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EVALUATION REPORT OF THE MONITORING GROUP (T-DO)

Evaluation visit in Baku, Azerbaijan

6 – 8 February 2018

REPORT

*adopted at the 49th meeting of the
Monitoring Group*

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Introduction

Acknowledgements

The Evaluation Team would like to thank all those who contributed to the preparation of the Visit and the Visit itself. In particular, the Evaluation Team of the Monitoring Group of the Anti-Doping Convention would like to thank Mr. Azad Rahimov, Minister of Youth and Sport, as well as the Chairman and the members of the Committee on Youth and Sport of the Azerbaijani Parliament for the hearing, and Ms. Shafag Huseynli from the Azerbaijan National Anti-Doping Agency (AMADA) together with Ms. Maryam Gafar-zada from the Ministry of Youth and Sport for the coordination of the Visit and their support and readiness to provide the Evaluation Team with the best information before, during and after the Evaluation Visit.

Glossary

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

Executive summary

1. As part of the Compliance with Commitments project of the Council of Europe and on the request of the Ministry of Youth and Sport of Azerbaijan, an Evaluation Team held a Visit to Baku, Azerbaijan from 6 to 8 February 2018.
2. The aim of the Evaluation visit was to assess compliance by Azerbaijan with the Anti-Doping Convention of the Council of Europe (hereinafter referred to as the “Convention”) and in particular, to evaluate those articles of the Convention and its Additional Protocol that place obligations on State Parties.
3. Summarised below are the principal findings and outcomes of the Evaluation Team on each of the Articles of the Convention and its Additional Protocol that have been evaluated whereas background and detailed findings are provided in subsequent chapters of this Report.
4. Convention Article 1- Aim of the Convention: Azerbaijan has ratified the Convention in 2003 and the Additional Protocol to the Convention in 2004. State Parties are required to take measures to reduce and eliminate doping in sport, including legislation and commit themselves towards this responsibility. The Law No. 447-VQ on the fight against the use of doping substances and methods in sport, dated 29 November 2016, provides the legal background for the fight against doping in Azerbaijan and establishes the Azerbaijan National Anti-Doping Agency (AMADA). Although the Law does not make direct reference to the Convention, Azerbaijan has fulfilled the political commitments under Article 1 of the Anti-Doping Convention of the Council of Europe.
5. Convention Article 2 – Definitions and scope of the Convention: The Law on the fight against the use of doping substances and methods in sport and the Anti-Doping Rules of AMADA provide for the definition of doping, in line with the World Anti-Doping Code which covers the respective definition of doping of sport of the Convention and is even broader. WADA's Prohibited List is incorporated in the Azerbaijani legal system; however, there is no reference to the role of the Monitoring Group on the adoption of the list of pharmacological classes of doping substances and doping methods. The AMADA's Anti-Doping Rules contain the Code-based definition which is not as broad as the respective definition of the Convention.
6. Convention Article 3 – Domestic co-ordination: In accordance with the Law on the fight against the use of doping substances and methods in sport, AMADA is the responsible authority for the fight against doping in Azerbaijan. AMADA has entered into cooperation agreements with various state agencies for the fight against doping. The Agency receives funding from the government.
7. Convention Article 4 – Measures to restrict the availability and use of banned doping agents and methods: Azerbaijan has only minor pieces of specific legislation aiming to restrict the availability of doping agents and methods. However, the accessibility to certain groups of doping substances and methods may be considered as restricted on the basis of administrative, criminal or pharmaceutical laws and regulations.

8. Convention Article 5 – Laboratories: The Law on the fight against the use of doping substances and methods in sport requires AMADA to use WADA-accredited laboratories for analysis of samples. AMADA signed contracts with such laboratories.
9. Convention Article 6 – Education: AMADA is active in anti-doping information and education, and carries out several programmes targeting mainly athletes and their support personnel. For its anti-doping information and education activities the Agency receives funding from the government. Contrary to information and education, the involvement of AMADA in research in the field of anti-doping is quite limited.
10. Convention Article 7 – Cooperation with sports organisations on measures to be taken by them: AMADA, acting as the national anti-doping organisation, has developed its Anti-Doping Rules, in line with the 2015 Code, that are nationally enforced across all sports in Azerbaijan. AMADA has a sufficient testing programme in place. Moreover, the Anti-Doping Rules of AMADA provide for a harmonised hearings procedure.
11. Convention Article 8 – International Cooperation: Representatives of the Azerbaijani Ministry of Youth and Sport and AMADA actively participate in the meetings of the Monitoring Group and its Advisory Groups as well as the meetings of CAHAMA at the Council of Europe. AMADA is a member of the Institute of National Anti-Doping Organisations and also has established collaborations and cooperation with other national anti-doping organisations and international federations.
12. Convention Article 9 – Provision of Information: Representatives of the Azerbaijani Ministry of Youth and Sport and AMADA attend the Monitoring Group meetings and regularly report on the legislative and other measures taken for the purposes of the implementation of the Convention, with the exception of the annual questionnaire.
13. Additional Protocol Article 1 – Mutual recognition of doping controls: AMADA incorporates in its Anti-Doping Rules the Code-based provisions for the mutual recognition of sanctions.
14. In conclusion, it is the opinion of the Evaluation Team that Azerbaijan has fulfilled most of the commitments under the Anti-Doping Convention of the Council of Europe and its Additional Protocol.
15. The Evaluation Team's Recommendations on each of the Articles that have been evaluated are provided in the Par I of this Report, whereas an overview of all of the Recommendations is presented in Part III.
16. The following key Recommendations are proposed by the Evaluation Team:
 - The Azerbaijani Government should take more possession of the co-ordination between the public authorities in anti-doping policy by appropriate measures. Therefore, the government is recommended to ensure adequate resources and means for coordination in order to implement the Article 3 of the Convention more effectively.
 - The Azerbaijani authorities should consider introducing a legal framework for intelligence and information sharing between AMADA and different public bodies and agencies, including Police, Customs, Border Service and Prosecutor's Office.

- The Azerbaijani authorities shall adopt comprehensive legislative measures to control the trafficking of doping substances; these measures should include, as a minimum, the list of substances to be controlled, the agencies to be involved, and the applicable sanctions.
- The Ministry of Youth and Sport have to make it a criterion for the grant of public subsidies to sports organisations that they effectively apply anti-doping regulations by appropriate measures and inform them about this requirement effectively. Also, at need, advise federations in this work (together with AMADA).
- The Ministry of Youth and Sport should introduce a legal framework or policy enabling itself or relevant authorities or sporting bodies to withhold any sport-related financial assistance provided by the public authorities from athletes or their support personnel during the period of their suspension; the anti-doping rule violation should be explicitly mentioned as a reason to withhold or cancel sport grants – for better clarity and maximising its deterrence effect.
- The Evaluation Team suggests the Azerbaijani authorities to consider a. introducing anti-doping education and prevention programmes in schools, in physical education classes in line with Recommendation Rec (2011) 1 on the use of the model guidelines for core information/education programmes to prevent doping in sport, adopted by the Monitoring Group, b. encouraging the relevant academic institutions in the country to develop, implement and deliver effective anti-doping education in tertiary education, in line with Recommendation Rec (2016) 2 on Anti-Doping Education Guidelines for Tertiary Education Institutions, adopted by the Monitoring Group.
- AMADA should consider establishing its own athlete committee with the view, among others, to promote active participation of athletes in the fight against doping.
- AMADA should encourage and fund research studies related to anti-doping by academic and other interested institutions in the country and play a lead role on the coordination of the research activities on anti-doping in the country.
- AMADA should make sure that all athletes receive the appropriate information, for example through the publication of the list on AMADA’s website well in advance and through the diffusion of the list to the national federations.
- The Azerbaijan authorities should ensure that the disciplinary procedure complies not only with the Anti-Doping Convention, but also with the recommendations of the Monitoring Group of the Anti-Doping Convention (T-DO), in particular the recommendation on ensuring the independence of hearing panels and promoting fair trial in anti-doping cases (Rec (2017) 01 adopted on 20 February 2017).
- The public authorities in Azerbaijan should ensure AMADA is provided with an adequate budget to implement an effective doping control program. This includes the planned increase in the number of tests in 2018 and 2019 as well as the full implementation of blood testing.
- The Azerbaijani authorities should consider supporting AMADA to include, as part of its processes, specific testing and education plans related to athletes and teams preparing/participating in major events.
- The Azerbaijani authorities and AMADA should fulfill all their responsibilities in terms of compliance reporting to the Monitoring Group and WADA. One mean to report to the Monitoring Group is through the Annual Anti-Doping Questionnaire of the Council of Europe. The Republic of Azerbaijan did not complete this questionnaire the past years and they are encouraged to do so.

Background, Methodology and Scope

Background

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

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

Methodology

By letter dated 8 November 2017, signed by Mr Azad Rahimov, Minister of Youth and Sport, and addressed to Mr. Sergey Khrychikov, Head of Sport Conventions at the Council of Europe, the Azerbaijani authorities invited the Council of Europe to pay a Evaluation visit to Azerbaijan.

The Secretariat of the Sport Conventions of the Council of Europe in cooperation with the Chair of the Advisory Group on Compliance of the Monitoring Group of the Anti-Doping Convention appointed the Evaluation Team for the Evaluation visit to Azerbaijan (hereinafter referred to as the “Visit”). The Evaluation Team was comprised of Mr Rafal Piechota, Deputy Director of the Office of the Minister at the Ministry of Sport and Tourism of Poland as the Head of Delegation and Rapporteur, Mrs Satu Heikkinen, Counselor in the Sport Division of the Ministry of Education and Culture of Finland, Mrs Floriane Cavel, Lawyer at the French Anti-Doping Agency, Mrs Liene Kozlovska, Senior Project Manager of the Anti-Doping Convention and Mrs Olympia Karavasili, Legal officer (both from the Secretariat of Sport Conventions of the Council of Europe). Furthermore, the World Anti-Doping Agency appointed Mr Tom May, Deputy Director for NADO/RADO Relations to be a member of the Team. The composition of the Evaluation Team is presented in Annex 1.

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

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

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

For the preparation of the Visit to Azerbaijan, the Evaluation Team reviewed the information on Azerbaijan from the WADA Code Compliance Questionnaire.

As part of its preparation, the Evaluation Team convened in the morning before the Visit to discuss the agenda, the approach to the meetings and some key issues.

The Visit of the Evaluation Team in Baku, Azerbaijan was held from 6 to 8 February 2018 and included meetings with Mr. Azad Rahimov, Minister of Youth and Sport, the Chairman and the members of the Committee on Youth and Sport of the Azerbaijani Parliament (Milli Majlis), representatives from the Ministry of Youth and Sport, the Ministry of Internal Affairs, the State Border and Customs Services, the Ministry of Healthcare, the Vice-President of the National Olympic Committee of Azerbaijan, the management of AMADA, representatives of national sport federations, athletes and other stakeholders. The Team visited some sports facilities in Baku (the National Gymnastics Arena and the Aquatic Palace) and paid a visit to the Azerbaijan State Academy of Physical Culture and Sport meeting with its management. The programme of the Visit is highlighted in Annex 2.

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

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

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

At the end of the Visit, the Evaluation Team met and discussed with the Minister of Youth Sport of Azerbaijan the Team's preliminary findings and conclusions and the most important recommendations.

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

1.2.13 In addition, since, after the Visit and prior to the preparation of the Report, the Azerbaijani authorities proceeded with important measures on anti-doping, the Report contains a chapter with a summary of the developments and commentary.

1.2.14 A draft version of the Evaluation Team's Report was provided to the Ministry of Youth and Sport of Azerbaijan for review and their comments are included in the Part III.

1.2.15 The Evaluation Team's Report is prepared for review and approval by the Monitoring Group of the Anti-Doping Convention.

1.3 Scope

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

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

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

Part I

Convention Article 1

Article 1: Aim of the Convention

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

1.1 Introduction

1.1.1 The Convention, under this introductory article, requires State Parties to take measures to reduce and eliminate doping in sport, including legislation, and commit themselves towards this responsibility. Because of the wide variety of constitutional arrangements within the states the Convention tries, however, to avoid setting out a rigid model for legislation or implementation. The Convention recognises that many actors will be involved and that Parties will use the structures and bodies which are most appropriate to it. It is also for this reason that the Convention has purposely avoided making detailed provisions. It sets out a series of basic common principles, the implementation of which is up to the appropriate national authorities.¹

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

1.2 Findings

1.2.1 The Republic of Azerbaijan is a party to the Anti-Doping Convention of the Council of Europe which it signed on 28 June 2002 and ratified on 4 November 2003, and the Additional Protocol to the Anti-Doping Convention, signed on 26 March 2003 and ratified on 11 February 2004. In addition, on 17 January 2007 Azerbaijan became a party to the International Convention against Doping in Sport of UNESCO.

1.2.2 The Azerbaijani authorities have also signed the Copenhagen Declaration against Doping in Sport² and on 22 February 2017 AMADA accepted the World Anti-Doping Code. As required by the Code, AMADA, being the Signatory and acting as the National Anti-Doping Agency of Azerbaijan developed its Anti-Doping Rules, in line with the Code.

1.2.3 The main legislation regulating sport and sport-related matters in the Republic of Azerbaijan is the Law No. 847-IIIQ on physical culture and sport, dated 30 June 2009. It includes some provisions on combating doping in sport, including Article 31 that states the prohibition of the use of doping substances and methods in sport. The Law on physical culture and sport also establishes clear indication that all the sports federation in the country should aim at combating doping in sport (Article 11). Furthermore, it constitutes the following obligations and responsibilities: 1) for the athletes to undergo mandatory doping control and not to use doping substances and/or methods (Article 42) and 2) for the coaches to support the athletes in undergoing the doping control and to prevent them from using doping substances and/or methods (Article 43).

¹ Explanatory Report to the Anti-Doping Convention, Strasbourg, 16.XI.1989, paragraph 33.

² The Copenhagen Declaration on Anti-Doping in Sport (Copenhagen Declaration) was drafted and agreed to by governments at the Second World Conference on Doping in Sport held in Copenhagen, Denmark, in March 2003. The Copenhagen Declaration was the political document through which governments signaled their intention to formally recognize and implement the World Anti-Doping Code. This initiative was the first step taken by governments towards the preparation of the UNESCO International Convention against Doping in Sport. (Source: www.wada-ama.org/en/governments#CopenhagenDeclaration; accessed: 25.8.2018).

1.2.4 Moreover, there is a specific legislation in place in Azerbaijan regarding combating doping in sport, namely the Law No. 447-VQ on the fight against the use of doping substances and methods in sport, dated 29 November 2016. It stipulates, among other things, some basic definitions used for the purposes of the Law (Article 1), the tasks of the national anti-doping body (Article 7) its jurisdiction (Article 10), the structure and tasks of different committees and bodies serving the purposes of the fight against doping in sport (e.g. the TUE Committee, the disciplinary body and the appeal body), and the rights and responsibilities of different sports stakeholders (the NFs, the athletes, the athletes support personnel etc.). According to the Law on the fight against the use of doping substances and methods in sport and the Decree of the President of the Republic of Azerbaijan on the implementation of the Law, dated 14 December 2016, AMADA was established and its Statutory Regulations were adopted.

1.2.5 In addition, there are some legislative measures in place not exclusively related to sport but strengthening the fight against doping in sport. For example, the Criminal Code of the Republic of Azerbaijan, dated 1 June 2000, provides for criminal liability in cases of compulsion to use doping substances and/or methods (Article 143-1) and in cases of illegal manufacturing, processing, storing and trafficking of toxic, strongly addictive substances, including some doping substances (Article 240.1 to 240.4). Furthermore, the Code of Administrative Offences of the Republic of Azerbaijan, dated 1 March 2016, provides for administrative liability (financial penalties) in cases of: 1) the use and/or promotion of the use of doping substances and/or methods (Article 224), 2) counterfeiting or sale of medicines and food intentionally contaminated with doping substances (Article 225), 3) the violations of doping control rules (Article 226). Finally, on 13 November 2017 the Food Security Agency of the Republic of Azerbaijan was established. All the actions related to the registration, quality control and distribution of the nutritional supplements entering the Azerbaijani market are taken by the Agency. At the time of the Visit no specific policy or legal measures in this respects were yet ready and presented to the Evaluation Team. However, the Team was made aware that there some amendments to the existing legislation were in the pipeline (see Chapter 13).

1.2.6 Taking the abovementioned into account, it should be stated that Azerbaijan has no major pieces of specific legislation regarding the availability and the control of trafficking of doping substances; however, certain Laws in place relate to restricting the availability of medicines, food and addictive substances, and are thus relevant to anti-doping.

1.2.7 The Law on the fight against the use of doping substances and methods in sport refers in its preamble to the International Convention against Doping in Sport of UNESCO that has been ratified by Azerbaijan and to the World Anti-Doping Code. However, the Anti-Doping Convention of the Council of Europe is not mentioned there. The only reference of a general nature to be found in the Law is under Article 2 which provides as follows:

“Article 2. Legislation of the Republic of Azerbaijan on the fight against the use of doping substances and methods in sport incorporates the Constitution of the Republic of Azerbaijan, the Law on physical culture and sport, this Law, other applicable national legal acts, as well as other international treaties and conventions signed by the Republic of Azerbaijan”.

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

1.3 Conclusion

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

1.4 Recommendations

1.4.1 Recommendation no. 1: The Azerbaijani authorities should indicate in the respective legislation, preferably in the preamble of the Law on the fight against the use of doping substances and methods in sport, that the fight against doping in the country shall respect and be governed by the Anti-Doping Convention of the Council of Europe.

Convention Article 2

Article 2: Definition and scope of the Convention

2.1 For the purposes of this Convention:

a “doping in sport” means the administration to sportsmen or sportswomen, or the use by them, of pharmacological classes of doping agents or doping methods;

b “pharmacological classes of doping agents or doping methods” means, subject to paragraph 2 below, those classes of doping agents or doping methods banned by the relevant international sports organisations and appearing in lists that have been approved by the monitoring group under the terms of Article 11.1.b;

c “sportsmen and sportswomen” means those persons who participate regularly in organised sports activities.

2.1 Introduction

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

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

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

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

2.1.5 Article 2.1.c provides the definition of “sportsmen” and “sportswomen” as “those persons who participate regularly in sports”. As clarified in the Explanatory Report to the Anti-Doping Convention³:

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

2.2 Findings

2.2.1 The Law on the fight against the use of doping substances and methods in sport under Article 1.1.4. provides for the definition of doping as below:

³ Explanatory Report to the Anti-Doping Convention, Strasbourg, 16.XI.1989, paragraph 48.

“1.1.4. Doping is the occurrence of one or more anti-doping rule violations determined by the World Anti-Doping Code.”

The reference to the Code is then repeated under Article 1.2:

“1.2. Definitions stipulated, as well as the ones not stipulated in Article 1.1 hereof, shall have the meaning provided in the Code and [the International] Convention [against Doping in Sport of UNESCO]”.

2.2.2 AMADA, acting as the NADO of Azerbaijan adopted its own Anti-Doping Rules (“the Anti-Doping Rules of AMADA”). The Rules were developed based on the WADA Model Rules for NADOs and following a review by WADA were deemed Code Compliant. Article 2 of the AMADA’s Anti-Doping Rules contains the following definition of “doping in sport”:

“ARTICLE 2 DEFINITION OF DOPING - ANTI-DOPING RULE VIOLATIONS

Doping is defined as the occurrence of one or more of the anti-doping rule violations set forth in Article 2.1 through Article 2.10 of these Anti-Doping Rules. [...]

The following constitute anti-doping rule violations:

2.1 Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete’s Sample [...]

2.2 Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method [...]

2.3 Evading, Refusing or Failing to Submit to Sample Collection [...]

2.4 Whereabouts Failures [...]

2.5 Tampering or Attempted Tampering with any part of Doping Control [...]

2.6 Possession of a Prohibited Substance or a Prohibited Method [...]

2.7 Trafficking or Attempted Trafficking in any Prohibited Substance or Prohibited Method

2.8 Administration or Attempted Administration to any Athlete In-Competition of any Prohibited Substance or Prohibited Method, or Administration or Attempted Administration to any Athlete Out-of-Competition of any Prohibited Substance or any Prohibited Method that is prohibited Out-of-Competition

2.9 Complicity [...]

2.10 Prohibited Association.”

2.2.3 The Code-based definitions of doping that are found in both, the Law on the fight against the use of doping substances and methods in sport and the AMADA’s Anti-Doping Rules, cover the respective definition of doping in sport from the Convention. In fact, they are even broader.

2.2.4 The AMADA’s Anti-Doping Rules under Articles 4.1 and 4.2.1 refer to WADA’s Prohibited List as below:

“ARTICLE 4 THE PROHIBITED LIST

4.1 Incorporation of the Prohibited List

These Anti-Doping Rules incorporate the Prohibited List which is published and revised by WADA as described in Article 4.1 of the Code.

4.2 Prohibited Substances and Prohibited Methods Identified on the Prohibited List

4.2.1 Prohibited Substances and Prohibited Methods

Unless provided otherwise in the Prohibited List and/or a revision, the Prohibited List and revisions shall go into effect under the Anti-Doping Rules three months after publication of the Prohibited List by WADA without requiring any further action by AMADA.”

2.2.5 The Law on the fight against the use of doping substances and methods in sport provides for the definition of prohibited substance and prohibited method, referring again to the Prohibited List as defined in the Code (Articles 1.1.9 and 1.1.11 in conjunction with Article 1.1.10 and Article 1.2 as cited above):

“1.1.9. Prohibited Method – any method so described on the Prohibited List.

1.1.10 Prohibited List – The List identifying the Prohibited Substances and Prohibited Methods.

1.1.11 Prohibited Substance – Any substance so described on the Prohibited List”

2.2.6 The Evaluation Team notes that the definitions of prohibited substance and prohibited methods found in the Law on the fight against the use of doping substances and methods in sport are both Code-based. Moreover, the Evaluation Team points out that the role of the Monitoring Group of the Convention in approving the List of banned substances and methods is not mentioned in the Azerbaijani legislation. Finally, the issue of compatibility of the lists should be raised. The AMADA’s Anti-Doping Rules incorporate the WADA’s Prohibited List directly whereas the Law on the fight against the use of doping substances and methods in sport does not foresee any mechanisms for its implementation. The WADA Prohibited List is beyond doubt compliant with the Convention. However, if the Monitoring Group of the Convention adopts a prohibited list that differs from WADA’s Prohibited List, albeit this is improbable, then Azerbaijan - as well as many other State Parties to the Convention - would have to deal with such a peculiar situation.

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

2.2.8 As far as the definitions of “sportsmen” and “sportswomen” are concerned, The Law on the fight against the use of doping substances and methods in sport does not clearly define the term. However, it provides for a definition of “sporting bodies” that includes athletes. Furthermore, the open clause from Article 1.2 of the Law refers to the Code-based terms in case of any definition stipulated, as well as the one that is not stipulated in Article 1.1. Therefore, it provides for an application of the Code-based definition of “athlete” to all the provisions of the aforementioned legal act. Moreover, the Law on physical culture and sport constitutes the definition of “athlete” under its Article 1. It provides for the following explanation of that term:

“Article 1. Basic definitions

1.0.6. athlete – natural person who participates in sports competitions and its regularly involved with the one or more disciplines of sports he or she chooses.”.

The abovementioned definition of athlete refers directly to the most substantial elements found in the definition of athlete in the Council of Europe’s Convention, including the “regular” participation in

sports and its “organized” nature. Thus, the definition of athlete found in the national legislation of Azerbaijani is found coherent with the requirements from the Anti-Doping Convention. Consequently, it covers the respective definitions of “sportsmen” and “sportswomen” from the Convention.

2.2.9 The Anti-Doping Rules of AMADA introduce the standard definition of “athlete” from the World Anti-Doping Code which reads as follows:

“Athlete: Any Person who competes in sport at the international level (as defined by each International Federation), or the national level (as defined by each National Anti-Doping Organization). An Anti-Doping Organization has discretion to apply anti-doping rules to an Athlete who is neither an International-Level Athlete nor a National-Level Athlete, and thus to bring them within the definition of “Athlete” (...) For purposes of Article 2.8 and Article 2.9 and for purposes of anti-doping information and education, any Person who participates in sport under the authority of any Signatory, government, or other sports organization accepting the Code is an Athlete.”

2.2.10 In line with the definition of “athlete” in the AMADA’s Anti-Doping Rules, Article 1.3 of the Rules defines the persons that fall into the scope of the Rules, as below:

“1.3 Application to Persons

1.3.1 These Anti-Doping Rules shall apply to the following Persons (including Minors), in each case, whether or not such Person is a national of or resident in the Republic of Azerbaijan:

1.3.1.1 all Athletes (...) who are members or license-holders of any National Federation in Azerbaijan, or of any member or affiliate organization of any National Federation in Azerbaijan (including any clubs, teams, associations or leagues);

1.3.1.2 all Athletes (...) who participate in such capacity in Events, Competitions and other activities organized, convened, authorized or recognized by any National Federation in Azerbaijan, or by any member or affiliate organization of any National Federation in Azerbaijan (including any clubs, teams, associations or leagues), wherever held;

1.3.1.3 any other Athlete (...) who, by virtue of an accreditation, a license or other contractual arrangement, or otherwise, is subject to the jurisdiction of any National Federation in Azerbaijan, or of any member or affiliate organization of any National Federation in Azerbaijan (including any clubs, teams, associations or leagues), for purposes of anti-doping;

1.3.1.4 all Athletes (...) who participate in any capacity in any activity organized, held, convened or authorized by the organizer of a National Event or of a national league that is not affiliated with a National Federation; and

1.3.1.5 all Athletes who do not fall within one of the foregoing provisions of this Article 1.3.1 but who wish to be eligible to participate in International Events or National Events. (...)

1.3.2 These Anti-Doping Rules shall also apply to all other Persons over whom the Code gives AMADA jurisdiction, including all Athletes who are nationals of or resident in Azerbaijan, and all Athletes who are present in Azerbaijan, whether to compete or to train or otherwise.”

2.2.11 The Evaluation Team is of the opinion that the definition of athlete that is found in the Convention (i.e., “those persons who participate regularly in sports”) is broader than the definition of athlete that is found in the AMADA’s Anti-Doping Rules. However, the Team finds that Article 1 of the said Rules provides for a realistic application of the Convention in Azerbaijani sport.

2.3 Conclusion

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

2.3.2 The minor non-conformities under this sub-article are: (a) the lack of any reference in the Azerbaijani legislation to the List of banned pharmacological classes of doping agents and doping methods and the role of the Monitoring Group in its adoption; and (b) no legal obligation or a policy in place to publish the Prohibited List in the official journal of laws.

2.4 Recommendations

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

2.4.2 Recommendation no. 3: The Azerbaijani authorities should publish the List of banned pharmacological classes of doping agents and doping methods in the official journal of laws, prior to its entry into force.

* * *

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

2.5 Introduction

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

2.6 Findings

2.6.1 Azerbaijan ratified the Council of Europe's Anti-Doping Convention in 2003 and the International Convention against Doping in Sport of UNESCO in 2007. The two Conventions are similar in the sense that they both have the List of banned substances and banned methods and the WADA Prohibited List as an appendix or annex, respectively.

2.6.2 As mentioned in paragraph 2.2.7 above, the Azerbaijani authorities most probably do not publish the List of banned substances and banned methods adopted by the Monitoring Group of the Anti-Doping Convention of the Council of Europe. For more comments on the List, see paragraphs 2.2.4 to 2.2.7.

2.7 Conclusion

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

2.8 Recommendations

2.8.1 See Recommendations no. 2 and no. 3 (paragraphs 2.4.1 and 2.4.2, above).

Convention Article 3

Article 3: Domestic co-ordination

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

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

3.1 Introduction

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

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

3.2 Findings

3.2.1 The Law on the fight against the use of doping substances and methods in sport accompanied by other national laws and regulations outline the division of responsibilities between governmental authorities, public agencies and other stakeholders, including national sports federations and other sporting bodies.

3.2.2 The practical application of the Convention has been delegated by the Government of the Republic of Azerbaijan to AMADA. The Agency is a public legal entity, with the state registration of the Ministry of Taxes. The Agency is composed of a Supervisory Board and the operational body. The Agency is independent in its operations, being observed by Supervisory Board. It is financed by the government.

3.2.3 According to Article 5 of the Law on the fight against the use of doping substances and methods in sport, all of AMADA’s operations and activities are regulated by that Law, World Anti-Doping Code, International Standards, as well as other regulatory acts which define its responsibilities, and by the Rules and its Statute. The Law, under Article 7, lists the following tasks of AMADA:

“Article 7. Responsibilities of National Anti-Doping Organization

Article 7. The functions of the Organization are:

7.0.1. promoting participation in sport, free from doping, in order to protect the health and well-being of competitors and the rights of athletes and athlete support personnel;

7.0.2. creating awareness in order to discourage the practice of doping in sport among the public and the sporting community in particular;

7.0.3. developing a national strategy to prevent and fight against doping in sport;

7.0.4. implementing provisions of the Code and ensure the Republic of Azerbaijan complies with all international agreements and arrangements concerning doping in sport to which country is a party;

7.0.5. implementing anti-doping activities in the country including the testing of collected samples in all sports, sport federations and sport organizations;

7.0.6. promoting and implementing the application of various guidelines and international standards in matters related to anti-doping;

7.0.7. providing information to athletes, athlete support personnel and on the procedures for, and developments concerning the collection and testing of samples, in accordance with the Code and any standards developed by the World Anti-doping Agency;

7.0.8. using World Anti-Doping Agency accredited laboratories for analysis of samples and other required specimen;

7.0.9. maintaining data of all prohibited substances in accordance with the directions of the World Anti-Doping Agency;

7.0.10. maintaining a Registered Testing Pool in the Anti-Doping Administration and Management System in accordance with the Code;

7.0.11. prosecuting anti-doping rule violations as specified in Anti-Doping Rules;

7.0.12. carrying out necessary functions to comply with the rules attributed to it;

7.0.13. complying with the Code and carry out necessary functions for its implementation;

7.0.14. carrying out any other function conferred by or under this Law and any other regulatory legal acts.”

3.2.4 The Supervisory Board of the Agency consists of seven members representing athletes, health, jurisprudence, sport (including Olympic and Paralympic) and agency itself. The Ministry of Youth and Sport is represented in the Board. The members of the Supervisory Board as well as the members of the Appellation, the Disciplinary and the TUE Committees are appointed by the Ministry of Youth and Sport.

3.2.5 The relation between the Ministry of Youth and Sport and AMADA is defined in the law. The Ministry cooperates with AMADA within its jurisdiction in order to support the anti-doping policy and national program by implementing the fight against the use of doping in sport in its related statutes, regulations, promotional campaigns etc.

3.2.6 The role of the Ministry of Youth and Sport is to act as information hub and coordinator of the anti-doping policy. AMADA is financed directly from the Ministry of Finance whereas the Ministry of Youth and Sport gives administrative and political support to AMADA. Furthermore, the Ministry of Youth and Sport is responsible on international cooperation where it participates together with AMADA. The Evaluation Team learned that the current concern of the Minister of Youth and Sport and the Ministry is doping in recreational sport, especially in the gyms.

3.2.7 The Evaluation Team is of the opinion that the obligation of the Azerbaijani authorities to fund AMADA is met. However, the disadvantage of the current financial arrangements is that the Ministry of Youth and Sport has no direct impact on the budget of AMADA and has to agree on the budgetary line with the Ministry of Finance.

3.2.8 The Committee on Youth and Sport has been established in the Parliament in 2015. Furthermore, there is also a recently established Department of Youth and Sport within the administration of the President of the Republic. According to the representatives of the Ministry of Youth and Sport and the AMADA, there is a close cooperation between the three organizations playing different roles in anti-doping: The Department of Youth and Sport under the administration of the President creates strategies and plans, the Ministry is responsible for the implementation of the programs and the parliamentary Committee revises and monitors the laws and adapt the legislation when necessary.

3.2.9 The Ministry of Health touches on anti-doping mainly by the laws concerning drugs and pharmaceuticals: The Law of the Republic of Azerbaijan “On drugs” and the Law of the Republic of Azerbaijan “On pharmaceutical activity”: These two legal regulatory acts regulate the manufacture and supply of medicines. The Decision No. 57 of the Board of the Ministry of Health on the approval of the “Rules for the release of medicines from pharmacy organizations” regulates sales of strongly influencing substances and psychotropic drugs. The representatives of the Ministry of Health also told the Evaluation Team about the role of doping issues in their work and programs on public health where, to some extent, doping is included. Both, the representatives of the Ministry of Health and the representatives of AMADA, expressed their willingness to more active cooperation not only on pharmaceutical issues but also e.g. on education of the medical doctors and health personnel.

3.2.10 The Ministry of Internal Affairs of the Republic of Azerbaijan has a separate unit called the Main Drug Enforcement Department, which signed a Memorandum of Understanding with AMADA in December 2017. According to the Memorandum, Parties agreed to cooperate in order to fight against the use of doping substances and its prevention. The Memorandum outlines the means by which two bodies share the information regarding the suspects, who illegally sells, distributes or somehow traffics the doping substances. Parties also agreed to mutually cooperate in the information sharing of recent updates by both parties on the doping substances and methods, and the ways of their illegal distribution respectively.

3.2.11 The AMADA has also signed Memorandum of Understanding with the State Customs Committee late 2017. This Memorandum outlines the necessity for joint fight against the illegal trafficking of doping substances within the territory of the country. Parties also agree to cooperate on preparation of the project constituting the control of the athletes and athlete support personnel baggage arriving to the country during international events, information sharing of the suspects illegally trafficking the prohibited doping substances, their names, means of border crossing, quantity and other necessary information; and holding the mutual seminars and trainings for the improvement of professional skills of customs officers.

3.2.12 The AMADA has also recent Memorandum of Understandings with the State Border Service concerning mainly on exchange of information.

3.2.13 The authorities heard were, in general, convinced that the abovementioned Memoranda of Understanding give an adequate base for cooperation with AMADA. However, it must be stated that some aspects of the cooperation between different agencies and AMADA, including information sharing, require more solid basis, including but not limited to proper legal framework.

3.3 Conclusion

3.3.1 The Evaluation Team concludes that Azerbaijan has fulfilled the requirements set in the Article 3 of the Convention. However, the co-ordination of the policies and actions between the ministries and other public agencies (horizontally) was not exactly a subject of in-depth analysis based on facts, as the discussion was mainly concentrated on well developing co-operation between each ministry or agency and AMADA (vertically).

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

3.3.3 Furthermore, the Evaluation Team observed that lots of communication appears to be handled on informal basis.

3.4 Recommendations

3.4.1 Recommendation no. 4: The Azerbaijani Government should take more possession of the co-ordination between the public authorities in anti-doping policy by appropriate measures. Therefore, the government is recommended to ensure adequate resources and means for coordination in order to implement the Article 3 of the Convention more effectively.

3.4.2 Recommendation no. 5: The Azerbaijani authorities should consider introducing a legal framework for intelligence and information sharing between AMADA and different public bodies and agencies, including Police, Customs, Border Service and Prosecutor's Office.

3.4.3 Recommendation no. 6: The health authorities should include the fight against doping in their scope of activities more efficiently, especially the control of availability of doping substances and methods as well as the prevention of doping in society; and cooperate, collaborate and coordinate with AMADA as the competent authority, including sharing of information.

3.5 Examples of Best Practices

3.5.1 Although it is recommended to increase the involvement of the government itself in the process of co-ordination between different public bodies in shaping and implementing the anti-doping policies, it must be stated, at the same time, that AMADA developed a very well-functioning system of mutual recognition and cooperation with governmental bodies based on individual Memoranda of Understanding with various agencies. The efficiency of such tools depends much more on the legal environment in the country as well as on the willingness of both partners to run cooperation. However, in Azerbaijan the Evaluation Team finds such agreements very useful. Therefore, the Team would like to share Azerbaijani example with other State Parties, especially with those wishing to start the co-operation between their NADOs and different governmental agencies, including Police and Customs.

Convention Article 4

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

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

4.1 Introduction

4.1.1 Under Convention sub-article 4.1, States Parties are required to adopt measures to restrict the availability, including trafficking, of banned substances and methods and, in particular, anabolic steroids. As it is explained in the Explanatory Report to the Anti-Doping Convention⁴, most of the classes of banned substances and methods are under pharmacists' regulations or strict medical control and the main area of further restrictions lies in the anabolic steroids.

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

4.2 Findings

4.2.1 The Republic of Azerbaijan, at the time of the Evaluation visit, had only minor pieces of specific legislation in place with respect to restricting the availability of prohibited substances. However, the accessibility to certain groups of doping substances may be considered as restricted on the basis of different legislative and administrative measures in effect in Azerbaijan. Most of the measures that are in place in Azerbaijan aim to restrict the use of banned substances and methods, in general, and are not limited to sports.

4.2.2 The National Report contains a list of the legislative acts regulating the availability of certain groups of banned doping agents and doping methods that are in place in Azerbaijan: a. Criminal Code of the Republic of Azerbaijan: It creates a framework for the substantive criminal law by proscribing conduct perceived as threatening, harmful or otherwise endangering to certain goods, including health. Therefore, the Criminal Code provides for criminal liability in cases of compulsion to use doping substances and/or methods (Article 143-1) and in cases of illegal manufacturing, processing, storing and trafficking of toxic, strongly addictive substances, including some doping substances (Article 240.1 to 240.4). b. Code of Administrative Offences of the Republic of Azerbaijan provides for administrative liability (financial penalties) in cases of: 1) the use and/or promotion of the use of doping substances and/or methods (Article 224), 2) counterfeiting or sale of medicines and food intentionally contaminated with doping substances (Article 225), 3) the violations of doping control rules (Article 226). c. Law of the Republic of Azerbaijan "On drugs" and d. Law of the Republic of Azerbaijan "On pharmaceutical activity". These two legal regulatory acts establish a framework for manufacturing and sale of medicines, including those available on prescription only, medicines licensed for sale by a pharmacist, and generally defined medicines. They also provide for a mechanism of control and sale of drugs, pharmaceutical products, strongly influencing substances, narcotics and psychotropic substances.

⁴ Explanatory Report to the Anti-Doping Convention, Strasbourg, 16.XI.1989, paragraph 52.

4.2.3 The aforementioned legislation mostly aims at regulating the availability of medicines and narcotics and is not limited to sport. The Evaluation Team did not evaluate the aforementioned legislation. However, based on the information that is available in the National Report and the discussions that the Team held during the Visit about the impact of the said Acts on the fight against doping in Azerbaijan, it is the opinion of the Evaluation Team that the legislation in place for limiting the availability of doping substances and doping methods could go further.

4.2.4 The role of law enforcement agencies and customs for the restriction of the availability and the use in sport of banned doping agents and doping methods is of great importance. Moreover, the cooperation between national anti-doping organisations and law enforcement agencies and customs has proved to be an effective measure in the fight against doping in sport, and governments should find ways to facilitate and promote such cooperation. Since 2017, AMADA has agreements in place with the State Customs Committee of the Republic of Azerbaijan and the Ministry of Internal Affairs, with its separate unit called Main Drug Enforcement Department, allowing information sharing as well as other measures with the aim to increase the effectiveness of the fight against trafficking, smuggling and use of prohibited substances and methods (see paragraphs 3.2.10 and 3.2.11).

4.3 Conclusion

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

4.4 Recommendations

4.4.1 Recommendation no. 7: The Azerbaijani authorities shall adopt comprehensive legislative measures to control the trafficking of doping substances; these measures should include, as a minimum, the list of substances to be controlled, the agencies to be involved, and the applicable sanctions.

* * *

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

4.5 Introduction

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

4.6 Findings

4.6.1 The National Report does not respond to the Article 4.2. of the Convention. However, the additional information provided by AMADA on request of the Evaluation Team indicates that there is a mechanism in place requiring from the national federations to implement the anti-doping rules. According to the information provided at the later stage, the relevant framework for such implementation is established under the Law on the physical culture and sport and the Law on the fight against the use of doping substances and methods in sport. However, the aforementioned mechanism is limited only to the cases of withdrawal of public subsidies from the national sports

federations not executing the anti-doping sanctions against athletes or athlete support personnel. Article 20 of the Law on the fight against the use of doping substances and methods in sport provides as follows:

“Article 20. Responsibilities of Republic sports federations

20.1. National sports federations shall obey the provisions of this Law and NADO rules in case of adoption of sanctions against athlete or athlete support personnel.

20.2. Non-execution of obligations stipulated in clause 20.1 hereof by the national sports federations shall be considered as violation and shall bring to withdrawal of financial support from budget.”.

4.6.2 Furthermore, Article 1.2.1 of the Anti-Doping Rules of AMADA provides as follows:

“1.2.1 As a condition of receiving financial and/or other assistance from the Government of Azerbaijan and/or the National Olympic Committee of Azerbaijan, each National Federation of Azerbaijan shall accept and abide by the spirit and terms of Azerbaijan National Anti-Doping Program and these Anti-Doping Rules, and shall incorporate these Anti-Doping Rules either directly or by reference into their governing documents, constitution and/or rules as part of the rules of sport that bind their members and Participants.”.

4.6.3 The aforementioned provisions of the Law on the fight against the use of doping substances and methods in sport and the Anti-Doping Rules of AMADA do not demonstrate, in practice, that the compliance with the Anti-Doping Rules or other relevant parameters (like, for example, the number of doping rule violations by members of a sport organization) by sport organizations (including national sports federations) is taken into account when determining the size of the subsidies to be granted by the Ministry of Youth and Sport to each sport association.

4.7 Conclusion

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

4.8 Recommendations

4.8.1 Recommendation no. 8: The Ministry of Youth and Sport have to make it a criterion for the grant of public subsidies to sports organisations that they effectively apply anti-doping regulations by appropriate measures and inform them about this requirement effectively. Also, at need, advise federations in this work (together with AMADA).

* * *

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

4.9 Introduction

4.9.1 Under this sub-article of the Convention, governments may underwrite the entire cost of doping controls and analysis or offer partial grants to the sport organisations, as a form of encouragement to undertake testing on a worthwhile scale.

4.10 Findings

4.10.1 In accordance with Article 7.0.5 of the Law on the fight against the use of doping substances and methods in sport provides, doping control is a task of AMADA. It is a public legal entity

managing the budget for the implementation of its tasks, including testing. The budgetary appropriations for AMADA for such implementation of the tasks are allocated directly in the state budget. However, the Agency is also allowed to receive financial support from the other sources, including sponsorship contracts, grants and donations.

4.10.2 Based on the information available in the National Report (under Article 4), the total budget of AMADA in 2017 amounted AZN⁵ 1.5 million in 2017 (approx. 765,000 EUR). AMADA allocated AZN 559,671 (approx. 285,432 EUR) to testing which equals approx. to 37% of its annual budget. The amount allocated to testing covered the costs of doping controls and samples analysis (AZN 397,366 = approx. 202,657 EUR, 71% of the testing budget), necessary materials and equipment (16%), transportation (6%) and customs fees (7%).

4.10.3 The Evaluation Team is of the opinion that the Azerbaijani authorities fulfil their obligations under this particular sub-article i.e., to finance doping controls and analysis, on a meaningful scale. Moreover, the Team is of the opinion that the funding of AMADA is properly secured by the relevant laws and regulations.

4.11 Conclusion

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

4.12 Recommendations

4.12.1 None.

* * *

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

4.13 Introduction

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

4.14 Findings

4.14.1 The National Report does not address the issues related to the application of Article 4.3.b of the Convention. The Evaluation Team learned that the positive doping cases have had an effect to grants for individual athletes by the National Olympic Committee. However, there is no clear mechanism in place providing for a similar solution in case of public funding to persons.

4.14.2 The Evaluation Team was made aware that the national sports federation in Azerbaijan receive financial support not only from the government, but also from sponsors, donors and other sources. The public funding for professional sports supports several selected areas of the activities of the national sports federations, including training of the national teams. Moreover, the Ministry of Youth and Sport also covers the costs of health care and treatment of the athletes. It is further confirmed in the National Strategy on Physical Education and Sport Development of the Republic of Azerbaijan (2009-2020). It provides for the financial framework to support the aims of the Strategy listing some priorities, including training process of high level sportsmen and preparations of the national teams to and

⁵ AZN (Azerbaijan Manat); 1 AZN = 0.51 EUR at the rate on 1 October 2018.

participation in the international events. It is not clear, however, if there are any individual grants or subsidies financed by the Government of Azerbaijan. According to the information provided to the Evaluation Team, all the decisions on granting and/or withdrawing of public subsidies are based on such criteria as the results, the quality of athletes' performance, compliance with the rules and ethical standards, including some doping aspects. However, there is no clear policy reflected in the legal framework regarding the impact of the anti-doping rule violation on the financial assistance provided by public authorities to the athletes or their support personnel who committed the violations.

4.14.3 The Evaluation Team notes that the Code of Administrative Offences of the Republic of Azerbaijan provides for administrative liability in cases of the use of doping substances and/or methods as well as for the violations of doping control rules. The persons committing these offences are sanctioned with a fine. The aforementioned financial consequences are not, however, of the same nature as the measures foreseen in Article 4.3.b of the Convention and, therefore, cannot be seen as its implementation.

4.14.4 In addition to the above, the Anti-Doping Rules of AMADA include provisions that allow withholding of financial support or other sport related benefits (e.g., sponsorship) from athletes serving a period of ineligibility. In particular, Article 10.11.4 of the said Rules provides as follows:

*“10.11.4 Withholding of Financial Support during Ineligibility
In addition, for any anti-doping rule violation not involving a reduced sanction as described in Article 10.4 or 10.5, some or all sport-related financial support or other sport related benefits received from such person will be withheld by AMADA, the Azerbaijan Government, and the National Federations.”*

4.14.5 The Evaluation Team understands that, although the aforementioned provisions of Article 10.11.4 of the Anti-Doping Rules of AMADA are standard, Code-based clauses and in line with the Convention, are not yet implemented by AMADA, the Ministry of Youth and Sport and the national federations.

4.15 Conclusion

4.15.1 The Evaluation Team concludes that Azerbaijan has not fully implemented Article 4.3.b of the Anti-Doping Convention of the Council of Europe; therefore, the Team is of the opinion that the relevant legislative and/or regulatory/policy framework needs to be strengthened.

4.16 Recommendations

4.16.1 Recommendation no. 9: The Ministry of Youth and Sport should introduce a legal framework or policy enabling itself or relevant authorities or sporting bodies to withhold any sport-related financial assistance provided by the public authorities from athletes or their support personnel during the period of their suspension; the anti-doping rule violation should be explicitly mentioned as a reason to withhold or cancel sport grants – for better clarity and maximising its deterrence effect.

4.16.2 Recommendation no. 10: The Ministry of Youth and Sport should adopt and enforce (as necessary) a policy regulating the reporting by AMADA to the Ministry and the national federation concerned of any anti-doping rule violation not involving a reduced sanction; and the withhold by the Ministry of Youth and Sport and the national federation of some concerned of all sport-related financial support or other related benefits received from such person.

* * *

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

4.17 Introduction

4.17.1 The Convention requires from State Parties to take measures to reduce the use of doping in sport. In addition to the direct measures (restrict of availability required in Article 4.1), the States may offer different forms of encouragement to reduce the use of doping, such as financial encouragement and/or penalisation (Articles 4.2, 4.3.a and 4.3.b). Article 4.3.c of the Convention requires from the State Parties more practical forms of encouragement such as facilitating doping control testing, both in-, and out-of-competition.

4.18 Findings

4.18.1 AMADA collaborates and facilitates international federations and anti-doping organisations to conduct testing in Azerbaijan, both in-, and out-of-competition.

4.18.2 In accordance with the 2017 Annual Report⁶ of AMADA, in the reference year the Agency conducted 207 doping tests commissioned by international sports federations (167 tests in-competition and 40 tests out-of-competition). The federations requested for service were the following: World Karate Federation, United World Wrestling, World Taekwondo and International Boxing Association. The revenue from the doping testes requested was AZN 21,213 in 2017 (approx. 10,819 EUR). AMADA conducted doping control at all the international competitions that took place in Azerbaijan in 2017.

4.19 Conclusion

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

4.20 Recommendations

4.20.1 None.

* * *

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

4.21 Introduction

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

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

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

⁶ http://www.amada.az/site/assets/files/1343/amada_annual_report_2017-5.pdf (accessed: 1.10.2018).

4.22 Findings

4.22.1 The Law on the fight against the use of doping substances and methods in sport mandates AMADA to conduct doping controls (Article 7). The scope of the aforementioned provision is not limited to the territory of Azerbaijan. It does not mean that AMADA is conducting doping controls abroad. However, according to the information provided to the Evaluation Team, there are no legal obstacles to commission testing on Azerbaijani athletes when training in other countries, based on the agreements in place between AMADA and other anti-doping organisations or private sample collection companies.

4.22.2 Furthermore, in the introduction to the AMADA's Anti-Doping Rules, it is clearly stated:

“(...) AMADA has the necessary authority and responsibility for: (...) Encouraging reciprocal testing between National Anti-Doping Organizations.”

4.22.3 According to the National Report, AMADA has concluded several collaboration agreements with the different anti-doping organizations, thereby paving the way to the mutual doping control testing and sharing of information. Such collaboration and doping control service agreements have been concluded with the major international federations, including the Union of European Football Associations (UEFA), United World Wrestling (UWW) and International Shooting Sport Federations (ISSF).

4.22.4 Although the Evaluation Team was not presented with any data showing that Azerbaijani athletes are tested out of the country on the request of AMADA or any sport organisation, like, for example, the respective national federation or the National Olympic Committee of Azerbaijan, the Team has no doubts that such testing is possible. The reason for not commissioning doping control abroad by AMADA till February 2018 when the Evaluation visit took place was a late establishment of the Agency. AMADA started its doping control activity by the end of April 2017.

4.23 Conclusion

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

4.24 Recommendations

4.24.1 Recommendation no. 11: AMADA should start testing Azerbaijani athletes when training in other countries based on the agreements concluded with other anti-doping organisations or private sample collection companies.

* * *

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

4.25 Introduction

4.25.1 This Article of the Convention acknowledges the right of states to adopt legislation by virtue of which, inter alia, public authorities may themselves organise doping controls. As it is explained in the Explanatory Report to the Anti-Doping Convention⁷ this is particularly the case where the public authorities feel that the sport organisations are not fulfilling their responsibilities adequately.

4.25.2 The Anti-Doping Convention, as well as other regulations adopted by the Council of Europe on the matter of sport, aim to ensure that the rights of athletes are guaranteed, including in the

⁷ Explanatory Report to the Anti-Doping Convention, Strasbourg, 16.XI.1989, paragraph 58.

disciplinary procedures. These standards should be reflected in the regulations adopted based on Article 4.4 of the Convention.

4.26 Findings

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

4.26.2 The main legislation regulating sport and sport-related matters in the Republic of Azerbaijan is the Law on physical culture and sport. It includes some provisions on combating doping in sport (see paragraph 1.2.3). However, there is also a specific legislation in place in Azerbaijan regarding combating doping in sport, namely the Law on the fight against the use of doping substances and methods in sport (see paragraph 1.2.4 and other relevant parts of this Report).

4.26.3 In addition to the aforementioned laws, the Criminal Code of the Republic of Azerbaijan contains some provisions linked with anti-doping. This Code criminalises certain behaviours such as compulsion to use doping substances or methods, illegal trafficking of toxic substances and illegal manufacturing, processing, acquisition, storing, transportation and selling of toxic substances. These behaviours are submitted to punishments up to a two-year imprisonment and a financial penalty.

4.26.4 The Code of Administrative Offenses of the Republic of Azerbaijan prohibits the use and/or propagation of use of doping substances and/or methods and other violations of doping control rules. These behaviours shall lead to the imposition of financial penalties.

4.26.5 According to the Decree of the President of the Republic of Azerbaijan No. 795 dated 15 February 2016 on the implementation of the Law of the Republic of Azerbaijan No. 96-VQ adopted on 29 December 2015 “on the approval of the Code of Administrative Offenses of the Republic of Azerbaijan”, the responsibility of imposing the abovementioned sanctions relies on the Ministry of Youth and Sport of Azerbaijan.

4.26.6 AMADA, as a signatory to the Code, has adopted its Anti-Doping Rules in line with the Code. According to Article 10 of the Law on the fight against the use of doping substances and methods in sport, AMADA is given full authority and exclusivity to execute a comprehensive national anti-doping program encompassing testing, education, research and other activities reflected in the Rules of AMADA; and to develop programs, policies and procedures in each of this areas. Furthermore, all the national sports federations, other registered sporting bodies, athletes, their support personnel automatically acknowledge and accept the exclusive jurisdiction of AMADA and its Rules are automatically applicable and enforceable towards all these entities and persons.

4.26.7 The Anti-Doping Rules of AMADA mandate the Agency to conduct testing:

“5.2.1 Subject to the jurisdictional limitations for Event Testing set out in Article 5.3 of the Code, AMADA shall have in-competition and out-of-competition testing authority over all of the athletes falling within the scope of Article 1.3, above.”.

4.26.8 As to the issue of the rights of athletes and their guarantees in the disciplinary procedures, see paragraphs 7.18.4 to 7.18.9 of this Report.

4.27 Conclusion

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

4.28 Recommendations

4.28.1 None.

Convention Article 5

Article 5: Laboratories

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

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

5.1 Introduction

5.1.1 The important role of doping control laboratories in the fight against doping is reflected in the Convention, as well as the World Anti-Doping Code and the International Convention against Doping in Sport of UNESCO.

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

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

5.1.4 The Convention, under Article 5, requires member states either to create doping control laboratories suitable for accreditation or, if such a laboratory is not in place, then access to an accredited laboratory in another state must be sought and subsidized. Moreover, the Convention aims to have all State Parties using accredited laboratories as an essential part of a coherent anti-doping strategy and equal treatment of athletes. Similarly, WADA requires anti-doping organizations, as signatories to the World Anti-Doping Code, to have all samples analyzed for doping control purposes in WADA-accredited laboratories or laboratories otherwise approved by WADA, only and considers this to be critical requirement in the fight against doping in sport⁸.

5.2 Findings

5.2.1 The Law on the fight against the use of doping substances and methods in sport outlines how the Azerbaijani authorities have structured the anti-doping activities in the country. See the following overview of this structure with relevant legal basis:

⁸ WADA, International Standard for Code Compliance by Signatories

a. Article 6 of the Law establishes the National Anti-Doping Agency (currently AMADA) as an independent agency with financial autonomy, budget and operational independence in performing its duties under the Law, the AMADA rules and the World Anti-Doping Code and International Standards.

b. Article 7.1.5 of the Law states that one of functions of AMADA is to use WADA-accredited laboratories for analysis of samples and other required specimen.

c. Article 8 of the Law gives AMADA the power to execute all measures and steps to comply and implement the Code and AMADA Rules.

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

5.2.3 In 2017, AMADA signed a contract with the WADA-accredited laboratory in Cologne, Germany – the Institute of Biochemistry – German Sport University Cologne for the analysis of all of its urine and blood samples. This agreement is on-going.

5.2.4 AMADA also has a contract with the Institute of Biochemistry – German Sport University Cologne for the use of the Athlete Passport Management Unit (APMU) for the steroidal module of their Athlete Biological Passport (ABP) program. Since the Cologne laboratory does not have the capacity to also serve as the APMU for the hematological module of the ABP program, AMADA has signed a contract with the WADA-accredited laboratory in Warsaw, Poland – Department of Anti-Doping Research Institute of Sport – National Research Institute to fulfill this function.

5.2.5 In 2017, AMADA encountered some challenges related to the shipment of blood samples as there were limited courier companies in Azerbaijan with the capacity and ability to guarantee the shipment of blood samples in accordance with the relevant standards. In order to ensure proper delivery of blood samples to the WADA-accredited laboratory, an AMADA staff was travelling via airplane to hand deliver the samples to the laboratory. AMADA is continuing to work with a courier company and as of early 2018 it appears that this issue has been addressed. AMADA has reported that it is now able to ship the blood samples to the lab via a courier company in accordance with the relevant standards.

5.3 Conclusion

5.3.1 The Evaluation Team concludes that Azerbaijan has fulfilled the commitments under Article 5 of the Anti-Doping Convention of the Council of Europe.

5.4 Recommendations

5.4.1 None.

Convention Article 6

Article 6: Education

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

6.1 Introduction

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

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

6.1.3 The Monitoring Group developed the Model Guidelines for Core Information/Education Programmes to prevent Doping in Sport, as a methodological tool, for the development, implementation, delivery, and evaluation of information and education programmes. These Model Guidelines are annexed to the Recommendation Rec (2011) 1 of the Monitoring Group on the use of the model guidelines for core information/education programmes to prevent doping in sport.

6.1.4 The Monitoring Group developed also the Guidelines for anti-doping education for Tertiary Education Institutions, aiming to support the development, implementation, delivery and evaluation of effective anti-doping education at the university level. These Model Guidelines are annexed to the Recommendation Rec (2016) 2 of the Monitoring Group on the Guidelines for anti-doping education for Tertiary Education Institutions.

6.2 Findings

6.2.1 The Azerbaijan Government acknowledges the importance of prevention in the fight against doping in Azerbaijan and requires from AMADA that it engages actively in the anti-doping education and awareness raising activities. Article 7 of the Law on the fight against the use of doping substances and methods in sport reads as follows:

“Article 7. The functions of the Organization are: (...)

7.0.2. creating awareness in order to discourage the practice of doping in sport among the public and the sporting community in particular;

7.0.3. developing a national strategy to prevent and fight against doping in sport; (...)

7.0.6. promoting and implementing the application of various guidelines and international standards in matters related to anti-doping;

7.0.7. providing information to athletes, athlete support personnel and on the procedures for, and developments concerning the collection and testing of samples, in accordance with the Code and any standards developed by the World Anti-doping Agency; (...).”

6.2.2 The role of AMADA in the anti-doping education is also reflected in its Anti-Doping Rules. Article 19 of the said Rules provides as follows:

“Article 19. Education

AMADA shall plan, implement, evaluate and monitor information, education and prevention programs for doping-free sport on at least the issues listed at Article 18.2 of the Code, and shall support active participation by Athletes and Athlete Support Personnel in such programs.”

6.2.3 Similarly, Article 16 of the Anti-Doping Rules of AMADA contains the following provision regarding the anti-doping education by national federations:

“16.5 All National Federations shall be required to conduct anti-doping education in coordination with AMADA.”

6.2.4 The National Report (under Article 6) provides a comprehensive overview of the information and education activities carried out by AMADA. The Evaluation Team also received information about the AMADA's activities from the 2017 Annual Report available on the AMADA's website⁹ and discussions on the involvement of AMADA in the anti-doping information and education during the meetings held with the Agency, the National Olympic Committee of Azerbaijan, the representatives of the national federations and the athletes. The Team's main findings are summarised below: a. AMADA for the implementation of its information and educational programmes cooperates mainly with the national sports federations and the National Olympic Committee of Azerbaijan; b. AMADA's information and educational programmes target the following six groups: (i) athletes – youth and adults (from schoolchildren to professional athletes); (ii) athlete support personnel; (iii) parents; (iv) sports officials; (v) media and (vi) other groups, including public agencies, research institutions, NGOs and wider public; c. the educational activities of AMADA are very well structured based on a separate strategic program; d. AMADA's information and educational programmes cover mainly the following topics: prohibited substances and methods, anti-doping rule violations and consequences, rights and responsibilities of athletes and athlete support persons, health consequences of doping, doping control procedures, ethics of sport, risks associated with the use of nutritional supplements; e. AMADA's activities include mainly meetings with the target groups, lectures and workshops as well as the use of social media and the AMADA's website and f. AMADA evaluates its information and educational activities.

6.2.5 AMADA launched the National Anti-Doping Education Program in 2017 to provide up-to-date information to all the athletes included in the national testing program and their support personnel. Later in 2017, AMADA adopted a short term strategy for the education activities called the Anti-Doping Education Program for the years 2017-2018. This is an example of smart planning, based on selected target groups and available resources. The Program describes certain educational needs of different groups and targets relevant activities to satisfy those needs. The document also contains an action plan with clearly stated objectives, tasks, responsibilities and deadlines. Therefore, it can be smoothly monitored and adjusted. The substantial part of the strategy is a tentative curriculum framework for the Anti-Doping Education Program. It identifies the topics and related learning outcomes that are expected at different stages of sporting career.

6.2.6 AMADA has also paved the way to involve other sporting bodies in the information and educational activities. The Agency established a framework for cooperation in this regard with the National Olympic Committee of Azerbaijan. Together they started an action plan called “2018 – a Year of Anti-Doping”. It includes many interesting and innovative activities such as the blog/essay competition, “open anti-doping day” for media or the so-called “help-line” for athletes seeking for some advice on anti-doping related issues. AMADA has also established a very well-functioning

⁹ http://www.amada.az/site/assets/files/1343/amada_annual_report_2017-5.pdf (accessed: 1.10.2018).

mechanism for cooperation, including on information and education, with the national sports federations. It is based on some well-tailored Memoranda of Understanding signed by WADA and relevant sports federations. At the time of the Evaluation visit there were 24 such memoranda in effect and 44 more to be signed.

6.2.7 The regular activities in the field of anti-doping information and education carried out by AMADA include the workshops/seminars provided to the athletes as well as the outreach initiatives. In 2017, AMADA organized many seminars targeted at the athletes and their support personnel (almost six hundred participants attended). AMADA's anti-doping education team visited sport camps, training sessions and delivered workshops and presentations. At these sessions athletes and other participants were free to interact with the AMADA's educational officers. Moreover, AMADA developed its Outreach Program in 2017 (covering more than 2,500 athletes and their support personnel). It is based on the WADA's Athlete Outreach Model. The outreach activities are conducted at the major sporting events taking place in Azerbaijan, national and international. They give the access to anti-doping information to all the participating athletes.

6.2.8 AMADA has also developed very high quality teaching materials on the "Anti-Doping Education – level basic" that are used during some face-to-face activities with the athletes, including workshops and seminars. Moreover, AMADA provides print-outs for athlete and their support personnel with up-to-date and accurate information on most topical issues, including Prohibited List, health and disciplinary consequences of using doping, doping control procedures, athlete rights and responsibilities, TUE, risks related to the nutritional supplements and negative impact of doping on the real values of sport.

6.2.9 AMADA is very active over the internet. In 2017, right after its creation AMADA launched social media and website to cover the users of electronic resources. The website is a very comprehensive source of information to the athletes and their support personnel. Furthermore, in 2017 AMADA used its social media to promote important anti-doping news to the sporting bodies and directly to the athletes. Now AMADA is planning to make one step further and to create the drug information database and related mobile application to provide information on whether a medicine or a substance is classified doping-free. The plan covers also the establishment of e-learning platform accessible by the athletes and coaches at any time.

6.2.10 In addition to the aforementioned anti-doping information and education activities, it should be outlined that AMADA has its athlete ambassador programme in place. The Evaluation Team met with some athletes working closely with AMADA. They stressed the added value of the activities carried out by AMADA. One of them said: "with AMADA we, the athletes, feel safe".

6.2.11 It is worth mentioning that AMADA cooperates closely with the Azerbaijan State Academy of Physical Culture and Sport which underwent a reform in 2015. Now the anti-doping issues are included in most of the programs at the Academy, in modules of sport physiology for coaches, PE teachers, athletes, sports medicine, and journalism. The Academy has joint programs in place with AMADA, dedicated to the athletes, coaches and team physicians.

6.2.12 For its information and educational activities, AMADA receives resources from the state budget. In 2017, the Agency spent AZN 306,800 (approx. 156,468 EUR) for education which was around 21% of the whole budget of AMADA in a given year.

6.3 Conclusion

7.3.1 The Evaluation Team concludes that Azerbaijan has fulfilled the commitments under Article 6.1 of the Anti-Doping Convention of the Council of Europe.

6.4 Recommendations:

6.4.1 Recommendation no. 12: The Evaluation Team suggests AMADA to envisage an assessment of the results of the Anti-Doping Education Program 2017-2018 and evaluate its impact. Based on the outcomes of aforementioned exercise, AMADA should prepare another short-term plan, complemented by a long-term anti-doping information and education strategy.

6.4.2 Recommendation no. 13: The Evaluation Team suggests the Azerbaijani authorities to consider a. introducing anti-doping education and prevention programmes in schools, in physical education classes in line with Recommendation Rec (2011) 1 on the use of the model guidelines for core information/education programmes to prevent doping in sport, adopted by the Monitoring Group, b. encouraging the relevant academic institutions in the country to develop, implement and deliver effective anti-doping education in tertiary education, in line with Recommendation Rec (2016) 2 on Anti-Doping Education Guidelines for Tertiary Education Institutions, adopted by the Monitoring Group.

6.4.3 Recommendation no. 14: AMADA should consider establishing its own athlete committee with the view, among others, to promote active participation of athletes in the fight against doping.

6.5 Example of Best Practices

6.5.1 Given the relatively short period of time since the establishment of AMADA, it should be stressed that the Agency managed to develop an advanced information and education agenda. Unlike many other anti-doping organizations AMADA started its anti-doping program from awareness raising activities. It also developed a unique framework of cooperation with other sporting bodies, involving most of them in the anti-doping educational activities. The quality of the actions taken by AMADA in this respect is extraordinary as for such a newly-established organization. Therefore, the Evaluation Team finds it useful to promote this approach among other anti-doping organizations.

* * *

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

6.5 Introduction

6.5.1 Research in the field of anti-doping as well as the physiological and psychological training and the legitimate search of improved performance is of great importance. This is reflected not only by the provisions of the Anti-Doping Convention of the Council of Europe but also the World Anti-Doping Code, and the International Convention against Doping in Sport of UNESCO.

6.6 Findings

6.6.1 The Evaluation Team was made aware of some research activities conducted by AMADA. First of all, the Agency started evaluating its education activities in 2017. Therefore, a series of surveys was conducted among the athletes participating in the seminars, lectures and sports events. The feedback received was very positive. Secondly, AMADA works closely with the Azerbaijan State Academy of Physical Culture and Sport and looks into the research possibilities.

6.6.2 Nevertheless, the Evaluation Team is of the opinion that the research activity of AMADA is quite limited at this stage. The Team understood that this is partly due to the late creation of the

Agency. However, the time has come for AMADA to inspire other stakeholders to get actively involved in doing research in the field of anti-doping and to cooperate with them.

6.6.3 Lastly, it should be mentioned that in Azerbaijan, there are several well-established academic institutions, including universities that offer courses on sport science, law, sociology and medicine, and it is beyond doubts that these institutions may be active in research in the field of sport, including anti-doping.

6.7 Conclusions

6.7.1 The Evaluation Team concludes that Azerbaijan has fulfilled the commitments under Article 6.2 of the Anti-Doping Convention of the Council of Europe; however, the Team is of the opinion that the research into anti-doping areas can be improved further.

6.8 Recommendations

6.8.1 Recommendation no. 15: AMADA should encourage and fund research studies related to anti-doping by academic and other interested institutions in the country and play a lead role on the coordination of the research activities on anti-doping in the country.

Convention Article 7

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

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

7.1 Introduction

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

7.2 Findings

7.2.1 The Law on the fight against the use of doping substances and methods in sport establishes that AMADA shall act in compliance with the World Anti-Doping Code and its International Standards (Article 5). Moreover, it provides for the enforcement of AMADA Anti-Doping Rules across all sports. According to this Law, AMADA is given full authority and exclusivity to execute a comprehensive national anti-doping programme, including testing, investigations and results management. All national sports federation in Azerbaijan have to accept exclusive jurisdiction of AMADA and, again, its rules and regulations are automatically applicable and enforceable towards them. See relevant provisions of this Law below:

“Article 10. Jurisdiction of National Anti-Doping Agency

10.1. NADO is given full authority and exclusivity to execute a comprehensive national anti-doping program encompassing testing, education, research and other activities reflected in NADO rules; and to develop programs, policies, and procedures in each of those areas.

10.2. National Federations, corresponding registered sporting bodies, athletes, athletes support personnel automatically acknowledge and accept the exclusive jurisdiction of the NADO and the NADA rules are automatically applicable and enforceable towards all these entities and persons.”.

7.2.2 In addition to the aforementioned, the Law on the fight against the use of doping substances and methods in sport contains several provisions aiming to encourage sport organisations – within their competence – to take measures against doping in sport. For example, Article 19 lists the anti-doping responsibilities of different sporting bodies, including national sports federations and athletes. It also concludes that the lack of awareness about anti-doping regulations and prohibited substances and methods does not absolve the liability.

“Article 19. Responsibilities of Sporting bodies

19.1. Sporting bodies have following powers:

19.1.1. to respect NADO's, TUE Body's, Disciplinary Body's, Appellation Body's autonomy and not to interfere with its operational decisions or activities.

19.1.2. to require clubs and other similar bodies under its authority to report to NADO any information related to an anti-doping rule violation and to cooperate with investigations conducted by any Anti-Doping Organization with authority to conduct the investigation.

19.1.3. to cooperate with the operation of an investigation, including establishment of a doping test rooms, at an Event sponsored by it or subordinated bodies.

19.1.4. to take appropriate information delivery and implement support measures towards Athletes who are part of the NADO's Registered Testing Pool such as ensuring them to submit whereabouts filing in the Registered Testing Pool.

19.1.5. to report to NADO, and to ensure the appropriate enforcement of Consequences of, all potential anti-doping rule violations within its jurisdiction including investigation into whether Athlete Support Personnel or other Persons may have been involved in each case of doping, as well as to implement automatic investigation into anti-doping rule violations related to a Minor.

19.1.6. to comply with anti-doping regulations.”

7.2.3 The Anti-Doping Rules of AMADA, under Article 16.1, require all national federations and their members to comply with the said Anti-Doping Rules. These Rules shall also be incorporated either directly or by reference into each national federation’s rules so that AMADA may enforce them itself directly as against athletes and other persons under the national federation’s jurisdiction.

7.3 Conclusion

7.3.1 The Evaluation Team concludes that Azerbaijan has fulfilled the commitments under Article 7.1 of the Anti-Doping Convention of the Council of Europe.

7.4 Recommendations

7.4.1 Recommendation no. 16: The Azerbaijani authorities should adopt and implement, preferably through AMADA, policies for the monitoring of compliance of sport organisations with the Anti-Doping Rules of AMADA and their responsibilities for the fight against doping in their sport.

* * *

7.2 To this end, they shall encourage their sports organisations to clarify and harmonise their respective rights, obligations and duties, in particular by harmonising their: a. anti-doping regulations on the basis of the regulations agreed by the relevant international sports organisations;

7.5 Introduction

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

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

7.6 Findings

7.6.1 The Law on the physical culture and sport comprises some provisions related to anti-doping. Its Article 11 requests the national federations to act and fight against doping, discrimination and violence in sport, while Articles 42 and 43 request athletes to undergo doping controls and prevent themselves from using doping and request coaches to assist their athletes in this regard.

7.6.2 The Law on the fight against the use of doping substances and methods in sport has been followed by a Decree of the President of the Republic of Azerbaijan, dated 14 December 2016, for the implementation of the Law. Both texts led to the establishment of the Azerbaijan National Anti-Doping Agency (AMADA) and to the adoption of the Statutory Regulation of AMADA.

7.6.3 Article 6 of the aforementioned Law states that the functioning of AMADA is regulated, in addition to the national legislation, by the World Anti-Doping Code (WADC), International Standards of the World Anti-Doping Agency (WADA), as well as by other regulatory acts that define its rights and responsibilities. Furthermore, Article 7.0.4 of this Law adds that AMADA is responsible for

implementing the provisions of the WADC and ensuring that the Republic of Azerbaijan complies with all international agreements related to doping in sport that the country has signed or is a Party to.

7.6.4 Article 10 of the Law states that AMADA has the full and exclusive authority to execute a comprehensive anti-doping program in the country (including testing, education, research, etc.) and to develop policies and procedures in each of those areas. The national federations, athletes and athletes support personnel automatically acknowledge and accept the exclusive jurisdiction of AMADA.

7.6.5 The Anti-Doping Rules of AMADA, following a review by WADA, were deemed in line with the 2015 World Anti-Doping Code. The Rules, under Article 1.2, state as follows:

“1.2 Application to National Federations

1.2.1 As a condition of receiving financial and/or other assistance from the Government of Azerbaijan and/or the National Olympic Committee of Azerbaijan, each National Federation of Azerbaijan shall accept and abide by the spirit and terms of Azerbaijan National Anti-Doping Program and these Anti-Doping Rules, and shall incorporate these Anti-Doping Rules either directly or by reference into their governing documents, constitution and/or rules as part of the rules of sport that bind their members and Participants.”

7.6.4 Similarly, Article 16.1 of the AMADA Rules provides as follows:

“16.1 All National Federations and their members shall comply with these Anti-Doping Rules. These Anti-Doping Rules shall also be incorporated either directly or by reference into each National Federation’s rules so that AMADA may enforce them itself directly as against Athletes and other Persons under the National Federation’s jurisdiction.”

7.6.5 Although the Anti-Doping Rules of the AMADA and the rules of international sports federations are Code-based tools, the different sets of rules differ in their application. However, given that the AMADA Rules are operational and nationally enforced across all sports in Azerbaijan, the harmonization required by the Convention is achieved.

7.6.6 In addition to the legislation, AMADA signed Memoranda of Understandings with several national federations, mostly to organise the anti-doping education and information sharing. The Memoranda have already been signed with 24 national sports federations out of 80 national federations recognised by the Ministry of Youth and Sport, and 44 more are planned to be signed.

7.6.7 In summary, the laws and rules in place are compliant with the requirements of the Convention. Azerbaijan has established a set of anti-doping measures that complies with the international commitments of the country. The legislation endorses AMADA with the full responsibility of implementing the anti-doping program in the country, which ensures the harmonisation of anti-doping policies in Azerbaijan. In addition to AMADA’s main responsibility, all relevant actors seem to be well aware of the necessity to prevent doping and dedicated to work on this issue.

7.7 Conclusion

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

7.8 Recommendations

7.8.1 Recommendation no. 17: All Azerbaijani stakeholders involved in the anti-doping activities should continue working together to ensure the effectiveness of the anti-doping program.

* * *

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

7.9 Introduction

7.9.1 The required harmonisation on the list of banned pharmacological substances and methods is achieved under the umbrella of the Code and WADA's Prohibited List International Standard that applies to all signatories to the Code including the international federations and national anti-doping organisations.

7.10 Findings

7.10.1 As mentioned under Article 2 in this Report, Article 1 of the Law on the fight against the use of doping substances and methods in sport defines the "prohibited list" as the "list identifying the prohibited substances and prohibited methods". The same article states that this definition shall have the meaning provided in the World Anti-Doping Code.

7.10.2 Article 4.1 of the Anti-Doping Rules of AMADA refers to the Prohibited List as the list published and revised by WADA in accordance with Article 4.1 of the WADC. Article 4.2 of the Rules states that "*unless provided otherwise in the Prohibited List and/or a revision, the Prohibited List and revisions shall go into effect [...] three months after publication by WADA without requiring any further action by AMADA. [...] It is the responsibility of all athletes and other persons to familiarize themselves with the most up-to-date version of the Prohibited List and all revisions thereto.*"

7.10.3 It is the opinion of the Evaluation Team that the Law on the fight against the use of doping substances and methods and the AMADA's Anti-Doping Rules provide for the required harmonisation on the List of banned substances and banned methods. However, the Team notes that the Azerbaijani legislation makes no reference to the List of banned pharmacological classes of doping agents and banned doping methods adopted by the Monitoring Group of the Anti-Doping Convention of the Council of Europe. (For more comments about the List of banned pharmacological classes of doping agents and banned doping methods, see paragraphs 2.2.4 to 2.2.7).

7.11 Conclusion

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

7.12 Recommendations

7.12.1 Recommendation no. 18: Although the legislation puts responsibility on athletes and other persons to familiarize themselves with the most up-to-date version of the list, AMADA should make sure that all athletes receive the appropriate information, for example through the publication of the list on AMADA's website well in advance and through the diffusion of the list to the national federations.

* * *

c. doping control procedures;

7.13 Introduction

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

7.14 Findings

7.14.1 The Law on the fight against the use of doping substances and methods in sport gives responsibilities to the NADO, according to the provisions of Articles 7.05 and 7.0.8, to collect samples from sportspersons in accordance with approved guidelines and international standards, and secure the safe transportation of samples to the laboratories accredited by the World Anti-Doping Agency.

7.14.2 The Anti-Doping Rules of AMADA are in line with the 2015 Code. Article 5 of the said Rules organises the cooperation and coordination of doping controls in Azerbaijan to maximise the effectiveness of testing efforts and avoid unnecessary repetitive testing. It provides for a detailed doping control procedure consistent with the standards set up in the Code and the International Standard for Testing and Investigations, including the authority to test, test distribution plan, in-, and out-of-competition testing, athlete whereabouts requirements and selection of athletes to be tested.

7.14.3 In particular, Article 5.4 of the Anti-Doping Rules states that AMADA “*shall develop and implement an effective, intelligent and proportionate test distribution plan [...] in compliance with the requirements of the International Standard for Testing and Investigations.*”

7.14.4 Article 5.2.1 of the Anti-Doping Rules states that AMADA “*shall have In-Competition and Out-of-Competition Testing authority over all the athletes falling within the scope of Article 1.3*” of these rules, namely all athletes who are members of any national federations in Azerbaijan or affiliate organisations of these federations or athletes who participate or wish to be eligible to participate in sporting events in Azerbaijan.

7.14.5 As mentioned above, the Anti-Doping Rules of AMADA establish a detailed doping control procedure consistent with the standards set up in the 2015 Code and the International Standard for Testing and Investigations. The AMADA’s planning and testing procedures comply with ISO 9001:2015, as certified in October 2017.

7.15 Conclusion

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

7.16 Recommendations

7.16.1 None.

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d. disciplinary procedures, applying agreed international principles of natural justice and ensuring respect for the fundamental rights of suspected sportsmen and sportswomen; these principles will include: i. the reporting and disciplinary bodies to be distinct from one another; ii. the right of such persons to a fair hearing and to be assisted or represented; iii. clear and enforceable provisions for appealing against any judgment made;

7.17 Introduction

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

7.17.2 The Monitoring Group of the Anti-Doping Convention (T-DO) during its conference “Council of Europe and fight against doping – 25 years of the Anti-Doping Convention: from past to future”

(Strasbourg, 4 November 2014)¹⁰ stressed the importance of the following: (a) clear distinction between reporting and disciplinary bodies, (b) independent and impartial disciplinary bodies, free of conflicts of interest; and (c) experienced disciplinary bodies, with members possessing the right skills.

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

7.18 Findings

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

7.18.1 Article 7.0.11 of the Law on the fight against the use of doping substances and methods in sport gives AMADA the responsibility to prosecute anti-doping offenses in accordance with the Anti-Doping Rules.

7.18.2 Articles 13 to 18 of the Law organise the functioning and responsibilities of the disciplinary bodies, both for first instance and appeal. These bodies, according to Articles 13 for the disciplinary body and 16 for the appeal body, “*shall be independent and impartial in the performance of [their] functions and [have] all the powers necessary for, and incidental to, the exercise of [their] functions.*”

7.18.3 Article 7 of the Anti-Doping Rules of AMADA organises the results management process, which falls under the responsibility of AMADA. The Agency is the body responsible for investigating on potential anti-doping rule violations committed by an athlete or athlete support personnel. AMADA is also responsible for imposing provisional suspensions. When an athlete accepts the anti-doping rule violation asserted, or if he does not dispute the assertion within a deadline set by AMADA, AMADA shall promptly issue a written decision confirming the commission of an anti-doping rule violation and the consequences imposed, including the period of ineligibility.

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

7.18.4 Both, disciplinary and appeal committees, are composed of a Chair, a Vice-Chair and three members. The members of the bodies come from the legal, medical and sport fields. The relevant bodies in the abovementioned fields shall provide the candidates the most suitable for the position. The candidates are nominated for a 4-years term by the Ministry of Youth and Sports of Azerbaijan. The committees are funded by the state budget.

7.18.5 Article 8 of the Anti-Doping Rules of AMADA organises the procedures applicable to ensure athletes and athletes support personnel a right to a fair hearing. This article sets up the standards and principles for a fair hearing, including the right to a timely hearing, impartiality and independence of the hearing panels, the right for a party to be represented and to present evidence.

7.18.6 Article 8.2.2 of the Rules states that the Disciplinary Committee shall determine the procedure to be followed at the hearing. It shall act in a fair and impartial manner towards all parties at all times. The committee shall issue, at the end of the hearing, a written decision that gives the reasoning for any sanction imposed.

7.18.7 As stated under Article 8.6.2 of the Rules, hearings of the disciplinary committee shall be private, unless AMADA and the person against whom the case is brought agree on a public hearing.

7.18.8 According to Article 8.6.5 of the Rules, a failure by any party or its representative to attend a hearing after notification will be deemed to be an abandonment of its right to a hearing, unless reasonable grounds permit a reinstatement of this right.

¹⁰ “Council of Europe and fight against doping – 25 years of the Anti-Doping Convention: from past to future” [T-DO (2014) 30 rev1]: Draft Summary. Prepared by Mr Anders Solheim, Chair of the Monitoring Group of the Anti-Doping Convention.

7.18.9 As determined in Articles 8.6.6 and 8.6.7 of the AMADA Rules, the athlete, as well as the other party, has the right to be represented at the hearing, at his own expense. The party shall have a right to an interpreter, if deemed necessary by the hearing panel. The responsibility for the cost of the interpreter shall be determined by the hearing panel.

7.18.10 The same rules apply for hearings in front of the appellation body.

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

7.18.11 The procedure for appeals is determined in accordance with the World Anti-Doping Code and International Standards provisions. The applicable rules are detailed in Article 13 of the Anti-Doping Rules of AMADA.

7.18.12 International level athletes may appeal directly to CAS. Other athletes can appeal to the appellation committee, which shall be independent and impartial. The procedure is the same as the one applicable in front of the disciplinary committee in first instance.

7.19 Conclusion

7.19.1 The Evaluation Team concludes that Azerbaijan fulfilled the commitments under Article 7.2.d of the Anti-Doping Convention of the Council of Europe. However, certain provisions of the Anti-Doping Rules of AMADA could be reviewed in the light of the recommendations adopted by the Monitoring Group of the Anti-Doping Convention (T-DO) in order to put the human rights of athletes' standards at the highest level possible during the disciplinary process.

7.20 Recommendations

7.20.1 Recommendation no. 19: The Azerbaijan authorities should ensure that the disciplinary procedure complies not only with the Anti-Doping Convention, but also with the recommendations of the Monitoring Group of the Anti-Doping Convention (T-DO), in particular the recommendation on ensuring the independence of hearing panels and promoting fair trial in anti-doping cases (Rec (2017) 01 adopted on 20 February 2017), in particular:

- AMADA should ensure that procedural fees do not prevent a person from accessing to a hearing. The athlete should have the right to be assisted by an interpreter if needed, with the responsibility for the costs of such interpreter falling on the hearing panel and not on the athlete.
- AMADA should consider the possibility of organising the public nature of hearings as a general principle, with a possibility to have a private hearing if requested by the athlete or the hearing body.
- when an athlete does not reply to the notice of charge, and is therefore considered as having waived his/her right to a hearing, safeguards should be put in place to make sure that this athlete has been appropriately given the notification of the anti-doping rule violation and the opportunity to defend himself/herself.
- AMADA should consider the opportunity for an athlete to provide written statement before the hearing panel, instead of considering that an athlete abandoned his/her appeal if he/she is not able to attend the hearing. Videoconference or telephone hearings should also be considered.

* * *

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

7.21 Introduction

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

7.22 Findings

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

7.22.2 Article 1.3.1 of the Rules states that they shall apply to all athletes or athletes support personnel members of a national federation, of an affiliate member of a national federation, or participating in sporting events in Azerbaijan.

7.22.3 The preamble of the Rules states that the NADO has the necessary authority and responsibility for “*vigorously pursuing all potential anti-doping rule violations within its jurisdiction, including investigating whether athlete support personnel or other persons may have been involved in each case of doping, ensuring proper enforcement of consequences*”, “*conducting an automatic investigation of athlete support personnel within its jurisdiction in case of any anti-doping rule violation by a minor and of any athlete support personnel who has provided support to more than one athlete found to have committed an anti-doping rule violation*” and “*where funding is provided, withholding some or all funding to an athlete or athlete support personnel while he or she is serving a period of ineligibility for violation of anti-doping rules*”.

7.22.4 Definitions of the anti-doping rule violations refer to athlete support personnel in particular with regards to the possession of a prohibited substance or method (Article 2.6) or the prohibited association (Article 2.10). Moreover, Article 10.3.3 of the Rules allows for more rigorous sanctions for violations of Articles 2.7 or 2.8 involving minors, if committed by athlete support personnel for violations other than for specified substances.

7.22.5 In addition, the aforementioned Article 10.3.3 include the below provisions regarding violations involving athlete support personnel that allow for additional sanctions by the competent administrative, professional or judicial authorities, since the authority of sport organizations is generally limited to ineligibility for accreditation, membership and other sport benefits.

“significant violations of Article 2.7 (Trafficking of Prohibited Substances or Methods) or 2.8 (Administration of Prohibited Substances or Methods) which may also violate non-sporting laws and regulations, shall be reported to the competent administrative, professional or judicial authorities.

7.22.6 Apart from the Anti-Doping Rules of AMADA, the Criminal Code provides for criminal liability in cases of compulsion to use doping substances and/or methods (Article 143-1) and in cases of illegal manufacturing, processing, storing and trafficking of toxic, strongly addictive substances, including some doping substances (Article 240.1 to 240.4). Moreover, the Code of Administrative Offences of the Republic of Azerbaijan provides for administrative liability (financial penalties) in cases of the use and/or promotion of the use of doping substances and/or methods (Article 224), 2) counterfeiting or sale of medicines and food intentionally contaminated with doping substances (Article 225).

7.22.7 Moreover, AMADA and the Ministry of Internal Affairs of the Republic of Azerbaijan, with its separate structural unit Main Drug Enforcement Department, have an agreement (memorandum of understanding) in place on the cooperation against doping in sport which allows for the exchange of

information. However, it is not clear to the Evaluation Team if it is also used for the purposes of reporting on the athlete support personnel committing doping offences.

7.22.8 The Evaluation Team also notes that the AMADA's Anti-Doping Rules do not include any provisions about sanctioning veterinary doctors involved in doping of animals competing in sport (e.g. in Equestrian Federation).

7.23 Conclusion

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

7.24 Recommendations

7.24.1 Recommendation no. 20: In order to ensure the effectiveness of the rules in place, AMADA should establish a process aiming at effectively investigating on anti-doping rule violations committed by the athlete support personnel (ways and means of the investigation process, cooperation with law enforcement authorities and other relevant bodies, collection of evidence, etc.) and reporting its outcomes to the competent administrative or professional authorities with sanctioning powers.

* * *

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

7.25 Introduction

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

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

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

7.26 Findings

7.26.1 Article 15 of the Anti-Doping Rules of AMADA states that the decisions rendered by the Code Signatories shall be recognised and respected by AMADA and all national federations. The measures taken non-Signatories shall be recognised if the rules of those bodies are consistent with the Code. Finally, the national federations shall recognise the decisions of AMADA, and take all necessary actions to render such decision effective.

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

7.27 Conclusion

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

7.28 Recommendations

7.28.1 None.

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

7.29 Introduction

7.29.1 Under this Article, the Convention requires from State Parties to organise doping control testing, and sets certain elements of the testing programmes: on an effective scale, in-, and out-of-competition, and without advance notice.

7.29.2 In addition to the aforementioned elements, the Convention requires testing to be “equitable for all sportsmen and sportswomen”. For this to be achieved, it is important for the organisation responsible for testing and those persons involved, to be independent, impartial and free from any conflicts of interest.

7.29.3 In addition to the Convention, the World Anti-Doping Code requires Code-signatories to conduct testing in conformity with the provisions of the International Standard for Testing and Investigations (ISTI)¹¹. Among the purposes of the ISTI is, to plan for intelligence and effective testing, both in-competition and out-of-competition. To that end, the ISTI establishes mandatory standards among others, for test distribution planning (including collection and use of athlete whereabouts information) and the conduct of sample collection.

7.30 Findings

7.30.1 The Law on the fight against the use of doping substances and methods in sport outlines how the state has structured its anti-doping activities in the country. See the following overview of this structure with relevant legal basis:

- a. Article 6 establishes the National Anti-Doping Agency (currently AMADA) as an independent agency with financial autonomy, budget and operational independence in performing its duties under the Law, the AMADA rules and the World Anti-Doping Code and International Standards.
- b. Article 7.0.5 states that one of functions of AMADA is to implement anti-doping activities in the country, including the testing of collected samples in all sports, sport federations and sport organizations.
- c. Article 7.0.10 states that one of functions of AMADA is to maintain a Registered Testing Pool (RTP) in the Anti-doping Administration and Management System (ADAMS) in accordance with the Code.
- d. Article 8 – gives AMADA the power to execute all measures and steps to comply and implement the Code and AMADA rules.
- e. Article 10.1 gives AMADA the full authority and exclusivity to execute a comprehensive national anti-doping program encompassing testing, education, research and other activities reflected in the AMADA rules; and to deliver programs, policies, and procedures in each of those areas.

¹¹ The World Anti-Doping Code International Standard for Testing and Investigations (ISTI) is a mandatory International Standard developed as part of the World Anti-Doping Programme. The purposes of the ISTI are to plan for intelligent and effective Testing, both In-Competition and Out-of-Competition, the efficient and effective gathering, assessment and use of anti-doping intelligence and the efficient and effective conduct of investigations into possible anti-doping rule violations.

7.30.2 The AMADA's Anti-Doping Rules are based on the WADA Model Rules for NADOs and have been declared in line with the World Anti-Doping Code by WADA. Article 5 of the AMADA anti-doping rules provides general guidance related to the testing program, including:

- a. that all testing shall be conducted in conformity with the provisions of the International Standard for Testing and Investigations (ISTI) and the specific protocols of AMADA supplementing that International Standard.
- b. subject to jurisdictional limitations for event testing set out in Article 5.3 of the Code, AMADA shall have in-competition and out-of-competition testing authority over all athletes falling within the scope of Article 1.3 (Article 5.2.1 of the Rules).
- c. AMADA may require any athlete over whom it has testing authority to provide a sample at any time and at any place (Article 5.2.2 of the Rules).
- d. AMADA shall develop and implement an effective, intelligent and proportionate test distribution plan (TDP), in compliance with the requirements of the ISTI (Article 5.4 of the Rules).
- e. AMADA shall identify a Registered Testing Pool (RTP) of those who are required to comply with the whereabouts requirements of Annex I to the ISTI (Article 5.6 of the Rules).

7.30.3 AMADA was established in 2017. Prior to its establishment, there was very minimal testing conducted by the previous NADO (AZADA). According to the Anti-Doping Testing Figures reports on the WADA web-site, zero tests were conducted by the Azerbaijan NADO in 2015 and three (3) out-of-competition tests were conducted in 2016.

7.30.4 In 2017, AMADA implemented its first testing program. According to the Annual Report submitted by AMADA, their 2017 testing program included:

- 473 tests across 20 sports:
 - 194 in-competition tests (41%),
 - 279 out-of-competition tests (59%),
 - 1 blood sample for hGH analysis;
- 10 Athlete Biological Passport samples collected;
- 26 athletes in the Registered Testing Pool (RTP) – across 12 sports;
- the use of ADAMS for data management of its testing program;
- the application of the Minimum Levels of Analysis as defined in the Technical Document for Sport Specific Analysis (TDSSA);
- the implementation of the Paperless Doping Control Form system.

7.30.5 When AMADA was initially established, a collaborative partnership was developed with WADA and the Polish Anti-Doping Agency (POLADA). During the project planning, it was agreed that AMADA would gradually increase its test numbers as follows: 2018 – 750 tests; 2019 – 1000 tests. There are concerns that the budget provided by the Ministry of Finance to AMADA in 2018 has not taken into account this need to increase its testing numbers and therefore the plan may not be adhered to.

7.30.6 For 2018, AMADA plans to increase:

- the number of total tests, including an increase in the number of blood samples collected;
- the number of sports to be tested (to 40);
- the RTP (to 62 athletes).

7.30.7 AMADA bases its testing program on a thorough risk assessment (RA). This risk assessment is used to develop the TDP and RTP. For its initial RA, TDP and RTP, AMADA shared its plans with both WADA and POLADA for review and comment.

7.30.8 AMADA's national testing activities are fully funded by the budget provided by the Ministry of Finance.

7.30.9 AMADA has also conducted in-competition (153) and out-of-competition (22) testing on behalf of several International Federations, including Gymnastics, Cycling, Shooting, Karate, Wrestling, Taekwondo and Boxing.

7.30.10 AMADA DCOs were involved in the 2017 Islamic Solidarity Games in Baku where over 350 tests were conducted.

7.30.11 AMADA has a Conflict of Interest policy in place. It also applies to all the staff members, including those involved in activities testing and DCOs.

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

7.31 Conclusion:

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

7.32 Recommendations:

7.32.1 Recommendation no 21: The public authorities in Azerbaijan should ensure AMADA is provided with an adequate budget to implement an effective doping control program. This includes the planned increase in the number of tests in 2018 and 2019 as well as the full implementation of blood testing.

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

7.33 Introduction

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

7.33.2 The lack of testing of athletes when training in other countries has been identified as one of the reasons why the drug testing programmes have been generally ineffective in detecting dopers¹².

7.34 Findings

7.34.1 In addition to the authority and jurisdiction outlined in the Law and Anti-Doping Rules and as described above, the Anti-Doping Rules also state that AMADA has the necessary authority and responsibility for cooperating with other relevant national organizations, agencies and other Anti-Doping Organizations as well as encouraging reciprocal testing between National Anti-Doping Organizations (NADOs).

7.34.2 AMADA currently has an agreement in place for reciprocal testing with three (3) NADOs: Russia, Belarus and Ukraine. These agreements outline how the NADOs work together to conduct testing of their respective athletes in the territory of the each other's country.

¹² The Report to WADA Executive Committee on Lack of Effectiveness of Testing Programs prepared by Working Group Established Following Foundation Board Meeting of 18 May 2012 was published by WADA on 5 December 2013 and is available at: www.wada-ama.org/en/resources/world-anti-doping-program/lack-of-effectiveness-of-testing-programs.

7.34.3 AMADA has also engaged a private sample collection company (PWC) to conduct testing on Azerbaijani athletes training outside of Azerbaijan.

7.35 Conclusion:

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

7.36 Recommendations

7.36.1 Recommendation no. 22: The public authorities in Azerbaijan should continue to support AMADA in establishing further relationships with other NADOs and organizations to ensure Azerbaijani athletes are tested while training outside of Azerbaijan.

* * *

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

7.37 Introduction

7.37.1 Out-of-competition testing, and in particular testing in the lead up of major sport events, is one of the most important elements of a comprehensive testing programme. It assists anti-doping organisations to detect those athletes who may choose to use prohibited substances or methods in order to enhance their performance in competition. In addition, if athletes are aware of the possibility to be tested when they are preparing for competitions, out-of-competition testing has a strong deterrent effect.

7.37.2 At the international level, major event organisations (like, for example, the International Olympic Committee) and international federations encourage national anti-doping organisations to test their athletes prior to their participation in international events. Similarly, at the national level, the national anti-doping organisation should test the athletes under its jurisdiction prior to their participation in national events, based on a risk assessment analysis and with the support of the interested national sport organisation.

7.38 Findings

7.38.1 In addition to the authority and jurisdiction outlined in the Law and Anti-Doping Rules and as described above, Article 5.3.1 of the Anti-Doping Rules states that at national events held in Azerbaijan, the collection of samples shall be initiated and directed by AMADA.

7.38.2 During the development of its risk assessment and TDP, AMADA takes into consideration the calendar of events, both national and international, to determine the appropriate test plan.

7.38.3 According to the information reviewed by the Evaluation Team, there does not appear to be a specific directive or policy that encourages AMADA to focus its testing and/or education plans on athletes competing in major events.

7.39 Conclusion

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

7.40 Recommendations

7.40.1 Recommendation no. 23: Given the large number of anti-doping rule violations as a result of the IOC's re-analysis of samples from past Olympic Games, the Azerbaijani authorities should

consider supporting AMADA to include, as part of its processes, specific testing and education plans related to athletes and teams preparing/participating in major events.

* * *

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

7.41 Introduction

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

7.41.2 The World Anti-Doping Agency and many international sports organisations (like, for example, the International Olympic Committee (IOC), the International Paralympic Committee (IPC) and international federations) establish their athlete committee, with aim to serve as the voice of clean athletes, encouraging integrity and fairness for sport and athletes. Moreover, the participating athletes act as ambassadors for the fight against doping worldwide.

7.42 Findings

7.42.1 Some International Federations, either themselves or through the respective National Federation, have conducted anti-doping information and education programs for athletes in Azerbaijan.

7.42.2 Throughout 2017 AMADA has been present at many national and international events delivering an athlete outreach program.

7.42.3 AMADA is developing an Athlete Ambassador program to raise awareness of anti-doping in the country. The Evaluation Team met with two of the Ambassadors and were impressed with their commitment to clean sport.

7.43 Conclusion

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

7.44 Recommendations

7.44.1 Recommendation no. 24: The public authorities in Azerbaijan should encourage and provide the necessary support to Azerbaijan athletes to participate in the anti-doping work of international sport organizations.

* * *

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

7.45 Introduction

7.45.1 The analysis of samples for the purpose of anti-doping testing by the WADA-accredited laboratories is constantly evolving with strengthening of the existing analytical methods, as well as the development and implementation of new and more sophisticated methodologies. The Convention under Article 7.3.e requires from the Parties to make full and efficient use of the analytical capacities of the laboratories.

7.45.2 In accordance with the Code, anti-doping organisations may store samples for up to ten years for re-analysis at a later stage using improved analytical techniques developed in the meantime. This action has proved to be very effective on uncovering doped athletes and has a strong deterrent effect¹³.

7.46 Findings

7.46.1 See section 5.2 under Article 5 for detailed information related to legal framework in place for the contracting of laboratories as well as the logistical arrangements in place between AMADA and two WADA-accredited laboratories:

- The Institute of Biochemistry – German Sport University Cologne (Cologne, Germany) for the analysis of all urine and blood samples as well as the Athlete Passport Management Unit (APMU) for the steroidal module of their Athlete Biological Passport program.
- The Department of Anti-Doping Research Institute of Sport – National Research Institute (Warsaw, Poland) as the APMU for the hematological module of their ABP program.

7.46.2 AMADA has a good working relationship with both laboratories. AMADA indicated that it has received several recommendations for target testing/additional analysis from the laboratories based on information found during samples analysis and/or in specific athlete biological profiles.

7.46.3 AMADA has established a storage and re-analysis strategy that includes identifying samples for storage based on top performances at national and World Championships as well as the high ranked athletes in high risk sport disciplines as identified in the risk assessment. The re-analysis of samples will be based on Athlete Biological Passport data, intelligence received and laboratory recommendations.

7.47 Conclusion

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

7.48 Recommendations

7.48.1 None.

* * *

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

7.49 Introduction

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

7.50 Findings

7.50.1 The Evaluation Team was informed of the national Sports Medicine Clinic located in the same area as the Ministry of Youth and Sport and the National Olympic Committee. While the Evaluation Team did not receive detailed information about the role of the clinic, it was informed that this Clinic is available to all national level athletes for medical treatment and guidance.

¹³ See, for example, the Press Releases from WADA regarding reanalysis of samples from Beijing 2008 and London 2012 Olympic Games by the International Olympic Committee in the lead up of the Rio 2016 Games. (<https://www.wada-ama.org/en/media/news/2016-05/wada-statement-regarding-re-testing-of-2008-beijingolympic-samples> and <https://www.wada-ama.org/en/media/news/2016-05/wada-statement-regarding-reanalysisof-2012-london-olympic-samples>, respectively; accessed: 14.11.2016).

7.50.2 The National Olympic Academy provides a central training location where national athletes can obtain advice and support in their activities.

7.50.3 The Azerbaijan State Academy of Physical Culture and Sport is also located close to the Ministry and NOC. It receives support from the public authorities for its education and research activities. Its mission is to make a significant contribution to bringing up healthy generations of Azerbaijani's and sustain and advance the country's achievements in both organization and participation in competitive sport events. Its vision is to prepare internationally competent physical education instructors, trainers, sport managers and physical medicine and rehabilitation specialists who are dedicated to serve for the health and well-being of the nation and work tirelessly to support our sportsmen and sportswomen in achieving sustained competitive excellence.

7.50.4 AMADA is collaborating with the Azerbaijan State Academy of Physical Culture and Sport through the inclusion of anti-doping information in the various programs at the State Academy.

7.51 Conclusion

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

7.52 Recommendations

7.52.1 Recommendation no. 25: The public authorities should continue to encourage and support their sport organizations, academic institutions and AMADA to work together in enhancing the provision of scientific support of athletes in Azerbaijan.

Convention Article 8

Article 8: International co-operation

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

8.2 The Parties undertake: a. to encourage their sports organisations to operate in a manner that promotes application of the provisions of this Convention within all the appropriate international sports organisations to which they are affiliated, including the refusal to ratify claims for world or regional records unless accompanied by an authenticated negative doping control report; b. to promote co-operation between the staffs of their doping control laboratories established or operating in pursuance of Article 5; and c. to initiate bilateral and multilateral co-operation between their appropriate agencies, authorities and organisations in order to achieve, at the international level as well, the purposes set out in Article 4.1.

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

8.1 Introduction

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

8.1.2 A main channel for such cooperation is the Monitoring Group set up by virtue of Convention Article 10 as well as the Advisory Groups and the ad hoc groups of experts established by virtue of Convention Article 11.2 to support the work of the Monitoring Group¹⁴.

8.1.3 Another important channel of cooperation under the Council of Europe is the Ad hoc European Committee for the World Anti-Doping Agency (CAHAMA) which is responsible for the coordination of the positions of all Parties to the European Cultural Convention, with regard to questions relating to WADA.

8.1.4 Outside the structures of the Council of Europe, cooperation in the field of anti-doping can be achieved in many fora, like WADA, UNESCO and the Conference of Parties to the International Convention against Doping in Sport, and the Institute of National Anti-Doping Organisations (iNADO)¹⁵.

8.1.5 Article 8.2.a refers to a regulation that is in place by many international sports organisations based on which they ratify records only if accompanied by a negative doping control. As it is clarified in the Explanatory Report to the Anti-Doping Convention¹⁶:

¹⁴ In accordance with the revised Rules of Procedures of the Monitoring Group of the Anti-Doping Convention, the Monitoring Group is assisted in its work by four permanently functioning Advisory Groups: a. Advisory Group on Compliance (T-DO COMP); b. Advisory Group on Education (T-DO ED); c. Advisory Group on Legal Issues (T-DO LI); and d. Advisory Group on Science (T-DO SCI). In addition, the Monitoring Group establishes ad hoc expert groups to undertake specific tasks that cannot be performed by any of the Advisory Groups.

¹⁵ The Institute of National Anti-Doping Organisations (iNADO), established in 2012, is the international member body for National Anti-Doping Organisations (NADOs). www.inado.org

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

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

8.2 Findings

8.2.1 The Republic of Azerbaijan signed the Anti-Doping Convention of the Council of Europe on 28 June 2002 and ratified it on 4 November 2003. Azerbaijan also signed and ratified the Additional Protocol to the Anti-Doping Convention of the Council of Europe on 26 March 2003 and on 11 February 2004, respectively.

8.2.2 The Republic of Azerbaijan accessed the International Convention against Doping in Sport of UNESCO on 17 January 2007.

8.2.3 AMADA signed the World Anti-Doping Code Acceptance Form on 22 February 2017.

8.2.4 Representatives of the Ministry of Youth and Sport and AMADA regularly attend the meetings of the Monitoring Group of the Anti-Doping Convention (T-DO) and its Advisory Groups as well as the meetings of the Ad hoc European Committee for the World Anti-Doping Agency (CAHAMA).

8.2.5 Azerbaijan attends the Conference of Parties to the International Convention against Doping in Sport of UNESCO.

8.2.6 AMADA is a member of the Institute of National Anti-Doping Organisations (iNADO) since 13 February 2017.

8.2.7 In addition to the aforementioned fora, AMADA collaborates with many international federations, mainly for testing services in international events that are held in Azerbaijan.

8.2.8 Since 2015, AMADA (previously AZADA) cooperates with the Polish Anti-Doping Agency (POLADA) and WADA with the aim to adapt the Azerbaijan Anti-Doping Program to the standards of WADA's World Anti-Doping Program. Within the framework of this 3-year partnership cooperation agreement (2015-2018), POLADA (previously known as the Polish Commission against Doping in Sport) shared its experience and good practices on agency management, implementation of the doping control program and educational activities.

8.2.9 Regarding the regulation based on which sport organisations ratify records only if accompanied by a negative doping control (Convention Article 8.2.a), the Evaluation Team understood that several national federations in Azerbaijan have such requirements in place and that AMADA is assisting them on the ratification of records process, if needed.

8.3 Conclusion

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

8.4 Recommendations

8.4.1 Recommendation no. 26: The Evaluation Team encourages AMADA and the Ministry of Youth and Sport to continue participating actively in the T-DO and CAHAMA activities as well as other international activities regarding the fight against doping in sport.

Convention Article 9

Article 9: Provision of information

Each Party shall forward to the Secretary General of the Council of Europe, in one of the official languages of the Council of Europe, all relevant information concerning legislative and other measures taken by it for the purpose of complying with the terms of this Convention.

9.1 Introduction

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

9.2 Findings

9.2.1 Representatives of the Azerbaijan authorities (Ministry of Youth and Sport) and AMADA attend the meetings of the Monitoring Group and report to the Monitoring Group on the legislative and other measures taken for the purpose of the implementation of the provisions of the Convention as well as on any developments made at the national level for the fight against doping in Azerbaijan.

9.2.2 The Evaluation Team is of the opinion that the Azerbaijani authorities are, to some extent, compliant with the reporting standards of the Convention. However, one certain method of exchanging information, namely the annual Anti-Doping Questionnaire of the Council of Europe, is not implemented yet by Azerbaijan. The Republic of Azerbaijan did not complete it until now.

9.3 Conclusion

9.3.1 The Evaluation Team concludes that Azerbaijan has not fully implemented Article 9 of the Anti-Doping Convention of the Council of Europe.

9.4 Recommendations

9.4.1 Recommendation no. 27: The Azerbaijani authorities and AMADA should fulfill all their responsibilities in terms of compliance reporting to the Monitoring Group and WADA. One mean to report to the Monitoring Group is through the Annual Anti-Doping Questionnaire of the Council of Europe. The Republic of Azerbaijan did not complete this questionnaire the past years and they are encouraged to do so.

Additional Protocol

Article 1 – Mutual recognition of doping controls

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

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

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

P1. Introduction

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

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

“ARTICLE 15 APPLICATION AND RECOGNITION OF DECISIONS

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

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

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

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

P2. Findings

P2.1 In addition to the authority and jurisdiction outlined in the Law and Anti-Doping Rules and as described above, the Anti-Doping Rules of AMADA address the topics outlined in the Convention Additional Protocol Article 1 in several articles, including:

- a. Article 5.2.3 states that WADA shall have in-competition and out-of-competition testing authority as set out in Article 20.7.8 of the Code.
- b. Article 5.25 implies that, where another Anti-Doping Organization with testing authority over an athlete who is subject to these anti-doping rules conducts testing on that athlete, AMADA and the athlete's national federation shall recognize such testing in accordance with Article 15, and (where agreed with that other Anti-Doping Organization or otherwise provided in Article 7 of the Code) AMADA may bring proceedings against the athlete pursuant to these Anti-Doping Rules for any anti-doping rule violation(s) arising in relation to such testing.
- c. Article 7.2.1 states that the results from all analyses must be sent to AMADA in encoded form, in a report signed by an authorized representative of the laboratory. All communication must be conducted confidentially and in conformity with ADAMS.
- d. Article 15.1 informs that subject to the right to appeal provided in Article 13 (of the Rules), testing, hearing results or other final adjudications of any signatory which are consistent with the Code and are within that Signatory's authority shall be applicable worldwide and shall be recognized and respected by AMADA and all national federations.
- e. Article 15.2 states that AMADA and all national federations shall recognize the measures taken by other bodies which have not accepted the Code if the rules of those bodies are otherwise consistent with the Code.

P2.2 Azerbaijan imposes no restrictions on international federations conducting doping tests of Azerbaijani athletes. The results of such tests are recognised by AMADA and the national federations, in accordance with the Code and the Anti-Doping Rules of AMADA.

P2.3 In 2017, AMADA obtained ISO 9001:2015 certification for the "Provision of national anti-doping program, doping control testing, results management, education and prevention activities, in accordance with the World Anti-Doping Agency (WADA) Code and its accompanying International Standards". This certification is valid between 07 August 2017 and 06 August 2020.

P3. Conclusion

P3.1 The Evaluation Team concludes that Azerbaijan has fulfilled its commitments under Additional Protocol Article 1 of the Anti-Doping Convention of the Council of Europe.

P4. Recommendations

P4.1 None.

Examples of Best Practices

Convention Article 3: Domestic coordination

Although it is recommended to increase the involvement of the government itself in the process of co-ordination between different public bodies in shaping and implementing the anti-doping policies, it must be stated, at the same time, that AMADA developed a very well-functioning system of mutual recognition and cooperation with governmental bodies based on individual Memoranda of Understanding with various agencies. The efficiency of such tools depends much more on the legal environment in the country as well as on the willingness of both partners to run cooperation. However, in Azerbaijan the Evaluation Team finds such agreements very useful. Therefore, the Team would like to share Azerbaijani example with other State Parties, especially with those wishing to start the co-operation between their NADOs and different governmental agencies, including Police and Customs.

Convention Article 6: Education

Given the relatively short period of time since the establishment of AMADA, it should be stressed that the Agency managed to develop an advanced information and education agenda. Unlike many other anti-doping organizations AMADA started its anti-doping program from awareness raising activities. It also developed an unique framework of cooperation with other sporting bodies, involving most of them in the anti-doping educational activities. The quality of the actions taken by AMADA in this respect is extraordinary as for such a newly-established organization. Therefore, the Evaluation Team finds it useful to promote this approach among other anti-doping organizations.

Convention Compliance Chart

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

Post-Evaluation Visit Developments

1. The aim of this chapter is to describe certain developments regarding the fight against doping in Azerbaijan that took place after the Evaluation Visit and prior to the adoption of this Report.

2. On 12 June 2018, a number of changes were introduced to the Law on the fight against the use of doping substances and methods in sport. They concerned the information sharing between various authorities and the roles and responsibilities of different stakeholders. New provisions were added to Article 7 on the responsibilities of the National Anti-Doping Organization. They read as follows:

“7.0.12-1 to cooperate and to enforce information sharing with the relevant authorities in order to prevent the use of doping in sport, as well as to obtain the information about the participants in illegal trafficking of prohibited substances”.

The abovementioned provision constitutes a legal framework for the intelligence and information sharing between AMADA and law enforcement bodies, such as Police and Customs, as well as other public bodies, which deal with youth and sport, health, tax and food security areas. This also covers the information sharing on investigations against athlete support personnel if any potential ADRV is suspected.

3. The other legislative changes include the amendments to the Law of the Republic of Azerbaijan on the physical culture and sport indicating that athletes and coaches have to follow the anti-doping rules approved by the national anti-doping body (AMADA).

Annex 1: Composition of the Evaluation Team

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Annex 2: Programme of the Evaluation visit

6 February 2018

- 14:30-15:30 National Olympic Committee (NOC)
- Mr. Chingiz Huseyn-zada, Vice-President of the NOC
 - Mr. Azer Aliyev, Deputy Secretary-General of the NOC
- 16:00-17:15 National Anti-Doping Agency – AMADA
- Ms. Shafag Huseynli, CEO of AMADA
 - Ms. Elnara Rasulzade, Deputy CEO of AMADA
 - Ms. Kamala Babayeva, Doping Control Manager of AMADA
 - Mr. Farhad Abasov, Lawyer of AMADA
 - Mr. Emil Hajiyev, Analytics Manager of AMADA
 - Mr. Samir Suleymanzade, Logistics Manager of AMADA
 - Mr. Farid Madatli, Supervisory Board of AMADA
 - Mr. Azer Aliyev, Supervisory Board of AMADA
- 17:30-18:30
- Mr. Farid Ahmadov, Disciplinary Committee
 - Mr. Parviz Tahmazov, Disciplinary Committee
 - Mr. Ruslan Veliyev, Appellation Committee
 - Mrs. Farah Madatli, Appellation Committee
 - Mr. Farid Aliyev, TUE Committee
 - Mr. Haji Aliyev, TUE Committee
 - Mr. Ilham Zakiyev, Athlete Ambassador
 - Mr. Ulvi Huseynli, DCO
 - Ms. Naila Amirbayova, DCO

7 February 2018

- 9:30-10:00 Ministry of Youth and Sport of the Republic of Azerbaijan
- Ms. Maryam Gafar-zada, Head of Unit on implementation of international standards
 - Ms. Shafag Huseynli, CEO of AMADA
 - Mr. Jamil Aliyev, Adviser for the International Relations Department
- 10:00-11:00 Ministry of Youth and Sport of the Republic of Azerbaijan
- Meeting with the representatives of different public institutions:
- Mr. Nadir Mammadov, Ministry of Internal Affairs
 - Mr. Abbas Khalilov, State Border Service
 - Mr. Javad Gasimov, State Border Service
 - Mr. Azad Valiyev, State Customs Service
 - Mr. Murad Suleymanov, Ministry of Healthcare
 - Ms. Sevda Ibrahimova, Ministry of Healthcare
 - Ms. Esmira Akberova, Ministry of Healthcare
- 11:30 – 12:15 Meeting in the Milli Majlis of the Republic of Azerbaijan (Parliament)
- Mr. Fuad Muradov – Chairman of Committee on Youth and Sport

- Mr. Ulvi Guliyev – Member of the Committee on Youth and Sport
- Mr. Rauf Aliyev – Member of the Committee on Youth and Sport
- Mr. Dashgin Rajabli – Member of the Committee on Youth and Sport
- Ms. Elnura Karimova – Member of the Committee on Youth and Sport

14:30- 15:30 Ministry of Youth and Sport

Meeting with Sports Federations

- Mr. Naghi Safarov, Azerbaijan Taekwondo Federation
- Mr. Namig Badyrkhanov, Azerbaijan Gymnastics Federation
- Mr. Elkhan Mammadov, Association of Football Federations of Azerbaijan (AFFA)

16:00-17:30 Venue visit

- National Gymnastics Arena
- Aquatic Palace

8 February 2018

09:30-10:30 Azerbaijan State Academy of Physical Culture and Sport

- Mr. Fuad Hajiyev, Rector
- Dr. Tahmina Taghi-zada, Vice-Rector on academic affairs
- Mr. Dan Mason, Sport Journalism M.A. Program Director

11:20-12:00 Ministry of Youth and Sport

Conclusions from the visit

- Mr. Azad Rahimov, Minister of Youth and Sport
- Mr. Namik Novruzov, Head of International Relations Department
- Ms. Maryam Gafar-zada, Head of Unit on implementation of international standards
- Ms. Shafag Huseynli, CEO of AMADA

Part II - National Report of the Republic of Azerbaijan

AUTO-EVALUATION REPORT ON THE COMPLIANCE WITH THE COMMITMENTS OF THE ANTI-DOPING CONVENTION

Abstract

Conscious that sport should play an important role in protection of health, in moral and physical education and in promoting international understanding.

Concerned by the growing use of doping agents and methods by sportsmen and sportswomen throughout sport and the consequences thereof for the health of participants and the future of sport;

The use of prohibited substances and methods by athletes and/or athlete support personnel is the essential problem, which majority of countries in the world face with. This damages the sport society, as well as the image of the whole belief in clean sport. The spread of the use of doping substances is due to the factors, such as easy access to the nutritional supplements which contain prohibited doping substances by different ways to obtain them. To fight against such propaganda, the necessary steps should be implemented and prioritized. International institutions such as Council of Europe (CoE), United Nations Educational, Scientific and Cultural Organization (UNESCO), World Anti-Doping Agency (WADA) and other sport-related ones have the fight against doping and its elimination as one of their primary goals to achieve.

The Anti-Doping Convention (ADC) points several measures that has to be taken in order to fight and prevent the use of doping substances and methods in sport. With the further adoption of the Additional Protocol to the Anti-Doping Convention, the framework for international co-operation and mutual recognition of doping controls were established.

This report mainly focuses on the Republic of Azerbaijan's compliance issues with the Anti-Doping Convention of the Council of Europe. The Republic of Azerbaijan signed the Anti-Doping Convention on June 28, 2002 and subsequently, Parliament ratified the latter in November 4, 2003, making it enforceable since January 01, 2004. Furthermore, Additional Protocol to the Anti-Doping Convention was signed and ratified by the Parliament of the Republic of Azerbaijan on March 03, 2003 and December 9, 2003 respectively, making it enforceable since June 01, 2004. Moreover, the Republic of Azerbaijan were State Party to the Copenhagen Declaration and in July 23, 2007 acceded the International Convention against Doping in Sport. Since then, the Republic of Azerbaijan became signatory to the major Conventions and started to implement necessary steps for the effective working mechanism of the anti-doping system.

This report contains a focus on the detailed evaluation of the articles of the Anti-Doping Convention, into which the Republic of Azerbaijan takes efforts, and the summary of the general situation in the country and possible shortcomings of it. Some additional information is provided in four further extracts from the legal acts.

ABBREVIATIONS	
AC	Appellate Committee
ADC	Anti-Doping Convention
ADD	Anti-Doping Division of the Ministry of Youth and Sport
ADO	Anti-Doping Organization
ADR	Anti-Doping Rules
AISGOC	Azerbaijan Islamic Solidarity Games Operation Committee
AMADA	Azerbaijan National Anti-Doping Agency
AZN	Azerbaijan National Currency
CAHAMA	European Ad ho Committee for World Anti-Doping Agency
CAS	Court of Arbitration for Sport
CoE	Council of Europe
DC	Disciplinary Committee
IF	International Federation
IOC	International Olympic Committee
MEO	Major Event Organization
MYS	Ministry of Youth and Sport
NADA	National Anti-Doping Agency of Belarus
NADC	National Anti-Doping Centre of Ukraine
NF/RSF	National Federations/Republic Sport Federations
NOC	National Olympic Committee
NPC	National Paralympic Committee
NTP	National Testing Pool
NSB	National Sporting Bodies
PANDA	Polish Anti-Doping Agency (former name)
POLADA	Polish Anti-Doping Agency (present name)
PWC	PWC GmbH, a sample collection service provider based in Germany
RTP	Registered Testing Pool
RUSADA	Russian Anti-Doping Agency
TDP	Test Distribution Plan
TUE	Therapeutic Use Exemption
TUEC	Therapeutic Use Exemption Committee
UNESCO	United Nations Educational, Scientific and Cultural Organization
WADA	World Anti-Doping Agency

Evaluation of the compliance with the commitments of the Anti-Doping Convention

Article 1: Aim of the Convention

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

The Republic of Azerbaijan signed the Anti-Doping Convention on June 28, 2002 and subsequently, Parliament ratified the latter in November 4, 2003, making it enforceable since January 01, 2004. Furthermore, Additional Protocol to the Anti-Doping Convention was signed and ratified by the Parliament of the Republic of Azerbaijan on March 03, 2003 and December 9, 2003 respectively, making it enforceable since June 01, 2004. Moreover, the Republic of Azerbaijan were State Party to the Copenhagen Declaration and in July 23, 2007 acceded the International Convention against Doping in Sport. Since then the Republic of Azerbaijan became signatory to the major Conventions and started to implement necessary steps for the effective working mechanism of the anti-doping system.

At the time of ratification, there has been small amount of measures that government has taken at fighting and preventing the use of prohibited doping substances, however, by that time, it has coordinated its efforts in order to be in line with the Anti-Doping Convention.

The main regulatory legal act in the Republic of Azerbaijan regarding anti-doping mechanism is the Law No. 447-VQ “On the fight against the use of doping substances and methods in sport” dated November 29, 2016.¹⁷ The preamble of the Law points the reference to the International Convention against Doping in Sport and the requirements of the World Anti-Doping Code. The Law contains the different chapters, outlining the principles, strategy and division of responsibilities between governmental authorities, public agencies and other stakeholders.

The other regulatory legal act in the Republic of Azerbaijan concerning to the sport and sport-related matters is the Law No. 847-IIIQ “On the physical culture and sport” dated June 30, 2009.¹⁸ Article 11 of the Law¹⁹ establishes clear indications that all republic sport federations have to have the aim for fighting against the use of doping substances and methods in sport, by outlining their responsibilities for the compulsory doping control in the Articles 42 and 43 respectively²⁰. Moreover, the whole Article 31 states the prohibition of the use of doping substances and methods, and tools by which all sporting bodies and sport persons the anti-doping fight could be implemented.

It is noteworthy to mention that, according to the Law of the Republic of Azerbaijan “On the fight against the use of doping substances and methods in sport” and the Decree of the President of the Republic of Azerbaijan on the implementation of the former dated December 14, 2016²¹, the Azerbaijan National Anti-Doping Agency (AMADA) has been established and its Statutory Regulation has been adopted²². The legal status of the Agency established as a Public Legal Entity, which means its independency in its operations, but serving for the state and public interests in general.

The most detailed regulation of the anti-doping system, in particular the means by which it is regulated and procedures that are followed, has been established in Anti-Doping Rules (ADR) adopted by the Azerbaijan National Anti-Doping Agency in January 13, 2017²³. The Anti-Doping Rules, in its

¹⁷ For the full text of the Law, follow the link: <http://e-qanun.az/framework/34359>

¹⁸ For the full text of the Law, follow the link: <http://www.e-qanun.az/framework/18303>

¹⁹ Supra n.2, Article 11.2.6

²⁰ Supra n.2, Articles 42.2.4 and 43.2.3

²¹ For the full text of the Decree, follow the link: <http://www.president.az/articles/22056>

²² Supra n.5, Article 4.1

²³ For the full text of the Anti-Doping Rules, follow the link: <http://www.amada.az/site/templates/antidopingq.pdf>

Introduction²⁴ specifies the primary goals as continuing efforts of Azerbaijan National Anti-Doping Agency to eradicate doping in sport. Moreover, that these Anti-Doping Rules aimed at enforcing anti-doping principles in a global and harmonized manner, they are distinct in nature from criminal and civil laws, and are not intended to be subject to or limited by any national requirements and legal standards applicable to criminal or civil proceedings.

The Anti-Doping Rules have been developed pursuant to World Anti-Doping Agency Model Rules for National Anti-Doping Organizations. They, per se, do not have direct binding status of applicability. However, The Law of the Republic of Azerbaijan “On the fight against the use of doping substances and methods in sport” establishes clear indication in its Article 10, that all sporting bodies within country have to accept exclusive jurisdiction of Azerbaijan National Anti-Doping Agency and that its rules and regulations are automatically applicable and enforceable towards all these entities and persons.²⁵

Thus, summarizing the abovementioned provision, it should be pointed, that the practical application of the Convention has been, therefore, delegated by the Government of the Republic of Azerbaijan to Azerbaijan National Anti-Doping Agency by way of the Law. These delegated functions include the requirements under Article 7 of the Anti-Doping Convention and is explained below in details.

²⁴ Supra n.7, Introduction, p.2

²⁵ Supra n.1, Article 10.2

Evaluation of the compliance with the commitments of the Anti-Doping Convention

Article 2: Definition and scope of the Convention

1. For the purposes of this Convention:
 - a. "doping in sport" means the administration to sportsmen or sportswomen, or the use by them, of pharmacological classes of doping agents or doping methods;
 - b. "pharmacological classes of doping agents or doping methods" means, subject to paragraph 2 below, those classes of doping agents or doping methods banned by the relevant international sports organizations and appearing in lists that have been approved by the monitoring group under the terms of Article 11.1.b;
 - c. "sportsmen and sportswomen" means those persons who participate regularly in organized sports activities.
2. Until such time as a list of banned pharmacological classes of doping agents and doping methods is approved by the monitoring group under the terms of Article 11.1.b, the reference list in the appendix to this Convention shall apply.

This part of the report explains how the Republic of Azerbaijan implemented the Convention in terms of the definitions related to the doping in sport, banned substances and athletes. The Law of the Republic of Azerbaijan "On the fight against the use of doping substances and methods in sport", in particular the Article 1, sets the definition of the 'doping' as the 'occurrence of one or more anti-doping rule violations determined by the World Anti-Doping Code'²⁶.

Notwithstanding the abovementioned, definition of 'doping in sport' is also indicated in the Anti-Doping Rules of the Azerbaijan National Anti-Doping Agency. It describes the 'doping' as the occurrence of one or more of the anti-doping rule violations set forth in Article 2²⁷:

- a. presence of a prohibited substance or its metabolites or markers in an athlete's sample;
- b. use or attempted use by an athlete of a prohibited substance or a prohibited method;
- c. evading, refusing or failing to submit to sample collection;
- d. whereabouts failures;
- e. tampering or attempted tampering with any part of doping control;
- f. possession of a prohibited substance or a prohibited method;
- g. trafficking or attempted trafficking in any prohibited substance or prohibited method;
- h. administration or attempted administration to any athlete in-competition of any prohibited substance or prohibited method, or administration or attempted administration to any athlete out-of-competition of any prohibited substance or any prohibited method that is prohibited out-of-competition;
- i. complicity;
- j. prohibited association.

In addition, The Law of the Republic of Azerbaijan "On the fight against the use of doping substances and methods in sport" sets separately the definitions of 'prohibited substance' and 'prohibited method', which refers to the prohibited list. And, subsequently 'prohibited list' means 'the list of prohibited substances and methods so described in the Convention and Code'²⁸. According to this Article, the prohibited list which names the prohibited substances and methods come into force automatically on January 1, every year.

Moreover, Article 4 of the Anti-Doping Rules provides that, unless otherwise provided in the prohibited list and/or a revision, it goes into effect under these Anti-Doping Rules three months after publication by World Anti-Doping Agency without requiring any further action by the Azerbaijan National Anti-Doping Agency.

²⁶ Supra n.1, Article 1.1.4

²⁷ Supra n.7, Articles 2.1-2.10, pp. 15-19

²⁸ Supra n.1, Articles 1.1.9, 1.1.10 and 1.1.11. Note: Articles 1.1.9 and 1.1.11 refers to the definition of 'prohibited list', which is defined in the Article 1.1.10. Terms 'Convention and Code' means the International Convention against Doping in Sport and World Anti-Doping Code respectively.

As regards the terms ‘sportsmen and sportswomen’, the Law of the Republic of Azerbaijan “On the fight against the use of doping substances and methods in sport” does not clearly define the term. However, legally it can be justified as in Article 1, the term ‘sporting bodies’ includes both federations and athletes and athlete support personnel²⁹. Furthermore, the Law of the Republic of Azerbaijan “On the physical culture and sport”, in its Article 1 defines that ‘athlete’ means ‘natural person who participates in sports competitions and is regularly involved with the one or more disciplines of sports he/she chooses’³⁰.

Notwithstanding the abovementioned, definition of ‘sportsmen and sportswomen’ is also indicated in the Anti-Doping Rules of the Azerbaijan National Anti-Doping Agency. It defines the term ‘athlete’ in the context of the World Anti-Doping Code, as ‘any person who competes in sport at the international level (as defined by each International Federation), or the national level (as defined by each National Anti-Doping Organization). An Anti-Doping Organization has discretion to apply anti-doping rules to an athlete who is neither an international level athlete nor a national level athlete, and thus to bring them within the definition of ‘athlete’. In relation to athletes who are neither international level nor national level athletes, an Anti-Doping Organization may elect to: conduct limited testing or no testing at all; analyze samples for less than the full menu of prohibited substances; require limited or no whereabouts information; or not require advance TUEs. However, if an Article 2.1, 2.3 or 2.5 anti-doping rule violation is committed by any athlete over whom an Anti-Doping Organization has authority who competes below the international or national level, then the consequences set forth in the Code (except Article 14.3.2) must be applied. For purposes of Article 2.8 and Article 2.9 and for purposes of anti-doping information and education, any person who participates in sport under the authority of any signatory, government, or other sports organization accepting the Code is an athlete’³¹.

²⁹ Supra n.1, Article 1.1.8

³⁰ Supra n.2, Article 1.0.6

³¹ Supra n.7, pp. 80-81

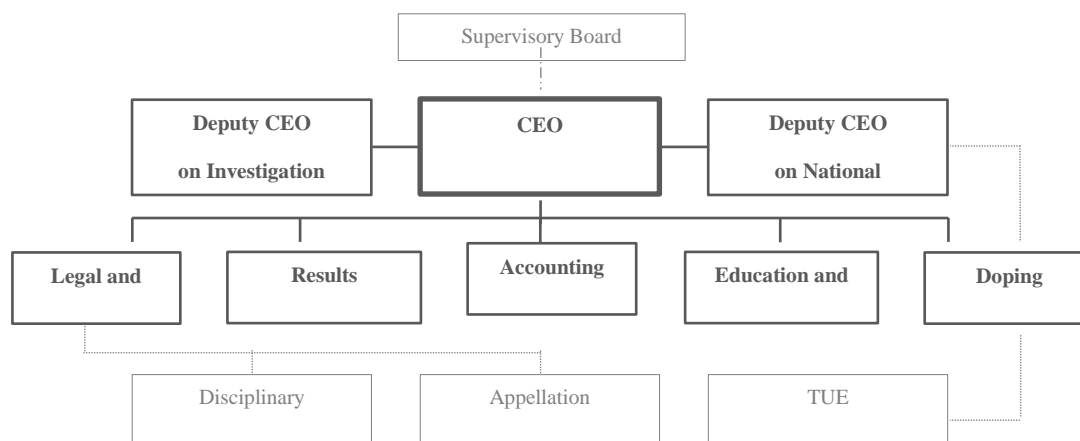
Evaluation of the compliance with the commitments of the Anti-Doping Convention

Article 3: Domestic co-ordination

1. The Parties shall co-ordinate the policies and actions of their government departments and other public agencies concerned with combating doping in sport.
2. They shall ensure that there is practical application of this Convention, and in particular that the requirements under Article 7 are met, by entrusting, where appropriate, the implementation of some of the provisions of this Convention to a designated governmental or non-governmental sports authority or to a sports organization.

The body responsible for the fight against doping in sport is the Azerbaijan National Anti-Doping Agency, which has been established by the Law of the Republic of Azerbaijan “On the fight against the use of doping substances and methods in sport” and the Decree of the President of the Republic of Azerbaijan on its the implementation. It was established in December 23, 2016.

The Agency is a public legal entity, with the state registration of the Ministry of Taxes. The Agency is composed of a Supervisory Board and the operational body (see table below).



The Supervisory Board of the Agency consists of 7 members from different categories, representing athlete, health, jurisprudence, sport, including Olympic and Paralympic, and agency itself. The Agency is independent in its operations, being observed by Supervisory Board for the balance of sheet for financial statements. The Agency is financed by the government. The main functions of the Agency are described in the Article 7 of the Law of the Republic of Azerbaijan “On the fight against the use of doping substances and methods in sport” as follows³²:

- a. promoting participation in sport, free from doping, in order to protect the health and well-being of competitors and the rights of athletes and athlete support personnel;
- b. creating awareness in order to discourage the practice of doping in sport among the public and the sporting community in particular;
- c. developing a national strategy to prevent and fight against doping in sport;
- d. implementing provisions of the Code and ensure the Republic of Azerbaijan complies with all international agreements and arrangements concerning doping in sport to which country is a party;
- e. implementing anti-doping activities in the country including the testing of collected samples in all sports, sport federations and sport organizations;
- f. promoting and implementing the application of various guidelines and international standards in matters related to anti-doping;

³² Supra n.1, Articles 7.0.1-7.0.14

- g. providing information to athletes, athlete support personnel and on the procedures for, and developments concerning the collection and testing of samples, in accordance with the Code and any standards developed by the World Anti-doping Agency;
- h. using World Anti-Doping Agency accredited laboratories for analysis of samples and other required specimen;
- i. maintaining data of all prohibited substances in accordance with the directions of the World Anti-Doping Agency;
- j. maintaining a Registered Testing Pool in the Anti-Doping Administration and Management System (ADAMS) in accordance with the Code;
- k. prosecuting anti-doping rule violations as specified in Anti-Doping Rules;
- l. carrying out necessary functions to comply with the rules attributed to it;
- m. complying with the Code and carry out necessary functions for its implementation;
- n. carrying out any other function conferred by or under this Law and any other regulatory legal acts.

Therefore, as mentioned above in Article 1, the government clearly delegated wider range of responsibilities, from developing of the national strategy to the prosecution of anti-doping rule violations, for the fighting against doping in sport to the Azerbaijan National Anti-Doping Agency.

The Ministry of Youth and Sport of the Republic of Azerbaijan strongly cooperates with the Azerbaijan National Anti-Doping Agency within its jurisdiction in order to support the anti-doping policy and national program by implementing the fight against the use of doping in sport in its related statutes, regulations, promotional campaigns etc.

According to the Law of the Republic of Azerbaijan “On the fight against the use of doping substances and methods in sport” two independent bodies have been established in order to ensure the independence and fair trial in dealing with the anti-doping rule violations and one body to treat the therapeutic use exemptions.

Thus, the Law provides the division of the anti-doping rule violation prosecution into two instances. For first instance the Disciplinary Committee is responsible³³. Pursuant to the Law, Disciplinary Committee is independent and impartial body, having the power to hear and determine all issues arising from any matter which is referred to it pursuant to the Law and Anti-Doping Rules and to impose consequences. For the second instances the Appellation Committee is responsible³⁴. The Law outlines that Appellation Committee is independent and impartial body, having the power to hear and determine all issues arising from any matter which is appealed to it pursuant to the Law and Anti-Doping Rules and to impose consequences.

The Therapeutic Use Exemption Committee is an independent and impartial body, having the power to evaluate and make decision with regard to the TUE applications without delay in accordance with the international standard and is authorized to seek whatever medical or scientific expertise it deems appropriate in reviewing the circumstances of any application made. As a results, it grant or refuses the TUE certificates³⁵.

The members and Statutes of these three committees has been approved by the Order No. of the Ministry of Youth and Sport dated December 21, 2016.

³³ Supra n.1, Articles 13, 14 and 15

³⁴ Supra n.1, Articles 16,17 and 18

³⁵ Supra n.1, Articles 11 and 12

Evaluation of the compliance with the commitments of the Anti-Doping Convention

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

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

The Republic of Azerbaijan, besides the Law of the Republic of Azerbaijan “On the fight against the use of doping substances and methods in sport” and the Law of the Republic of Azerbaijan “On the physical culture and sport”, has implemented several legislative measures to restrict the availability of certain substances, in particular anabolic steroids.

In this manner, these legislative acts and their respective anti-doping provisions are following:

- a. The Criminal Code of the Republic of Azerbaijan³⁶: One of two restrictive measures in this Code is the Article 143-1, which provides the criminal sanction for the inducement to use of doping substances and/or methods. However, the more severe is the second one, namely, the Article 240.1 restricting the illegal trafficking of strongly influencing substances. Thus, it says that ‘illegal manufacturing, processing, acquisition, storing, transportation or shipping of the strongly influencing substances, which do not categorized as narcotic or psychotropic substances for sale purposes, as well as selling of these substances or the equipment for their manufacturing or processing shall be punishable by imprisonment for up to three years’. The Code refers to the Law No. 180-VQ of the Republic of Azerbaijan “On the approval of the list of strongly influencing substances and their large quantities, as well as the toxic substances” dated March 18, 2016, which clearly establishes the list of substances falling under the term of ‘strongly influencing substances’.³⁷ These substances mostly are anabolic androgenic steroids, such as Boldenone, Danazol, Nandrolone, Stanozolol and etc.³⁸
- b. The Code of Administrative Offenses of the Republic of Azerbaijan³⁹: This Code provides three different Articles, which, in their turn, restrict the availability of doping substances, and more generally, the use of them, and provide financial penalties⁴⁰. First one, Article 224, indicates that the ‘use and/or propagation of the use of doping substances and/or methods’ is illegal and shall be punishable by a fine. The second one, Article 225, provides that ‘falsification or sale of medicines and food by deliberately contaminating doping substances, and dissemination of information about substances and methods of use, preparation, production, places of availability’ are illegal and shall be punishable by a fine. The third one, Article 226, states the general ‘violation of doping control rules’, which is, in turn, illegal and shall be punishable by a fine.
- c. The Law of the Republic of Azerbaijan “On drugs”⁴¹ and the Law of the Republic of Azerbaijan “On pharmaceutical activity”⁴²: These two legal regulatory acts regulates the manufacture and supply of medicines, including ‘prescription only’ medicines, medicines licensed for sale by a pharmacist, and general medicines. It also establishes the mechanisms, in which drugs, pharmaceutical and controlled ones, strongly influencing substances, narcotic and psychotropic substances can be sold. According to the Decision No. 57 of the Board of the Ministry of Health on the approval of the “Rules for the release of medicines from pharmacy organizations” dated October 21, 2015, the strongly influencing substances and psychotropic drugs could be sold only special prescription form with the signature and stamp of the doctor, and with the signature and stamp of the head of the healthcare organization.

³⁶ For the full text, follow the link: <http://www.e-qanun.az/code/11>

³⁷ For the full text, follow the link: <http://www.e-qanun.az/framework/32588>

³⁸ Supra n.21, Appendix 1

³⁹ For the full text, follow the link: <http://www.e-qanun.az/code/24>

⁴⁰ Supra n.19, Articles 224, 225 and 226 respectively

⁴¹ For the full text, follow the link: <http://www.e-qanun.az/framework/12128>

⁴² For the full text, follow the link: http://www.e-qanun.az/alpdata/framework/data/4/f_4232.htm

- d. Alongside, Azerbaijan National Anti-Doping Agency signed a Memorandum of Understanding with the State Customs Committee of the Republic of Azerbaijan in December 01, 2017. This Memorandum outlines the necessity for joint fight against the illegal trafficking of doping substances within the territory of the country. As of the Article 2 of the Memorandum, Parties agree to cooperate on the following: preparation of the project constituting the strong control of the athletes and athlete support personnel baggage arriving to the country during international events, and its further implementation by imposing binding declaration of the doping substances; information sharing of the suspects illegally trafficking the prohibited doping substances, their names, means of border crossing, quantity and other necessary information; and holding the mutual seminars and trainings for the improvement of professional skills of customs officers who carry out customs control over the customs clearance of doping substances.
- e. In December 29, 2017 Azerbaijan National Anti-Doping Agency signed another Memorandum of Understanding with the Ministry of Internal Affairs of the Republic of Azerbaijan, with its separate structural unit Main Drug Enforcement Department. According to the Memorandum, Parties agreed to cooperate in order to fight against the use of doping substances and its prevention. The Memorandum outlines the means by which two bodies share the information regarding the suspects, who illegally sells, distributes or somehow traffics the doping substances. As well as, Parties agreed to mutually cooperate in the information sharing of recent updates by both parties on the doping substances and methods, and the ways of their illegal distribution respectively.

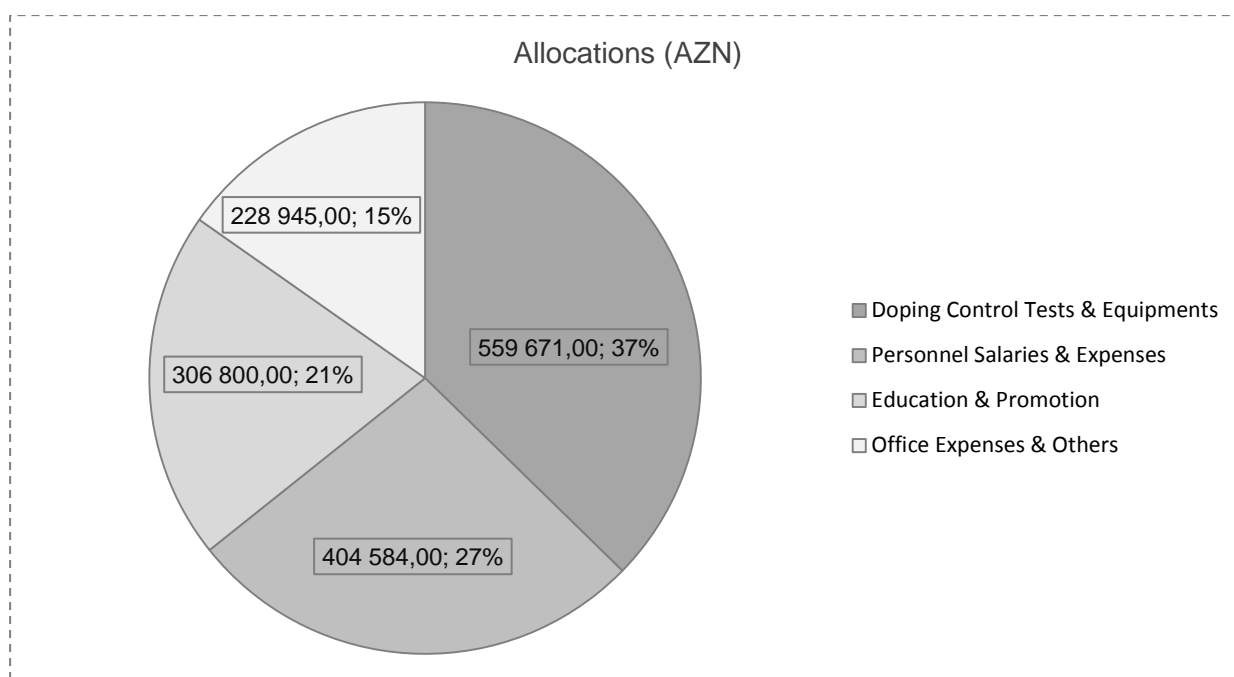
2. To this end, the Parties or, where appropriate, the relevant non-governmental organizations shall make it a criterion for the grant of public subsidies to sports organizations that they effectively apply anti-doping regulations. 3. Furthermore, the Parties shall:

- a. assist their sports organizations to finance doping controls and analyses, either by direct subsidies or grants, or by recognizing the costs of such controls and analyses when determining the overall subsidies or grants to be awarded to those organizations;
- b. take appropriate steps to withhold the grant of subsidies from public funds, for training purposes, to individual sportsmen and sportswomen who have been suspended following a doping offence in sport, during the period of their suspension;
- c. encourage and, where appropriate, facilitate the carrying out by their sports organizations of the doping controls required by the competent international sports organizations whether during or outside competitions; and
- d. encourage and facilitate the negotiation by sports organizations of agreements permitting their members to be tested by duly authorized doping control teams in other countries.

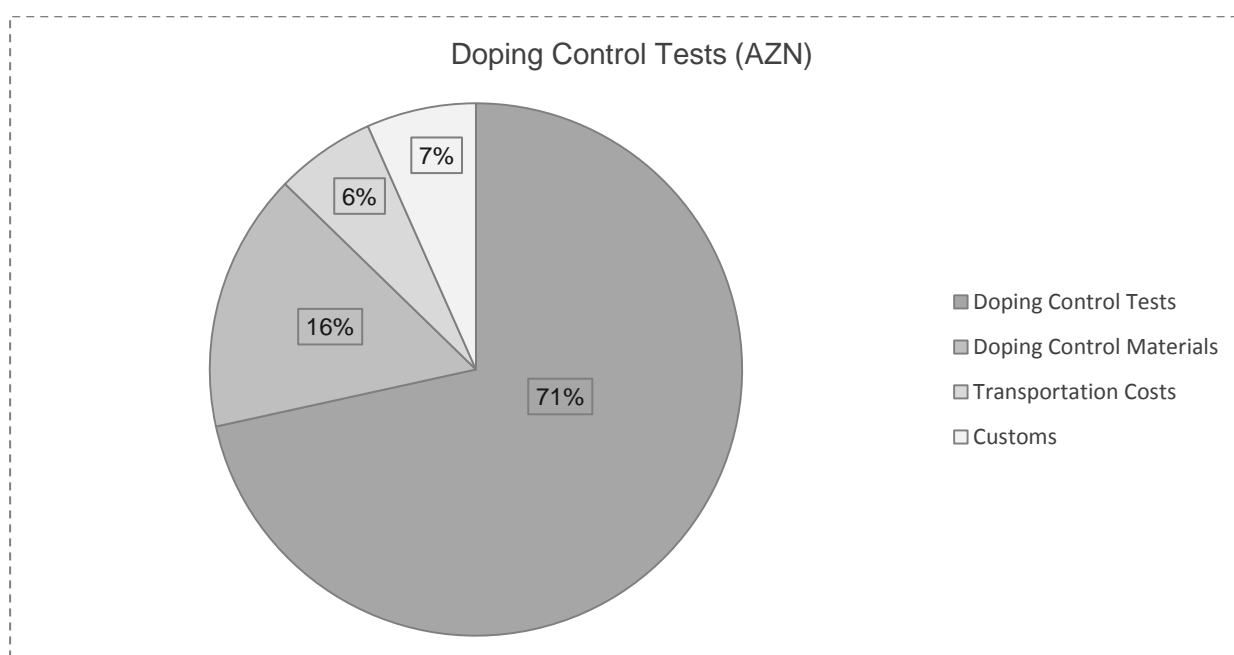
4. Parties reserve the right to adopt anti-doping regulations and to organize doping controls on their own initiative and on their own responsibility, provided that they are compatible with the relevant principles of this Convention.

According to ‘Azerbaijan National Anti-Doping Policy’ the funds of the agency shall consist of budget allocated by government (23.1.1); such monies or assets as may accrue or vest in the Agency in the course of the exercise of its powers or the performance of its functions under this Rules (23.1.2); any grants, gifts, donations or other endowments as may be given to the Agency (23.1.3); monies lent to or donated to the Agency (23.1.4)

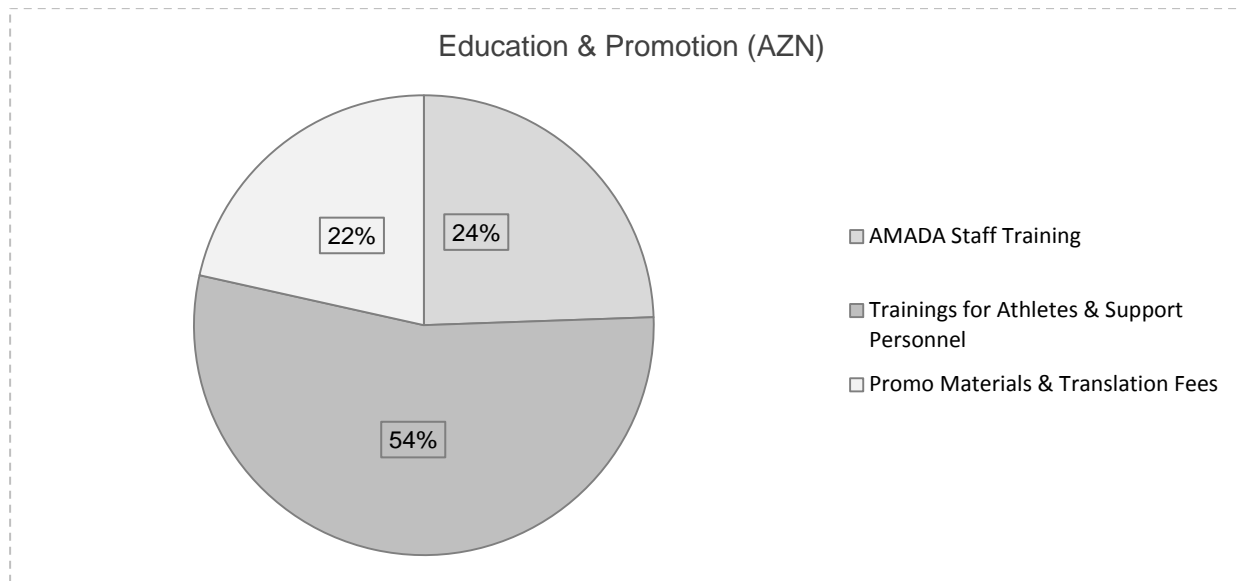
Azerbaijan National Anti-Doping Agency had a total budget of AZN 1.5 million in 2017. 100% of budget is funded by Azerbaijan Government. The annual allocations to the implementation of the Azerbaijan National Anti-Doping Agency’s program in the 2017 is indicated in the graph below.



Allocation for Doping Control Tests covering full cycle expenses including transportation costs of samples to WADA-accredited Laboratory in Cologne, analyzing those samples, and Azerbaijan State Customs fee for importing doping control materials from Switzerland.

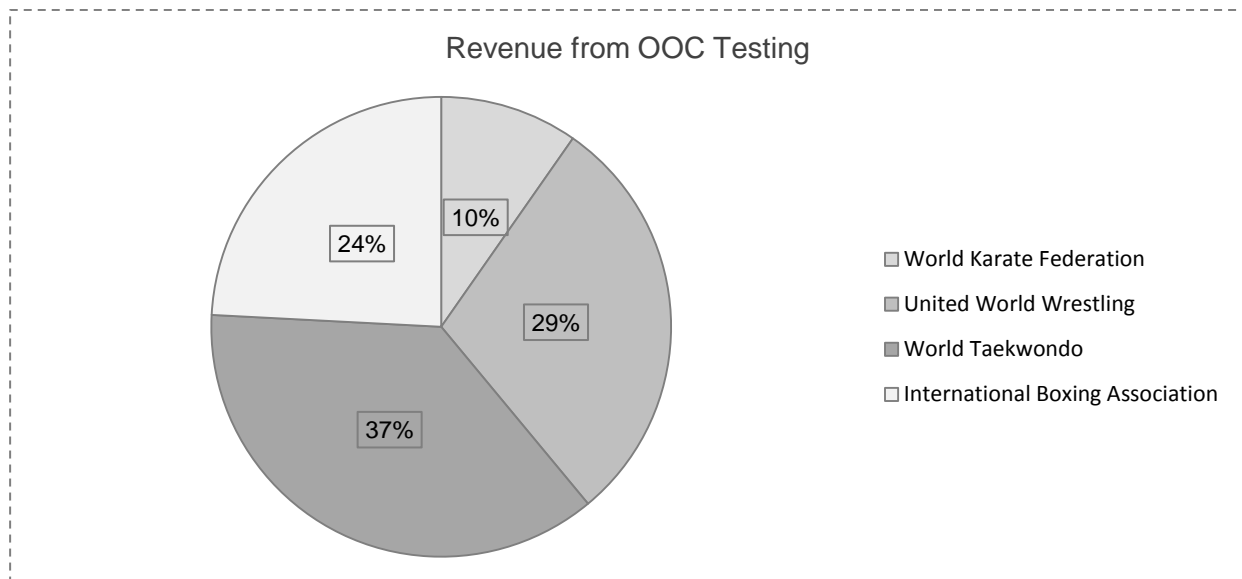


Fees for translations, trainings for Azerbaijan National Anti-Doping Agency staff, educational sessions for athletes and their support personnel are part of education & promotion allocation.

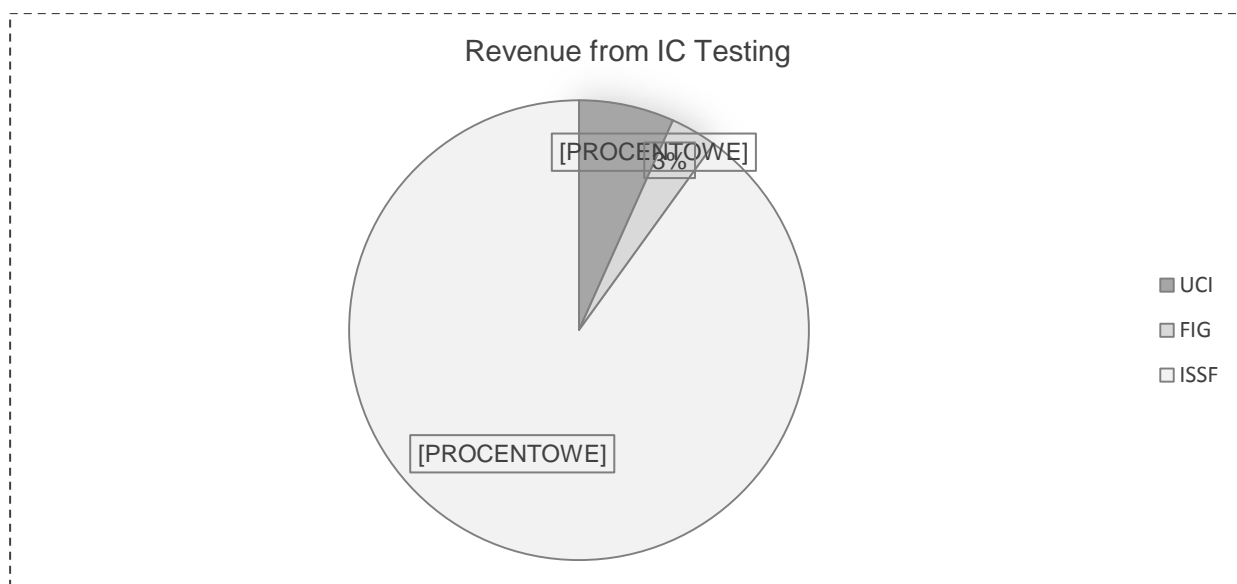


Azerbaijan National Anti-Doping Agency conducts ‘national program testing’, which is conducted based on Azerbaijan National Anti-Doping Agency’s Test Distribution Plan (TDP). Azerbaijan National Anti-Doping Agency also conducts tests based on service agreements with international federations and other ADOs. International Federations and other ADOs funds all requested tests, if Azerbaijan National Anti-Doping Agency considers there is no relevance for ‘national program testing’.

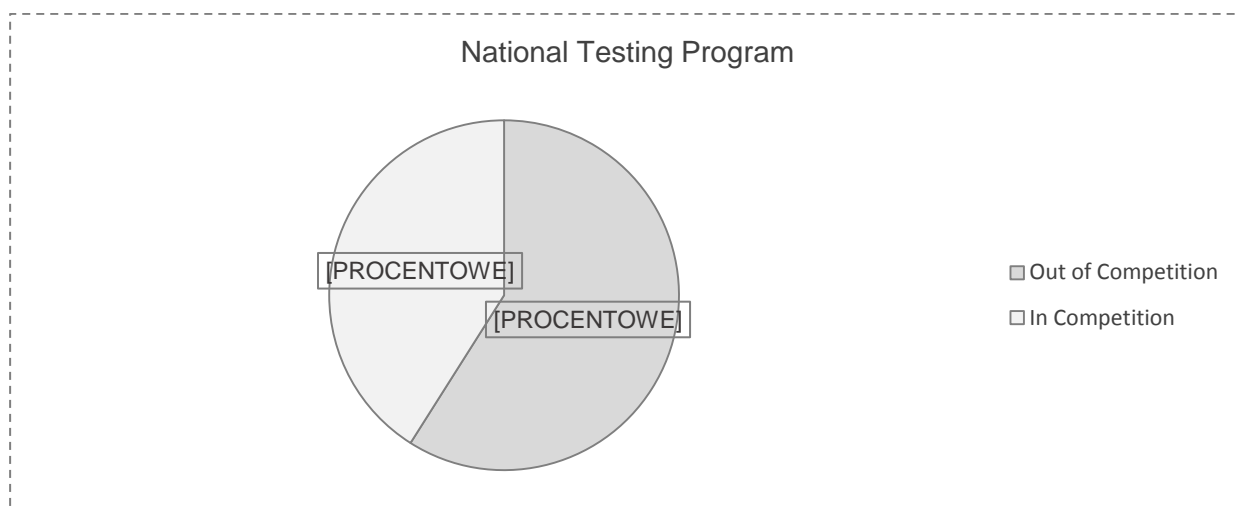
Revenue from international federations based on service agreements is 21,213 AZN in 2017.



Azerbaijan National Anti-Doping Agency conducts two types of testing: out of competition (OOC) testing and in competition (IC) testing. Azerbaijan National Anti-Doping Agency conducted doping control of all international competitions in Azerbaijan in 2017.



As part of 'National Testing Program' number of out of competition (OOC) tests are 279 and in competition (IC) tests are 194. Number of total tests are 473.



Evaluation of the compliance with the commitments of the Anti-Doping Convention

Article 5: Laboratories

1. Each Party undertakes:
 - a either to establish or facilitate the establishment on its territory of one or more doping control laboratories suitable for consideration for accreditation under the criteria adopted by the relevant international sports organizations and approved by the monitoring group under the terms of Article 11.1.b; or
 - b to assist its sports organizations to gain access to such a laboratory on the territory of another Party.
2. These laboratories shall be encouraged to:
 - a. take appropriate action to employ and retain, train and retrain qualified staff;
 - b. undertake appropriate programs of research and development into doping agents and methods used, or thought to be used, for the purposes of doping in sport and into analytical biochemistry and pharmacology with a view to obtaining a better understanding of the effects of various substances upon the human body and their consequences for athletic performance;
 - c. publish and circulate promptly new data from their research.

All samples taken from the athletes in the Republic of Azerbaijan are being sent to the World Anti-Doping Agency accredited laboratory. Azerbaijan National Anti-Doping Agency operates in partnership with the Laboratory for Doping Analysis, German Sports University Cologne located in Cologne, Germany. The relationship with the laboratory is regulated by the service contract. This is a fixed-term contract whereby Azerbaijan National Anti-Doping Agency agrees to provide samples to the laboratory for analysis.

Alongside, the laboratory also provides also athlete passport management unit services for steroidal passport. With regard to the athlete passport management unit services for haematological passports, Azerbaijan National Anti-Doping Agency has a contract with the Institute of Sport, National Research Institute, Department of Anti-Doping Research laboratory accredited by the World Anti-Doping Agency.

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Article 6: Education

1. The Parties undertake to devise and implement, where appropriate in co-operation with the sports organisations concerned and the mass media, educational programs and information campaigns emphasising the dangers to health inherent in doping and its harm to the ethical values of sport. Such programmes and campaigns shall be directed at both young people in schools and sports clubs and their parents and at adult sportsmen and sportswomen, sports officials, coaches and trainers. For those involved in medicine, such educational programs will emphasise respect for medical ethics.
2. The Parties undertake to encourage and promote research, in co-operation with the regional, national and international sports organisations concerned, into ways and means of devising scientifically-based physiological and psychological training programmes that respect the integrity of the human person.

Education is the keystone to any prevention program. In order to increase effectiveness, Azerbaijan National Anti-Doping Agency tailored the education program to the target sports, kept it interactive, focused on developing core values, that professional athletes don't behave in ways that bring the game they play into disrepute and it's multi-modal-offer and reinforced learning within the school, sports community and family environments.

There have been an overall lack of guidance and expertise in the field of Anti-Doping for years. First part of 2017 was the transition period, when Azerbaijan National Anti-Doping Agency started the process of staff education. These projects were carried out in collaboration with the World Anti-Doping Agency and the Polish Anti-Doping Agency. These are following meetings:

1. Warsaw, Poland February 6-7, 2017:
 - International Standard for Testing and Investigations;
 - Test Distribution Plan, Doping Control.
2. Baku, Azerbaijan March 6-7, 2017:
 - International Standard for Therapeutic Use Exemptions;
 - Practical aspects of Therapeutic Use Exemptions management.
3. Baku, Azerbaijan April 22-23, 2017:
 - Result management – general overview of procedures;
 - Disciplinary proceedings.
4. Baku, Azerbaijan June 19, 2017:
 - Theoretical aspects of ABP program;
 - NADO tasks in regards ABP program.
5. Baku, Azerbaijan July 6, 2017:
 - Practical issues about education.
6. Warsaw, Poland October 9-10, 2017:
 - Intelligence and Investigations.
7. Baku, Azerbaijan December 16-18, 2017:
 - Disciplinary proceedings;
 - Anti-Doping Rule Violations.

Alongside with the staff, Azerbaijan National Anti-Doping Agency's Doping Control and Blood Collection Officers had trainings with the German company of sample collection named PWC, which were held before 4th Islamic Games held in Baku, in 2017.

1. Baku, Azerbaijan February 14-15, 2017:

- DCO/Chaperone training.

2. Baku, Azerbaijan March 28-29, 2017:

- DCO/Chaperone training.

Later in 2017, to combat the problem of overall lack of anti-doping unawareness, Azerbaijan National Anti-Doping Agency launched the National Anti-Doping Education Program. The primary goal of the program was to provide up-to-date information to all athletes who are likely to be tested, as well as their support personnel, with particular focus on their responsibilities with regard to the Anti-Doping Program.

In order to support National Sporting Bodies and enhance the education of their members, Azerbaijan National Anti-Doping Agency provided seminars to groups of athletes and athlete support personnel. Azerbaijan National Anti-Doping Agency's anti-doping education team attended sport training sessions, camps and delivered seminars and presentations. At these sessions athletes and support personnel were free to interact with and ask questions.

During the year a number of different activities took place:

- Awareness and Outreach Program during National Level Events;
- Awareness and Outreach Program during International Level Events:
 - Outreach program during 4th Islamic Solidarity Games, 12-22 May 2017;
 - Outreach program during European Shooting Championships, 21 Jul - 4 Aug;
 - Outreach program during 2017 CEV Volleyball European Championship Women, 22 Sep -1 Oct.

Azerbaijan National Anti-Doping Agency's Outreach Program is delivered at sporting events and is based on the World Anti-Doping Agency's Athlete Outreach Model. The program takes place at large sporting events and gives athletes access to anti-doping information. Those involved can participate in activities like Play True Quiz, get information about the key aspects of anti-doping program and get prizes.

Developed for athletes "Anti-Doping education, Level Basic" teaching materials were introduced during the seminars with athletes in 2017. Face-to-face workshops provided athletes and support personnel with an important opportunity to interact directly with Azerbaijan National Anti-Doping Agency, to ask questions and to explore anti-doping in more detail. Social media and website has been launched, to cover the users of electronic resources. Noteworthy to mention, that the website is a comprehensive source of up-to-date anti-doping information available to athletes and support personnel. During 2017, Azerbaijan National Anti-Doping Agency used social media to promote important anti-doping information directly to the sporting bodies and athletes.

Moreover, Azerbaijan National Anti-Doping Agency provided print-outs for athletes and their support personnel with updated and accurate information on the following issues :

- substances and methods on the Prohibited List
- anti-doping rule violations
- consequences of doping, including sanctions, health and social consequences
- doping control procedures
- athlete and athlete support personnel rights and responsibilities
- therapeutic Use Exemptions

- managing the risks of nutritional supplements
- harm of doping to the spirit of sport

Azerbaijan National Anti-Doping Agency is planning to create the drug information database and the related application to provide information on whether a medicine or a substance is classified as doping-free and is, therefore, suitable for the treatment of athletes. The plan covers also a work to develop e-learning material. This e-learning material will be available to athletes and coaches to access on all devices at any time.

The feedback on raising awareness was very positive. Surveys were conducted among athletes during the seminars, lectures and sports events.

Evaluation of the compliance with the commitments of the Anti-Doping Convention

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

1. The Parties undertake to encourage their sports organisations and through them the international sports organisations to formulate and apply all appropriate measures, falling within their competence, against doping in sport.
2. To this end, they shall encourage their sports organisations to clarify and harmonise their respective rights, obligations and duties, in particular by harmonising their:
 - a. anti-doping regulations on the basis of the regulations agreed by the relevant international sports organisations;
 - b. lists of banned pharmacological classes of doping agents and banned doping methods on the basis of the lists agreed by the relevant international sports organisations;
 - c. doping control procedures;
 - d. disciplinary procedures, applying agreed international principles of natural justice and ensuring respect for the fundamental rights of suspected sportsmen and sportswomen; these principles will include:
 - i. the reporting and disciplinary bodies to be distinct from one another;
 - ii. the right of such persons to a fair hearing and to be assisted or represented;
 - iii. clear and enforceable provisions for appealing against any judgment made;
 - e. procedures for the imposition of effective penalties for officials, doctors, veterinary doctors, coaches, physiotherapists and other officials or accessories associated with infringements of the anti-doping regulations by sportsmen and sportswomen;
 - f. procedures for the mutual recognition of suspensions and other penalties imposed by other sports organisations in the same or other countries.
3. Moreover, the Parties shall encourage their sports organisations:
 - a. to introduce, on an effective scale, doping controls not only at, but also without advance warning at any appropriate time outside, competitions, such controls to be conducted in a way which is equitable for all sportsmen and sportswomen and which include testing and retesting of persons selected, where appropriate, on a random basis;
 - b. to negotiate agreements with sports organisations of other countries permitting a sportsman or sportswoman training in another country to be tested by a duly authorised doping control team of that country;
 - c. to clarify and harmonise regulations on eligibility to take part in sports events which will include anti-doping criteria;
 - d. to promote active participation by sportsmen and sportswomen themselves in the anti-doping work of international sports organisations;
 - e. to make full and efficient use of the facilities available for doping analysis at the laboratories provided for by Article 5, both during and outside sports competitions;
 - f. to study scientific training methods and to devise guidelines to protect sportsmen and sportswomen of all ages appropriate for each sport.

The Law of the Republic of Azerbaijan “On the fight against the use of doping substances and methods in sport” establishes that Azerbaijan National Anti-Doping Agency shall act in accordance with the World Anti-Doping Code and its International Standards. Moreover, it establishes that all sporting bodies within country have to accept exclusive jurisdiction of Azerbaijan National Anti-Doping Agency and its rules and regulations are automatically applicable and enforceable towards all these entities and persons.

The abovementioned defines that Azerbaijan National Anti-Doping Agency, acting in accordance with the World Anti-Doping Code has the full authority of operational aspects of the anti-doping policy, including testing and investigations, test planning and whereabouts, testing itself and results management. Thus, there is a clear separation and uniform approach to the responsibilities between republic sport federations and other sporting bodies, with the responsibility of the anti-doping body. In terms of detecting doping practices among the athletes, it is not left to investigate and decide the matter by the federations themselves.

The Anti-Doping Rules adopted by the Azerbaijan National Anti-Doping Agency ensures the harmonization of all anti-doping rules in the territory, clearly separates the reporting bodies and disciplinary bodies and provides the independence of anti-doping activities from sport.

The List of banned pharmacological classes of doping agents and banned doping methods is approved by the Law of the Republic of Azerbaijan “On the fight against the use of doping substances and methods in sport”, which refers to the Prohibited List of the World Anti-Doping Agency and International Convention against the use of doping in sport respectively⁴³. Considering that the Law has the binding effect on all sporting bodies within the territory of the country, the list of banned pharmacological classes of doping agents and banned doping methods is clearly defined.

Taking into account the abovementioned, the Article 7.2 of the Convention is implemented by the rule of Law, defining the responsibility of the Azerbaijan National Anti-Doping Agency and other sporting bodies respectively.

As regards the provisions of the Article 7.3 of the Convention, the Azerbaijan National Anti-Doping Agency within its jurisdiction conducts a risk assessment of which sports are more likely to abuse prohibited substances or methods, establishes the pool of athletes who are going to be the subject to testing and develops the registered testing pool, develops the test distribution plan in order to implement effective, less predictive but more intelligent testing by conducting both in- and out-of-competition testing covering no-advance-notice principles, as well as implements the athlete biological passport program and collects whereabouts information from the athletes included in registered testing pool to support the test distribution plan.

Azerbaijan National Anti-Doping Agency concluded with the National Anti-Doping Organizations of Russian Federation, Belarus and Ukraine on the collaboration in reciprocal testing of its athletes in the territory of the other countries in order to avoid the lack of testing when training abroad. Azerbaijan National Anti-Doping Agency uses WADA-accredited laboratory for the analysis of samples collected for anti-doping testing. It makes full use of the analytical capacities of the laboratory, namely by using the Technical Document for Sport Specific Analysis prepared by WADA expressed by minimum level of the analysis in addition to the standard urine menu, such as Erythropoiesis Stimulating Agents (ESAs), Growth Hormone (GH), Growth Hormone Releasing Factors (GHRFs), as well as Athlete Biological Passport for blood.

⁴³ Supra n.1, Articles 1.1.9, 1.1.10 and 1.1.11

Evaluation of the compliance with the commitments of the Anti-Doping Convention

Article 8: International co-operation

1. The Parties shall co-operate closely on the matters covered by this Convention and shall encourage similar co-operation amongst their sports organisations.
2. The Parties undertake:
 - a. to encourage their sports organisations to operate in a manner that promotes application of the provisions of this Convention within all the appropriate international sports organisations to which they are affiliated, including the refusal to ratify claims for world or regional records unless accompanied by an authenticated negative doping control report;
 - b. to promote co-operation between the staffs of their doping control laboratories established or operating in pursuance of Article 5; and
 - c. to initiate bilateral and multilateral co-operation between their appropriate agencies, authorities and organisations in order to achieve, at the international level as well, the purposes set out in Article 4.1.
3. The Parties with laboratories established or operating in pursuance of Article 5 undertake to assist other Parties to enable them to acquire the experience, skills and techniques necessary to establish their own laboratories.

The Republic of Azerbaijan carries out international cooperation in the field of anti-doping. It is noteworthy to mention, that the both the government, in the face of the Ministry of Youth and Sport, and the Azerbaijan National Anti-Doping Agency officials take part in the meetings of the Council of Europe, its meetings of the Monitoring Group and the European Ad hoc Committee for the World Anti-Doping Agency (CAHAMA).

The emphasis also should be given to the co-operation with the Polish Anti-Doping Agency. As of the multilateral agreement between World Anti-Doping Agency, Azerbaijan National Anti-Doping Agency and Polish Anti-Doping Agency, the latter shares its experience in the field of fighting against the use of doping in sport, as well as identifies areas of cooperation in order to assist the Azerbaijan National Anti-Doping Agency in its development of an anti-doping program in compliance with the World Anti-Doping code and related International Standards.

By the way of implementing the Law of the Republic of Azerbaijan “On the fight against the use of doping substances and methods in sport”, the government has delegated almost all of relevant responsibilities to the Azerbaijan National Anti-Doping Agency and the latter became the main advisor in relation to the fight against doping in sport. Moreover, the Law sets the requirement in which the Azerbaijan National Anti-Doping Agency should act, namely to take necessary steps at national and international level in order to comply with the World Anti-Doping Agency rules, and co-operate with other stakeholders and implement the high quality and efficient tools and efforts for the fight against doping in sport.

As a co-operation with other stakeholders, Azerbaijan National Anti-Doping Agency has concluded several collaboration agreements with the different anti-doping organizations, thereby paving the way to the mutual doping control testing and sharing of information. Moreover, Azerbaijan National Anti-Doping Agency provides testing services for different organizations for both in-competition and out-of-competition doping controls. Such collaboration and doping control service agreements have been concluded with the major international federations, such as the Union of European Football Associations (UEFA), United World Wrestling (UWW), International Shooting Sport Federations (ISSF) etc.

Summary

The Republic of Azerbaijan signed the Anti-Doping Convention on June 28, 2002 and subsequently, Parliament ratified the latter in November 4, 2003, making it enforceable since January 01, 2004. Furthermore, Additional Protocol to the Anti-Doping Convention was signed and ratified by the Parliament of the Republic of Azerbaijan on March 03, 2003 and December 9, 2003 respectively, making it enforceable since June 01, 2004. Moreover, the Republic of Azerbaijan were State Party to the Copenhagen Declaration and in July 23, 2007 acceded the International Convention against Doping in Sport. Since then the Republic of Azerbaijan became signatory to the major Conventions and started to implement necessary steps for the effective working mechanism of the anti-doping system.

It is noteworthy to mention that, according to the Law of the Republic of Azerbaijan “On the fight against the use of doping substances and methods in sport” and the Decree of the President of the Republic of Azerbaijan on the implementation of the former dated December 14, 2016, the Azerbaijan National Anti-Doping Agency has been established and its Statutory Regulation has been adopted. The legal status of the Agency established as a Public Legal Entity, which means its independency in its operations, but serving for the state and public interests in general.

The most detailed regulation of the anti-doping system, in particular the means by which it is regulated and procedures that are followed, has been established in Anti-Doping Rules adopted by the Azerbaijan National Anti-Doping Agency in January 13, 2017. The Anti-Doping Rules, in its Introduction specifies the primary goals as continuing efforts of Azerbaijan National Anti-Doping Agency to eradicate doping in sport. Moreover, these Anti-Doping Rules aimed at enforcing anti-doping principles in a global and harmonized manner, they are distinct in nature from criminal and civil laws, and are not intended to be subject to or limited by any national requirements and legal standards applicable to criminal or civil proceedings.

The body responsible for the fight against doping in sport is the Azerbaijan National Anti-Doping Agency, which has been established by the Law of the Republic of Azerbaijan “On the fight against the use of doping substances and methods in sport” and the Decree of the President of the Republic of Azerbaijan on its the implementation. It was established in December 23, 2016.

Extract from the Law of the Republic of Azerbaijan “On the fight against the use of doping substances and methods in sport” (unofficial translation)

Article 1. Basic definitions

- 1.1.4. doping – occurrence of one or more anti-doping rule violations determined by the World Anti-Doping Code;
- 1.1.8. sporting bodies – republic sport federations, athletes, athlete support personnel and other persons determined by the Law of the Republic of Azerbaijan “On the Physical culture and sport”;
- 1.1.9. prohibited method – any method so described on the prohibited list;
- 1.1.10. prohibited list - the list of prohibited substances and methods so described in the Convention and Code;
- 1.1.11. prohibited substance – any substance so described on the prohibited list;

Article 7. Functions of the national anti-doping body

- 7.0.1. promoting participation in sport, free from doping, in order to protect the health and well-being of competitors and the rights of athletes and athlete support personnel;
- 7.0.2. creating awareness in order to discourage the practice of doping in sport among the public and the sporting community in particular;
- 7.0.3. developing a national strategy to prevent and fight against doping in sport;
- 7.0.4. implementing provisions of the Code and ensure the Republic of Azerbaijan complies with all international agreements and arrangements concerning doping in sport to which country is a party;
- 7.0.5. implementing anti-doping activities in the country including the testing of collected samples in all sports, sport federations and sport organizations;
- 7.0.6. promoting and implementing the application of various guidelines and international standards in matters related to anti-doping;
- 7.0.7. providing information to athletes, athlete support personnel and on the procedures for, and developments concerning the collection and testing of samples, in accordance with the Code and any standards developed by the World Anti-doping Agency;
- 7.0.8. using World Anti-Doping Agency accredited laboratories for analysis of samples and other required specimen;
- 7.0.9. maintaining data of all prohibited substances in accordance with the directions of the World Anti-Doping Agency;
- 7.0.10. maintaining a Registered Testing Pool in the Anti-Doping Administration and Management System in accordance with the Code;
- 7.0.11. prosecuting anti-doping rule violations as specified in Anti-Doping Rules;
- 7.0.12. carrying out necessary functions to comply with the rules attributed to it;
- 7.0.13. complying with the Code and carry out necessary functions for its implementation;
- 7.0.14. carrying out any other function conferred by or under this Law and any other regulatory legal acts.

Article 10. Jurisdiction of the national anti-doping body

- 10.2. Sporting bodies shall accept the exclusive jurisdiction of the national anti-doping body and must comply with the requirements of its rules;

Article 11. Therapeutic use exemption body

- 11.1. Relative executive body establish therapeutic use exemption body to perform the functions so described in Article 12 of this Law and approves its Statute. Therapeutic use exemption body has all necessary rights to independently and impartially exercise its functions.
- 11.2. Therapeutic use exemption body evaluates and makes final decision with regard to TUE applications in accordance with the relative international standards. Such decision shall be accepted by the national anti-doping body.
- 11.3. Therapeutic use exemption body is authorized to seek whatever medical or other expertise it deems appropriate in evaluating the circumstances of TUE applications.
- 11.4. Sporting bodies shall comply with the requirements of the therapeutic use exemption body.

Article 12. Functions of the therapeutic use exemption body

- 12.0. The functions of the therapeutic use exemption body are as following:
 - 12.0.1. receive and evaluate applications from national level athletes for TUE certificates;
 - 12.0.2. grant or refuse the TUE certificates resulting from the evaluation of the application;
 - 12.0.3. perform any other functions that are conferred on it by this Law and other legal regulatory acts.

Article 13. Disciplinary body

Relative executive body establish disciplinary body to perform the functions so described in Article 14 of this Law and approves its Statute. Disciplinary body has all necessary rights to independently and impartially

exercise its functions.

Article 14. Functions of the disciplinary body

14.1. Disciplinary body has the power to hear and determine all anti-doping rule violation issues arising from any matter which is referred to it pursuant to this Law and national anti-doping body rules. With the consent of the anti-doping organization with the results management responsibility, WADA and other anti-doping organization, international level athletes and national level athletes may be heard directly at Court for Arbitration in Sport, with no requirement for a prior hearing.

14.2. Disciplinary body has the power to determine the consequences for anti-doping rule violations to be imposed pursuant to this Law and national anti-doping body rules.

14.3. Disciplinary body acts in a fair and impartial manner.

14.4. No final decision of, or no consequences for anti-doping rule violations imposed by disciplinary body shall be quashed, varied or held invalid by any court, arbitrator or other hearing body other than appealation body or Court for Arbitration in Sport.

14.5. Sporting bodies shall comply with the requirements of the disciplinary body.

Article 15. Decisions of disciplinary body

15.1. The decision of the disciplinary body may be appealed as specified in the Code.

15.2. In case of no appeal is brought against the decision:

15.2.1. if the decision sets that an anti-doping rule violation was committed, the decision shall be publicly disclosed as specified in the Code.

15.2.2. if the decision sets that no anti-doping rule violation was committed, the decision shall only be publicly disclosed with the consent of the athlete or other person who is the subject of the decision.

15.3. National anti-doping body shall use reasonable efforts to obtain consent specified in the Article 15.2.2 of this Law, and if consent is obtained, shall publicly disclose the decision in its entirety or in such redacted form as the athlete or other person may approve.

Article 16. Appellation body

Relative executive body establish appellation body and approves its Statute. Appellation body has all necessary rights to independently and impartially exercise its functions.

Article 17. Rights of the appellation body

17.1. Appellation body has the power to hear and determine all violation issues arising from any matter which is referred to it pursuant to this Law and national anti-doping body rules. Where WADA has a right to appeal under the relevant provisions of the Code and no other party has appealed a final decision, in such cases WADA may appeal such decision directly to Court for Arbitration in Sport.

17.2. Appellation body has the power to determine the consequences for anti-doping rule violations to be imposed pursuant to this Law and national anti-doping body rules.

17.3. Disciplinary body acts in a fair and impartial manner.

17.4. No final decision of, or no consequences for anti-doping rule violations imposed by appellation body shall be quashed, varied or held invalid by any court, arbitrator or other hearing body other than Court for Arbitration in Sport.

17.5. Sporting bodies shall comply with the requirements of the appellation body.

Article 18. Functions of the appellation body

18.0. The functions of the appellation body are as following:

18.0.1. implement all measures necessary to comply with tis Law and its corresponding rules;

18.0.2. determine sports-related disputes referred to it;

18.0.3. hear and investigate the sports-related disputes referred to it by the national anti-doping body;

18.0.4. take all necessary steps to achieve the purposes of this Law;

18.0.5. perform any other functions that are conferred on appellation body by this Law and other legal regulatory acts.

Extract from the Law of the Republic of Azerbaijan “On the physical culture and sport” (unofficial translation)

Article 1. Basic definitions

1.0.6. athlete – natural person who participates in sports competitions and is regularly involved with the one or more disciplines of sports he/she chooses;

Article 11. Rights and responsibilities of republic sport federations

11.2.6. to act and fight against the use of doping substances and/or methods, as well as the discrimination and violence in sport;

Article 42. Rights and responsibilities of athletes

42.2.4. to undergo mandatory doping control according to the rules, not to use doping substances and/or methods;

Article 43. Rights and responsibilities of coaches

43.2.3. to assist athletes to undergo the mandatory doping control, to prevent the use of doping and other prohibited substances and methods;.

Extract from the Criminal Code of the Republic of Azerbaijan (unofficial translation)

Article 143-1. Compulsion to use of the doping substances and/or methods

143-1.1. Compulsion to use of the doping substances and/or methods -

shall be punished by corrective works for the term up to two years and by penalty at a rate from one thousand and five hundreds up to two thousands of manats.

Article 240. Illegal trafficking of toxic strongly influencing substances for the sale purposes

240.1. Illegal manufacturing, processing, acquisition, storing, transportation or shipping of the strongly influencing substances, which do not categorized as narcotic or psychotropic substances for sale purposes, as well as selling of these substances or the equipment for their manufacturing or processing

- shall be punished by imprisonment for the term up to three years.

240.1-1. Illegal manufacturing, processing, acquisition, storing, transportation or shipping of the toxic substances, which do not categorized as narcotic or psychotropic substances for sale purposes, as well as selling of these substances or the equipment for their manufacturing or processing -

shall be punished by imprisonment for the term up to five years.

240.2. The actions provided by Article 240.1 and 240.1-1 of the present Code, committed:

240.2.1. on preliminary arrangement by group of persons;

240.2.2. repeatedly -

shall be punished by imprisonment for the term from two up to six years.

240.3 The actions provided by Article 240.1, 240.1-1 and 240.2 of the present Code, committed:

240.3.1. by organized group;

240.3.2. with regards to the strongly influencing substances in large quantities -

shall be punished by imprisonment for the term from four up to eight years.

240.4. Violation of the rules of production, acquisition, recording, storage, releasing, transportation and shipment of strongly influencing and toxic substances resulting in plunder or any other significant damage caused by negligence -

shall be punished by a fine of up to two thousand five hundred manats or corrective works for the term up to two years, or imprisonment for up to two years with the deprivation of the right to hold certain positions or to engage in certain activities for a term of up to two years.

Note: Strongly influencing and toxic substances, which do not categorized as narcotic or psychotropic substances, as well as the large quantities of strongly influencing substances in this Code are determined by the Law.

Extract from the Code of Administrative Offenses of the Republic of Azerbaijan (unofficial translation)

Article 224. Use and/or propagation of use of doping substances and/or methods

Use and/or propagation of use of doping substances and/or methods -

natural persons shall be punished by the penalty at a rate from fifty up to one hundred manats, officials shall be punished by the penalty at a rate from one hundred up to two hundreds manats.

Article 225. Falsification or sale of medicines and food by deliberately contaminating doping substances, and dissemination of information about substances and methods of use, preparation, production, places of availability.

225.1. For falsification or sale of medicines and food by deliberately contaminating doping substances -

natural persons shall be punished by the penalty at a rate from one hundred and fifty up to two hundreds manats, officials shall be punished by the penalty at a rate from two hundreds up to three hundreds manats, legal persons shall be punished by the penalty at a rate from three hundreds up to four hundreds manats.

225.2. For spreading information about substances and methods of use, preparation, production, places of availability

natural persons shall be punished by the penalty at a rate from fifty up to one hundred manats, officials shall be punished by the penalty at a rate from one hundred up to two hundreds manats, legal persons shall be punished by the penalty at a rate from two hundreds up to three hundreds manats.

Article 226. Violation of doping control rules

Violation of doping control rules by sports organizations, athletes, coaches, doctors and other professionals shall be punished by the penalty at a rate from one hundred up to two hundreds manats.

Part III - Comments by the Azerbaijani authorities

AZƏRBAYCAN RESPUBLİKASI
GƏNCLƏR VƏ İDMAN
NAZİRLİYİ



REPUBLIC OF AZERBAIJAN
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№ 2715/R-05/21

26 10 2018-ci il

MR. JEROEN SCHOKKENBROEK
Director
Directorate of Anti-Discrimination
Council of Europe

Dear Mr. Schokkenbroek,

I would like to express my appreciation and gratefulness for the visit of the Evaluation Team on February 6-8, 2018 to Baku and the efforts of the team in preparation of draft Evaluation Report regarding the compliance of the Republic of Azerbaijan with the Council of Europe Anti-Doping Convention CETS 135.

Evaluation Team has investigated the implementation of the Anti-Doping Convention in Azerbaijan and as a result has provided the Ministry of Youth and Sport with the corresponding report. Ministry has acknowledged the draft report and presents to you its comments, as well as with additional information on developments in this sphere.

Taking this opportunity, we as a Ministry and all the stakeholders involved in the fight against doping in Azerbaijan would like to express our adherence to this fight.

Once again, we would like to thank the team for the provided report.

Looking forward to our continuing cooperation.

Sincerely,

Azad Rahimov
Minister

Article/recommendation from the Report	Overview of the Evaluation Team's Recommendations
Convention Article 1: Aim of the Convention	
Recommendation no. 1	The Azerbaijani authorities should indicate in the respective legislation, preferably in the preamble of the Law on the fight against the use of doping substances and methods in sport that the fight against doping in the country shall respect and be governed by the Anti-Doping Convention of the Council of Europe.
Comments:	The preamble of the Law on the fight against the use of doping substances and methods in sport states as well as the 2 article of the Law have a reference to international obligations and international documents of the Republic of Azerbaijan. In accordance with the lawmaking procedures it means that Azerbaijan is already obliged to fulfill terms of the Anti-Doping Convention of the Council of Europe and any other if the country is part of Council of Europe. Given the correlative nature of the UNESCO Convention and WADA by the objective of ensuring that governments take actions against doping and provide support for World Anti-Doping Code, the Preamble of the Law defines the Code obligations and Convention as a support background for it.
Convention Article 2: Definition and scope of the Convention	
Recommendation no. 2	The Azerbaijani authorities should ensure that the List of banned pharmacological classes of doping agents and banned doping methods in force in the Republic of Azerbaijan is the one adopted by the Monitoring Group. It does not mean, however, that it cannot be the WADA Prohibited List since the two Lists are identical.
Comments:	As soon as the Prohibited List is announced by WADA, AMADA as a NADO provides the translation and its distribution to the republic sport federations. AMADA publishes it on the website.
Recommendation no. 3	The Azerbaijani authorities should publish the List of banned pharmacological classes of doping agents and doping methods in the official journal of laws, prior to its entry into force.
Comments:	As soon as the Prohibited List is announced by WADA, AMADA as a NADO provides the translation and its distribution to the republic sport federations. AMADA publishes it on the website.
Convention Article 3: Domestic coordination	
Recommendation no. 4	The Azerbaijani Government should take more possession of the coordination between the public authorities in anti-doping policy by appropriate measures. Therefore, the government is recommended to ensure adequate resources and means for coordination in order to implement the Article 3 of the Convention more effectively.
Comments:	As recent legislation changes have been made, the information sharing between Law Enforcement Bodies and AMADA is provided by the Law of the Republic of Azerbaijan "On the fight against use of doping substances and methods in sport". At the same time AMADA has signed mutual Cooperation Memorandum with above authorities. The state budget supports activities of AMADA and provides it with finances. AMADA as a public legal entity is independent in its activities and besides the state budget support is eligible to receive any grants, financial contributions from possible partners and sponsors to fulfill required activities.
Recommendation no. 5	The Azerbaijani authorities should consider introducing a legal framework for intelligence and information sharing between AMADA and different public bodies and agencies, including Police, Customs, Border Service and Prosecutor's Office.

Comments:	The information sharing between Law Enforcement Bodies and AMADA is provided by the Law of the Republic of Azerbaijan “On the fight against use of doping substances and methods in sport”. At the same time AMADA has signed mutual Cooperation Memorandum with above authorities.
Recommendation no. 6	The health authorities should include the fight against doping in their scope of activities more efficiently, especially the control of availability of doping substances and methods as well as the prevention of doping in society; and cooperate, collaborate and coordinate with AMADA as the competent authority, including sharing of information.
Comments:	
Convention Article 4: Measures to restrict the availability and use of banned doping agents and methods	
Recommendation no. 7	The Azerbaijani authorities shall adopt comprehensive legislative measures to control the trafficking of doping substances; these measures should include, as a minimum, the list of substances to be controlled, the agencies to be involved, and the applicable sanctions.
Comments:	The Criminal Code of the Republic of Azerbaijan which cover the illegal trafficking of doping substances, in particular steroids, narcotics and psychotropic substances. As legislation is being revised from time to time due to its necessity, development of comprehensive measures to control trafficking requires more legal investigation in cooperation with relative authorities, which can be taking into account accordingly.
Recommendation no. 8	The Ministry of Youth and Sport have to make it a criterion for the grant of public subsidies to sports organisations that they effectively apply anti-doping regulations by appropriate measures and inform them about this requirement effectively. Also, at need, advise federations in this work (together with AMADA).
Comments:	Ministry of Youth and Sport is not eligible to make public authorities grant public subsidies to sports organization. Moreover, federations are not the part of the Ministry there are independent entities, which are obliged to cooperate with AMADA in accordance with the current legislation.
Recommendation no. 9	The Ministry of Youth and Sport should introduce a legal framework or policy enabling itself or relevant authorities or sporting bodies to withhold any sport-related financial assistance provided by the public authorities from athletes or their support personnel during the period of their suspension; the anti-doping rule violation should be explicitly mentioned as a reason to withhold or cancel sport grants – for better clarity and maximising its deterrence effect.
Comments:	This issue requires more legal investigation in order to avoid any collisions, as well as interference to human rights.
Recommendation no. 10	The Ministry of Youth and Sport should adopt and enforce (as necessary) a policy regulating the reporting by AMADA to the Ministry and the national federation concerned of any anti-doping rule violation not involving a reduced sanction; and the withhold by the Ministry of Youth and Sport and the national federation of some concerned of all sport-related financial support or other related benefits received from such person.
Comments:	This issue requires more legal investigation in order to avoid any collisions with any other laws, treaties and human rights documents.
Recommendation no. 11	AMADA should start testing Azerbaijani athletes when training in other countries based on the agreements concluded with other anti-doping organisations or private sample collection companies.

Comments:	AMADA has concluded several agreements with other ADOs (e.g. Belarus, Ukraine and Russia) and started its initial steps to implement testing of athletes out of country.
Convention Article 5: Laboratories	
No recommendations.	
Comments:	
Convention Article 6: Education	
Recommendation no. 12	The Evaluation Team suggests AMADA to envisage an assessment of the results of the Anti-Doping Education Program 2017-2018 and evaluate its impact. Based on the outcomes of aforementioned exercise, AMADA should prepare another short-term plan, complemented by a long-term anti-doping information and education strategy.
Comments:	AMADA already envisaged such an assessment and intends to use its outcomes to plan its activities both in short and long term.
Recommendation no. 13	The Evaluation Team suggests the Azerbaijani authorities to consider a. introducing anti-doping education and prevention programmes in schools, in physical education classes in line with Recommendation Rec (2011) 1 on the use of the model guidelines for core information/education programmes to prevent doping in sport, adopted by the Monitoring Group, b. encouraging the relevant academic institutions in the country to develop, implement and deliver effective anti-doping education in tertiary education, in line with Recommendation Rec (2016) 2 on Anti-Doping Education Guidelines for Tertiary Education Institutions, adopted by the Monitoring Group.
Comments:	AMADA is in process of discussions with relevant public bodies (i.e. Ministry of Education) and higher education institutions in order to include anti-doping provisions in curricula of both public schools and relevant higher education courses.
Recommendation no. 14	AMADA should consider establishing its own athlete committee with the view, among others, to promote active participation of athletes in the fight against doping.
Comments:	
Recommendation no. 15	AMADA should encourage and fund research studies related to anti-doping by academic and other interested institutions in the country and play a lead role on the coordination of the research activities on anti-doping in the country.
Comments:	AMADA, in cooperation with leading domestic and international universities and other partners from industry, is in process of preparing major research project with intention to apply for research grant.
Convention Article 7: Cooperation with sports organisations and measures to be taken by them	
Recommendation no. 16	The Azerbaijani authorities should adopt and implement, preferably through AMADA, policies for the monitoring of compliance of sport organisations with the Anti-Doping Rules of AMADA and their responsibilities for the fight against doping in their sport.
Comments:	According to the Law, AMADA is the body responsible for the implementing of anti-doping policy and strategy. The policy to monitor the compliance of sport organisations with the Anti-Doping Rules could be implemented by AMADA.
Recommendation no. 17	All Azerbaijani stakeholders involved in the anti-doping activities should continue working together to ensure the effectiveness of the anti-doping program.
Comments:	All Azerbaijani stakeholders involved in the anti-doping activities will

	continue to work together upon the requirements of current legislation as well as mutual Cooperation Memoranda.
Recommendation no. 18	Although the legislation puts responsibility on athletes and other persons to familiarize themselves with the most up-to-date version of the list, AMADA should make sure that all athletes receive the appropriate information, for example through the publication of the list on AMADA's website well in advance and through the diffusion of the list to the national federations.
Comments:	As soon as the Prohibited List is announced by WADA, AMADA as a NADO provides the translation and its distribution to the republic sport federations. AMADA publishes it on the website.
Recommendation no. 19	<p>The Azerbaijan authorities should ensure that the disciplinary procedure complies not only with the Anti-Doping Convention, but also with the recommendations of the Monitoring Group of the Anti-Doping Convention (T-DO), in particular the recommendation on ensuring the independence of hearing panels and promoting fair trial in anti-doping cases</p> <p>(Rec (2017) 01 adopted on 20 February 2017), in particular:</p> <ul style="list-style-type: none"> - AMADA should ensure that procedural fees do not prevent a person from accessing to a hearing. The athlete should have the right to be assisted by an interpreter if needed, with the responsibility for the costs of such interpreter falling on the hearing panel and not on the athlete. - AMADA should consider the possibility of organising the public nature of hearings as a general principle, with a possibility to have a private hearing if requested by the athlete or the hearing body. - when an athlete does not reply to the notice of charge, and is therefore considered as having waived his/her right to a hearing, safeguards should be put in place to make sure that this athlete has been appropriately given the notification of the anti-doping rule violation and the opportunity to defend himself/herself. - AMADA should consider the opportunity for an athlete to provide written statement before the hearing panel, instead of considering that an athlete abandoned his/her appeal if he/she is not able to attend the hearing. Video conference or telephone hearings should also be considered.
Comments:	<p>Comments on ensuring the independence of hearing panels and promoting fair trial in anti-doping cases are as following:</p> <ul style="list-style-type: none"> • The procedural expenses for the hearings are on AMADA. Whenever the interpreter is needed during the results management and hearing processes, AMADA covers the expenses and provide full support to the Athlete (explanation of his/her rights, procedural steps to be taken, evidences to be provided etc.). Then, Athlete has full access to a hearing and has the right to be assisted by an interpreter if needed. • AMADA notifies the Athlete in accordance with the WADC and its guidelines on results management, hearings and decisions. The delivery of the notifications and their further reception are managed and controlled by AMADA via courier service. In any case where any failure of appropriate delivery potentially exist, AMADA gives the opportunity to the Athlete to defend himself/herself and provide full explanations. • Before or during the hearings, Athlete provides a written statement with his/her explanation on the claimed case. In case where an Athlete cannot attend the hearing on the reasonable

	<p>grounds, videoconference or telephone hearings are taken place, or the hearing is being postponed for the other date. Decisions are not made during the hearing, thus the opportunity for the Athlete to provide reasonable grounds or ask for the new hearing is appropriately given by AMADA.</p> <p>All hearings are private. The consideration of the possibility of organising the public nature of hearings would face with legislation conflict, as the sensitive information takes place during the hearings. Moreover, the Law of the Republic of Azerbaijan “On the fight against use of doping substances and methods in sport” sets a provision that potential ADRV should be publicly disclosed only if the violation is proven and relevant decision has been made. It should be noted that the legislation about the security of personal information, medical information makes difficulties for the public hearings, however with some exceptions (e.g. permission by the person). In light of this Recommendation, there could possibly be the procedure, established by AMADA and relevant panel bodies on ensuring that Athlete is given the opportunity to give a consent for a public hearing prior to that, and therefore giving the hearing of the public nature.</p>
Recommendation no. 20	In order to ensure the effectiveness of the rules in place, AMADA should establish a process aiming at effectively investigating on anti-doping rule violations committed by the athlete support personnel (ways and means of the investigation process, cooperation with law enforcement authorities and other relevant bodies, collection of evidence, etc.) and reporting its outcomes to the competent administrative or professional authorities with sanctioning powers.
Comments:	AMADA has concluded Memoranda of Understanding with Law Enforcement Bodies. Alongside with it, there have been legislation changes which allow NADO and Law Enforcement Bodies to provide information sharing and collaborate with each other. These will lead to the improvement of investigation process and better cooperation to fight against doping.
Recommendation no 21	The public authorities in Azerbaijan should ensure AMADA is provided with an adequate budget to implement an effective doping control program. This includes the planned increase in the number of tests in 2018 and 2019 as well as the full implementation of blood testing.
Comments:	The state budget supports activities of AMADA and provides it with finances. AMADA as a public legal entity is independent in its activities and besides the state budget support is eligible to receive any grants, financial contributions from possible partners and sponsors to fulfill required activities.
Recommendation no. 22	The public authorities in Azerbaijan should continue to support AMADA in establishing further relationships with other NADOs and organizations to ensure Azerbaijani athletes are tested while training outside of Azerbaijan.
Comments:	The state budget supports activities of AMADA and provides it with finances. AMADA as a public legal entity is independent in its activities and besides the state budget support is eligible to receive any grants, financial contributions from possible partners and sponsors to fulfill required activities.
Recommendation no. 23	Given the large number of anti-doping rule violations as a result of the IOC’s re-analysis of samples from past Olympic Games, the Azerbaijani authorities should consider supporting AMADA to include, as part of its processes, specific testing and education plans related to athletes and teams preparing/participating in major events.

Comments:	
Recommendation no. 24	The public authorities in Azerbaijan should encourage and provide the necessary support to Azerbaijan athletes to participate in the anti-doping work of international sport organizations.
Comments:	
Recommendation no. 25	The public authorities should continue to encourage and support their sport organizations, academic institutions and AMADA to work together in enhancing the provision of scientific support of athletes in Azerbaijan.
Comments:	Ministry of Youth and Sport during all of its activities and events promotes clear and fair sport. This concerns meetings with federation officials, athletes and different sport events taking place in Azerbaijan.
Convention Article 8: International cooperation	
Recommendation no. 26	The Evaluation Team encourages AMADA and the Ministry of Youth and Sport to continue participating actively in the T-DO and CAHAMA activities as well as other international activities regarding the fight against doping in sport.
Comments:	Ministry of Youth and Sport as well as AMADA duly participate at all T-DO and CAHAMA activities as well as other international activities in this sphere.
Convention Article 9: Provision of information	
Recommendation no. 27	The Azerbaijani authorities and AMADA should fulfill all their responsibilities in terms of compliance reporting to the Monitoring Group and WADA. One mean to report to the Monitoring Group is through the Annual Anti-Doping Questionnaire of the Council of Europe. The Republic of Azerbaijan did not complete this questionnaire the past years and they are encouraged to do so.
Comments:	
Additional Protocol Article 1: Mutual recognition of doping controls	
No recommendations	
Comments:	