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Anti-Doping Convention (ETS 135)

EVALUATION REPORT OF THE MONITORING GROUP (T-DO)

Evaluation visit in Vilnius, Lithuania

23 – 25 April 2018

REPORT

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

Background

In April 2018, consistent with the Compliance with Commitments project, the Secretariat of the Sport Conventions of the Council of Europe ('the Secretariat') and the Chair of the Advisory Group on Compliance of the Monitoring Group of the Anti-Doping Convention appointed an Evaluation Team ('*the Evaluation Team*') for the Evaluation Visit to Lithuania ('*the Visit*').

This appointment was made pursuant to an invitation extended by the Lithuanian authorities to the Council of Europe to pay an Evaluation Visit to Lithuania.

The full composition of the Evaluation Team is described at Annex 1 to this Report. The Visit took place in Vilnius, on 23-25 April 2018. It included meetings with the persons listed at Annex 2.

The Evaluation Team has prepared the Part I of the Report with the aim of providing the Monitoring Group with a summary of its findings and analysis, together with a number of recommendations.

Prior to the Visit, the Lithuanian authorities provided the Secretariat with a National Report, a copy of which forms the Part II of this Report ('*the National Report*').

A draft version of the Evaluation Team Report was provided to the Lithuanian authorities for review, and their comments are included as Part III of this Report.

Scope

The Evaluation Team focussed its evaluation examination on Articles 1-9 of the Council of Europe Anti-Doping Convention CETS 135.

Lithuania has adopted the Additional Protocol to the Anti-Doping Convention CETS 188, which is considered in conjunction with the Convention but is not evaluated separately.

In addition, given that the Lithuanian authorities have ratified the 2005 International Convention against Doping in Sport of UNESCO ('*the UNESCO Convention*'); and (b) compliance with both the Convention and the UNESCO Convention in practice require Governments to take steps to give effect to the provisions of the 2015 World Anti-Doping Code ('*the Code*'), the Evaluation Team agreed that a partial examination of how the World Anti-Doping Code has been implemented in Lithuanian sport fell within the scope of the Visit.

Contents

Contents	3
Part I - Evaluation Team Report.....	4
Article 1 - Aim of the Convention.....	4
Article 2 - Definition and scope of the Convention	5
Article 3 - Domestic co-ordination	6
Article 4 - Measures to restrict the availability and use of banned doping agents and methods ..	10
Article 5 – Laboratories	12
Article 6 – Education.....	13
Article 7 – Co-operation with sports organisations	17
Article 8 - International co-operation.....	21
Article 9 - Provision of information	22
Annex 1 – Composition of the Evaluation Team	23
Annex 2 – Programme of the Evaluation Visit	24
Part II - Lithuania National Report.....	26
Part III - Comments of Lithuanian authorities on the Evaluation Team report.....	45

Part I - Evaluation Team Report

Article 1 - Aim of the Convention

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

1. Article One requires State Parties to take measures to reduce and eliminate doping in sport, including legislation, and commit themselves towards this responsibility. The National Report recites details of the steps that the Lithuanian authorities have taken that are relevant to Article One, which are summarised below.

1.1. Lithuania joined the Council of Europe in 1992, after signing the European Cultural Convention. In 1993, Lithuania became a Signatory to the Convention, which was subsequently ratified by the Lithuanian Parliament in 1996. The Lithuanian Parliament also adopted and ratified the Additional Protocol to the Convention in 2004.

1.2. The Lithuanian Constitution provides that international treaties ratified by the Lithuanian Parliament are considered to be an integral part of the Lithuanian legal system¹.

1.3. Lithuania has had specific legislation relating to sport in effect since at least 1995, being the 'Republic of Lithuania Law on Physical Education and Sport' (1995-No-I-1151) as amended, most recently in 2008. This is referred to for ease of reference in this Report as '*the Sport Law*'. The Evaluation Team was advised by the Lithuanian authorities that the Sport Law was to be revised and amended further in 2018 and 2019 (*the Draft Law*).

1.4. The Lithuanian Anti-Doping Agency (*the NADO*) was established in 2005. Its legal status is that of a 'public institution', and as such is regulated by the provisions of the Republic of Lithuania Law on Public Institutions 1996 (*the Public Law*). The Sport Law (Article 46(6)) provides that 'Control of doping agents and doping methods shall be conducted in the Republic of Lithuania by the Department of Physical Education and Sports or an institution authorised by it'. The NADO is not established by, or directly referred to, in the Sport Law, but rather, is 'an institution authorised' by the Department of Physical Education and Sports. The establishment and status of the NADO are discussed in further detail in this Report in the context of the comments made concerning Article 3 of the Convention.

1.5. The NADO, in practice, is empowered by the Lithuanian authorities to undertake the functions assigned to a National Anti-Doping Organisations by the World Anti-Doping Code. It is not founded in the Sport Law. This remains the position in the Draft Law.

Conclusion and Recommendations

1.6. The Evaluation Team accepts that the Lithuanian authorities have complied with the political commitments described in Article 1.

¹ These provisions are not considered in detail in this Report.

Article 2 - Definition and scope of the Convention

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

2. Article 2 requires that the terms referred to at Article 2.1(a), (b) and (c) are implemented in a manner consistent with the Convention.

2.1. The terms ‘doping’ and ‘athlete’ are defined in the Sport Law in a manner that is broadly compatible with the Convention, although not completely consistent with the corresponding definitions in the Code. The Draft Law positions the definition by reference to the definitions contained within the UNESCO Convention.

2.2. The NADO produces a set of Anti-Doping Rules that reflect the Code definitions. These Rules also encompass the current version of the International Standard for the Prohibited List. The Evaluation Team understands by reference to the WADA Corrective Action Report issued to the NADO in September 2017 (*the Corrective Action Report*) that these Anti-Doping Rules are considered to be satisfactory by the World Anti-Doping Agency.

2.3. The list of doping methods and agents is specified by way of the International Standard for the Prohibited List (*the Prohibited List*), published each year by the World Anti-Doping Agency. The Monitoring Group adopts the Prohibited List each year as an Annex to the Convention, which in turn provides that giving effect to the Prohibited List is required by the Convention. As referred to above, this (the Evaluation Team understands) has the effect of ensuring that the current version of the Prohibited List has legal status year on year in Lithuania.

2.4. The Evaluation Team was advised that, pursuant to the Sport Law, National Federations are required to adopt and incorporate the Anti-Doping Rules as part of their own governance rules, and that compliance with them is a precondition for receiving public funding (and/or any publicly funded benefits).

Conclusion and Recommendations

2.5. The Evaluation Team accepts that the Lithuanian authorities have complied with the commitments described in Article 2. There are no specific recommendations.

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. Both the Monitoring Group and the World Anti-Doping Agency believe that the fight against doping in sport, if it is to work well, must involve a number of governmental departments or agencies (including those responsible for areas as diverse as public health, medical care, customs, police, sport and education).

Further, to ensure the practical implementation of the Convention, it is essential to establish a National Anti-Doping Organization, which is able to give effect to a Government's commitments under the Convention, and comply with its own commitments as a Signatory to the World Anti-Doping Code.

The Lithuanian National Anti-Doping Organisation

3.1. The NADO operates on a year on year basis according to a strategic plan. This plan is developed and agreed as between the Lithuanian authorities and the NADO, although the NADO has the decisive word on operational matters (for example, whilst it may be agreed that testing of athletes within a particular sport is an important strategic matter, the specifics of which athletes are tested, how frequently, and in what context are reserved to the NADO). The NADO also consults with leading National Federations, and the Lithuanian National Olympic Committee, as to the strategy.

3.2. This consultation is significant and considered important by the Lithuanian authorities, as the work undertaken by the NADO forms part of a broad anti-doping strategy adopted by the Lithuanian authorities, encompassing a number of agencies. The Evaluation Team noted that athletes did not appear to be a formal part of the consultation process, primarily for resource and organisational reasons.

3.3. The NADO is located within the premises of the Department of Physical Education and Sport. Pursuant to the Public Law, the NADO is required to report to the Department of Physical Education and Sport as to its use of public funds. The Evaluation Team was left with the impression that a close and positive working relationship exists between the premises of the Department of Physical Education and Sport and the NADO operational personnel, and the Evaluation Team saw no evidence of operational interference with the NADO's activities.

3.4. The NADO does not have a Supervisory Board. It is run and managed by its executive officers. The senior executive officers are appointed as part of a public tender process.

3.5. The Evaluation Team was advised that the annual budget provided to the NADO is the equivalent of approximately Euro150,000. The funding sources for the NADO are split between the Lithuanian authorities (which provide approximately 50% of the funding); the Lithuanian National Olympic Committee (which provides approximately 30% of the funding); and service fees (which provides approximately 20% of the funding).

3.6. Governmental funding is provided by way of the Lithuania Foundation fund ('the Foundation'). The Evaluation Team understands that the NADO is required to apply for funding each year to the Foundation, effectively in competition with other potential recipients of funding. The Foundation is run by a Council, which in turn is comprised of persons appointed by Parliament, the majority of which are associated with the National Olympic Committee. The

Evaluation Team noted that this arrangement could have the effect of providing the National Olympic Committee with an indirect soft control as to the funding of the NADO.

Cooperation with Third Parties

3.7. The Evaluation Team was provided with an opportunity to discuss the working relationship between the NADO and a number of key stakeholder and partner organisations.

Law Enforcement

3.8. The Evaluation Team welcomed meeting with a number of representatives from the Lithuanian law enforcement sector, including police and customs officers.

3.9. The customs officers described their activities in the field of controlling doping substances, advising that on average they make at least one seizure a month. They explained that whilst information sharing is currently possible between customs and the NADO, only general information, and not personal data, can lawfully be shared. The customs officers reported an increase in steroid shipments (largely coming from India) and a significant increase in steroid purchases made online. The customs officers highlighted the difficulties (common to all law enforcement bodies) as regards the identification of banned substances.

3.10. The Evaluation Team received the impression that there exists a mature and confident relationship between the NADO and the Lithuanian enforcement authorities. It was, however, unclear as to the legalities of information-sharing as between the various agencies, and it did not appear that any formal memoranda or similar agreements were in place to provide a framework for the sharing of such information. The Evaluation Team was grateful in particular to the customs officials they met with for providing a valuable insight into the current limitations on information sharing as between the Lithuanian authorities and the NADO.

The National Olympic Committee

3.11. The Evaluation Team also welcomed the opportunity to have an in-depth discussion with the Lithuanian National Olympic Committee regarding a number of doping issues.

3.12. The Evaluation Team was advised that the National Olympic Committee is funded from the Lithuanian national lottery and receives in the region of Euro8 million annually. The majority of this funding is then allocated to National Federations to support and develop sport.

3.13. The Evaluation Team was briefed by the National Olympic Committee as follows –

- there is a significant concern as to the damage to the National Olympic Committee's reputation that a doping scandal would bring;
- the National Olympic Committee agrees that doping prevention needs to start with young athletes, and that more work needs to be done at national level;
- the National Olympic Committee supports sports medical personnel by providing training and resources concerning their doping responsibilities and exposure risks;
- the National Olympic Committee supports the work of the NADO, and feels comfortable with the level of testing conducted across the Olympic programme sports.

3.14. The Evaluation Team noted that the National Olympic Committee did not appear to view its own compliance with the Code as a material risk to the wider sport strategy pursued by the Lithuanian authorities.

Conclusions and Recommendations

The Evaluation Team accepts that the Lithuanian authorities have partially complied with the commitments described in Article 3. There are a number of recommendations.

Funding

3.15. The Evaluation Team is aware of the realities associated with Governmental funding and the competing demands placed on that funding. Nevertheless, the Evaluation Team considered that the budget provided to the NADO, given the level of sport engagement in Lithuania, was at the low end of the spectrum. This has a direct effect on staffing levels: the NADO has, for example, three part-time staffers who are required to manage a number of operational areas (the Evaluation Team understood, for example, that one staffer is responsible for test planning, result managements and therapeutic use exemptions). The Evaluation Team noted the dedication and skill of the NADO staffers but was concerned that the pressure on these staffers has the potential to erode quality over time. (In this regard, the Evaluation Team was advised that WADA had identified a number of matters requiring attention in the Corrective Action Report provided to the NADO.)

3.16. The Evaluation Team was concerned that the funding provided to the NADO is, on the face of it, vulnerable each year. Although the Foundation has a track record of providing funds to the NADO, the provision is discretionary. This applies equally to the National Olympic Committee: it provides funding voluntarily. This creates the potential for conflict, in that there is an obvious disparity in the relationship between the NADO and the National Olympic Committee.

3.17. The Evaluation Team was encouraged to hear from the Lithuanian authorities that they plan to positively review the level of funding provided to the NADO, in conjunction with the measures associated with the adoption of the Draft Law. **The Evaluation Team recommends that the Lithuanian authorities review both the funding basis and vehicles used to provide financial support to the NADO; and review the level of funding provided to the NADO.**

3.18. **The Evaluation Team, whilst welcoming the commitment shown to anti-doping by the National Olympic Committee as far as its voluntary provision of funding to the NADO is concerned, recommends that the NADO should not be put in a position where it is dependent on that funding.**

3.19. The relationship between any National Anti-Doping Organisation and a National Olympic Committee needs to be on equal terms: that cannot exist if one has a financial dependency on the other. In this respect, the Evaluation Team noted that the National Olympic Committee appears to have an influential role within the Foundation and its funding decisions.

3.20. **The Evaluation Team recommends that the NADO analyse the matters raised in the Corrective Action Report and identify those issues that are directly affected by levels of funding.**

Governance

3.21. The Evaluation Team was advised that broad-base good governance principles are embedded in the Public Law. **The Evaluation Team recommends that these be specifically included as part of the NADO's governance. In particular, the Evaluation Team believes that the NADO would benefit from having an independent Supervisory Board, to assist it in developing a strategic plan each year, and to ensure that it remains compliant with its various responsibilities.** In respect of this second element, the implications for a nation of having a NADO, National Olympic Committee or National Paralympic Committee being deemed to be non-compliant with its Code-mandated responsibilities can be severe, and a Supervisory Board can provide assurance to Government in respect of that risk.

3.22. **The Supervisory Board of the NADO might have a number of key functions, including setting strategy, providing advice and direction, and overseeing the executive in its execution of the NADO's roles and responsibilities to both Government and the World Anti-Doping Agency.**

3.23. The Evaluation Team recommends that the NADO consider adopting, in the medium term, an appropriate forum whereby the views and experiences of athletes can be communicated to the NADO, to assist the NADO in developing its strategic plans

Information Sharing

3.24. The Evaluation Team recommends that the NADO and the Lithuanian authorities jointly consider the Monitoring Group Recommendation on Information Sharing². In particular, it would be helpful for a series of seminars involving including judges, prosecutors, police and customs officers, and the NADO, was to be organised in order to train the responsible authorities on doping matters and the utility and practicalities of exchanging information.

² Recommendation Rec (2016) 1 of the Monitoring Group on Information Sharing between Public Agencies and Anti-Doping Organisations in the Fight against Doping

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

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

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

4.3 Furthermore, the Parties shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Article 4.1

4.2. The Evaluation Team was advised that Lithuania has a number of legislative instruments aimed at restricting the use and availability of prohibited substances and methods, including legislation concerning dealings in pharmaceutical products and substances, and dealings in illicit drugs.

These provisions are described in detail in the National Report.

Article 4.2, 4.3

4.3. The Sport and Draft Law both provide that sports governing bodies, and participants, are required to comply with Code-compliant standards, and that the Lithuanian authorities should withhold some or all funding or other non-financial support to sports governing bodies that do not comply with the Code.

Conclusions and Recommendations

4.4. The Evaluation Team did not identify, in the context of its limited review, any matters that suggested that the Lithuanian authorities have not complied with the commitments described in Article 4.

Article 5 – Laboratories

5.1 Each Party undertakes:

a) either to establish or facilitate the establishment on its territory of one or more doping control laboratories suitable for consideration for accreditation under the criteria adopted by the relevant international sports organisations and approved by the monitoring group under the terms of Article 11.1.b or

b) to assist its sports organisations to gain access to such a laboratory on the territory of another Party.

5.2 These laboratories shall be encouraged to:

a) take appropriate action to employ and retain, train and retrain qualified staff;

b) undertake appropriate programmes of research and development into doping agents and methods used, or thought to be used, for the purposes of doping in sport and into analytical biochemistry and pharmacology with a view to obtaining a better understanding of the effects of various substances upon the human body and their consequences for athletic performance;

c) publish and circulate promptly new data from their research.

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

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

5.2. The WADA-accredited laboratory in Warsaw provides services to the NADO in respect of the steroidal and biological passport programs the NADO is required to undertake by the Code.

5.3. This is consistent with the Convention, and the Evaluation Team did not consider this issue in any detail.

Conclusions and Recommendations

5.4. **The Evaluation Team accepts that the Lithuanian authorities have complied with the commitments described in Article 5.**

Article 6 – Education

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

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

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

Article 6.1: The provision of education and information for the prevention of doping in sport is an essential feature of any anti-doping program. Educational and informational programmes should be comprehensive and be directed mainly to athletes and their support personnel³.

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

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

Article 6.1

6.1. The Evaluation Team was provided with a significant amount of information regarding the education and prevention efforts undertaken by both the Lithuanian authorities, and primarily the NADO. The Evaluation Team was left with the impression that education and prevention efforts are working at a high level.

6.2. The National Report describes in some detail the activities undertaken by the NADO in relation to education and prevention: these are referred to further below.

6.3. As far as the work undertaken by the NADO is concerned, the Evaluation Team noted the following:

- The education programme is based on the ‘Prevention through ICE’ principle (Information, Communication, Education) and attempts to deliver knowledge and behaviours for the intended audiences;
- The NADO has established a six-stage athlete model and identified core athlete support persons for the provision of education;

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. 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.

- Elements of the NADO information programme include; an App that also contains a medical checker and can be used off-line, videos of the Doping Control procedure and motivational interviews with athletes, leaflets, posters, booklets, an e-learning platform that certificates learners and their website that houses key anti-doping information;
- Elements of the NADO communication programme include; campaigns such as pre-Play, Facebook updates, social media, lectures and seminars;
- Elements of the NADO education programme include; face to face education sessions, e-learning, workshops in schools and Universities, and education sessions to the Olympic Academy athletes;
- Materials are provided to National Federations to assist with their education programmes, which are mandatory as part of the funding arrangements entered into between the Lithuanian authorities and National Federations;
- A dialogue has started between the NADO and the Ministry for Education which will support the implementation of education into the school system.

6.4. The Evaluation Team was impressed with the breadth of educational activities taking place, despite the fact that only one person in the NADO is responsible for education (and this person works on a part time basis). The National Report refers to around 50 education sessions per year as being delivered by the education officer, reaching in excess of 3000 people.

6.5. The Evaluation Team was advised that there was a good working relationship as between the NADO and National Federations as regards the provision of education and prevention information. The Evaluation Team noted that the Sport Law and Draft Law both require, in effect, for National Federations to encompass education and prevention into their regular activities, or risk having their funding reduced, or removed. This is notwithstanding the fact that typically smaller National Federations have difficulties in resourcing their own anti-doping education programs (this is a common issue).

6.6. National Federations, in their discussions with the Evaluation Team, acknowledged that they had a responsibility to provide education to their athletes and support persons. Based on these discussions, it was apparent to the Evaluation Team that it might be optimum for the NADO to develop an education system that provides resources to National Federations, which in turn will enable National Federations to take more responsibility for education delivery. National Federations can then plan what education they are going to deliver to which audiences and when. Echoing comments made by other stakeholders, National Federations made reference to the problems caused by the unregulated sale of nutritional and dietary supplements, and the doping risk that they create.

6.7. The Evaluation Team recognises that the NADO is creative in utilising whatever resources it are available when conducting education and prevention activities: for example, it uses volunteers to participate in sports festivals and similar events. The Ministry of Education collaborates with the NADO as far as the provision of relevant education at the university level.

6.8. The Evaluation Team welcomed the opportunity to discuss education (and other doping) issues with invited athletes, all of whom were familiar with the anti-doping process. In particular, the Evaluation Team welcomed its discussion with representatives from the Lithuanian Health Ministry, who indicated that they would like to see anti-doping education become part of the already existing schools programmes concerning narcotics, alcohol and smoking (there is nothing about doping in school education programmes, only a little information about anabolic steroids). They hoped that the NADO, the education services and the health services could become more collaborative in this respect.

6.9. It appeared to the Evaluation Team that potential exists for a greater degree of collaboration as regards education and prevention between the NADO and the National Olympic Committee. The National Olympic Committee is an overarching sports organisation in Lithuania and has a reach and depth that could be utilised jointly with the NADO.

Conclusion and Recommendations

6.10. **The Evaluation Team accepts that the Lithuanian authorities have partially complied with the commitments described in Article 6. There are a number of recommendations.**

6.11. **The Evaluation Team recommends that NADO develops a working relationship in education with National Olympic Committee, the National Paralympic Committee as well as with National Federations.** This should work on a structured, regular basis. Education and prevention is a shared obligation, and the co-operation of all sports stakeholders is vital for the success of education efforts.

6.12. The Evaluation Team suggests that the means by which education and prevention information is provided and communicated could be restructured to increase reach and delivery led by the National Federations. In short, this would involve (a) the NADO developing education and prevention materials and resources and (b) National Federations taking on a greater role in the provision of those materials to the intended audience.

6.13. **The Evaluation Team recommends that an integrated and coordinated education plan be developed with sports governing bodies, to ensure that the maximum 'reach' is achieved through the activities planned and conducted across Lithuania. The Evaluation Team recommends that a network be established that includes; training for members within National Federations to enable them to deliver education themselves to their members within their own sporting environments and a field-based group of educators who can be deployed by the NADO to deliver education when required.**

6.14. The Evaluation Team suggests that in order to complement the capacity of existing field staff, and to enhance the delivery of face-to-face (in-person) education across the country, expanded use could be made of the talent pool within the Universities. The Evaluation Team understood that there may be students and possibly staff who would be willing and would want to support the delivery of the anti-doping programme in the field. Like in many countries, people passionate about sport would welcome the opportunity to volunteer to contribute to its protection by helping to deliver the anti-doping programme. **The Evaluation Team recommends that this possibility be explored.**

6.15. It did not appear to the Evaluation Team that there is any direct education or support for Athlete Support Persons who support athletes who are part of either a national or international Registered Testing Pool (*RTP*) nor mandatory education requirements for athletes and support persons attending an Olympic or Paralympic Games. Athletes who are part of either a national or international RTP have a number of onerous and exacting requirements placed on them by the Code. **The Evaluation Team recommends that a formal education process should be established for such ASP at the point an Athlete joins an RTP.**

6.16. **The Evaluation Team recommends that the National Olympic Committee and the National Paralympic Committee commit to the provision of a pre-Major Games education programme.** This could be funded by the National Olympic Committee and the National Paralympic Committee as it helps them protect their investment into their Olympic and Paralympic teams.

6.17. The Evaluation Team recognises both the limitations of institutional education (where education is pushed to recipients) and the advantages of peer-based education (where

athletes gain awareness from each other's knowledge and experiences), particularly as far as values-based behaviours are concerned. Values are learned, not taught.

6.18. **Were a Supervisory Board to be established, the Evaluation Team recommends that it should make education planning part of its strategic discussions and planning each year.** Information and education initiatives should be planned on the basis of evidence and an assessment of risk.

Article 7 – Co-operation with sports organisations

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

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

- a) *anti-doping regulations on the basis of the regulations agreed by the relevant international sports organisations;*
- b) *lists of banned pharmacological classes of doping agents and banned doping methods on the basis of the lists agreed by the relevant international sports organisations;*
- c) *doping control procedures;*
- d) *disciplinary procedures, applying agreed international principles of natural justice and ensuring respect for the fundamental rights of suspected sportsmen and sportswomen; these principles will include:*
 - i. *the reporting and disciplinary bodies to be distinct from one another;*
 - ii. *the right of such persons to a fair hearing and to be assisted or represented;*
 - iii. *clear and enforceable provisions for appealing against any judgment made;*
- e) *procedures for the imposition of effective penalties for officials, doctors, veterinary doctors, coaches, physiotherapists and other officials or accessories associated with infringements of the anti-doping regulations by sportsmen and sportswomen;*
- f) *procedures for the mutual recognition of suspensions and other penalties imposed by other sports organisations in the same or other countries.*

7.3 *Moreover, the Parties shall encourage their sports organisations:*

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

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

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

Article 7.2(d): this requires States Parties to put in place regulations about their disciplinary and appeal procedures that respect the concept of natural justice and due process. In this regard, the Monitoring Group of the Anti-Doping Convention has adopted a key recommendation concerning hearing panels and dispute resolution⁴ [*full title and reference*].

⁴ Recommendation on ensuring the independence of hearing panels (bodies) and promoting fair trial in anti-doping cases. T-DO/Rec(2017)01

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

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

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

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

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

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

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

Doping Controls

7.1. The Evaluation Team was satisfied that doping controls undertaken by the NADO are planned and conducted in compliance with the Code and the relevant standards. Nevertheless, as referred to in earlier comments, funding security is an important feature of operational independence, and enhancing this funding security will, the Evaluation Team believes, support the NADO in its test planning.

7.2. The Evaluation Team was advised that the NADO is the sole national-level body in Lithuania that is authorised to conduct Code-compliant testing. The NADO plans its testing, and its overall ‘test distribution plan’ (*TDP*) using a WADA-developed risk assessment tool. Information used to support this process includes information from sports as to their competition calendars and the NADO’s assessment of the doping products that could be used in that sport.

7.3. There are currently three ‘pools’ for testing activities; General pool, Testing Pool and a Registered Testing Pool. The TDP sets the type of testing (in-competition or out-of-competition) that is conducted per pool, based on resources. To help facilitate the planning of the testing programme, National Federations share with the NADO their competition schedule, including National Championships.

7.4. The Evaluation Team was able to discuss the testing program with a small number of National Federations. On the basis of those discussions, it appeared to the Evaluation Team that National Federations were generally content as to the levels of testing at the elite end of their sports. However, there was a degree of concern at the level of testing at the national level.

7.5. The Evaluation Team noted a small number of operational matters relevant to doping controls, which are referred to in the 'Conclusions and Recommendations' below.

Therapeutic Use Exemptions

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

7.7. The Evaluation Team was surprised at the relatively low number of TUE applications made by Lithuanian athletes. There are a number of possible explanations for this: that Lithuanian athletes as a rule do not require the use of Prohibited Substances for therapeutic reasons; most athletes who do require the use of such substances apply to their International Federations for a TUE; or athletes are unaware of the need to apply for a TUE. The Evaluation Team encourages the NADO to examine this issue.

Disciplinary Process

7.8. The Evaluation Team was satisfied that National Federations adopt and implement anti-doping rules that are compliant with the Code. They are subject to a number of governance requirements from the Lithuanian authorities and their relevant International Federations in this regard.

7.9. If a dispute arises in respect of the anti-doping rules – for example, an allegation that an anti-doping rule violation has been committed – that dispute must be resolved by a hearing body. The Evaluation Team was advised that such disputes are resolved by hearing panels established by National Federations: there is no central independent hearing panel. In addition, there is no appeal body, but, rather, appeals must be resolved by the Court of Arbitration for Sport ('CAS').

7.10. The Evaluation Team was advised that if an ADRV has been alleged, the NADO communicates with the relevant National Federation, which is then required to form a hearing panel. This typically includes five people; a Chair, Vice Chair, and a medical person, a representative from the sport and an administrator. The NADO attends the hearing but does not necessarily have an active role.

7.11. This is an obvious concern. The Code requires anti-doping disputes to be resolved fairly and impartially, and the optimum way to ensure such resolution is by way of an independent hearing panel.

Investigations and Intelligence

7.12. Reference is made above in this Report (§3.24) to the measures that might be taken to enhance the sharing of useful information as between the Lithuanian authorities and the NADO.

7.13. Notwithstanding this, the Evaluation Team notes that the investigatory skills and investigation capacity of the NADO in relation to non-analytical violations might need to be developed in order that any such information can be fully utilised.

Conclusions and Recommendations

7.14. **The Evaluation Team accepts that the Lithuanian authorities have partially complied with the commitments described in Article 7. There are a number of recommendations.**

Disciplinary Matters

7.15. The Evaluation Team was concerned at the position concerning dispute resolution. The Evaluation Team recommends that the Lithuanian authorities review and adopt Recommendation (2017) 01 of the Monitoring Group⁵ and establish an independent, impartial, centralised body apart from all National Federations in charge of all hearing proceedings in anti-doping cases. Further, an appeal body should be established and then cases should conclude to CAS.

7.16. The Evaluation Team suggests that such an independent, impartial and centralised body might be established without any specific budget and permanent staff members. It is often the case that sports disciplinary specialists will provide services as hearing panel members on a low-cost, or expenses-only basis.

Doping Controls

7.17. Regarding doping controls and testing, the Evaluation Team draws attention to the following matters:

- A coordinated strategy for the retention and reanalysis of urine samples might be developed, on the basis of a risk analysis;
- Although a hotline exists for the reporting of possible violations, it has not resulted in the provision of any significant information.
- The Evaluation Team encourages the NADO to address the matters raised by WADA as part of its Corrective Action Report
- For the General pool, testing primarily only occurs in-competition and when there is intelligence to justify such testing. Once tested, an Athlete from the General Pool will thereby have an ADAMS profile, and so can also be tested out-of-competition (for example, if an Atypical Finding arises). For the Testing pool and the Registered Testing Pool the focus is on out-of-competition testing, although in-competition testing also takes place. There is a risk with the testing strategy for the General Pool that there it actually becomes ‘advanced notice testing’, as athletes not part of an RTP will inadvertently aware that testing is only likely to occur at competitions.

7.18. The Evaluation Team noted that there appeared to be a relative lack of female Doping Control Officers.

⁵ Recommendation on ensuring the independence of hearing panels (bodies) and promoting fair trial in anti-doping cases

Article 8 - International co-operation

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

8.2 The Parties undertake:

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

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

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

8.1. Both the Lithuanian authorities and the NADO take part in the works of the Council of Europe, including meetings of the Monitoring Group (T-DO) and the European Ad hoc Committee for WADA (CAHAMA), as well as in the works of UNESCO and WADA. The NADO is a member of the Institute of National Anti-Doping Organizations (iNADO).

8.2. Conclusions and Recommendations

8.3. The Evaluation Team accepts that the Lithuanian authorities have complied with the commitments described in Article 8.

Article 9 - Provision of information

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

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

Conclusions and Recommendations

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

Annex 1 – Composition of the Evaluation Team

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Annex 2 – Programme of the Evaluation Visit

23rd April		
	Venue address	
12.40	A.Ratondo g. 1, Vilnius	Transportation from the hotel “Ratonda”
13.00-14.30	Žemaitės str.6, Vilnius	Meeting with representatives of the Department of Physical Education under the Government of the Republic Lithuania <i>Mr. Edis URBANA VIČIUS, Director General</i> <i>Mr. Vytautas VAINYS, Deputy Director General</i> <i>Ms. Kornelija TIESNESYTĖ, Senior Advisor</i>
		Coffee break
14.40-16.20	Žemaitės str.6, Vilnius	Meeting with the representatives of Lithuanian Anti-doping Agency <i>Mrs. Kristina JAGMINIENĖ, Acting Director</i> <i>Mrs. Rima VALENTIENĖ, Education manager</i> <i>Ms. Rūta BANYTĖ, Medical manager</i> <i>Mr. Edvinas STASKEVIČIUS, Testing manager</i>
		Coffee break
16.30 – 17.30	Žemaitės str.6, Vilnius	Meeting with the representatives of National Athletes Association Justinas KINDERIS, athlete Mindaugas BILIUS, president of Lithuanian Paralympic committee, Paralympic athlete
19.30	L.Stuokos- Gucevičiaus 1, LT- 01122 Vilnius	Dinner On behalf of <i>Mr. Edis URBANA VIČIUS</i> <i>Director General, Department of Physical Education under the Government of the Republic Lithuania</i> Restaurant “Šventaragio sodas” AMBERTON Vilnius
24rd April		
8.45	A.Ratondo g. 1, Vilnius	Transportation from the hotel “Ratonda”
9.00 – 9.45	A. Volano g. 2, LT- 01516 Vilnius	Meeting in the Ministry of Education and Science of the Republic of Lithuania <i>Mrs. Jurgita PETRAUSKIENĖ, Minister</i> <i>Mr. Tomas DAUKANTAS, Chancellor</i>
10.30-11.30	Olimpiečių g. 15, LT-09237 Vilnius	Meeting with the president of Lithuanian Olympic Committee <i>Mrs. Daina GUDZINEVIČIŪTĖ</i>
12.00-13.30	Konstitucijos pr. 20, LT-09309 Vilnius	Lunch break Restaurant „Riverside“
14.00 – 15.50	Žemaitės str.6, Vilnius	Meeting with the representatives of Health Ministry, Customs and Police department, State Medicines Control Agency: <i>Mrs. Ramunė GRIGALIŪNIENĖ, Head of Narcotics Unit, State Medicines Control Agency</i> <i>Ms. Aistė ŽIČKUTĖ, Chief inspector of Customs Procedures Division, Custom of the Republic of Lithuania</i> <i>Mr. Evaldas Visockas, Chief investigator of Custom Criminal Service Custom of the Republic of Lithuania</i>

		Mr. Egidijus ARSABA, Head of Violation Prevention Division, Vilnius Territorial Customs Office Mr. Almantas MATULEVIČIUS, Chief inspector of Violation Prevention Division, Vilnius Territorial Customs Office
		Coffee break
16.00 – 17.30	Žemaitės str.6, Vilnius	Meeting with the representatives of sports federations Athletic Federation Basketball Federation Canoe / Kayak Federation
19.30	Pilies g. 25, Vilnius 01123	Dinner On behalf of Lithuanian Anti-doping Agency <i>Restaurant „Marche de Provence”</i>
25th April 2018		
10:00-12.00	Hotel “Ratonda” A.Ratondo g. 1, Vilnius	Conclusions <i>Ms. Kornelija TIESNESYTĖ, Senior Advisor</i> <i>Mrs. Kristina JAGMINIENĖ, Acting Director</i>

Part II - Lithuania National Report

COMPLIANCE WITH COMMITMENTS COUNCIL OF EUROPE ANTI-DOPING CONVENTION

April, 2018

Vilnius

List of abbreviations

- ADAMS– Anti-Doping Administration Management System
- ADRV – Anti-Doping Rule Violations
- BCO – Blood Collection Officer
- CoE – Council of Europe
- DCO – Doping Control Officer
- DPES – Department of Physical Education and Sports under the Government of the Republic of Lithuania
- Draft Law – Draft Law of Physical Education and Sport
- Foundation –Physical Education and Sports Support Fund
- IF – International Federations
- INADO – Institute of National Anti-Doping Organisations
- IOC – International Olympic Committee
- ISTI – International Standard for Testing and Investigations.
- LADC – Lithuanian Anti-doping Commission
- NADO – National Anti-Doping Organisation public organizations “Lithuanian anti-doping agency”
- NOC – Lithuanian National Olympic Committee
- RTP – Registered Testing Pool
- Seimas – Parliament of the Republic of Lithuania
- TDSSA – Technical Document for Sport Specific Analysis
- TUE – Therapeutic Use Exemption
- TUEC – Therapeutic Use Exemption Committee
- UNESCO convention – International Convention against Doping in Sport, adopted on 19 October, 2005
- WADA–World Anti-Doping Agency
- WADC – World Anti-Doping Agency Code

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.

In 1992, by signing European Cultural Convention, Lithuania joined the Council of Europe.

In the year 1993, Lithuania became a signatory party of the Anti-Doping Convention, which was ratified by the Seimas in 1996. The additional protocol of the Convention was ratified in September of 2004.

Lithuanian Anti-doping Agency – NADO was established in 2005.

According to the Constitution of Lithuanian Republic Article No. 138, “International treaties ratified by the Seimas of the Republic of Lithuania shall be a constituent part of the legal system of the Republic of Lithuania.”.

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 organisations and appearing in lists that have been approved by the monitoring group under the terms of Article 11.1.b;

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

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

According to the **Law on Physical Education and Sport**,

“2. **Doping** means doping substances and doping methods stimulating or suppressing physiologic activity of an athlete, which pose a threat to his/her health, are used to temporarily enhance the capacities and create conditions for unfair play. The list of doping substances and doping methods shall be defined by international anti-doping organizations”. <...>

18. **Athlete** means an individual who trains systematically, participates in sports competitions, seeks the best possible sport results, and consistently enhances his/her sport mastership.

19. **Professional athlete** means an athlete who receives remuneration for preparation for and participation in competitions from a sports organization with whom he has concluded a sport activity contract”.

Lithuanian anti-doping rules provide a description of “doping” according to the WADC: “Doping – violation of one or more anti-doping rules set in Paragraphs 2.1 – 2.10: presence of a prohibited substance or its metabolites or markers in an athlete’s sample; use or attempted use by an athlete of a prohibited substance or a prohibited method; evading, refusing or failing to submit to sample collection; whereabouts failures; tampering or attempted tampering with any part of doping control; possession of a prohibited substance or a prohibited method; trafficking or

attempted trafficking in any prohibited substance or prohibited method; 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; complicity; prohibited association. “

As aforementioned, all the definitions of the ratified international documents can be used directly.

The Draft Law of **Physical Education and Sport** does not provide a definition of “doping”, but there is direct reference to the UNESCO convention. The definition of “doping” used in this draft law is understood in the same way as in the International Convention for the Prevention of Doping in Sport, ratified by the Seimas on May 2, 2006.

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 organisation.

DPES was established on April 25, 1990. Since then DPES, together with other institutions and organizations, has been responsible for preparing and implementing the state strategy for the development of physical education and sports that enables people to be active, strengthen and preserve their health and work ability, ensuring the proper representation of the Republic of Lithuania in the Olympic Games, World Championships, European championships and other international events.

Until 1996 no specific provision in the statute of DPES, directly concerning anti-doping matters, was foreseen. Since 1996, specific provisions directly indicating combat against doping in sport, have been presented in the Statute of DPES:

- the provision of 1996: “takes care and controls that sports results are not being reached in the ways and methods prohibited by the documents accepted by international or Lithuanian sports federations, associations; that doping and its methods, which are prohibited by the International Olympic Committee's Medical Commission and international sports federations, are not used”;
- the provision of 2002: “together with public stakeholders, municipal institutions, institutions and nongovernmental organizations, implements the state policy, the Anti-Doping Convention of the Council of Europe and other documents of international organizations regulating the combat against doping in sport;”.

In 1992 the Government of the Republic of Lithuania established **Lithuanian anti-doping commission** (Government decree No. 588p). LADC consisted of representatives from: DPES, Ministry of Health, Sport medicine centre, Kaunas’ medical academy (tertiary education institution), the Parliament and NOC. The responsibilities of the LADC were to organize doping

control and make decisions on all anti-doping issues. However, its role was advisory; LADC had no legal power to accept any decisions.

In 2008 the constitution of LADC was changed by the Decree of the Government of the Republic of Lithuania No.747. More governmental and nongovernmental representatives were involved into the work of LADC: Secretary of the Ministry of Health responsible for administrations of public health care (chairman of the commission); Director General of the DPES (Deputy Chairman of the Commission); Director of NADO (secretary of the commission); Representative of the Ministry of Education and Science; Head of Sports Strategy Division of the DPES; Representative of the Drug Control Department under the Government of the Republic of Lithuania; Representative of the Customs Department under the Ministry of Finance; Representative of the Police Department under the Ministry of Interior; Representative of the State Medicines Control Agency under the Ministry of Health; Secretary General of the Lithuanian National Olympic Committee; Secretary General of the Lithuanian Sports Federation; Secretary General of the Lithuanian Paralympic Committee; President of the Lithuanian Sports Medicine Federation.

The LADC was established for 4 years. After 2012, the commission was not renewed.

NADO has close relation to the Ministry of Health, DPES and Sport medicine centre, Customs and Police Department, NOC, etc. The bases for the cooperation are various legal acts, regulating matters related to anti-doping: provisions in Criminal and Administrative Codes, Law of the control of certain doping materials, Law on Physical Education and Sports, international documents, etc.

In 2005, DPES established public agency "**Lithuanian Anti-Doping Agency**" – NADO. NADO is a non-profit, limited public liability, legal entity established to meet public interests in the field of physical education and sports. The founder and the only shareholder (owner) of the NADO is the state. New shareholders are accepted by the decision of the owner, with the prior consent of the Government of the Republic of Lithuania.

The goals of NADO are:

- to protect the right of athletes to participate in sports without doping, thus promoting health, fair play and equality among athletes;
- help other subjects of the physical education and sports system develop physical culture and sports.
- NADO activities:
- conducting in-competition and out-of-competition testing in accordance with the International Convention on Doping in Sport and the requirements of the WADC;
- implementation of preventive measures in the field of combat against doping;
- preparation and implementation of information and education programs for combat against doping in sport, raise public awareness of doping-related harm;
- organizing conferences, seminars, training, exhibitions and other similar events on anti-doping issues;
- development and implementation of national anti-doping programs;
- cooperation with national and international anti-doping organizations and other organizations, providing mandatory information for them; exchange of information, sharing good practice examples with these organizations in combat against the use of doping in sport;

- collection, accumulation, analysis, systematization and provision of information related to anti-doping issue to the stakeholders;
- conducting statistical reports on doping control activities and their publication;
- public disclosure of anti-doping rule violations and provision of related information;
- cooperation in the field of anti-doping research and its support, etc.
- The governing bodies of NADO are the general meeting of shareholders, the functions of which are performed by DPES.
- The General Meeting of Shareholders, apart from the functions specified in the Law on Public Institutions, also performs the following functions:
 - decides on becoming a member or shareholder of other legal entities;
 - decides on the admission of new stakeholders;
 - approves the strategy of NADO;
 - approves the management structure and the list of positions in NADO, descriptions of the director;
 - approves the criteria for the evaluation of NADO strategy, etc.;
 - approves financial reports.

The director of NADO organizes the activities of NADO and acts on behalf of it in its relations with other parties individual, concludes and terminates employment contracts with employees. The director is responsible for compiling financial statements, convening a general meeting of shareholders, submitting data and documents to the register of legal individuals, communicating to the shareholders about events that are essential for the activities of NADO, preparing annual reports, providing information about NADO to the public, preparation of public announcements, as well as performing other actions that are foreseen in other national legal acts.

The procedure for the appointment and dismissal/resignation of the director of NADO does not differ from those established by the Law on Public Institutions. The director of NADO is selected on a competitive basis. The same principle applies to the appointment of deputy director and bookkeeper (if applicable).

The budget of NADO consists of Foundation allocations, NOC allocations and other incomes. Every year NADO applies to the Foundation for funding. DPES is the administrator of the Foundation. Foundation supports the following activities: development of sport for all; development of elite sport; development of sport infrastructure; purchase of sports equipment; development of training and improvement of sports science and sports specialists. Sports federations must implement anti-doping rules to be allowed to receive state financing. The Foundation does not allocate financing to elite athlete training projects provided by national sports federations, whose international federations are not signatories of WADC.

Chart 1 below demonstrates NADO budget from 2014 to 2017. In 2018, NADO received 100 000 euros from the Foundation and 30 000 euros from NOC.

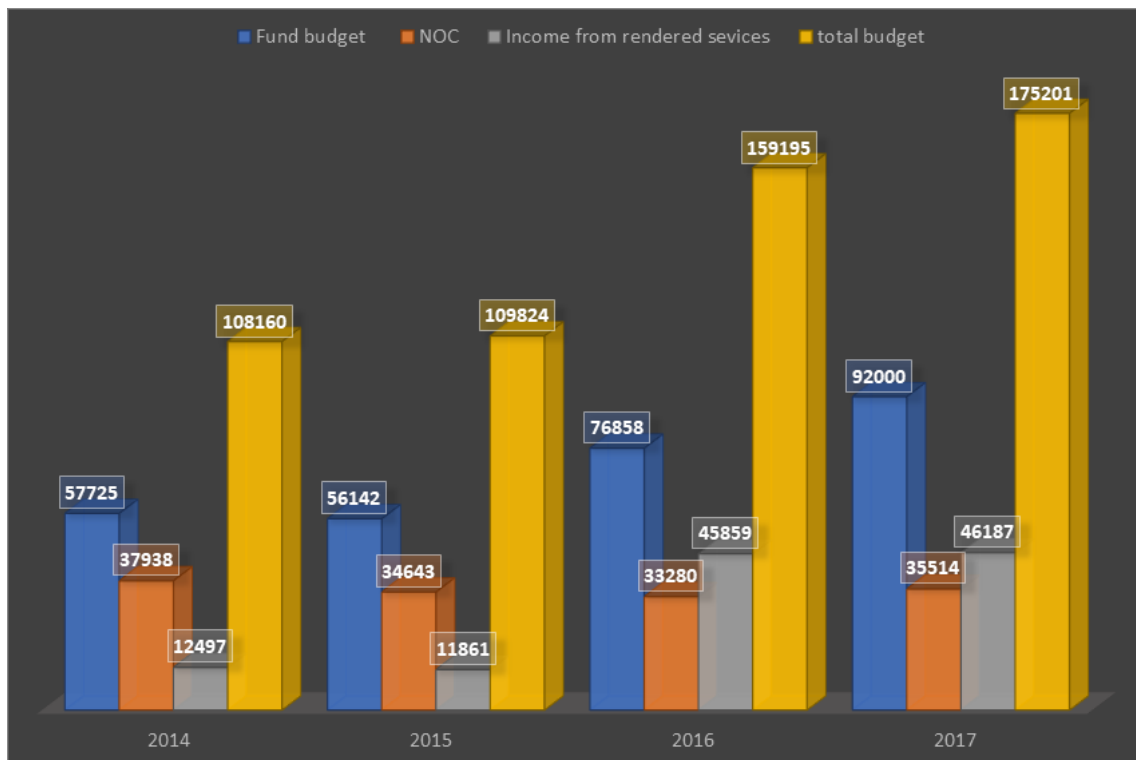


Chart 1. NADO budget from 2014 to 2017.

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.

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.

3. Furthermore, the Parties shall:

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

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

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

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

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.

Until January 1, 2016, prohibited substances, methods (doping) in sports, their use and control among athletes had been regulated by the International Conventions, WADC, whereas the Law on Physical Culture and Sports regulated them at the national level.

The Law on Physical Education and Sport came into force at the end of 1995, where a specific Article No.46 was dedicated to prohibition of the use of doping substances and methods:

“1. It is prohibited for athletes to use whereas physicians, sports specialists and other individuals shall not individual administer, encourage or force to use doping substances or apply doping methods which are prohibited by the World Anti-Doping Agency and international sports organizations.

2. Doping shall be prohibited for: horses in the equestrian sports; other animals participating in sports competitions.

3. Sanctions set out by international and Lithuanian sports organizations shall be applied to the individuals who have used, encouraged or forced to use doping substances or apply doping methods.

4. Athletes or other individuals set forth in Paragraph 3 of this Article, who do not agree to the imposed sanctions, shall be entitled to file an appeal to the sports arbitration formed in accordance with the procedure laid down in Paragraph 2 of Article 51 of this Law.

5. Doping control shall be conducted in Lithuania in pursuance of the international documents which the Republic of Lithuania has ratified or otherwise acceded to, as well as in accordance with the testing standards specified by international organizations.

6. Control of doping substances and doping methods shall be conducted in the Republic of Lithuania by the Department of Physical Education and Sports or an institution authorised by it.

7. With the aim to combat the use of doping substances and methods in sport, the Lithuanian Anti-doping Commission shall be formed from representatives of the stakeholder institutions in compliance with the procedure laid down in the rules of the procedure of the Government. The said Commission shall approve a programme to combat the use of doping substances and methods in sport, and shall coordinate its implementation. The Government shall determine the composition of the Lithuanian Anti-doping Commission, the term of office of its members and an order of business of the Commission.”

According to the **UNESCO convention**, which was ratified on February 1, 2007, its Annexes “Prohibited List” and “Standards for Granting Therapeutic Use Exemptions” were translated into Lithuanian language and officially announced, as it is indicated in the Law of Legislative framework and the Register of Legal Acts. The registration and publication of the legal act in the Register of Legal Acts shall be considered the official publication thereof (the Constitution of the Republic of Lithuania sets forth that “only the laws published shall be valid. Ignorance of the law shall exempt neither party from liability.”).

The Law on Pharmacy regulates pharmaceutical and other activities related to medicinal products, investigational medicinal products, veterinary medicinal products, active and other medicinal substances, veterinary pharmaceutical activities, as well as public administration and supervision of this activity. This law does not either regulate the activities related to narcotics and psychotropic substances (precursors), or state management and control of this activity.

Medicinal products manufactured industrially or during an industrial process may be supplied to the market of the Republic of Lithuania only once they have been registered in the Register of

Medicinal Products of the Republic of Lithuania, in the Community Register of Medicinal Products or in the List of Imported Pharmaceuticals.

The Law on the Control of Narcotic and Psychotropic Substances regulates activities related to the precursors of narcotic drugs and psychotropic substances and their control in the Republic of Lithuania. Every case of import, export and transit of precursors listed shall be subject to an authorisation issued by the Drug, Tobacco and Alcohol Control Department.

In 2014, NADO, with a view that not all materials listed in WADA list of Prohibited substances, are also in the lists of medicinal products or precursors of narcotic drugs and psychotropic substances, initiated the preparation of the Draft Law on Control of Certain Doping Substances and actively participates in the preparation of the list of certain doping substances.

On January 1, 2016, the **Law on Control of Certain Doping Substances** came into force. The explanatory note of the draft law declares that legal regulation of drugs, alcohol and pharmaceutical substances, as set forth in the legal acts on the control of Alcohol and Control of Precursors of Narcotic Drugs and Psychotropic Substances, is not sufficient. There is a gap on regulation of alcohol, precursors of narcotic drugs and psychotropic substances, medicinal products and certain doping substances.

It was proposed to apply stricter regulations of certain doping substances (anabolic androgenic steroids; growth hormone; other growth factors that affect the synthesis (degradation) of muscle, tendons or ligaments, vascularisation, energy utilization, regenerative ability or fibre type change; other substances of a similar chemical structure or similar biological effect; erythropoiesis-promoting substances) with the goal to reduce their misuse.

It was also proposed to provide that the production, processing, acquisition, wholesale or retail trade, storage, transportation within the country, import, export or transit of the listed materials, is allowed only for health, veterinary, or scientific purposes in accordance with the procedure established by legal acts. Medicinal products containing listed substances should be classified as prescription medicinal products. This will ensure that an individual can only buy such medicinal products for medical treatment by submitting a valid prescription. Thus, the legal circulation of certain doping substances will cover the regulatory field of pharmaceutical activity and prevent the entry of such substances (usually in the form of food supplements) into the market. The adoption of the Law on Control of Certain Doping Substances has the aim to reduce the abuse of such substances, including anabolic steroids, the use of which causes addiction.

According to the Law on Control of Certain Doping Substances the production, processing, acquisition, wholesale or retail sale, storage, transportation within the country, import or export of certain doping substances are permitted only for health, veterinary, scientific, educational and law enforcement purposes in accordance with the procedure established by law.

After the adoption of the Law on Control of Certain Doping Substances, the minister of health approved the list of certain doping substances, which became a manual to law enforcement officers.

Together with the Law on Control of Certain Doping Substances amendments to the **Criminal code** and **Administrative code** came into force. The aims to adopt these amendments were as follows:

- to criminalize, i.e. to establish criminal liability to any individual for the disposition (consumption, transportation, distribution) of substances and methods prohibited in sports. Criminal liability is foreseen for natural and legal individuals (for example: if certain substances

prohibited in sport are distributed in a gym, the activities of the gym (as a legal entity) can be restricted or it will be closed down);

- to establish administrative responsibility for unauthorized disposal of small quantities of substances and methods prohibited in sport;
- to supplement *the Administrative Offence code* with fines and penalties for violations of the rules on advertising and providing information about in substances and methods prohibited in sport.

The Administrative Offence Code foresees the following kinds of punishment: fine and confiscation. The fines vary: individual from 888 euros till 2896 euros imposed on legal entities; from 144 to 579 euros imposed on natural persons (a fine of 86 euros is imposed on minors). Both sanctions – fine and confiscation – can be applied as well.

The Criminal code criminalizes the following actions and establishes criminal offence to individuals and legal entities:

- involvement of a child in the use of medicine or other intoxicating means or the substances indicated in the Law of the Republic of Lithuania on Control of Certain Doping Substances;
- smuggling;
- unlawful possession of the substances indicated in the Law of the Republic of Lithuania on Control of Certain Doping Substances for the purpose of distribution thereof;
- inducing the use of the substances indicated in the Law of the Republic of Lithuania on Control of Certain Doping Substances;
- distribution among minors of the substances indicated in the Law of the Republic of Lithuania on Control of Certain Doping Substances;
- inducing the use of the substances indicated in the Law of the Republic of Lithuania on Control of Certain Doping Substances
- The penal sanctions are:
 - Fine;
 - Deprivation of liberty by arrest or custodial sentence.
- The term of custodial sentence may vary; depending on the danger of crime, the maximum sentence is the imprisonment for 10 years.
- A legal entity shall also be held liable for:
 - smuggling,
 - unlawful possession of the substances indicated in the Law of the Republic of Lithuania on Control of Certain Doping Substances for the Purpose of Distribution Thereof.

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 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.

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.*

In accordance with the Convention, it is recognised that not all states will either wish or need a laboratory in their territory; however, in such cases, access to an accredited laboratory in another country must be sought and subsidised.

All samples taken from the athletes in the Republic of Lithuania are being sent to the WADA accredited laboratory. NADO operates in partnership with the Laboratory for Doping Analysis, Department of Anti-Doping Research Institute of Sport - National Research Institute Poland Warsaw. The relationship with the laboratory is regulated by the service contract. This is a contract whereby NADO 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, NADO has a contract with the Department of Anti-Doping Research Institute of Sport - National Research Institute Poland Warsaw laboratory accredited by the WADA. WADA-accredited Laboratory and beyond doubts can serve the country’s doping control programme.

Article 6 – Education

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

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.

Lithuanian Education/ Information programs are implemented in compliance with the World Anti-Doping Code 2015, Article 18. Education.

NADO implements prevention through ICE (Information, Communication, Education) program, which has 2 main aims:

- to establish, develop and reinforce ethical sporting values and behaviour throughout the sporting career of an athlete, and
- to ensure all athletes and their support personnel have relevant levels of technical anti-doping knowledge and behaviour required to actively participate in sport within the context of anti-doping rules.

Target groups

Athletes	Athletes support personnel • Coaches;
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<ul style="list-style-type: none"> • Elite athletes; • High performance; • Performance; • Performance development; • Talented athletes; • Beginners 	<ul style="list-style-type: none"> • Sports physicians; • Sport administrators; • Parents
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Key tools:

- Information (mandatory);
- Communication (good practice);
- Education (mandatory)
- The **Information** program provides factual knowledge within a specific and relevant context which is immediately available to the target group/end user. The aim of NADO information program is to ensure that answers to questions can be found easily and quickly by an end-user to support any decisions they may make.
- Information actions as part of prevention through ICE program includes:
- *Leaflets*. The leaflet named “Harm Caused by Doping” presents information about the danger of doping, where it could be found (food supplements, medicines that you could easily buy in a drugstore). It describes consequences of the use of anabolic steroids, EPO, stimulants, HGH, diuretics, drugs, etc. It is as well advisable to install “Antidopingas” mobile phone app, which checks medications and provides other important information.
- *Posters* are useful for parents seeking more information to ensure healthy athletic development and prevent the use of performance enhancing substances as regards their children. This resource is relevant to parents of all levels of athletes from beginner to elite. Sport schools are using them in their environment, crowded places.
- *Booklet* “Doping control procedure” and another booklet for athletes planning to participate in the Olympic Games are prepared before every Olympic Games.
- *Internet site*. Anyone interested in www.antidopingas.lt website can find information about the work and activities of NADO, it also provides contacts of specialists working in the organization. There are links and descriptions, particularly useful for athletes to be careful and aware. The instructions on how to use ADAMS, the prohibited list of substances, list of RTP are listed there as well. The website also supplies detailed information regarding permitted substances for treatment, methods of obtaining them supported with links as well as announces all the legal acts that could be used by any individual. It also serves as a medication checker, where everyone may check and choose which medication to take. The site has a link, where the message could be written, in case ADRV is being carried out: <http://www.antidopingas.lt/pranesti/> This page has relevant information for the athletes in the form of a short film which is an explanation how to fill the whereabouts, the link to e-learning platform www.bedopingo.lt, etc. NADO staff put all the effort to ensure the website is interesting, informative and easy to use.
- *Smartphone Apps* “Antidopingas” for “Android” and “iOS” created by NADO. The apps provide all the information regarding TUE, doping control, prohibited list and medication checker.

- NADO has developed the *Medication Checker* “Antidopingas” which is available on the website www.antidopingas.lt and as a smart phone app.
- *Video material*. NADO has created clips on doping control procedure, distant e-learning platform, including motivating interviews and discussions about clean sport.
<https://www.facebook.com/ltantidoping/videos/300096213741252>
<http://www.antidopingas.lt/dopingo-kontroles-procedura/>
<https://www.youtube.com/watch?v=OP5Nckh0Mns>
<http://www.bedopingo.lt/>

Communication

The aim of communication is to increase awareness and conscious understanding of an issue in target audiences. Communication activities as part of Prevention through ICE program include:

- *Outreach*. NADO collaborates with Lithuanian Sport Federations, offers help in informing athletes and population interested in sports. The interest is big and growing. The information is disseminated in various forms. NADO uses elite level athletes as ambassadors to communicate the right message to their fans: Olympic champions and medal winners Virginijus Alekna, Laura Asadauskaitė, Edvinas Krungolcas, Mindaugas Griškonis and Saulius Ritter, world and European champions Antanas Kavaliauskas, Kšištofas Lavrinovičius, and others. NADO staff and volunteers are visiting championships, tournaments, sports festivals with the program “We are for clean sport” (Play True) where various games are played, with an aim to spread information about clean sport and values. Volunteers make demonstrations of how doping control procedure looks like, they elaborate on feasible dangers. Everyone participating in the games gets souvenirs and prizes.
- *Social media*. NADO has a profile on Facebook “Lietuvos antidopingo agentūra”, which is used as a communication platform. Anti-doping messages are posted alongside with updates and news from WADA and other international sport organizations, as well as the news concerning positive cases in the media, photos from outreach events, etc.
- *Lecture-style presentations*. NADO organizes around 50 seminars per year, attended by more than 3000 participants (representatives of federations, athletes, other athletes’ support personnel, sports medicine personnel and doctors, journalists, customs department, sports clubs). Seminars are organized in sports schools and/or sports camps, during which **target groups** receive information regarding: the prohibited list; anti-doping rule violations; consequences of the use of doping, including sanctions, health and social consequences; doping control procedures; athlete’s and athlete support personnel rights and responsibilities; TUEs; managing the risks of nutritional supplements; harm of doping to the spirit of sport; applicable whereabouts requirements.

Education

NADO education programs are based on the science of learning – pedagogical and andragogical principles. Effective education delivery creates a learning environment where athletes and athlete support personnel can learn what sporting values are, how to recognize them, practice effective decision-making and develop anti-doping behaviour. The aim is to increase autonomy, promote

personal responsibility through developing individual knowledge, competence and confidence to do the right behaviour at the right time. The educational tools comprise:

- *Face to face workshops.* Athletes are consulted individually if they need a special explanation how to work with ADAMS.
- *Practical sessions.* NADO organizes practical doping control sessions for athletes and athlete support personnel, schoolchildren, parents, fans who come to cheer for their favourite athletes.
- *E-learning.* NADO has prepared distance learning program www.bedoping.lt, which is customized for young athletes, high level athletes, parents, coaches and other staff. It is user-friendly, athletes may get acquainted with anti-doping rules, news and possible dangers. The creation of program was funded by the UNESCO Fund for Elimination of Doping in Sport.
- *Lessons.* NADO representatives are invited to schools to teach children about doping dangers.

Effective long-term values-based educational programs, appropriate to target audience, are being delivered interactively. We are collaborating with Lithuanian Sports University, where students have lectures about anti-doping prevention.

Lithuanian Sports University has created the module “Anti-doping in sport” which is included in the program for bachelor students of Training Systems (specialists of 32 kinds of sport). The module is optional for other students.

Contact work hours	Lectures	Seminars	Independent work hours	All student workload in hours	Credits (ECTS)
26	13	13	104	130	5

The module includes: introduction into anti-doping, anti-doping rule violations, substances and methods on the prohibited list, consequences of doping usage, sanctions, health and social consequences, doping control procedures, rights and responsibilities of athletes and athlete support personnel, TUEs, harm of doping to the spirit of sport. During the seminars students deliver presentations on the topic of “The Example of Using Doping in my or another sport”.

Evaluation criteria:

- detailed analysis of the case, based on various information sources;
- influence of the prohibited substance at hand on the athlete’s capability to work and health in general;
- taking part in scientific discussion, answering questions.

The final evaluation of students consists of the presentation during the seminar (comprises 30 % of the final evaluation) and the test of 20 questions (70%).

Article 7 – Co-operation with sports organisations 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.

Doping control procedure. Testing is planned and conducted in compliance with WADA Code, ISTI and TDSSA. NADO draws up a testing distribution plan based on risk assessment and TDSSA. With regards to anonymous reporting and tip-offs, NADO conducts testing after it scrutinizes the source of the report, the possible objectives and agendas of the reporter and following an intelligence search on the athlete and the allegations including the history of the individual upon whom a report was filed.

According to WADC Article 5.6, the athletes are included to RTP following the criteria established by NADO.

I. RTP investigation. Athletes must provide whereabouts information **including one hour slot, but they can be tested out of the time.** Athletes are tested in-competition and at least 3 times out-of-competition. The categories of athletes subject to RTP are as follows:

a) those who compete at the olympic, paralympic or world championship level;

b) those who due to certain risk factors are identified to be of higher risk: their sport has potential risk of using prohibited substances, athletes have doping history, income of the athlete is under the risk recourse, athletes are practicing alone without supervision of the coach, etc.;

c) those who have served periods of ineligibility or long-term injury and want to return to competitions;

d) those retired while in RTP and after some time want to return to the competitions.

II. Testing pool. Athletes must provide whereabouts information. Athletes are tested in-competition and out-of-competition. Any other athlete can be included into this testing pool at the discretion of NADO.

The above criteria are subject to amendments as needed.

Athletes are notified about the inclusion into and removal from RTP. They provide information about whereabouts using ADAMS. This information is maintained in strict confidence at all times; it is used exclusively for the purposes of planning, coordinating or conducting doping control, providing information relevant to the athlete biological passport or other analytical results, to support an investigation into a potential ADRV, or to support proceedings alleging an anti-doping rule violation; and are destroyed after it is no longer relevant for these purposes in accordance with the International Standard for the Protection of Privacy and Personal Information.

General pool. *Team whereabouts* can be submitted by a third party (Member Association/team member/coach/agent). Despite delegating some or all whereabouts filings to a third party, the athlete remains entirely responsible for any failure to comply with the requirements of the Lithuanian Anti-Doping Rules.

RTP INVESTIGATION	TESTING POOL Intelligence based testing	GENERAL POOL Structured (Risk Based) Testing
Highest-Risk Athletes Min x3 OOC tests a year 1hr day 365 whereabouts Code 2.4 Consequences MTFF apply Should include sanctioned Athletes and elevated from other pools for non-compliance	Whereabouts required, but not at the same level of detail (e.g. training info + residential address) Notification of Athlete in pool still required Consequences at discretion of ADO but not interchangeable with RTP Minimal whereabouts	May be collective whereabouts Submitted by Third Party (team/NF) with negligible Consequence

NADO use ADAMS for anti-doping administration: athletes whereabouts, TUE, testing planning, laboratory reporting, sanctions.

Doping Control Samples. There are 6 DCO and 2 BCO working now in NADO. Each year DCOs and BCOs have re-training which takes two days. They also attend seminars and workshops to update and/or expand their expertise in doping control procedures.

In 2016, the NADO conducted 178 doping controls samples, from which 58 were in-competition samples and 120 out-of-competition samples. There were 8 ADRVs:

No.	Sports	Prohibited substance	Sanction
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1.	Football	Meldonium	10.4 Elimination of the Period of Ineligibility where there is No Fault or Negligence
2.	Football	Meldonium	10.4 Elimination of the Period of Ineligibility where there is No Fault or Negligence
3.	Wrestling	Meldonium	10.4 Elimination of the Period of Ineligibility where there is No Fault or Negligence
4.	Wrestling	Meldonium	10.4 Elimination of the Period of Ineligibility where there is No Fault or Negligence
5.	Canoe/Cayak	GW 1516 and GW1516 sulfone	4 years
6.	Athletic	Clomiphene	4 years
7.	Athletic	Meldonium	8 years
8.	Weightlifting	Meldonium	10.4 Elimination of the Period of Ineligibility where there is No Fault or Negligence

In 2017, the NADO conducted 265 doping control samples: 157 in-competition and 108 out-of-competition samples. There were 11 ADRVs:

No.	Sport	Prohibited substance	Sanction
1.	Basketball	Dimethylbutylamine and Hignamine	4 year
2.	Weightlifting	S1.1A Exogenous AAS/drostanolon metabolite 2a-metylo-5a-androstan-3a-ol-17-on ir S1.1B Endogenous AAS/19-norandrosterone	4 year
3.	Powerlifting	S4. Hormone and Metabolic Modulators clomifene, S1.1A Exogenous AAS mestanolone	4 year
4.	Basketball	Meldonium	4 year
5.	Bodybuilding	2.3 Evading, Refusing or Failing to Submit to Sample Collection	4 year
6.	Powerlifting	S1.1A Exogenous AAS trenbolone S5. Diuretics and Masking Agents furosemide.	4 year
7.	Orienteering	S5. Diuretics and Masking Agents/furosemide.	Foreign citizenship. The panel decision was taken in the athlete' native country.
8.	Boxing	Meldonium	Foreign citizenship. The panel decision was taken in the athlete' native country.
9.	Basketball	Stanozolol and cocaine.	4 year
10.	Powerlifting	S1.1A Exogenous AAS stanozolol, S4. Hormone and Metabolic Modulators clomifene, S4. Hormone and Metabolic Modulators meldonium, S1.1A Exogenous AAS dehydrochloromethyl-testosterone	4 year
11.	Bodybuilding	2.3 Evading, Refusing or Failing to Submit to Sample Collection	4 year

Disciplinary procedures. According to the Lithuanian anti-doping rules, when an ADRV is asserted, NADO notifies the athlete or another *individual* asserting an ADRV, and notifies athlete's national federation within 5 working days after the receipt of the supporting documentation. Additionally, WADA and the athlete's international federation are informed.

The national federation of the athlete or another individual against whom the ADRV has been asserted appoints an Anti-Doping Disciplinary Panel consisting of a chair and vice-chair, each of whom shall be legal practitioners of not less than five years standing, a medical practitioner of not less than five years standing; and two additional members, each of whom shall be, or has previously been, a sports administrator or an athlete. All of the parties to the Panel shall be appointed on the basis that they are in a position to hear cases fairly and impartially. Each panel member serves a term of four years.

When the Anti-Doping Disciplinary Panel sends a notice to an athlete or another individual asserting an ADRV regarding hearing, the procedures are conducted according to the Lithuanian anti-doping rules.

The decision may be appealed. In cases arising from the participation in an international event or in cases involving international-level athletes, the decision may be appealed exclusively to CAS, in other cases the decision may be appealed exclusively to CAS in accordance with the provisions applicable before such court.

Cases asserting ADRV against international-level athletes or national-level athletes may be heard directly at CAS, with no requirement for a prior hearing, with the consent of the athlete, NADO, WADA, and any other anti-doping organization that has a right to appeal a first-instance hearing decision to CAS.

If no appeal is brought against the decision, then: a) if the decision is that an ADRV was committed, the decision shall be publicly disclosed; but b) if the decision is that no ADRV was committed, then the decision shall only be publicly disclosed with the consent of the athlete or another individual who is the subject of the decision.

TUEC is composed by NADO. Three permanent medical specialists and one changing medical specialist (upon request) are appointed. The permanent medical specialists are as follows: a therapist doctor with a competence in chronic internal illnesses possessing knowledge in pharmacology and internal disease treatment; toxicologist – a specialist in urgent medicine and drug interactions; sports medicine doctor with special knowledge in sport. The changing medical specialist is chosen depending on the need and/or request (pulmonologist, allergist, orthopaedist traumatologist, cardiologist etc.). All professionals shall be trained regarding TUE, are familiar with exceptions to certain diseases; they also shall sign confidentiality agreements. In 2016 there were 6 applications for TUE processed (all were granted) and 2 in 2017 (none of them were granted because requests were unnecessary).

Intelligence and investigation Testing and investigations are only undertaken for anti-doping purposes. NADO is using intelligence and investigation tools for testing improvement to obtain analytical evidence with strict WADA requirements. Target testing is performed based on the information collected during intelligence and investigation. The collected information is kept in NADO for 8 years. NADO has established a system for ensuring that the outcomes of its investigations into the potential Failure to Comply are considered for results management action and, if applicable, for further planning and Target Testing.

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.

In 2005, NADO became a signatory of the World Anti-Doping code. While NADO became a member of iNADO in 2014, it had also been part of the previously existing association of NADOs ANADO from 2004 to 2012.

Representatives of NADO actively participate in meetings of WADA, iNADO, Council of Europe and UNESCO.

The director of Lithuanian NADO was the chair of the Advisory Group on Education and member of the Coordination Group of the Monitoring Group of the Anti-Doping Convention of the Council of Europe from 2012 to 2016, as an observer on the Education Committee for 2016.

NADO has been sending DCOs to the Olympic Games since 2012. NADO representative was WADA Outreach team member in Baku European Games in 2015.

Lithuania regularly hosts international anti-doping events: in 2015 NADO hosted meeting of the Advisory group on Education of the Monitoring Group of the Anti-Doping Convention of the CoE; in 2016, CoE with NADO organized an educational seminar as well as CoE anti-doping convention legal seminar in 2017.

USEFUL LINKS

- Department of Physical Education and Sports under the Government of the Republic of Lithuania
<http://kksd.lrv.lt/en/>;
- National Anti-Doping Organization, public entity “Lithuanian anti-doping agency”
www.antidopingas.lt
- National Olympic Committee
<http://ltok.lt/en/>
- Law of the Control of Certain Doping Materials
<http://www.antidopingas.lt/wp-content/uploads/2012/04/LAW-OF-THE-CONTROL-OF-CERTAIN-DOPING-MATERIALS.pdf>

- Law on the Control of Narcotic and Psychotropic Substances
<https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.95794>
- The List of Certain Doping Substances
<https://www.e-tar.lt/portal/lt/legalAct/af9bb530a7b311e5be7fbe3f919a1ebe>
- Criminal Code
<https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/04d3aa62d16911e59019a599c5cbd673?jfwid=-fxdp7idt>

Part III - Comments of Lithuanian authorities on the Evaluation Team report

From: Kornelija Tiesnesytė <kornelija.tiesnesyte@kksd.lt>
Sent: lundi 29 octobre 2018 11:35
To: KOZLOVSKA Liene; KHRYCHIKOV Sergey
Cc: KARAVASILI Olympia; Vytautas Vainys; rima.valentiene@antidopingas.lt
Attachments: atsakymas_T-DO.adoc

Dear colleagues,

I have to apologies, that Lithuanian delegates are not able to participate in the T-Do meeting.

As you know we have transiting period in Lithuanian sports: new Law of sports was accepted last Thursday and now all the financial and human resources are concentrated on the drafting of bylaws. Form the New Year institutional changes are also planned, we will have "Ministry of Education, Science and Sports".

We are very thankful for the draft report and we have no essential comments on the draft. I must admit, that part of the recommendations provided by WADA (to the draft law) and by the experts are already implemented. The increase of funding of antidoping policy is planned for the budget year 2019.

If there will be questions, during the T-DO meeting, we can provide comments by phone call (if needed). The people for answers I enclose in to this e-mail.

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Article/ recommendation from the report	Finding	Comment
Article 1	The Evaluation Team accepts that the Lithuanian authorities have complied with the political commitments described in Article 1.	<i>No comment required</i>
Article 2	The Evaluation Team accepts that the Lithuanian authorities have complied with the commitments described in Article 2. There are no specific recommendations.	<i>No comment required</i>

Article 3 / 3.14	The Evaluation Team accepts that the Lithuanian authorities have partially complied with the commitments described in Article 3. There are a number of recommendations:	No comments
3.15	The Evaluation Team is aware of the realities associated with Governmental funding and the competing demands placed on that funding. Nevertheless, the Evaluation Team considered that the budget provided to the NADO, given the level of sport engagement in Lithuania, was at the low end of the spectrum. This has a direct effect on staffing levels: the NADO has, for example, three part-time staffers who are required to manage a number of operational areas (the Evaluation Team understood, for example, that one staffer is responsible for test planning, result managements and therapeutic use exemptions). The Evaluation Team noted the dedication and skill of the NADO staffers but was concerned that the pressure on these staffers has the potential to erode quality over time. (In this regard, the Evaluation Team was advised that WADA had identified a number of matters requiring attention in the Corrective Action Report provided to the NADO.)	No comments
3.16	The Evaluation Team was concerned that the funding provided to the NADO is, on the face of it, vulnerable each year. Although the Foundation has a track record of providing funds to the NADO, the provision is discretionary. This applies equally to the National Olympic Committee: it provides funding voluntarily. This creates the potential for conflict, in that there is an obvious disparity in the relationship between the NADO and the National Olympic Committee.	No comments
3.17	The Evaluation Team was encouraged to hear from the Lithuanian authorities that they plan to positively review the level of funding provided to the NADO, in conjunction with the measures associated with the adoption of the Draft Law. The Evaluation Team recommends that the Lithuanian authorities review both the funding basis and vehicles used to provide financial support to the NADO; and review the level of funding provided to the NADO.	No comments
3.18	The Evaluation Team, whilst welcoming the commitment shown to anti-doping by the National Olympic Committee as far as its voluntary provision of funding to the NADO is concerned, recommends that the NADO should not be put in a position where it is dependent on that funding.	No comments

3.19	The relationship between any National Anti-Doping Organisation and a National Olympic Committee needs to be on equal terms: that cannot exist if one has a financial dependency on the other. In this respect, the Evaluation Team noted that the National Olympic Committee appears to have an influential role within the Foundation and its funding decisions.	No comments
3.20	The Evaluation Team recommends that the NADO analyse the matters raised in the Corrective Action Report and identify those issues that are directly affected by levels of funding.	No comments
	<i>Governance</i>	
3.21	The Evaluation Team was advised that broad-base good governance principles are embedded in the Public Law. The Evaluation Team recommends that these be specifically included as part of the NADO's governance. In particular, the Evaluation Team believes that the NADO would benefit from having an independent Supervisory Board, to assist it in developing a strategic plan each year, and to ensure that it remains compliant with its various responsibilities. In respect of this second element, the implications for a nation of having a NADO, National Olympic Committee or National Paralympic Committee being deemed to be non-compliant with its Code-mandated responsibilities can be severe, and a Supervisory Board can provide assurance to Government in respect of that risk.	No comments
3.22	The Supervisory Board of the NADO might have a number of key functions, including setting strategy, providing advice and direction, and overseeing the executive in its execution of the NADO's roles and responsibilities to both Government and the World Anti-Doping Agency.	No comments
3.23	The Evaluation Team recommends that the NADO consider adopting, in the medium term, an appropriate forum whereby the views and experiences of athletes can be communicated to the NADO, to assist the NADO in developing its strategic plans	No comments
	<i>Information Sharing</i>	
3.24	The Evaluation Team recommends that the NADO and the Lithuanian authorities jointly	No comments

	consider the Monitoring Group Recommendation on Information Sharing ⁶ . In particular, it would be helpful for a series of seminars involving including judges, prosecutors, police and customs officers, and the NADO, was to be organised in order to train the responsible authorities on doping matters and the utility and practicalities of exchanging information.	
Article 4	The Evaluation Team did not identify, in the context of its limited review, any matters that suggested that the Lithuanian authorities have not complied with the commitments described in Article 4.	<i>No comment required</i>
Article 5	The Evaluation Team accepts that the Lithuanian authorities have complied with the commitments described in Article 5.	<i>No comment required</i>
Article 6 / 6.10	The Evaluation Team accepts that the Lithuanian authorities have partially complied with the commitments described in Article 6. There are a number of recommendations.	No comments
6.11	The Evaluation Team recommends that NADO develops a working relationship in education with National Olympic Committee, the National Paralympic Committee as well as with National Federations. This should work on a structured, regular basis. Education and prevention is a shared obligation, and the co-operation of all sports stakeholders is vital for the success of education efforts.	No comments
6.12	The Evaluation Team suggests that the means by which education and prevention information is provided and communicated could be restructured to increase reach and delivery led by the National Federations. In short, this would involve (a) the NADO developing education and prevention materials and resources and (b) National Federations taking on a greater role in the provision of those materials to the intended audience.	No comments
6.13	The Evaluation Team recommends that an integrated and coordinated education plan be developed with sports governing bodies, to	No comments

⁶ Recommendation Rec (2016) 1 of the Monitoring Group on Information Sharing between Public Agencies and Anti-Doping Organisations in the Fight against Doping

	ensure that the maximum 'reach' is achieved through the activities planned and conducted across Lithuania. The Evaluation Team recommends that a network be established that includes; training for members within National Federations to enable them to deliver education themselves to their members within their own sporting environments and a field-based group of 3educators who can be deployed by the NADO to deliver education when required.	
6.14	The Evaluation Team suggests that in order to complement the capacity of existing field staff, and to enhance the delivery of face-to-face (in-person) education across the country, expanded use could be made of the talent pool within the Universities. The Evaluation Team understood that there may be students and possibly staff who would be willing and would want to support the delivery of the anti-doping programme in the field. Like in many countries, people passionate about sport would welcome the opportunity to volunteer to contribute to its protection by helping to deliver the anti-doping programme. The Evaluation Team recommends that this possibility be explored.	No comments
6.15	It did not appear to the Evaluation Team that there is any direct education or support for Athlete Support Persons who support athletes who are part of either a national or international Registered Testing Pool ('RTP') nor mandatory education requirements for athletes and support persons attending an Olympic or Paralympic Games. Athletes who are part of either a national or international RTP have a number of onerous and exacting requirements placed on them by the Code. The Evaluation Team recommends that a formal education process should be established for such ASP at the point an Athlete joins an RTP.	No comments
6.16	The Evaluation Team recommends that the National Olympic Committee and the National Paralympic Committee commit to the provision of a pre-Major Games education programme. This could be funded by the National Olympic Committee and the National Paralympic Committee as it helps them protect their investment into their Olympic and Paralympic teams.	No comments
6.17	The Evaluation Team recognises both the limitations of institutional education (where education is pushed to recipients) and the advantages of peer-based education (where athletes gain awareness from each other's knowledge and experiences), particularly as far as values-based behaviours are concerned.	No comments

	Values are learned, not taught.	
6.18	Were a Supervisory Board to be established, the Evaluation Team recommends that it should make education planning part of its strategic discussions and planning each year. Information and education initiatives should be planned on the basis of evidence and an assessment of risk.	No comments
Article 7 / 7.14	The Evaluation Team accepts that the Lithuanian authorities have partially complied with the commitments described in Article 7. There are a number of recommendations.	No comments
	<i>Disciplinary Matters</i>	
7.15	The Evaluation Team was concerned at the position concerning dispute resolution. The Evaluation Team recommends that the Lithuanian authorities review and adopt Recommendation (2017) 01 of the Monitoring Group ⁷ and establish an independent, impartial, centralised body apart from all National Federations in charge of all hearing proceedings in anti-doping cases. Further, an appeal body should be established and then cases should conclude to CAS.	No comments
7.16	The Evaluation Team suggests that such an independent, impartial and centralised body might be established without any specific budget and permanent staff members. It is often the case that sports disciplinary specialists will provide services as hearing panel members on a low-cost, or expenses-only basis.	No comments
	<i>Doping Controls</i>	
7.17	Regarding doping controls and testing, the Evaluation Team draws attention to the following matters: <ul style="list-style-type: none"> • A coordinated strategy for the retention and reanalysis of urine samples might be developed, on the basis of a risk analysis; • Although a hotline exists for the reporting of possible violations, it has not resulted in the provision of any significant information. • The Evaluation Team encourages the NADO to address the matters raised by WADA as part of its Corrective Action Report • For the General pool, testing primarily 	No comments

⁷ Recommendation on ensuring the independence of hearing panels (bodies) and promoting fair trial in anti-doping cases

	<p>only occurs in-competition and when there is intelligence to justify such testing. Once tested, an Athlete from the General Pool will thereby have an ADAMS profile, and so can also be tested out-of-competition (for example, if an Atypical Finding arises). For the Testing pool and the Registered Testing Pool the focus is on out-of-competition testing, although in-competition testing also takes place. There is a risk with the testing strategy for the General Pool that there it actually becomes 'advanced notice testing', as athletes not part of an RTP will inadvertently aware that testing is only likely to occur at competitions</p>	
7.18	The Evaluation Team noted that there appeared to be a relative lack of female Doping Control Officers.	No comments
Article 8	The Evaluation Team accepts that the Lithuanian authorities have complied with the commitments described in Article 8.	<i>No comment required</i>
Article 9	The Evaluation Team accepts that the Lithuanian authorities have complied with the commitments described in Article 9.	<i>No comment required</i>