which the Evaluation Team interprets as akin to an Implementation Decree.

These Instructions were published in the Official Gazette of BiH, No. 79/20, on December 8, 2020, and they explicitly outline the application of the Code to all NFs.

The Instruction indicate the following:

Article 1

Subject of the Instructions and Hierarchy of Legal Acts

The World Anti-Doping Code 2021, the international standards of the World Anti-Doping Agency (WADA) 2021, and the Anti-Doping Rules in BiH are applied directly and take precedence over legal and sub-legal acts adopted by relevant legislative and other authorities in BiH.

Article 2

Duties

The Olympic Committee of BiH, the Paralympic Committee of BiH, and sports federations in BiH are obliged to align their acts and inform their members about the World Anti-Doping Code 2021, the international standards of the World Anti-Doping Agency (WADA) 2021, and the Anti-Doping Rules in BiH before these Instructions come into effect.

Article 3 Publication

The World Anti-Doping Code 2021, the international standards of the World Anti-Doping Agency (WADA) 2021, and the Anti-Doping Rules in BiH will be published on the official website of the Anti-Doping Control Agency of BiH www.ada.gov.ba.

Article 4 Entry into Force

1. These Instructions come into force on January 1, 2021, and will be published in the "Official Gazette of BiH".

2. Upon the entry into force of these Instructions, the previous Instructions for the Implementation and Application of the World Anti-Doping Code 2015 and Rules for Doping Control in Sports in BiH (Official Gazette of BiH, no. 107-2-1095/14, December 1, 2014) shall cease to apply.

It is evident from the Instructions that they must be re-adopted each time a new version of the Code comes into force.

The Evaluation Team recognizes, based on what was told that since the Sports Law is applicable to all NFs, and given that ADA BH is established by law—along with its Rules that are acknowledged—there exists a legal foundation for the enforcement of anti-doping regulations for all individuals participating in competitions. However, this foundation does not include a direct reference or a provision that automatically confers this authority.

In conclusion, the legal foundation that empowers the ADA BH to implement the Rules to all NFs and consequently to administer testing for all competition participants across the entire territory of BiH, is derived from a combination of specific provisions outlined in the Sports Law, the Rules, and the accompanying Instructions, which have to be updated and adopted every time a new version of the Code and/or the International Standards comes into force.

During the visit, it was also noted that at the inception of ADA BiH, the agency was required to establish bilateral agreements with the federations to facilitate testing across various athletic disciplines. Subsequent clarifications indicated that while formal agreements were not established, the NADO took the necessary time to communicate its objectives to each federation.

The legal framework, including the Sports Law, the Rules and the Instructions, is robust and unambiguous. Nevertheless, if the three pieces of legislation are not considered collectively, or if any one of them is not in force within the country for any reason, the legal foundation for recognizing the NADO as the sole authority and for enforcing the Rules throughout the entire territory may be compromised. Currently, the Evaluation Team has observed, from the meeting with the different stakeholders, a consensus in BiH regarding the authority of ADA BH as the sole testing authority for all athletes in the country.

Establishing a solid foundation and obtaining direct acknowledgment in Sports Law will help prevent any possible disputes and challenges in the future regarding the authority of ADA BH as the sole NADO before the National Court.

Revision of the Sports Law

It is recommended that the Government of BiH considers amending some provisions of the Sports Law as suggested below.

RECOMMENDATIONS

1. Definition of Doping

It is recommended to amend Article 49 of the Sports Law to explicitly include the term doping, thereby ensuring that all violations outlined in Code Article 2 are addressed.

2. Jurisdiction of ADA BH and enforcement of the Rules in BiH

2.1. It is imperative to fortify the language of the Sports Law to unequivocally affirm that ADA BiH is the recognized authority throughout BiH, possessing the jurisdiction for both In-Competition and Out-of-Competition Testing for all athletes who are nationals, residents, license-holders, or members of sports organizations within the country at all times, as well as those present in the national territory, as specified in the Rules.

2.2. Additionally, it should be clearly stated in the Sports Law that all Athletes preparing for or participating in a Competition or activity authorized or organized by a National Federation or one of its member organizations, and all Athlete Support Personnel associated with such Athletes shall agree to be bound by the Rules and the Results Management authority of ADA BH as a condition of their participation.

2.3. It is recommended to introduce a provision to the Sports Law that clearly states that the Rules of apply at all times.

3. Other Recommendations in the Report referring to amendments in the Sports Law

Please also refer to Recommendations number 7, 8, 20, 21 and 22 of this Report, regarding suggested amendments and additions to the Sports Law.

3. National anti-doping organisation (NADO) – structure and governance

STRUCTURE OF ADA BH

As stated above, ADA BH was established based on article 61 of the Sports Law and the details of its functioning can be found in articles 61 to 63 of the Sports Law, the Rules and the Instructions.

ADA BH has one director assisted by two assistant directors (to cover the two entities of the country) two full time testing managers and among others an external advisor dedicated for education. The NADOs headquarters are in Tuzla.

Based on the Sports Law, the director of ADA BH shall be appointed by the Council of Ministers of BiH at the proposal of the chairman of the Council of Ministers. The rules governing the internal organisation and functioning of ADA BH shall be adopted by the director with the consent of the Council of Ministers.

There is no Supervisory Board at this stage overseeing the activities of ADA BH but the Evaluation Team's understanding is that the highest Ministerial entity, the Council of Ministers, endorses the decisions of the two directors.

In accordance with Article 13 of the Sports Law, the members of the Sports Council are to be appointed as follows: seven members by the Ministry of Civil Affairs of BiH; three members by the Olympic Committee of BiH; three members from each entity, in collaboration with the relevant entity and cantonal ministries responsible for sports; and one member from the Brčko District of BiH. This structure ensures comprehensive representation across the entire territory of BiH. Additionally, it is understood that the Anti-Doping Commission, which was established under the NOC prior to the formation of ADA BH, is occasionally consulted on matters related to anti-doping.

RECOMMENDATION

4. Establishment of an independent Supervisory Board

The Evaluation Team recognizes the existing complexities within the country's structure and commends ADA BH for successfully serving as the sole authority responsible for anti-doping, earning the respect of all stakeholders involved. However, the Evaluation Team believes that ADA BH would benefit from the creation of an independent Supervisory Board. This board would assist in developing an effective strategic plan and ensuring compliance with various governance standards. The Supervisory Board could undertake several critical functions, including defining strategy, providing policy-level guidance and direction. Additionally, representatives from various entities and cantons, particularly the largest ones, could contribute to the board, bringing insights from their regions. This collaboration could help ADA BH create a more effective testing distribution plan that takes into account the specific needs of such governmental entities.

OPERATIONS AND FUNDING OF ADA BH

The budget for ADA BH is sourced directly from the State budget rather than the Ministry of Civil Affairs. It is the opinion of the Evaluation Team's that the financing of ADA BH through the State Budget offers a reliable resource for the organization. Moreover, we could emphasise that this arrangement, secured by law, offers guarantees for securing the ADA BH budget.

Regarding the operations of ADA BH, it is noteworthy that, despite its constrained resources—evidenced by an increase in the budget from €31,000 in 2022 to €44,000 based on the Annual T-DO data—ADA BH continues to operate effectively and successfully. Furthermore, to ensure comprehensive coverage across various entities, cantons, and municipalities, ADA BH has established a network of 33 Doping Control officers (DCOs), which is significant relative to the country's scale. It is understood that the high number of DCOs is to cover all the territory including all the governance structures efficiently which looks to be achieved. The ADA BH staff, as well as the DCOs confirmed to the Evaluation Team that they have been successful in testing foreigner athletes in the BiH territory as well Bosnian Athletes outside of the country. ADA BH does not have resources to conduct testing on recreational athletes, fitness centres, grassroot sport, necessitating a focus on prioritization.

In terms of operational independence and government involvement, it was noted during their visit that the ADA BH functions with complete autonomy, free from any governmental interference in its operational decisions. The Assistant Minister of the Ministry of Civil Affairs expressed his full confidence in ADA BH regarding anti-doping efforts. This sentiment was echoed by other local stakeholders, who recognized ADA BH as the authoritative body on anti-doping issues and confirmed that there are no barriers to ADA BH related to testing or results management. Additionally, the documentation reviewed revealed no evidence of government interference in the operations of the NADO. Consequently, based on the information provided to the Evaluation Team and their observations, there are no concerns to address in this regard, and it is recommended to maintain this collaborative approach, which enables ADA BH to perform its duties with optimal efficiency.

RECOMMENDATION

5. Increase of the ADA BH Annual Budget

Considering the constant increase of the needs of anti-doping programmes, including extending testing of recreational athletes, it is recommended to consider increasing the ADA BH annual budget.

4. **Sports organisations**

The Convention acknowledges the significant role that sports organizations have in combating doping at the national level. It recognizes the diverse range of stakeholders that can contribute to anti-doping efforts and mandates that States Parties coordinate the policies and actions of the relevant organizations involved in the fight against doping. The Convention also stipulates that port organisations shall (or should) collaborating with the NADO as the responsible authority for the fight against doping.

Unfortunately, the Evaluation Team did not have the opportunity to meet with representatives from the NFs, only with those from the NOC and NPC, thus limiting their ability to comment on the anti-doping education efforts conducted by the NFs, either independently or in collaboration with the NADO.

The understanding of the Evaluation Team is that the main efforts in anti-doping education are conducted by the NADO and also the NOC and NPC.

RECOMMENDATION

6. Fostering collaboration with NFs in the fight against doping

ADA BH could foster its collaboration with the NFs. A broader strategy could involve developing a comprehensive action plan with the NFs to foster the collaboration of ADA BH in the fight against doping.

GRANT OF PUBLIC SUBSIDIES TO SPORT ORGANISATIONS:

Regarding the grant of public subsidies to sport organizations, article 4 paragraph 2 of the Convention states that *'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.'*

Additionally, article 4 paragraph 3 b stipulates:

The Parties shall... (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;

The Convention clearly indicates that States Parties or where appropriate non-governmental organizations must require the effective implementation of anti-doping regulations as a condition for awarding public subsidies to sports organizations.

In a meeting with the Assistant Minister of the Ministry of Civil Affairs, it was noted that the Ministry provides approximately 750,000 euros to support the NFs, NOC and NPC. It was confirmed that the effective implementation of anti-doping regulations is not a prerequisite for receiving these funds.

The Evaluation Team is unable to provide comments on the issue, as they did not engage with representatives from the NFs.

Article 12.2.3 of the Rules provide that “(sport) *organisations may be fined in an amount determined by respective legislation in Bosnia and Herzegovina*” but there is no such provision, or an amount indicated in the Sports Law.

Article 12.3 of the Rules explicitly provide for the withholding of “*some or all funding or other financial or non-financial support*” but this is not regulated further with a policy or regulations.

RECOMMENDATIONS

7. Conditioning the funding of NFs to the application of Anti-Doping Regulations

The Evaluation Team recommends the inclusion of a provision in the Sports Law or any relevant administrative document regarding the funding of NFs conditioned to their application of anti-doping regulations. This provision should clearly stipulate that financial assistance to these federations is dependent on their compliance with anti-doping regulations.

8. Development of a policy assessing the NF’s compliance with Anti-Doping Regulations

It also recommended that the BiH authorities need to develop a detailed policy on this with criteria on assessing the NFs’ compliance with the anti-doping regulations and the relevant consequences in cases on non-compliance.

MEETINGS WITH THE NOC AND NPC

The Evaluation Team had the chance to engage with representatives from the NOC and NPC, during which a comprehensive presentation on their operations was provided.

The Evaluation Team was advised that, specifically regarding the NOC, if an athlete is determined to have committed an anti-doping rule violation (ADRV), any financial support or scholarships granted to that athlete will be either suspended or withdrawn. While it may not be explicitly stated in the Statutes of the NOC or NPC, the Evaluation Team has been informed that this is included in the scholarship agreements with the athletes.

The NOC demonstrates its political commitment in the fight against doping by adopting the Code and dedicated part of its funds to sport organisations to conduct doping controls. The Evaluation Team was told that the NOC has adopted the Code and works closely with the International Testing Agency (ITA).

According to the NOC Statutes, one of its key goals is to “*promote the principles of Olympism and the World Anti-Doping Code within the physical education and sports curriculum at schools and universities.*” Furthermore, the NOC organizes an annual forum for athletes that emphasizes anti-doping education. Furthermore, the NOC is actively involved in other educational initiatives, including the Sports Medicine seminar.

The NOC has established a strong partnership with ADA BH, and as confirmed by the NOC representative, there has been excellent collaboration since NADO's formation.

Prior to NADO's establishment, an Anti-Doping Commission was responsible for overseeing anti-doping efforts in BiH; this commission still exists today but now serves only in an advisory capacity

The NPC also acknowledged its adherence to the Code, its close collaboration with ADA BH. The NPC engages in educational initiatives in promoting clean sports in line with its Statutes.

The Evaluation team reviewed the Statutes of the NOC and NPC, as provided post visit.

RECOMMENDATION

9. Incorporate the absence of ADRV as a criterion for athlete scholarship eligibility into the NOC and NPC Statutes.

As per article 4.3 (b) of the Convention, regarding the NOC and NPC, both organizations might consider explicitly incorporating a criterion in their Statutes that states that eligibility for athlete scholarships will be based on the absence of any serving ADRV at the time of the grant of the scholarship. Furthermore, should an ADRV occur during the scholarship period, the scholarship will be revoked.

5. *Restricting the availability of doping substances*

CUSTOMS AND POLICE

The Convention requires States Parties to implement measures aimed at limiting the availability and trafficking of prohibited substances and methods, particularly anabolic steroids. However, neither the Convention, nor the Code or the UNESCO Conventions obliges States Parties to criminalise the use of doping substances or methods.

The Evaluation Team engaged with various national stakeholders to delve deeper into this issue, specifically consulting with representatives from Customs, the Police, the Food Safety Agency (FSA), the Agency for Medicinal Products and Medical Devices, and the Directorate for Coordination of Police Bodies of BiH, as well as the Sector for International Operative Police Cooperation, which collaborates with the Medicrime Convention of the Council of Europe.

A concise summary of the insights shared by these representatives is provided below.

Although there are existing regulations concerning drug trafficking and smuggling, these do not extend to doping substances as listed in the Prohibited List. It is imperative for BiH's authorities to establish comprehensive legislative measures to regulate the trafficking of doping substances. Such measures should at a minimum include a list of substances to be controlled, the relevant agencies involved, and the sanctions that would apply.

The Customs representatives also acknowledged that a closer cooperation with ADA BH and training of their officers on doping matters and in particular on the Prohibited List would be useful and welcoming.

Information was provided by representatives of Police and Customs on cross border operations like Operation Pangea which was conducted in cooperation with Interpol and targeted illicit medicines and transnational organized crime groups. The cooperation of prosecutors, customs, ADA BH, inspectorate, border police, FSA and other relevant entities were involved in that operation. Information was also provided for another big case that necessitated the cross departmental cooperation which concluded in a significant amount of steroid smuggling in September 2024. Criminal charges are undergoing. BiH is part of the World Customs Organisation as well.

ADA BH cooperates on an ad-hoc basis with the Police, mainly to exchange information but it is not formalised. The Evaluation team was told that the administrative Law obliges public agencies to cooperate.

The pertinent legal provisions concerning Customs and police in relation to smuggling and trafficking were provided by ADA BH to the Evaluation team and were appropriately reviewed.

Lastly, the Evaluation Team was told that based on the administrative law in BiH the public organizations are obliged by law to cooperate amongst them therefore this can constitute the legal basis for the cooperation of ADA BH with the Police and Customs, for instance under the format of signing a Memorandum of Understanding (MoU). It is acknowledged that the intricate governance structure

within the country may pose additional challenges, such as the need to coordinate with various police authorities across different entities, cantons, and sub-government structures when signing MoUs.

RECOMMENDATIONS

10. Formalising the cooperation with the Customs and Police:

The T-DO has put forth a valuable Recommendation concerning the sharing of information among public agencies, known as 'Recommendation Rec (2016) 1 of the Monitoring Group on Information Sharing between Public Agencies and Anti-Doping Organisations in the Fight against Doping.'¹¹

ADA BH can leverage this Recommendation to engage in discussions with the pertinent authorities to facilitate the establishment of a MoU. The groundwork for this MoU has already been laid as the Evaluation team was told national administrative law mandates that public entities share information in all circumstances and cooperate among them.

11. Training of Law Enforcement officers

To foster collaboration among these institutions and aid in the development of a MoU, implementing a joint training program for these officers, featuring experts from other NADOs for one or two days, organized by ADA BH, could be a constructive initial step.

12. Introduction of provisions in the law to restrict the trafficking of doping substances

The Criminal Provisions in force in BiH when it comes to smuggling and trafficking do not apply in case of doping substances except those substances and methods covered by other laws (e.g. narcotics, controlled medicines). ADA BH in collaboration with the Ministry of Civil Affairs should introduce provisions in the legislation on eliminating the availability of doping substances in the territory of BiH.

13. Collaboration with the Ministry of Justice could be explored

While ADA BH has delegated the adjudication of ADRVs to disciplinary Hearing Panels instead of Ordinary Courts, it could be advantageous for ADA BH to provide training on anti-doping matter for state attorneys, judges, prosecutors, and other legal professionals. This training would be particularly useful, as they may encounter cases related to trafficking, among others, when appropriate legislation comes into force. By educating these officials on the intricacies of the anti-doping legal framework and the Prohibited List, their comprehension and effectiveness will be improved. Furthermore, this initiative will reinforce ADA BH's role as the sole authority in the nation responsible for anti-doping matters.

FSA

The FSA is an independent agency under the Authority of the Committee of Ministers. It acts as a national focal point for international food safety standards,

¹¹ <https://rm.coe.int/recommendation-rec-2016-1-of-the-monitoring-group-on-information-shari/1680735158>

sets national, regional and codex standard and guidelines. Its mission is to build effective System of Food and Feed Safety through the whole Food Supply Chain, based on Risk Assessment, in order to ensure high level of Human Health protection. It also drafts legislation that is harmonised with the EU Food Safety legislation and aquí communicate.

Regarding nutritional supplements that are placed on the market of the Federation of BiH must comply with the Rulebook on the Healthiness of Dietary Foods That Can Be Marketed ("Official Gazette of the Federation of BiH" No. 07/04, 45/04).

In the Republic of Srpska, the valid regulation regulating the placing of food supplements on the market is the Rulebook on Food Supplements ("Official Gazette of the Republic of Srpska" number 10/18).

The FSA has a MoU with ADA BH which has a broader scope, at this stage on exchanging information and some mutual projects which were not detailed during the meeting. The MoU was signed in 2023.

There is no assurance that any supplement is devoid of banned substances, and athletes must be fully cognizant of the potential risks to their careers associated with the use of such products, aside the risk to their health.

Many of the supplements may be contaminated with substances that are banned in sports, which may not be disclosed on the ingredient labels.

A key tenet of the Code is strict liability, which asserts that athletes bear full responsibility for any prohibited substances found in their bodies, irrespective of how they entered their system or whether there was any intent to deceive. Consequently, athletes should carefully evaluate the necessity, risks, and potential repercussions on their careers before consuming supplements.

RECOMMENDATIONS

14. Considering that neither ADA BH nor the FSA has implemented any definitive **measures regarding the risks associated with athletes consuming food supplements**, the following recommendations are proposed:

14.1 It is recommended for ADA BH and the FSA to consider incorporating an objective in their MoU aimed at identifying shared interests related to prohibited substances in food supplements and to translate this into actionable steps.

14.2 The FSA and ADA BH could collaborate to launch joint awareness campaign(s) about the risks of supplements and how these risks may be minimised.

14.3 ADA BH should enhance its website by providing information about the risks linked to the consumption of food supplements.

AGENCY FOR MEDICINAL PRODUCTS AND MEDICAL DEVICES OF BIH

The Agency for Medicinal Products and Medical Devices is the competent authority responsible for medicines and medical devices intended solely for human use. As previously noted, BiH has a distinct organizational framework comprising two Entities: the Federation of BiH and the Republic of Srpska, along with one district: Brčko District. Healthcare ministries are structured at both the

Entity and District levels, overseeing the respective governments. At the state level, there is no dedicated Ministry of Health Care; instead, the Ministry of Civil Affairs serves to coordinate and report to the Council of Ministers. The regulation of medicines within the BiH market is managed by the Agency, which operates under a legal framework and adheres to international guidelines and standards for evaluating quality, safety, and efficacy (including those from EMA, ICH, and WHO). The Prohibited List is included in the Annual Register of approved medicines. The Evaluation Team was informed that medicines containing a Prohibited Substance, despite being listed in the Annual Register, are not labelled as such. Since 2016, the Agency has maintained a MoU with the Agency for Development of BiH (ADA BH).

RECOMMENDATION

15. ADA BH and the Agency for Medicinal Products and Medical Devices could further investigate ways to offer information regarding medications that include banned substances. For example, they might consider creating online resources to help verify their medications (e.g., an application similar to globaldro.com).

DIRECTORATE OF COORDINATION OF POLICE BODIES OF BIH AND THE MULTI-SECTORAL WORKING GROUP FOR THE IMPLEMENTATION OF THE MEDICRIME CONVENTION

The Medicrime Convention of the Council of Europe (CETS211)¹² is designed to safeguard public health by addressing the production, distribution, and trafficking of counterfeit medical products, as well as other health-related crimes.

Ms Verica Trbić, representing the Directorate of Coordination of Police Bodies of BiH, Chair of the Multi-Sectoral Working Group for the Implementation of the Medicrime Convention informed the Evaluation Team about the connections between the Medicrime Convention and the Convention. In BiH, a multisectoral group has been formed to facilitate the implementation of the Medicrime Convention, with ADA BH being a member of this group. The involvement of ADA BH in that group may serve as a key avenue for incorporating the pertinent regulations into national legislation aimed at eradicating the accessibility of doping substances.

RECOMMENDATION

16. Promoting cooperation between the Medicrime Convention and Anti-Doping Convention.

It is recommended to continue exploring synergies of cooperation between the Medicrime Convention and the Convention at the national level.

PROHIBITED LIST

According to the responses of ADA BH in the T-DO Questionnaire, ADA BH adopts the Prohibited List of substances and methods as adopted by the Executive Committee of WADA and as stipulated in article 4.1 of the Rules.

¹²<https://rm.coe.int/168008482f>

The Convention requires States Parties to adopt the list of "pharmacological classes of doping agents or doping methods" that is approved by the T-DO but this is a provision that was in force well before WADA and the Code were created and the lists as of today are identical, as the T-DO adopts the list that is approved by the WADA Executive Committee.

The Sports Law does not provide additional references regarding the enforcement mechanisms of the List. The Evaluation team was advised that the Prohibited List has been usually made available on the ADA BH website and translated usually into three languages to enhance athletes' awareness and comprehension of the Prohibited List something that the Evaluation Team quickly confirmed by visiting the ADA BH website. The expert advisor further affirmed that the Prohibited List is published in the Official Gazette. The Evaluation Team recommends that the Bosnian Authorities continue this practice.

The publication of the List in the Official Gazette ensures the enforcement across the entire territory of BiH and guarantees that any updates to the List are uniformly applicable. For example, if an athlete or athlete support personnel is apprehended at the border for smuggling substances prohibited in the Prohibited list, the enforcement of the List within the country is essential to determine liability.

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.

6. *Testing and the analysis of biological samples*

Article 5 of the Convention delineates various responsibilities pertaining to laboratories. The critical function of doping control laboratories in the anti-doping effort is recognized in the Convention, as well as in the Code and the UNESCO Convention. It is essential that the analysis of biological samples collected from athletes is performed in a consistent and standardized manner, ensuring that uniform standards are applied to all athletes, regardless of their nationality, sport, or location. Since 2004, WADA has been responsible for the accreditation and re-accreditation of anti-doping laboratories, thereby ensuring compliance with the highest quality standards as outlined in the International Standard for Laboratories (ISL). The Code stipulates that biological samples provided by athletes must be analysed solely in laboratories accredited by WADA or in those that have received WADA's endorsement.

There is currently no WADA-accredited laboratory located within the territory of BiH. ADA BH has maintained a partnership with the Seibersdorf laboratory in Austria since its inception, and this collaboration has been effective from the very beginning.

In discussions regarding sample transportation, references were made to existing laws among the Entities in BiH are not harmonized, leading to complications, especially in regional centres. As a member of the World Customs Organization, BiH enjoys certain advantages and responsibilities that help to mitigate the challenges posed by non-harmonized procedures and conflicting regulations among the entities. The ADA BH should continuously monitor the transportation of samples from doping controls across the different Entities to ensure that is unobstructed and without any delays; and if required, to take the necessary actions with the Customs and any other authorities concerned.

7. Education and research

EDUCATION AND INFORMATION

The Evaluation Team recognizes that ADA BH has developed an Education plan that aims to be in line with the requirements of the Convention and the International Standard on Education (ISE)¹³ and aims to encompass the entire territory of BiH. Additionally, the Evaluation Team observed that ADA BH has made information available on ADA BH's website, particularly the prohibited list translated into three languages, which is also featured on ADA BH's official Facebook page. Furthermore, it was noted that the NOC and NPC are actively engaging in mandatory educational activities for athletes participating in the Olympic and Paralympic Games. Additionally, the Evaluation team was told that ADA BH has adopted the ISE principle that "an athlete's first experience with anti-doping should be through education rather than doping control".

However, it was noted that there is no permanent staff member responsible for education which can be in a way justified by the small size of the country; instead, this role is fulfilled exclusively by an external advisor rather than a dedicated employee within the Agency. Despite this, ADA BH is effectively organizing event-based educational activities, which were shared with the Evaluation Team and can also be seen on the Agency's official social media pages. It was also observed that ADA BH is using only Facebook as a social media tool and a YouTube channel which is not updated. Unfortunately, the Evaluation Team did not have the opportunity to meet with representatives from the NFs, only with those from the NOC and NPC, thus limiting their ability to comment on the anti-doping education efforts conducted by those stakeholders, either independently or in collaboration with ADA BH. The Evaluation Team notes that the NADO primarily leads educational efforts in the country.

Following the meeting the Federal News Agency (FENA), the Evaluation Team learned that ADA BH has established a noteworthy MoU with the Federal News Agency of BiH. This collaboration focuses on gathering information regarding media coverage related to doping, including the attention given to specific doping cases and any relevant media relations information concerning doping issues. Such an MoU is uncommon within the T-DO community, leading the Evaluation Team to consider it a Best Practice Example.

RECOMMENDATIONS

17. In-person and online education activities

The Evaluation Team's recommendation is for the ADA BH to persist in its educational initiatives across the entire territory of BiH. This should include an increased focus on both in-person and online educational activities like webinars, e-Learnings, utilizing the cost-effective technological tools currently available for educational purposes. ADA BH is also recommended to use the technological tools available to raise awareness in the athlete's community and athlete support personnel. Considering the existing widely used tools by Athletes, ADA BH may consider creating official NADO webpages in other social media platforms, like *Instagram*, *TikTok* etc in light of the habits of the Athletes in BiH. The NADO could also consider contracting media-oriented studies trainees which is a cost-effective method to promote anti-doping awareness and education

18. Human Resources on Education

Additionally, it is advised that if a permanent education manager cannot be appointed within the NADO, the responsibilities for education should be distributed among the permanent staff, alongside the external contractor, to ensure the continuity of educational activities, even in the event that the external contractor ceases to provide services to the NADO. Furthermore, the Evaluation Team encourages the NADO to collaborate closely with relevant ministries, such as the Ministry of Education and the Ministry of Health, to facilitate anti-doping education (at sport schools or the medical personnel, respectively). It is also recommended that the NADO work in partnership with the country's sports organizations to tailor educational efforts to meet the specific needs of each sport.

RESEARCH

The Evaluation Team was told that in the 2022 and 2023 T-DO questionnaire, ADA BH indicated that it had not conducted any research projects. However, during their visit, the Evaluation Team heard a presentation from the sports medicine specialist and a professor at the Faculty of Sports at the University of Tuzla, who conducted research regarding athletes' understanding of anti-doping measures. ADA BH provided the Evaluation Team with the findings from a survey carried out on the culture of anti-doping in BiH for the year 2020.

RECOMMENDATION**19. Exploring additional research opportunities**

It is suggested that ADA BH explores additional opportunities to carry out research in the country, collaborating with research institutions and universities. ADA BH should also look into the potential to participate in joint projects with other NADOs utilizing European Union (EU) Funds or WADA's Social Science Research Grant Program.

8. *Disciplinary measures*

Hearing Panels

The Evaluation Team had the opportunity to engage with the President of the First Instance Anti-Doping Hearing Panel. Unfortunately, due to the tight schedule of the visit and whereas a meeting with the President of the Appeal panel was scheduled, that meeting in the end did not take place.

There are two Council of Europe Recommendations when it comes to the disciplinary proceedings on anti-doping matters:

1. *Recommendation CM/Rec(2022)14 of the Committee of Ministers to member States on general principles of fair procedure applicable to anti-doping proceedings in sport*¹⁴
2. *T-DO/Rec (2017) 01 Recommendation on ensuring the independence of hearing panels (bodies) and promoting fair trial in anti-doping*¹⁵

First instance Hearing Panel

The Evaluation team was advised that the creation of the Hearing Panel is based on article 61 of the Administration Law and article 60 of the Sports Law in BiH.

It is also worth mentioning that in 2022 T-DO Questionnaire, BiH responded that there was no independent first instance hearing panel neither an independent and institutionally appeal panel; Until that time, hearings were conducted by NFs. At the time of the visit, the Evaluation Team had gladly observed that a first instance Hearing Panel and an Appeal Panel was established.

The Evaluation Team requested a copy of the Procedural Regulations of the First instance Hearing Panel, which received after the visit, and also confirmed that the procedures place aim to be in line with the Recommendations of the Council of Europe but also follow the requirements of the International Standard on Results Management (ISRM)¹⁶ ensuring that the process from the moment that a person allegedly charged with an ADRV until its hearing and during its hearing has his/her rights to a fair trial as per article 6 of the European Convention on Human Rights for the right to a fair process respected.

The first instance hearing panel consists of a pool of 5 panel members. For each case before the hearing panel, three out of the five members are appointed to hear the case.

Furthermore, the Evaluation Team was advised that free legal aid is available for individuals who seek it. However, the legal aid was not mentioned in the copy of the Procedural rules of the Hearing panel that the Evaluation team was provided with.

Hearings are taking place online or onsite at the ADA BH's premises in Tuzla, but there are not public.

¹⁴[https://search.coe.int/cm/#{%22CoEIdentifier%22:\[%220900001680a63e66%22\],%22sort%22:\[%22CoEValidationDate%20Descending%22\]}](https://search.coe.int/cm/#{%22CoEIdentifier%22:[%220900001680a63e66%22],%22sort%22:[%22CoEValidationDate%20Descending%22]})

¹⁵ <https://rm.coe.int/recommendation-on-ensuring-the-independence-of-hearing-panels-bodies-a/1680735159>

¹⁶ [Microsoft Word - International Standard \(ISRM\) - ABP update 2023_final.docx](#)

ADA BH Appeal Panel

Regarding the Appeal Panel, the team observed that in the Rules, specifically article 13.2.2.1, the formation of ADA BH's Hearing Panel is outlined, with footnote number 69 indicating that the Appeal Panel is appointed by ADA BH in accordance with the stipulations of the Sports Law, following the procedures established by the Code and the International Standards. The Evaluation team remarked that there are no pertinent provisions in the Sports Law concerning the formation of the Hearing Panel, whether it be the first instance or the Appeal Panel. The team received a translated decision in English from the First instance Hearing, which indicated that the option to appeal was available before the ADA BH Panel.

RECOMMENDATIONS

20. Establishment of the First Instance and Appeal Panel in accordance with the International legal framework on the matter

It is recommended that the formation and presence of the Hearing Panels at the first instance and the Appeal Panel be explicitly stated in the Sports Law (or any other legal act deemed appropriate in the national system of BiH), as indicated by the Rules, to affirm their legal standing. Furthermore, it is essential that the selection of the Hearing Panel members and the functioning of both panels remain independent and impartial from ADA BH, adhere to the Convention, and comply with the T-DO and Committee of Ministers Recommendations regarding this issue, as well as the Code and ISRM, thereby ensuring the right to a fair trial in accordance with Article 6 of the European Convention on Human Rights.

21. Training of the First Instance and Appeal Panel Members

Given the recent formation of the First Instance and Appeal Panel, it is recommended that the ADA BH pursue potential collaborations with the T-DO to arrange training sessions for the Hearing Panel members and explore additional opportunities that could enhance the training for the Panel members.

22. Legal aid mechanism

If free legal aid is provided, it must be explicitly stated in the Procedural Rules of the Hearing Panels or the Rules, following Paragraph k. as well 30 of the CM/Rec (2022)14 regarding this issue.

INTELLIGENCE & INVESTIGATIONS, WHISTLEBLOWING

The Evaluation Team did not have the time to discuss with ADA BH concerning their initiatives associated with intelligence, investigations, and whistleblowing procedures.

In 2022, the T-DO issued a Recommendation concerning the Protection of Whistleblowers in the Fight Against Doping in Sport (T-DO (2021) 28), marking a significant step in safeguarding whistleblowers within the anti-doping framework.¹⁷

¹⁷ <https://rm.coe.int/t-do-2021-28-en-adopted-recommendation-on-the-protection-of-whistleblo/1680a5396b>

According to the responses made available to the Evaluation Team from the CCQ provided by ADA BH, it appears that ADA BH has established mechanisms to gather or receive anti-doping information and intelligence from various available sources, which can be utilized for targeted testing after proper assessment.

A review of ADA's BH website reveals the absence of an online confidential reporting form or platform for reporting doping violations, nor is there a link to WADA's Speak Up platform.

It was also revealed during discussions with the President of the First Instance Hearing Panel that ADA BH had to address several cases related to the same prohibited substance and originating from the same sports discipline. The team was informed that ADA BH carried out an investigation into the case, which was broadened to include the support personnel of the athlete and other sports professionals involved, in addition to the athletes.

RECOMMENDATIONS

23. ADA BH to formulate a policy regarding its Intelligence and Investigations

ADA BH is recommended to evaluate its Intelligence and Investigative practices and formalize them in a policy document outlining the procedures for conducting investigations, collecting intelligence, including whistleblowing. Given the recommendation for ADA BH to enhance its collaboration with law enforcement agencies (Please also refer to Recommendation number 11), it is crucial for the organization to establish a clear protocol for investigations, including the cooperation with other NADOs and responsible entities. The T-DO 2021/28, together with WADA Guidelines on Information Gathering and Intelligence Sharing¹⁸ together with the International Standard on Testing and Investigations should be the basis for the ADA BH policy document on the matter.

24. ADA BH to formulate a Whistleblowing policy and online platform

ADA BH is recommended to formulate its Whistleblowing policy and formalise it in a policy document. ADA BH is also recommended to develop its own whistleblowing platform. In the meantime, ADA BH may include a link to WADA's Speak Up platform on its website and relevant social media channels until it develops its own platform.

25. ADA BH to ensure appropriate sanctions are imposed to Athlete Support Personnel and Other Persons

ADA BH shall ensure the effective imposition of sanctions to Athlete Support Personnel and Other Persons involved in an ADRV, as per Article 7 paragraph 2 (e) of the Convention and the Code.

¹⁸ [isti_guidelines_on_information_gathering_and_intelligence_sharing_final_1.pdf](#)

9. *International co-operation and provision of information*

The Evaluation Team noted the active involvement of the Deputy Director of ADA BH in various international forums, including the T-DO, CAHAMA meetings, the WADA Annual Symposium, educational initiatives, and domestic conferences and symposiums in BiH. This engagement is a significant advancement for BiH's representation in international gatherings and within the country itself. BiH previously held the Chair position in the Eastern European Regional Anti-Doping Organisation, which was dissolved in 2021. Additionally, the Evaluation Team was informed that ADA BH had a partnership agreement with the Serbian NADO. At the time of the visit, ADA BH did not have any cooperation agreements with other NADOs.

RECOMMENDATIONS

26. *Representation of the BiH Authorities at the Council of Europe and other international anti-doping gatherings*

Recognizing the efforts of ADA BH to be represented at the T-DO, CAHAMA, T-DO advisory groups, and other international anti-doping events, it is recommended that more members of ADA BH be given the opportunity to participate in these meetings. Additionally, it is encouraged that representatives from the Ministry of Civil Affairs or other government officials, apart from those from ADA BH, take part in the CAHAMA and T-DO meetings.

27. *Cooperation with other Anti-Doping Organisations (ADOs)*

ADA BH is strongly recommended to cooperate closer with other ADOS. It is becoming increasingly prevalent among NADOs to create MoUs for mutual cooperation, which aim to enhance their programs and collaborative efforts in various domains. For example, NADO X might establish a partnership with NADO Z to work together on results management and conduct training sessions, thereby promoting deeper collaboration.

The Evaluation Team recommends that ADA BH, without the necessity of entering into a formal agreement, collaborate and share best practices with other NADOs, particularly those from countries of similar size and geographical proximity, as well as larger NADOs and International Federations (IFs), to enhance its own policies and practices and foster international cooperation.

PROVISION OF INFORMATION

The Government of BiH responds to the T-DO annual questionnaire and as well to the WADA CCQ when times comes.

List of Annexes

[Annex 1](#): Programme of the Evaluation Visit

[Annex 2](#): National report as provided by the Bosnian Authorities

III. ANNEX 1 – Programme of the visit

EVALUATION VISIT OF THE COUNCIL OF EUROPE – ANTI-DOPING CONVENTION

Tuesday, November 26, 2024
Parliamentary Assembly of BiH, Hall 1/1

Opening of the meeting, welcome speeches:	Opening of the meeting, welcome speeches: • Dr. Nikola Čiča, Director of the Anti-Doping Control Agency of BiH, PhD • Suvad Džafić, Assistant Minister for Culture and Acting Assistant Minister for Sports, Ministry of Civil Affairs of BiH, MSc • Dr. Džemil Hajrić, Director of the Food Safety Agency of BiH, PhD • Dr. Said Fazlagić, Secretary General of the Olympic Committee of BiH, PhD • Osman Handžić, Secretary General of the Paralympic Committee of BiH
The role of the Ministry of Civil Affairs of BiH in the field of sports, anti-doping, and international conventions	• Suvad Džafić, Assistant Minister for Culture and Acting Assistant Minister for Sports, Ministry of Civil Affairs of BiH, MSc Velibor Lazarević, Head of the Department for Monitoring the Creation and Implementation of Strategies for Projects and Programs in Sport
Coffee break	
Olympic Committee of BiH Paralympic Committee of BiH	• Dr. Dejana Planinčić, PhD • Osman Handžić
Food Safety Agency of BiH	• Dr. Katica Arar, Department Head, PhD
Agency for Medicines and Medical Devices of BiH	• Dr. Biljana Tubić, Department Head, PhD
Lunch (Parliament BiH)	
Indirect Taxation Authority of BiH (in English or Bosnian)	• Brankica Đukić, Senior Associate in the Customs Department of the Indirect Taxation Authority of BiH
Interpol – Europol, BiH	• Verica Trbić, Directorate of coordination of police bodies of BiH

MEDICRIME Convention and anti-doping (in English)	• Verica Trbić, Chair of the Multi-sectoral Working Group for the Implementation of the MEDICRIME Convention
Discussion and concluding remarks	• Amir Avdagić, Anti-Doping Control Agency of BiH

Wednesday, November 27, 2024
Hotel Holiday, Neretva Hall

Federal Institute for Accreditation in Healthcare	Dr. Mahir Fidahić, director, MD
Universities/Researchers/Media	Dr. Samir Mačković, Specialist in Sports Medicine, Professor at the Faculty of Sports, University of Tuzla, MD • Alan Alagić, Sports Professor and Researcher, MSc • Elmir Huremović, Director of the Federal News Agency (FENA)
Meeting with representatives of sports federations	• Football Federation of BiH • Basketball Federation of BiH
Part 1: Agency	• Agency employees
Lunch	
Part 2: Meeting with the Agency and Committees	• Agency employees • Hearing and Appeals Committees (via Skype: Dr. Jasmina Alihodžić, PhD, Dr. Predrag Jovanović MD)
Discussion and concluding remarks	• Amir Avdagić, Anti-Doping Control Agency of BiH

Thursday, November 28, 2024
Ministry of Civil Affairs of BiH

Working breakfast	Evaluation Team only / Hotel Holiday
Meeting with the representative of the Ministry of Civil Affairs, the Agency, and the Council of Europe delegation	• Cabinet of the Minister of Civil Affairs – Deputy Minister for Sports and Deputy Director of the Anti-Doping Control Agency of BiH, and the Council of Europe delegation (at the premises of the Ministry of Civil Affairs of BiH)

IV. ANNEX 2 – National Report

National Report of Bosnia and Herzegovina

**Prepared by the
AGENCY FOR ANTI-DOPING CONTROL OF BOSNIA AND HERZEGOVINA
Autumn 2024**

1. PART ONE – Legislation, Regulation and Administrative Provisions

After the ratification of the Anti-Doping Convention of the Council of Europe, Bosnia and Herzegovina adopted the Law on Sports in Bosnia and Herzegovina. With that Law, the NADO of Bosnia and Herzegovina was established, which is responsible for the application of the convention, the WADA Code, but also the rules of the International Olympic Committee, the International Paralympic Committee and international sports federations. After the adoption of the WADA Code, Anti-doping rules were adopted in Bosnia and Herzegovina, which were approved by WADA. The international standard for the List of Prohibited Substances is adopted each year, i.e. it is taken over from WADA and published in the Official Official Gazette of Bosnia and Herzegovina, as well as on the NADO website. Athletes and the public are also educated and informed about this.

2. PART TWO – National Anti-doping organization – Structure of Governance

NADO Bosnia and Herzegovina was established by the Law on Sports in Bosnia and Herzegovina as an independent organization. NADO is financed from the Budget of Bosnia and Herzegovina. NADO is operationally independent in its work according to the Law and Anti-Doping Rules. The agency is managed by a director appointed by the Government of Bosnia and Herzegovina through a public tender. The agency also has two assistant directors who make up the management and leadership structure.

3. PART THREE – Public Authorities

Sports and anti-doping are activities of public interest. The Ministry of Civil Affairs of Bosnia and Herzegovina is responsible for sports at the state level and cooperates most closely with NADO BiH. Of course, there are other public authorities according to their responsibilities and competences.

4. PART FOUR – Sport organization

Sports organizations that are involved in some aspects of the anti-doping system are the Olympic and Paralympic Committee of BiH, national sports federations and sports associations. Sci national sports federations participate in educations by invitation. They also follow best practices and compliance with their parent international sports federations.

5. PART FIVE – Restricting the Availability of Doping Substances

The Law on Sports prohibits the use of means and methods in accordance with WADA rules. In this way, the use and access to prohibited means is limited. Close cooperation with the Directorate for the Coordination of Police Bodies enables cooperation as well as cooperation with the Agency for Medicines, Customs, the Agency for Food Safety and others. The Agency also has an official Protocol on cooperation with the Agency for Medicines and Medical Devices and the Food Safety Agency of BiH, which arranged by concrete cooperation.

Limitation on availability of doping substances

Regulations and Standards on Dietary Supplements in Bosnia and Herzegovina (BiH)

In Bosnia and Herzegovina, there is no unified procedure for placing products marketed as dietary supplements on the market. The responsibility for placing dietary supplements on the market lies with the health ministries of the entities of BiH, depending on the administrative area where the food business operator is registered. Dietary supplements in the Federation of Bosnia and Herzegovina must comply with the Regulation on Health Safety of Dietary Products ("Official Gazette of the Federation of BiH", No. 7/04, 45/04, 2/13, and 96/17), which also applies to supplements for athletes. This regulation governs the import and marketing of such products as well as the registration procedure. The Federal Ministry of Health is responsible for implementing this regulation. In the Republika Srpska, the regulation governing the market placement of dietary supplements is the Regulation on Dietary Supplements ("Official Gazette of Republika Srpska", No. 10/18), which sets the conditions that supplements must meet before being marketed. The Ministry of Health and Social Welfare of Republika Srpska is responsible for implementing this regulation. The Food Safety Agency of Bosnia and Herzegovina maintains a register of foods for special dietary needs and supplements based on decisions from the competent entity ministries. This register is available on the agency's official website. So far, 2,811 decisions on the marketing of these products in BiH have been recorded in the register.

PART SIX – Testing and the analysis of Biological Sample

The Agency for Anti-Doping Control of Bosnia and Herzegovina was established in accordance with the Law on Sports in Bosnia and Herzegovina as an independent administrative organization. The agency is responsible for the application of the conventions and codes of the World Anti-Doping Agency WADA, as well as the rules of the International Olympic Committee, the International Paralympic Committee and international sports of the Federation, and therefore, among other things, competent for doping control (testing of athletes) in our country.

By systematically monitoring and coordinating anti-doping activities in sports, within the framework of proposing and implementing anti-doping measures in sports, the Agency plans, organizes and implements doping controls in and out of competition.

The doping control plan is aligned with the Technical Document for specific analyzes depending on the sport - TDSSA, of the World Anti-Doping Agency WADA, which prescribes the minimum number of additional analyzes per sport in order to intelligently implement doping controls.

Sports federations in Bosnia and Herzegovina submit competition calendars to the Agency no later than the end of the current year for the following calendar year. Based on statistical and other relevant assessments based on the method of intelligent testing, as well as on the basis of risk assessment, the Doping Control Plan is adopted.

Laboratories and Analyses

Sample analysis is an integral part of testing and includes detecting, identifying, and sometimes showing the presence of prohibited substances, their metabolites, or markers in human bodily fluids or tissues. Laboratories conducting doping control sample analysis must obtain and maintain accreditation from the World Anti-Doping Agency (WADA). The International Standard for Laboratories (WADA, 2021) and related technical documents define the criteria for accreditation and re-accreditation, as well as the standards for producing valid test results. Biological samples (urine and blood) provided by athletes in BiH are analyzed in a WADA-accredited laboratory: Seibersdorf Labor GmbH Doping Control Laboratory in Austria. The Anti-Doping Agency of BiH has an agreement for laboratory analysis services with this laboratory. Urine and blood samples are sent by express mail under prescribed procedures. There is no WADA-accredited laboratory in BiH for analyzing biological samples from athletes for doping control purposes.

Agency,

In 2023, the Agency carried out 240 doping controls of urine samples. Additional analyzes of the collected samples are also planned; 50 (ESA), 50 (GHRF), 30 Hgh and 9 (ABP)

Based on the compliance of the rules, standards and procedures of the Agency with the World Anti-Doping Code (Code compliance), the Agency conducted the 40th urine doping control at the request of the International Sports Federations, the International Olympic and Paralympic for the implementation of doping controls at international competitions organized in Bosnia and Herzegovina .

According to the World Anti-Doping Code and accompanying international standards, the Agency, according to the Testing Plan and according to the risk assessment (for individual sports and athletes), has formed a Registered Test Group of Athletes (RTG), whose members are tested at least three times outside of competition during the calendar year. The total number of RTG members is 20.

On the territory of Bosnia and Herzegovina in the 4th region (Tuzla, Sarajevo, Mostar, Zenica and Banja Luka) we have 27 doping controllers. The Agency is obliged to organize the re-accreditation of old and training and accreditation of new doping controllers for taking urine and blood samples at least once every two years.

The testing of foreign athletes who temporarily compete on the territory of Bosnia and Herzegovina is carried out without any problems, and considering that they are hired because they have quality, we test them often.

Testing of foreign athletes who are temporarily present on the territory of Bosnia and Herzegovina and are not competing (preparations or private stays) takes place in accordance with the testing requirements of the countries from which the athlete comes.

PART SEVEN – Education and research

In Bosnia and Herzegovina, educational activities in the area of combating doping in sports are primarily carried out by the Anti-Doping Control Agency of Bosnia and Herzegovina (<https://www.ada.gov.ba/index.php/bs/edukacija>), while to a lesser extent, educational institutions (primary and secondary schools, sports schools, higher education) are involved. In BiH, there is a positive attitude towards education in this field from relevant institutions and program participants. There are no legal obstacles to implementing educational programs. An established educational program exists within the regular activities of the Anti-Doping Control Agency of BiH, which includes a department for doping control, prevention, education, research, and development, where state employees work on educational tasks. In addition to educational lectures and workshops, campaigns like "For Sports Without Doping" and "Athlete Outreach" are also carried out. The primary goal is to educate athletes and their support staff, as well as other target groups. Through various programs, campaigns, and initiatives, the aim is to inform and promote values based on programs that raise awareness of athletes' personal responsibility to avoid using banned substances, while also highlighting the harmful impact on health. Cooperation has been established with national sports federations and the Olympic and Paralympic Committees to carry out the education process. The knowledge and experience of the Agency's employees, as well as all others involved in the education, represent a very important element of successful education. Furthermore, the Agency has established cooperation with the education and health sectors in BiH, institutions in the fields of health, education, and food safety, as well as with national anti-doping agencies in neighboring countries (Croatia, Serbia, Montenegro) and beyond. The Anti-Doping Control Agency of BiH, in accordance with the UNESCO Convention against Doping, the World Anti-Doping Code (WADA, 2021), the International Standard for Education (ISE WADA, 2021), and the Guidelines for Education (WADA, 2021), annually creates an Education Plan. This plan consists of an assessment of the current situation, the formation of an educational group, the objectives of the education, and defined educational activities. Educational programs and

campaigns cover identified target groups (athletes in sports clubs, children and youth, university staff and students, school teachers, and media personnel). The education group consists of: athletes from the Registered Testing Pool (RTP), athletes who have been sanctioned, support staff (coaches, managers, team members, medical personnel, etc.), and national teams. Other target groups include: children and youth, as well as medical personnel working in healthcare institutions. The topics covered are: principles and values related to clean sport; the rights and responsibilities of athletes, their support staff, and other groups; the principle of strict responsibility; the consequences of doping, such as physical and mental health effects, social and economic impacts, and sanctions; violations of anti-doping rules; substances and methods from the Prohibited List; risks of using dietary supplements; taking medications and Therapeutic Use Exemptions (TUEs); testing procedures, including urine, blood, and the Athlete Biological Passport; obligations of the RTP group, including whereabouts information and the use of ADAMS. Various forms of learning are used (live and/or online lectures, websites, PowerPoint presentations, the ADEL platform, printed materials) for different target groups. The implementation of the Education Program is monitored through its four components: value-based education, raising awareness, providing information, and anti-doping education.

Research and projects

On 2020. The Agency for antidoping control conducted research on the state of anti-doping in Bosnia and Herzegovina.

The research has been conducted in 2020, in the whole Bosnia and Herzegovina and involved 1061 respondents (athletes, coaches and sport workers). The research question was „Do athletes and sports workers have basic knowledge about doping?“

The fundamental research goals were to determine the actual state of anti – doping culture in Bosnia and Herzegovina and to encourage the development and strengthening of awareness about anti-doping culture among all sports stakeholders in order to preserve the fundamental sport values. The results helped in detecting areas that need improvement and themes that should be in focus in future educational activities.

Other research works are:

1. Nihada Ahmetovic, Amir Avdagic. **Doping and food supplements in Bosnia and Herzegovina**. May 2016.
Conference: Second congress on prevention of doping in sports, Beograd, Serbia
2. Amir Avdagic, Nihada Ahmetovic. **Substances monitoring program in fight against doping in sports**. May 2016.
Conference: VIII international congress „Ecology, health, labour, sport“, Banja Luka, Bosnia and Herzegovina
3. Nihada Ahmetovic, Amir Avdagic, Sejad Mackic, Enida Karic, Azra Bacic, Jasminka Asotic. **Blood Sample Collection and Doping Detection of Human Growth Hormone in Bosnia and Herzegovina**.

VoxScientiae PHARM-HEALTH, Volume 5 - Number 1, 2017.

Also, Agency for anti-doping control, during 2011-2012., with the support of UNESCO Fund for the Elimination of Doping in Sport accomplished the project "Printing and distribution of UNESCO and WADA educational materials in the field of anti-doping and research on the level of organization of the sports federations and compliance of the sport federations regulations compliance with domestic and international regulations and laws".

Through the project the Agency got clear guidance for the next steps in preparing the sport federations to carry out its own, more active role in the fight against doping.

Main activities of this project were:

- **Monitoring activities of sports federations related to recommendations on the adoption of rules. In that purpose, the one day seminar has been organized on theme "What the Secretary General (the person in charge for anti-doping issues) of sports federations needs to know about doping".**

Seminar topics were:

- The role and tasks of the Agency for anti-doping control in the fight against doping in sport;
 - Anti-doping rules Violations;
 - The role, rights and obligations of the sports federations in the fight against doping;
 - Association's acts related to the doping;
 - Comparison of current medical organization of sports federations regarding the research results of previous project.
- **Educational workshops for athletes and athlete support personnel, with an emphasis on young athletes and the most prominent athletes in individual and team sports, as well as students of the Faculty on Physical Education.**

Topics of this workshop were:

- The role and tasks of the Agency for anti-doping control in the fight against doping in sport;
- Rights and responsibilities of athletes and athlete support personnel;
- Registered Testing Pool, the rights and obligations of the members of RTP (including ADAMS);
- Doping Control Process for Athletes (in/out of competition);
- Prohibited list - definition and usage;
- Supplements;
- Therapeutic Use Exemption (TUE);
- Basic forms of anti-doping rules violations.

Communications

The anti-doping website is the main source of information on the fight against doping in sport in Bosnia and Herzegovina. It is actively used for the purpose of continuous information and education of all participants in sport. Athletes and all interested parties in the world of sports have access to numerous materials like Prohibited list, TUE guidelines, educational videos and actual news on the fight against doping in sports. The national anti-doping organization uses social media to communicate important anti-doping information to the general public.

PART EIGHT – Disciplinary Measures

All athletes, sports federations and others fully apply the Anti-Doping Rules and implement all measures against persons who have committed violations of the Anti-Doping Rules. The entire procedure is based on the principles of the Code and international standards. The same applies to the procedure itself, including the hearing and the procedure initiated on appeal. The operational independence of disciplinary bodies is guaranteed by the principles and principles that ensure independent operational work. Appointed members of disciplinary bodies have no points of contact and connections with NADO BiH. These are university professors, lawyers, specialist doctors, sports professors and other independent intellectuals. Disciplinary measures and penalties are fully aligned with the WADA Code and anti-doping rules.

Bosnia and Herzegovina generally recognizes sanctions imposed by other anti-doping organizations that are in line with the Code, taking into account reciprocity.

PART NINE – International Co-operation and Provision of Information

Bosnia and Herzegovina regularly and actively participates in the work of T-DO, CAHAM and in the work of Advisory Groups since 2010. These meetings are preceded by thorough

preparation and internal coordination in order to collect all information relevant to the work of the Council of Europe committees.