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**COMMUNICATION FROM THE COMMISSION TO THE COUNCIL, THE
EUROPEAN PARLIAMENT, THE ECONOMIC AND SOCIAL COMMITTEE AND
THE COMMITTEE OF THE REGIONS**

Community support plan to combat doping in sport

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1. INTRODUCTION

Doping has always been at variance with the basic principles of sports ethics. Today, in view of the proliferation of cases, the phenomenon of doping in sport no longer belongs within the strict framework of sports ethics but has also become a public health problem. In principle physical and sporting activity should contribute to improving the citizen's quality of life. However, the use of prohibited substances or medicaments abuse has adverse health effects and hence vitiates the very goal of sport. In the context of competitive sport, doping symbolises the contrast between sport and the values it has traditionally stood for, namely fair play and the idea of surpassing oneself through physical effort.

The multiplication of doping-related scandals in 1998 and their media repercussions triggered a prompt reaction on the part of the International Olympics Committee (IOC), which convened an international conference whose main goal was to create a world agency to combat this scourge.

In December 1998 the Vienna European Council expresses its concern with the scale of doping in sports and the severity of this practice, stressing the need for action at EU level. Subsequently, the ministers responsible for sport met on an informal basis¹ on three occasions in 1999 to discuss the doping problem.

On 17 December 1998 the European Parliament adopted a resolution² in which it calls on the Commission to take into account the real dimension of the doping problem and to propose measures at Community level notably with a view to better coordination and complementarity between national and European measures and actions.

The Committee of the Regions also delivered an opinion on the "European Model of Sport"³, which contains a chapter devoted to doping. The Committee emphasises "*the need for coordination and harmonisation of national measures*" and supports

¹ The three meetings were held in Bonn/Bad Godesberg (18 January 1999), Paderborn (1 and 2 June 1999) and Vierumäki in Finland (25 October 1999).

² Resolution on urgent measures to be taken against doping in sport, OJ C 98, 09/04/1999.

³ Opinion of the Committee of the Regions 37/99 fin of 16 September 1999.

Parliament's call for *"the presentation by the Commission of proposals designed to implement a harmonised public health policy with a view to combating doping"*.

Finally, it should be recalled that Europe has traditionally played a flagship role in combating doping, notably since the adoption on 16 November 1989 of the European Anti-doping Convention by the Council of Europe⁴.

The purpose of this Communication is to present the measures taken by the Commission, as well as measures now being planned so as to accommodate the demands made by the other Community institutions and bodies in the field of combating doping.

2. WHY DOPING HAS PROLIFERATED

The Commission is particularly concerned with the underlying causes of development of doping. Firstly, the nature of doping has changed. Today, doping - barring exceptional cases - is no longer an isolated act on the part of individual sportspersons, practised on the day of the competition. We are talking about systematic, organised methods at team level that exploit medical and pharmacological advances for unethical ends. For example, increasing use is being made of substances which make it possible to mask doping products in the event of analysis.

A major cause of the spread of doping is the over-commercialisation of sport. The recent explosion of television rights associated to big sponsoring contracts to cover major events has led to growing pressure on sportspersons and their entourage to use prohibited substances. This commercialisation and the economic and financial stakes involved have led to a proliferation of sports competitions and have curtailed sportspersons' recovery time, a factor which also shortens the professional's sporting life. Besides, there are the perverse effects of contracts between certain sports associations and their sponsors, with awards being granted on the basis of results or medals obtained by sportspersons who participate in major competitions. The athlete's general environment, from the coach or doctor to the team leader and his own relatives, may put additional pressure on the athlete.

⁴ Council of Europe - European Treaties - ETS No 135.

Finally, a major part of this problem concerns young sportspersons. The lure of quick money, together with the economic operators' need to continuously "produce" celebrity sportspersons may to some degree explain the growing precociousness of sports careers.

Besides, the war on doping is a very good illustration of how Community action can contribute to reinforcing the endeavours made at various levels, notably at national level, and hence to responding to citizens' expectations, while respecting both the autonomy of the sports organisations and the subsidiarity principle. An effective war on doping cannot be conceived in exclusively national terms: in the increasingly internationalised world of sport it is important to ensure that the different countries adopt similar approaches in this area. The European Union can contribute by encouraging convergence between the different approaches and by making available the resources at its disposal to combat doping.

3. A THREE-PRONGED APPROACH

The Commission has opted for a three-layer approach in this field:

- assemble the experts' opinions on the ethical, legal and scientific dimensions of doping; to this end the Commission has consulted the European Group on Ethics and invited it to deliver an opinion;
- contribute to preparing the World Anti-doping Conference and work together with the Olympic movement to create the World Anti-Doping Agency;
- mobilise Community instruments with a view to supplementing the actions already underway in the Member States and to vesting them with a Community dimension, taking account inter alia of the growing mobility of European sportspersons and the Community's competences relevant to the field of doping.

The European Community helps combat doping in many ways. Actions in this area come within the direct or indirect remit of research, youth, education and training policies and programmes. Moreover, the differences in anti-doping legislation between Member States may constitute a barrier to the free movement of professional and amateur sportspersons. Doping also concerns competences in the

field of justice and home affairs, notably police and judicial cooperation. Finally, Article 152 of the Treaty (public health) provides for encouraging measures to protect and improve public health, although harmonisation of the Member States' laws and regulations is ruled out.

4. PRIORITISE ETHICS, REINFORCE PROTECTION OF SPORTSPERSONS' HEALTH

The first strand of the Community action corresponds to the follow-up to the opinion of the European Group on Ethics⁵ (EGE). The Commission had requested the opinion of highly qualified European experts on doping. This is why it consulted the EGE in 1999, which delivered its opinion on 11 November (Annex 2).

After proposing a definition of doping, the EGE recalled the ethical principles which must inspire all Community measures:

- everyone's right to safety and health. The EGE considers that sportspersons must be afforded these rights just like other categories of citizens;
- the principle of integrity and transparency, which requires that the fairness of sports competitions be ensured and the image of sports in general preserved;
- particular attention to be paid to the most vulnerable groups, in particular children, who may be closely involved in high-level sport;

Generally, the EGE highlights sportspersons' rights and the need to protect them against an environment which instigates them to take drugs. However, these rights also imply the need for sportspersons to comply with various moral and legal obligations as well as rules of professional conduct. The EGE has reiterated the fact that the war on doping is a shared responsibility of the sports associations and federations, sportspersons themselves, their medical and technical environments, and all other parties involved, especially public bodies.

On the basis of these ethical principles the EGE has proposed a number of measures. These include:

⁵ The European Group on Ethics was officially set up in 1991 at the initiative of President Delors. Following changes in 1998 it now consists of 12 members, all highly qualified European experts in different fields. The Group's mission is to deliver opinions for the Commission.

- the creation of an efficient health monitoring system for sportspersons, more specifically through the establishing of a specialised service providing sportspersons with medical and psychological assistance and information;
- the adoption of a directive on the protection of young sportspersons, notably those who aspire to become professionals;
- the adoption of specific provisions on the protection of sportspersons, as workers exposed to particular risks;
- promotion of epidemiological research into the health of sportspersons;
- organisation of conferences on doping and the health of sportspersons in collaboration with the sports community;
- sensitisation of education professionals to the problem of sports ethics;
- increased level of police and judicial cooperation;
- inclusion in sportspersons' contracts of references to doping and the fact that it is banned;
- the adoption of a joint declaration equivalent to a code of practice in sport at the end of a European conference on doping in sport.

The Commission welcomed the opinion, which was presented to it on 11 November 1999. This opinion endorses a certain number of ethical principles which the Commission has committed itself to taking into account in its future actions and deliberations. Besides, the EGE's proposals will be closely scrutinised and may give rise to Commission initiatives.

5. TOWARDS A NEW PARTNERSHIP: THE WORLD ANTI-DOPING AGENCY

Participation in the World Anti-Doping Agency is the second strand of the Community action. Several tasks to be entrusted to the Agency concern Community competence, for example public health, research, the free movement of sportspersons. Community youth, education and training policies may also be mobilised in the shape of information campaigns and awareness-raising measures in this field. Hence, there is a clear Community interest in helping to set up the Agency.

This Agency should pave the way to a new partnership between the Olympic movement and the public authorities. Nobody disputes that the sports organisations have neither the resources nor the powers to check the spread of doping. Hence, government action is indispensable. One of the major merits of this future Agency will be to enable the two major players in the war on doping to work hand in hand. Moreover, although Agency decisions will have the status only of recommendations under Community law, it is important that all the parties concerned should accept a moral commitment to put them into practice.

Right from the start the position of the European Union – Member States and Commission – has been to enshrine the principles of accountability and transparency in the operation of the Agency. Initially, the Commission can support the creation of this Agency, even if it has to be in the form of a private-law foundation. However, the Commission considers that it will subsequently be necessary for it to evolve towards a public law agency. At that stage it will be essential to convene an international conference. We cannot however wait for this process to be completed before developing proactive anti-doping measures.

The representatives of the Member States, the Commission and the Council of Europe spoke with one voice in preparing the ground for the Agency so as to ensure that these principles are respected. In particular the preparatory work made it possible to ensure equal representation of both parties in the future Agency, as well as enshrining the principle that important decisions be taken on a consensual basis.

On the basis of these agreements the IOC, for its part, invited the European Commission to participate in the creation of the Agency. In October 1999 the IOC wrote to the Acting Presidency of the Council of the European Union and to the President of the European Commission, inviting them to finalise the constitution of, and participate in, the World Anti-Doping Agency. The IOC hopes that this Agency, created on 10 November 1999, will be fully operational in time for the Sidney Olympic Games in September 2000.

The Member States and the Commission have decided to endorse this invitation and to start negotiations with the IOC. The positions defended by the Member States in agreement with the Commission notably concern the Agency's independence and transparency and its precise remit. At a meeting held on 2 November 1999 the IOC

and the European Union reached agreement on the Agency's draft statutes, but added the following clarifications:

- it will be necessary to specify in the text the vital importance of all parties making a political and moral commitment to the work of the Agency;
- the Agency will be responsible for adopting and modifying the list of banned substances, recognising the IOC Medical Commission's list of banned substances as the initial reference point;
- The Agency will be responsible for the accreditation of testing laboratories and for the harmonisation of testing methods;
- The Agency will plan and coordinate out-of-competition testing in close conjunction with the international federations and public authorities concerned;
- The government organisations and sports organisations will have parity representation on the Foundation Board, which would remain free of any form of external influence, e.g. illegitimate commercial interests;
- Decisions of major importance will be based on consensus;
- The Agency's Foundation Board will decide as soon as possible on where the definitive headquarters will be, basing the choice on established objective criteria.

The Agency's provisional headquarters will be in Lausanne.

On the strength of this agreement with the representatives of the European Union and the Council of Europe, the IOC went ahead and formally lodged the Agency's statutes with a view to constituting the Foundation Board. The Board will be responsible for taking the initial decisions, more especially concerning the criteria for selecting a town or city to host the Agency's definitive headquarters.

In this first phase, taking us up to 1 January 2002, the EU will have two representatives on the Foundation Board, appointed *ad personam*. The Commission will have observer status. For the first two years of its life, the Agency will be funded by the IOC.

The Community will thus be in a position to decide formally, acting on a proposal from the Commission, on whether to play a full part in the Agency's work, including the financial aspects. With this in mind, the Commission should now be able to start preparing a proposal to the European Parliament and the Council with a view to formalising the Community's participation in the work of the Agency. This proposal will include the requisite budget forecasts to comply with the financial commitments of the public authorities with representatives on the Management Board; these commitments will begin to apply as from 1 January 2002. The Olympic movement expects a reply from the Community by 30 June 2001 at the latest.

6. MAKING THE MOST OF THE COMMUNITY INSTRUMENTS

The third Community action strand in the war on doping involves making the most of the Community instruments. Two types of action may be considered. Firstly, better coordination of regulatory measures. Secondly, mobilisation of Community programmes which can support positive anti-doping measures at European level.

In 1999, a total of 77 world championships and 102 European championships⁶ were hosted in Europe. Besides, the number of European club competitions and their participants is increasing from year to year. This means movement of sportspersons, most of them professionals, who are keen to learn all about the rules on doping and the penalties for non-compliance.

Hence it is necessary to ensure that the rules governing the European sports area do not constitute barriers to free movement and in particular to the freedom to provide professional sports services within the Union.

If the war on doping in sports is to be sustained and effective, it is essential to ensure genuine coordination and synergy between the actions taken by the various players in their respective spheres of responsibility: the sports community, Member States, international organisations, the EU, the World Anti-Doping Agency.

Each player has a specific role to play. At Community level it is important to mobilise the instruments of the European Union to combat doping. Indeed several

⁶ Report from the Secretary-General of the European Olympic Committees to the General Assembly in Prague on 12-13 November 1999.

Community policies and instruments can contribute to this end . The actions to be taken under this head will promote coordination with other players involved in the war of doping, the World Anti-Doping Agency, the national authorities and the sports community. These efforts will notably focus on the following:

- intensify research into doping substances, detection methods, health impact of of doping, and doping as a socio-economic phenomenon;
- mobilise education, vocational training and youth programmes in the service of information and training; awareness-raising and prevention in the field of doping,
- make the most of the police and judicial cooperation programmes,
- reinforce medicaments information,
- develop actions relevant to public health policy.

All of these actions should make the most of existing Community instruments, as explained in Annex 1.

7. CONCLUSION

Europe has always been a driving force in world sports. The states of the European Union host the majority of sports events each year. Hence the EU shoulders particular responsibility in the war on doping, which constitutes a serious threat to the development of sport and its credibility in that it *"jeopardises the health of sportsmen and women, falsifies the results of competitions, harms the image of sport, particularly in the eyes of young people, and undermines the ethical dimension of sport"*, as the European Parliament emphasises in its resolution⁷.

Community action must reinforce and stimulate the measures taken by the national authorities and sports organisations and mobilise Community instruments in favour of the struggle. With the support plan it has proposed the Commission is responding to the calls for action made by the European Council, the European Parliament and the Committee of the Regions. In order to ensure continuity in this area the

⁷ Ibid. 2.

Commission will, every two years, publish a report on the results of Community and national measures as well as trends in doping practices.

Finally, the Commission will strive to work hand in glove with the Council of Europe. In particular, the Commission will consider, on the basis of Article 300 of the Treaty, presenting a recommendation to the Council with a view to the Community's accession to the European Anti-Doping Convention⁸.

The Commission will also work closely with the other international partners involved.

The Commission takes note of the opinion delivered by the European Group on Ethics on the war on doping, and reaffirms its desire to contribute to the success of the World Anti-Doping Agency and to put in place the Community support plan to combat doping.

The Commission sees this Communication as a response to the demands of the other institutions. It also wants to meet the expectations of European citizens, for whom sport is of paramount social importance. Traditionally, Europe has played a leading role in world sport. It has also been a forerunner in the war on doping. The Community action should reinforce the campaign against doping, so that sport can rediscover its true ethical dimension and promote the values it embodies as an instrument in social integration, health improvement and the school of life.

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Ibid. 4.

COMMUNITY INSTRUMENTS IN THE WAR ON DOPING

To ensure that the campaign against doping in sport is sustained and durable, it is essential to ensure real coordination and synergy between the measures taken by the different players in their respective fields: sports community, states, international organisations, European Union and the Anti-Doping Agency.

Each player has a unique role to play. At Community level, we must mobilise the European Union's instruments in the war on doping. For example, in the context of the Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions on a European Union action plan to combat drugs (2000-2004)¹, doping was singled out as a scourge to be targeted. Besides, several Community policies and instruments can contribute to combating doping. The efforts will focus in particular on the following aspects:

1. INTENSIFY RESEARCH INTO DOPING SUBSTANCES, DETECTION METHODS AND THE HEALTH IMPACT OF DOPING

Community research actions have been actively contributing to combating doping in sports for several years now. The Framework Programme² endorses collaboration between the Union's competent research bodies and cooperation with other regions of the world in the context of scientific and technical cooperation agreements.

- Research is a decisive instrument in the war on doping notably because:
 - doping is a socio-economic phenomenon which, far from being marginal, is engaged in by a large number of professional and amateur sportspersons;
 - the credibility of the decisions and guidelines adopted and the penalties for cheating depend on the reliability of the detection system (from the sampling stage to the report on the results);
 - modern doping techniques are continually evolving, and exploit advances in medical and pharmacological knowledge;

¹ COM/99/239.

² Decision No 182/1999/EC of the European Parliament and of the Council of 22 December 1998 concerning the fifth framework programme of the European Community for research, technological development and demonstration activities (1998 to 2002).

- the health effects of the use of doping substances are not yet well understood.
- However, improvements are needed. The scientific criteria applied to doping, testing structures for doping and the progress of research into the substances used for doping vary from country to country. This diversity between countries cannot curb, and sometime even facilitates, doping practices. In the face of this rapidly developing socio-economic phenomenon, the traditional structures governing sport can no longer rely on inappropriate scientific tools. And going beyond structural reform, better targeting and coordination of research work at Union level will bring greater consistency and effectiveness to the war on doping.
- Currently, in the context of the Fifth Framework Programme, two specific headings cover activities with an anti-doping dimension: the programmes "competitive and sustainable growth" and "quality of life". Three main lines of work are involved:
 - (i) preparation of methods and instruments to detect and measure critical substances;
 - (ii) development of cooperation between anti-doping laboratories and training of their technicians;
 - (iii) understanding the long-term effects of doping on the individual.
- Certain aspects should be fleshed out. Hence in the context of a Community research project the International Olympic Committee (IOC) has identified research priorities for the Fifth Framework Programme, concerning the development of basic medical knowledge and measurement-linked technologies³:

Research of a medical and physiological nature
("Quality of life" programme):

³ European Commission, Research DG - Standards, Measurements and Testing Programme "Harmonising the ways and means of fighting against doping in sport (HARDOP)" - final report on project SMT4-1998-6530.

- reinforcement of the scientific basis for analysing the health risks associated with the use of doping substances, including the socio-economic and psychological aspects;
- development of methods to prevent and control the use of doping substances;
- physiological changes caused by certain substances which facilitate their detection; specific changes to certain blood parameters (tracers) and modification of the definition of doping to allow them to be used;
- detection of the potentially doping effects of pharmaceutical substances, in collaboration with the pharmaceutical industry (scientific watch of doping).

Research of a metrological nature

("Competitive and sustainable growth" programme):

- new measurement and detection methods and instruments for more rapid, reliable and economical measurement of prohibited substances;
 - quality control tools and reference substances for use by anti-doping laboratories;
 - systems for the identification and protection of samples;
 - mobile laboratory and compatible instruments;
 - analytical databases for characterising substances.
- In addition, an endeavour to support the research infrastructures (theme 3 of the Fifth Framework Programme, "competitive and sustainable growth") would help provide the laboratories and the anti-doping bodies with a suitable regulatory and normative framework which could be recognised by the police and courts of different countries. The laboratories' enhanced scientific and technical credibility would allow them to cooperate with other sectors (pharmacy, policy, customs etc.). These activities are notably designed to:

- help anti-doping laboratories seeking to obtain ISO standard 17025 or ISO 9001 certification;
- encourage the training of laboratory technical and management staff and collectors of samples with a view to their accreditation, with an eye to transnational controls and multidisciplinary teams;
- develop and organise a high-quality system of mobile sampling and monitoring units;
- develop interlaboratory test systems compatible with the requirements of traceability;
- put in place banks of substances and reference materials.

The Fifth Framework programme for Research, Technological Development and Demonstration Activities (1998-2002) could include as well research on the psychological and socio-economic factors involved in doping among professional and non-professional athletes, within the theme quality of life and management of living resources, research relating to public health and health services.

2. ENLIST THE EDUCATION, VOCATIONAL TRAINING AND YOUTH PROGRAMMES IN THE SERVICE OF INFORMATION AND TRAINING, AWARENESS-RAISING AND PREVENTION AS REGARDS DOPING

The Commission's programmes in the field of youth, education and vocational training can make a useful contribution to the war on doping, notably as regards awareness raising, prevention, training, and information. This mainly concerns the Leonardo and Socrates programmes and the future Community youth action programme. Even though the war on doping is not the main concern of these programmes, they can make a substantial indirect contribution wherever projects corresponding to the programme objectives and criteria are presented.

The Socrates programme⁴, a European Union action programme for cooperation in the field of education, is designed to promote transnational cooperation to improve

⁴ Decision No 819/95/EC of the European Parliament and of the Council of 14 March 1995 establishing the Community action programme 'Socrates' - Official Journal L 87/10, 20.04.1995. Common position (EC) No 6/1999 adopted by the Council on 21 December 1998 with a view to the

the quality of education via transnational partnerships. The Leonardo programme⁵ is an action programme designed to encourage vocational training in the European Union. Finally, the future Community "youth" programme⁶ concerns cooperation policy in the field of youth, including the European Voluntary Service and exchanges of young people within the Community and with third countries.

These three programmes, while pursuing general objectives, can make a non-negligible contribution to the war on doping. The Community action programme on youth is a good example. The objectives of this programme are as follows;

- a) promote the active contribution of young people in the construction of Europe through participation in exchanges;
- b) reinforce the spirit of solidarity among young people by intensifying their participation in transnational activities in the service of society;
- c) encourage entrepreneurship and initiative as well as creativity among young people, to enable them to become fully integrated into society;
- d) reinforce cooperation in the field of youth policy by encouraging the pooling of good practices, the training of youth leaders and the implementation of innovative actions at European level.

This programme also contributes to realising the objectives pursued in other relevant areas of Community policy.

The programme's objectives are implemented by means of five measures:

- Youth for Europe: intra-Community exchanges of young people, exchanges of young people with third countries;

adoption of Decision No .../1999/EC of the European Parliament and of the Council of... establishing the second phase of the Community action programme in the field of education - Official Journal C 49, 22/02/1999, p. 42-64.

⁵ Council Decision 94/819/EC of 6 December 1994 establishing an action programme for the implementation of a European Community vocational training policy – Official Journal L 340, 29/12/1994 p. 8 - 24

Council Decision of 26 April 1999 establishing the second phase of the Community vocational training action programme 'Leonardo da Vinci' - Official Journal L 146, 11/06/1999 p. 33 - 47 .

⁶ Common position (EC) No 22/1999 adopted by the Council on 28 June 1999 with a view to the adoption of Decision No.../1999/EC of the European Parliament and of the Council establishing the 'Youth' Community action programme - Official Journal C 210, 22/07/1999 p. 1 - 13.

- European Voluntary Service: intra-Community European Voluntary Service, European Voluntary Service with third countries;
- initiatives in favour of young people;
- joint actions;
- flanking measures: training and cooperation of players in the field of youth policy, information of young people and youth studies, support measures.

The "anti-doping" dimension can be integrated into these actions. The training of youth leaders, exchanges of young sportspersons, and initiatives in favour of young people are contexts in which anti-doping actions can be developed in the field of training, information, awareness-raising and prevention. Of course, as in the case of Leonardo and Socrates, the contribution of the youth programme to the war on doping can only be indirect and will depend essentially on increased participation by young people interested in sport in informal education projects consistent with the objectives and criteria of the new programme. The only way to achieve this is to enhance the level of sports association participation in the programme activities.

Besides - outside the framework of these programmes - the Directorate-General for Education and Culture intends to spearhead an information and awareness-raising campaign targeted at all sportspersons.

Finally, by making the most of its close links with the sports community and the public authorities responsible for sport, the Commission will focus on combatting doping and in particular:

- encourage the pooling of information between sports officials, inter alia by drawing attention to examples of good practices;
- encourage the approximation and enforcement of laws, also as regards the rules and practices of the sports federations. This strategy will respect the competences of all the partners concerned - states, sports community, etc. An "anti-doping" monitoring group, consisting of representatives of the Member States and the sports community, will be put in place to gauge progress on a regular basis and to encourage the pooling of information.

The World Anti-Doping Agency will play crucial role in pursuing these objectives.

3. MAKE THE MOST OF POLICE AND JUDICIAL COOPERATION PROGRAMMES

The war on doping within the European Union calls for closer police and judicial cooperation, between police services, customs authorities and other law enforcement authorities and the courts. In the context of the OISIN⁷ (Joint programme of exchanges and training of, and cooperation between, law enforcement authorities) and GROTIUS⁸ (programme of incentives and exchanges for legal practitioners) and their possible follow-up programmes, one might consider actions in the field of specific training, awareness raising and improved information pooling, exchange and training programmes, and the organisation of meetings.

4. REINFORCE MEDICAMENTS INFORMATION

The IOC's list of prohibited substances is an integral part of the European Anti-Doping Convention of the Council of Europe⁹. Certain pharmaceutical specialities contain substances included on this list.

At Community level, Council Directive 92/27/EEC of 31 March 1992¹⁰ lays down certain conditions concerning the labelling of medicinal products for human use and their package leaflets. Certain Member States indicate on the package leaflet of certain specialities that the speciality concerned contains an active principle which may lead to a positive reaction in tests carried out in the context of anti-doping controls.

The Directive endorses this procedure in that it provides for "a special warning, if this is necessary for the medicinal product concerned". However, not all the Member States have made use of this possibility.

⁷ 97/12/JHA: Joint Action of 20 December 1996 adopted by the Council on the basis of Article K.3 of the Treaty on European Union providing a common programme for the exchange and training of, and cooperation between, law enforcement authorities ('Oisin') - Official Journal L 007, 10/01/1997 p. 5 - 8.

⁸ 96/636/JHA: Joint Action of 28 October 1996 adopted by the Council on the basis of Article K.3 of the Treaty on European Union, on a programme of incentives and exchanges for legal practitioners ('Grotius') - Official Journal L 287, 08/11/1996 p. 3 - 6.

⁹ Council of Europe - European treaties - EST No 135.

¹⁰ Official Journal L 113, 30/04/1992, p. 8 - 12.

Article 12 of this Directive states that the Commission may, as necessary, publish guidelines concerning in particular the formulation of certain special warnings for certain categories of medicinal products.

With a view to reinforcing information on pharmaceutical specialities containing prohibited substances, the Commission proposes launching a discussion with the Member States on this issue, notably in the context of the work of the upcoming meetings of the Pharmaceutical Committee.

5. DEVELOP ACTIONS RELEVANT TO PUBLIC HEALTH POLICY

The recent and massive proliferation of doping is now a public health problem as well. Article 152 of the Treaty must, in this context, provide a basis for increased coordination of policies on doping in sport. The Commission also intends to put forward a proposal for a Council recommendation under Article 152 of the Treaty on the prevention of doping in sport, especially in amateur sport.

The main objective of this recommendation is for Member States, in order to provide for a high level of health protection in relation to the prevention of doping among sportspersons, especially amateur sportspersons, to promote sport as a healthy lifestyle with awareness of the benefits of its practice and the consequences for health and ethics of doping.

The proposal for a recommendation will require Member States, in order to facilitate and promote sport free of doping agents and methods among athletes to:

- a) increase awareness among trainers and coaches, train them to develop preventive skills and make preventive tools available;
- b) include prevention of doping in the basic and continuous education of health professionals and facilitate them with appropriate resources to develop a preventive role;
- c) encourage prevention programmes developed by sports clubs, schools and universities, community and health centres;
- d) promote the active participation of athletes through peer education and focus on the sport team;

- e) inform parents about the risks of doping and encourage them to foster in their children the basic values of good health, fair play and team spirit;
- f) mainstream doping prevention, when appropriate, in drug dependency prevention and health education programmes;
- g) take appropriate measures to avoid over-training and too many competitions which leave no time for rest and may lead to doping.

In addition, Member States, in order to enhance knowledge about doping among athletes and appropriate prevention will be requested to promote and review relevant research in the context of their national research programmes, taking into account Community and international research recommendations and efforts;

Finally, Member States, in order to contribute to the establishment of a consistent framework of prevention of doping among athletes, should prepare reports on the adoption and implementation of measures that they take in the field covered by this Recommendation, and inform the Commission thereof after a period of three years following the adoption of this Recommendation, indicating how the latter has been taken into account in these measures.

The recommendation will invite the Commission:

- to prepare a report on the epidemiological prevalence of doping among athletes in the Community as a whole, and the motives for doping;
- to encourage research on the effectiveness and efficiency of the different strategies and programmes targeted to the prevention of doping among athletes;
- to produce guidelines for the planing, implementation and evaluation of preventive programmes and strategies;
- to support and co-ordinate exchanges of preventive programmes and activities among health and sports professionals and centres in the Member States;
- to keep the matters covered in this recommendation under review, with a view to its revision and updating, and to prepare a report, within five years, taking into account the reports of the Member States and the latest scientific data and advice.

The new framework Public Health Action Plan, to be proposed shortly, will provide opportunities to focus on anti-doping measures through its three main strands of activity.

The programme of Community action on the prevention of drug dependence and the programme of Community action on health promotion, information, education and training have already been helping to combat drug dependence, in particular by encouraging co-operation between the Member States, supporting their action and promoting co-ordination between their policies and programmes; both programmes may contribute to improving information, education and training aimed at preventing doping and the associated risks, in particular, for young people, in the future.

EUROPEAN GROUP ON ETHICS

OPINION ON THE ETHICAL ASPECTS OF THE STRUGGLE AGAINST DOPING IN SPORT.

**Opinion of the European Group on Ethics
in Science and New Technologies (EGE)
on the « Ethical Aspects arising from Doping in Sport »**

Chairperson's note : This Opinion is submitted at the present time because of its topical nature. In addition, in a few weeks time, we shall be making available materials which presents the overall context of doping in sport and the related ethical debate.

The European Group on Ethics in Science and New Technologies (EGE),

Having regard to the request for an Opinion by the European Commission of 22 April 1999 on doping in sport,

Having regard to the Treaty on European Community, and in particular its Title XIII and Article 152 on public health and its Title III and Article 39 on free movement of persons, services and capital,

Having regard to the Treaty on European Union, and in particular its declaration on sport adopted by the Conference,

Having regard to the Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work,

Having regard to the Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work,

Having regard to the Presidency conclusions of the December 1998 Vienna Council on doping in sport,

Having regard to the Resolution of the Council and of the Representatives of the Governments of the Member States of 3 December 1990 on Community action to combat the use of drugs, including the abuse of medicinal products, particularly in sport,

Having regard to the Declaration by the Council and the Ministers for Health of the Member States, meeting within the Council of 4 June 1991 on action to combat the use of drugs, including the abuse of medicinal products, in sport,

Having regard to the Resolution of the Council and of the Representatives of the Governments of the Member States on a code of conduct against doping in sport adopted in 1992,

Having regard to the European Parliament Resolution of 17 December 1998 on urgent measures to be taken against doping in sport,

Having regard to the European Parliament Resolution of 13 April 1999 on criminal procedures in the European Union,

Having regard to the Final declaration of the informal meeting of Ministers in January 1999 in Bad Godesberg,

Having regard to the Council Presidency conclusions of the informal meeting of the Sport Ministers on 31 May to 2 June 1999 in Paderborn,

Having regard to the Commission staff working paper "The development and prospects for Community action in the field of sport" of 29 September 1998

Having regard to the European Commission "non paper" "The fight against doping in sport : options for European Union action" of 12 January 1999,

Having regard to the DG X (Information, Communication, Culture, Audiovisual) consultation document "The European model of sport" of November 1998,

Having regard to national regulations and opinions expressed by national ethical bodies within the European Union on doping in sport,

Having regard to the Council of Europe Anti-doping Convention adopted on 16 November 1989 and to the further extensive work deriving from it,

Having regard to the Council of Europe's European Charter on Sport of 24 September 1992 and its Recommendation R(92)14 on the Code of Sporting Ethics, the purpose of which is to ensure that safe and healthy sport, accessible to all, is practised at all levels,

Having regard to the United Nations Convention on the Rights of the Child adopted by the General Assembly on 20 November 1989,

Having regard to the Universal Declaration on the Human Genome and Human Rights adopted by the General Conference of UNESCO on 11 November 1997,

Having regard to the Lausanne declaration on doping in sport adopted by the World Conference on Doping in Sport on 4 February 1999,

Having regard to the hearing held on 21 September 1999 by the EGE, with experts, representatives of the European Institutions and of interest groups (health, sport federations, industry, religions),

Having heard the rapporteurs.

THE CONTEXT OF MODERN SPORT

2.1 Transformation of sporting activities and the values in sport

There is an urgent need for policy to take into account the profound change that has taken place in sport in this century due to the influences of growing economic interests and of the mass media on an increasingly global scale. These influences have accelerated medical and technological developments in sport and related industries as well as increased the pressure put on the sports person. As a result, all action concerning doping must take into consideration, in accordance with this change, the realisation that today performance and victory prevail over competition and participation.

The Group thus intends to stress the tension that exists between anti doping measures and an unlimited demand for enhanced performance.

DEFINITIONS

2.2 Scope of the Opinion

This Opinion applies directly to professional or semi-professional competitive sport. It may apply to amateur sport, as the frontier between amateur and professional sport today is becoming increasingly blurred. The Opinion applies only indirectly to "sport for all" (or recreational sport).

2.3 Defining doping in sport

For the purpose of this Opinion, the Group proposes to define doping as «the use of substances, dosages or methods with the intention of enhancing sporting performance, which are banned mainly because they may have a harmful effect on sportsmen/women's health and which may compromise the generally accepted conditions of fair play».

ETHICAL APPROACH

2.4 Ethical approach to doping in sport

The demands that society places on sport cannot be reduced merely to seeking high performance and economic financial gain for sportsmen/women, sport associations and the media. Sporting activities, even professional and semi-professional sport, relate to ethical values, in particular, fair play. Sporting activities are also based on a social compact, justifying the idea that sport is regarded as socially meaningful, valuable and as a cultural good.

2.5 Fundamental European ethical principles in the fight against doping.

All measures taken at EU level should seek to prevent and to combat doping, as well as to promote the health of sportsmen/women, and should take into consideration several ethical principles which are central to the fight against doping. These include:

- protection of health and safety of citizens, which includes sportsmen/women;

- integrity and transparency, which requires guaranteeing the honesty of sports events and the outlawing of cheating;
- protection of vulnerable persons, especially children;
- dignity of the sportspersons and freedom from exploitation.

2.6 Rights and obligations of sportsmen/women

The rights and obligations of sportsmen/women, which are important in the context of an ethical approach to doping in sport, relate mainly to the following:

- autonomy which implies that the sportsman/woman can make use of his/her body freely;
- information about what kind of substances, methods and risks are involved;
- competition under fair conditions, based on equality of access to competition;
- protection from any kind of exploitation linked to economic interests which could seriously limit the autonomy of the sportsman/woman;
- participation in the implementation of ethical rules in sport;
- participation in decision-making processes in the various sports concerned, with the aim of informing the sportsmen/women about risks, advantages, forms of medicalization and how rules are defined with regard to controls and sanctions.

2.7 Shared responsibilities and obligations of sports associations and sportsmen/women

Certain obligations are associated with the rights linked to sporting activities. Such obligations include fair competition which means respect for the rules set down. Fairness not only demands that all sportsmen/women understand and respect such mutually recognized rules, but also requires that the sports associations (regional, national, european, international federations as well as clubs) create conditions which ensure that the sportsmen/women are able to respect those rules.

The sports associations at all levels, including International Federations (IFs) and the International Olympic Committee (IOC), should actively promote sports ethics given their global power and their financial resources. They must provide sportsmen/women with information on what kind of substances, methods and risks are involved with a particular sporting activity.

The right that sportsmen/women have to this information, and the duty of both parties to adhere to anti-doping rules, should be laid down in their contracts. Both parties should be liable to sanctions.

HEALTH ISSUES AND MEDICAL ETHICS

2.8 Sports medicine and ethics

The application of medicine in sports implies specific responsibilities for those who are involved (doctors, trainers, masseurs, psychologists, pharmacists, etc.) in that they exercise considerable influence on the sportsman/woman.

Even if it is generally accepted that the sports physician does not have a solely preventive and/or therapeutic function, because he/she follows the sportsman/woman's training, he/she nevertheless must scrupulously respect the ethical principles of his/her profession and specifically the preservation of the sportsman/woman's health.

Even in the EU member states where sports medicine is not recognised as a speciality, as it is in four EU countries (Austria, Finland, Italy, Portugal), the EU should contribute towards further training courses in sports medicine and in general medical education.

The EU should also encourage the Member States, including financially, to organize campaigns to raise awareness in educational institutions about the problems of health and medicine in sport.

Moreover, it is important that the EU encourages consultation between all parties involved, especially organisations of medical practitioners directly associated with the sports movement, with the aim of promoting **the drafting of a code of good practice in sports medicine.**

2.9 Doping prevention and healthcare surveillance

The fight against doping cannot be limited to being repressive and can only be successful if all parties involved are interested and make every effort possible to combat doping and promote health in sport. This is the most desirable solution, considering the difficulties faced by previous attempts by the sports movements to prevent and to control doping.

Consequently, the main focus should be on the sportsman/woman's health and on guaranteeing consistent overall medical care. In this context, the Group recommends the setting up of **a service of specialized medical, psychological and informational support for sportsmen/women which would be voluntary, non-binding and free of charge.** This would allow sportsmen/women to have their health evaluated wherever necessary.

The European Agency on the Evaluation of Medicinal Products EMEA should be involved in evaluating the effects of doping on the physical and psychological health of sportsmen/women. It should also be involved in issuing drug-warnings to athletes, directly accessible on the Internet.

Special attention must be paid to new drugs which could be used as doping products, especially drugs derived from genetic technologies which may be less detectable.

Furthermore, specific clauses on the protection of sportspersons should be introduced, in so far as they are workers exposed to particular occupational hazards, into appropriate Community texts on the health and safety of workers.

2.10 Vulnerable Groups

Taking into account the growing number of children and adolescents involved in top-level training methods and in sporting activities and the pressures exercised on them, measures to preserve their health and to protect their autonomy must be strengthened.

Children and adolescents are particularly vulnerable to manipulation and exploitation, including by doping. Psychological pressure, long training hours and demanding sponsoring contracts can be considered analogous to child labour. In order to protect the childrens' physical and psychological health, sporting activities at top-level should be governed by rules similar to those applied to children "at work". Such rules refer to the principles of the UN Convention on the Protection of Children of 1990 and also to the EU Directive of June 1994 on the protection of young people at work, mentioned above.

Apart from their protection as "children at work", children and adolescents have to be fully informed about the risks and dangers arising from their activities, so that they can themselves also take a decision on their sporting activities. In this respect, there is a specific duty by the federations to inform the parents about those risks and dangers.

Furthermore, it is equally important to help the parents of young sportspersons assume the particular responsibilities which require them to preserve the health of their children, to assist their children in developing their autonomy, and fostering their personal enrichment.

A directive should be elaborated on the protection of children and adolescents in sport, notably those who aspire to become professional or semi-professional.

DOPING DETECTION

2.11 Qualitative and quantitative approaches to doping

Only establishing a single list of prohibited substance for all kinds of sports is misconceived in view of the need to safeguard sportsman/woman's health and in this manner defining what should or should not be considered as doping. The Group **advocates a more science-based approach**, which takes account not only of certain substances according to their specific nature, but also to the allowed dosage of associated medical substances which may interact to jeopardise the health of the sportsman/woman. This should be based on up-to-date scientific knowledge.

A European laboratory of reference should be established to act as a coordinator of a European-wide network of licenced high quality laboratories.

In the perspective of an extension of the European Agency on the Evaluation of Medicinal Products (EMA)'s competences, **it is recommended that the Agency also be given competency to draw up and publish information on pharmaceuticals, registered in Member States, which are susceptible to being used for performance enhancement and hence for doping purposes.**

2.12 The control of doping and the principle of the separation of functions

Without compromising the autonomy of the sporting associations, it is important that the principle of independent judgement is respected in the carrying out of anti-doping measures,

in order to avoid a conflict of interest, which can arise when the same bodies act as both judges and parties.

It follows from this principle that the sporting associations, notably the federations, cannot be the only ones to carry out anti-doping controls. For one thing, these controls are insufficient if they are limited to times of competition. Furthermore, the federations, for whom the essential goal is to obtain from their athletes the best possible results, cannot alone be responsible for controlling practices which have as their exact goal the achievement of ever-better performance. There is therefore a need for an external and independent system of control.

This system should provide for random controls, during, as well as outside competitions.

2.13 The control of doping as regards police and judicial cooperation

Police and judicial cooperation, provided for in the 3rd Pillar of the EU Treaty, should be established at the EU level in the area of the fight against doping.

In the mean time, the **Commission interservice group on drugs** should have an enlarged mandate to deal with drugs uses for doping in sport.

Special attention should be paid to the use of the **Internet** as a means to traffic in drugs for the purpose of doping in sport.

WORLD AGENCY

2.14 A World Agency to combat doping in sport

Efforts initiated by the IOC to establish a World Agency to combat doping in sport address the need to guarantee an external and independent dimension to the fight against doping.

However, the viability of such an agency is dependent on certain conditions which are indispensable to its credibility and effectiveness.

These conditions are:

- A statute of independence: To guarantee the agency's independence, representatives of the sports movement, including sportsmen/women, should not have the majority of responsibility over the management of the agency. Representatives of public bodies should constitute at least 50 percent of the membership of the agency and its executive board.
- Transparency and accountability: The agency's work should remain as transparent as possible, through measures such as: the publishing of an annual report; the participation of NGOs in certain areas of the agency's work; transparency of the means of financing and in decision-making procedures.
- Authority : In the event that the proposed agency does not have decision-making authority, and in the event there is no other international organization that takes on an overarching role, the agency must at least benefit from the assistance of the highest authorities available both within and outside the field of sport.

- Neutrality and the role of conciliation: The agency's statute must clearly define its mission in order to avoid conflicting responsibilities with other bodies such as the IOC, the WHO, and the EU. Finally, it is helpful to underline the potential role for the agency as a conciliator between federations and their member sports persons.
- Competence : The agency should benefit from the assistance of the highest scientific and ethical expertise both within and outside the field of sport. In particular, collaboration with EMEA should be encouraged.
- The promotion of a sports ethic: Beyond research on doping and the health of sportspersons, the agency should include an ethics department which is pluralist, multi-disciplinary and independent, and which can be consulted, when necessary, at the request of a state. There should also be funding for further ethical research.

Furthermore, the Group considers that the term "Anti-doping", in the proposed name of the agency, brings with it negative connotations and oversimplifies a complex issue. It would be preferable to consider a name for the agency which implies a broader scope, such as: « **Agency for the Health and Safety in Sport** ».

The Agency should elaborate and make public an « **Annual Report on Health and Safety in Sport** ».

EDUCATION AND RESEARCH

2.15 Research

The Group insists on the **need for epidemiological research on health consequences of sporting activities, and follow-up studies, particularly long-term studies, on the growing influence of medicine in sport and its abuse.**

Further research on detection methods should also be promoted.

Research is also needed on the wider sociological aspects of sport, including the ethical and juridical issues arising from the commercialization and medicalization of sport.

In particular, such research should be encouraged in the context of **future Community research framework programmes.**

2.16 Raising awareness

Consensus conferences should be organised in cooperation with the sporting associations and educational bodies, on the theme of doping and the health of sportspersons.

Education professionals should be sensitized to questions related to ethics in sport and its instruction, in accordance with the education methods of each particular country.

FINANCE

2.17 Funding of anti-doping and health measures

Public authorities already contribute considerable funds to the support of sport. Sporting activities generate a large amount of money. Furthermore, to ensure fair play is in the interests of sport itself. **It is therefore an ethical requirement that the money raised by sport should contribute substantially to the efforts against doping and in favour of sportspersons' health and security.**

CODE OF CONDUCT

2.18 Drafting a code of good conduct in sport

A European conference on doping in sport should be organised by the European Union in cooperation with the Council of Europe, with the aim of having the participants (the sportsperson, the sports movements, States, European institutions, professional medical organizations, representatives of the pharmaceutical industry, organizations representing youth and families, the media, audiovisual in particular...) agree on **a common Declaration, equivalent to a code of good conduct in sport.**

The European Group on Ethics in Science and New Technologies:

The Members

Paula Martinho da Silva

Anne McLaren

Marja Sorsa

Ina Wagner

Göran Hermerén

Gilbert Hottois

Dietmar Mieth

Octavi Quintana Trias

Stefano Rodota

Egbert Schrotten

Peter Whittaker

The Chairperson

Noëlle Lenoir

DOCUMENTS ON THE CREATION OF THE WORLD ANTI-DOPING AGENCY

ANTOINE ROCHAT
Doctor of Law
NOTARY
LAUSANNE
Grand-Chêne 8

No. 1185

Agence mondiale antidopage
World Anti-Doping Agency

Foundation in Lausanne

CONSTITUTIVE INSTRUMENT OF FOUNDATION

signed on 10th November 1999

CONSTITUTIVE INSTRUMENT OF FOUNDATION

BEFORE ANTOINE ROCHAT, NOTARY, in Lausanne for the district of Lausanne,

the following appears:

the INTERNATIONAL OLYMPIC COMMITTEE, an association under Swiss law, the seat whereof is in Lausanne, -----

represented by its President, Mr Juan Antonio Samaranch, who represents it pursuant to the Olympic Charter, and its Director General, Mr François Carrard, -----

The founder declares the constitution of a foundation in the meaning of articles eighty et seq. of the Swiss Civil Code, named -----

----- **AGENCE MONDIALE ANTIDOPAGE** -----

----- **WORLD ANTI-DOPING AGENCY,** -----

the seat whereof is in Lausanne. -----

The founder establishes the statutes of the foundation as follows: -----

----- **Article 1 - Designation** -----

Under the name "Agence mondiale antidopage", "World Anti-Doping Agency", hereinafter referred to as "the Foundation" or "the Agency", is constituted a Foundation governed by the present provisions and articles eighty et seq. of the Swiss Civil Code. -----

----- **Article 2 - Seat** -----

The seat of the Foundation is in Lausanne. -----

The seat of the Foundation may be transferred to another location, in Switzerland or another country, with the agreement of the supervisory authority. -----

The site of the Agency may be in a different location from the seat of the Foundation.

----- **Article 3 - Duration** -----

The duration of the Foundation is unlimited. -----

----- **Article 4 - Object** -----

The object of the Foundation is: -----

- 1) to promote and coordinate at international level the fight against doping in sport in all its forms; to this end, the Foundation will cooperate with intergovernmental organizations, governments, public authorities and other public and private bodies fighting against doping in sport; *inter alia* the International Olympic Committee (IOC), International Sports Federations (IF), National Olympic Committees (NOC) and the athletes; it will seek and obtain from all of the above the moral and political commitment to follow its recommendations; -----
- 2) to reinforce at international level ethical principles for the practice of doping-free sport and to help protect the health of the athletes; -----
- 3) to establish, adapt, modify and update for all the public and private bodies concerned, *inter alia* the IOC, IFs and NOCs, the list of substances and methods prohibited in the practice of sport; the Foundation will publish such list at least once a year, to come into force on 1st January of each year, or at any other date fixed by the Foundation if the list is modified during the course of the year; -----
- 4) to encourage, support, coordinate and, when necessary, undertake, in full cooperation with the public and private bodies concerned, in particular the IOC, IFs and NOCs, the organization of unannounced out-of-competition testing; -----
- 5) to develop, harmonize and unify scientific, sampling and technical standards and procedures with regard to analyses and equipment, including the homologation of laboratories, and to create a reference laboratory; -----
- 6) to promote harmonized rules, disciplinary procedures, sanctions and other means of combating doping in sport, and contribute to the unification thereof, taking into account the rights of the athletes; -----
- 7) to devise and develop anti-doping education and prevention programmes at international level, with a view to promoting the practice of doping-free sport in accordance with ethical principles; -----
- 8) to promote and coordinate research in the fight against doping in sport. -----

The Agency will be entitled to prepare plans and proposals with a view to its conversion, if necessary, into a different structure, possibly based on international public law.

The Agency will above all seek to build on the existing corresponding skills, structures and networks, and create new ones only when necessary. The Agency may, however, set up working parties, commissions or working groups, on a permanent or ad hoc basis, in order to accomplish its tasks. It may consult with other interested private or public organizations, which may or may not be involved in sport: -----

In order to achieve its object, the Foundation has the right to conclude any contract, to acquire and transfer, free or against payment, all rights, all movables and any real estate of whatever nature, in any country. It may entrust the performance of all or part of its activities to third parties. -----

----- **Article 5 - Capital and resources** -----

The founder endows the Foundation with an initial capital of five million Swiss francs (SFr. 5,000,000.-). -----

The other resources of the Foundation shall consist of any other allocations, donations, legacies and other forms of allowance, subsidy or other contributions from all natural or legal persons and all intergovernmental organizations, governments, public authorities and other public and private bodies. -----

----- **Article 6 - Foundation Board** -----

The Foundation Board will initially be composed of at least ten members. This number may be increased to a total of no more than 35 members. The members of the Foundation Board are personalities appointed for a period of three years. They may be re-elected for two further three-year periods. The first members of the Foundation Board, including the first chairman, will be appointed by the founder. The Foundation Board will be added to in accordance with the following principles: -----

1. A maximum of 16 members will be appointed by the Olympic Movement, with the allocation of seats to be defined in the rules which the Foundation Board will enact. -----

2. A maximum of 16 members will be appointed by the intergovernmental organizations, governments, public authorities or other public bodies involved in the fight against doping in sport (hereinafter "public authorities"), with the allocation of seats to be defined in the rules which the Foundation Board will enact. -----

3. The other members will, if necessary, be appointed by the Foundation Board upon the joint proposal of the Olympic Movement and the public authorities. -----

4. As a general rule, when it is renewed and added to, the Foundation Board will seek to ensure that parity is maintained between, on one side, the members of the Foundation Board representing the Olympic Movement (viz. the IOC, ASOIF, AIWF, GAISF, ANOC and the IOC Athletes' Commission), and, on the other side, those representing the public authorities. The provisions of paragraph 6 below are reserved. -----

5. The Foundation Board may also invite a limited number of intergovernmental organizations or other international organizations to act in a consultative capacity for the Foundation. Such organizations, which will be invited on the basis of their legitimate interest in the work of the Foundation and their powers in the corresponding areas, may take part in the discussions of the Foundation Board but may not vote when the Foundation Board takes decisions. -----

6. To the extent that the annual allocations or contributions to the budget of the Foundation paid pursuant to article 13, paragraph 1 below, by the Olympic Movement on one side, and by the public authorities on the other side, are equivalent, each of the two parties, namely the Olympic Movement on one side, and the public authorities on the other side, will be entitled to designate an equal number of Foundation Board members. Failing such equivalent annual allocations by each of the two above-mentioned parties, the number of Foundation Board members who may be designated by the party whose allocation actually paid is lower will be at least one fewer than the number of members designated by the other party. This system will

apply for as long as the annual allocations or contributions to the Foundation budget paid by the two above-mentioned parties are not equivalent. -----

7. The Foundation Board may depart from the rules laid down in paragraphs 1 to 6 above by a unanimous decision on the part of its members. -----

8. The Foundation Board will see to it that its members, the members of the Executive Committee and any other person acting on behalf of the Foundation in whatever capacity respect the fundamental principles of ethics, in particular those with regard to independence, dignity, integrity and impartiality. -----

----- Article 7 - Organization of the Foundation Board -----

The Foundation Board is self-organized. It appoints a chairman, a vice-chairman and a secretary; the secretary may be chosen from outside the Foundation Board. -----

----- Article 8 - Meetings and Decisions of the Foundation Board -----

The Foundation Board meets as often as is necessary, but at least once a year. The meetings of the Foundation Board are convened by the chairman or by the secretary; upon delegation of the chairman. The chairman is bound to convene a meeting of the Foundation Board at the written request of at least five members. -----

A set of minutes, signed by the chairman and by the minute-taker, records the deliberations and decisions of the Foundation Board. -----

At meetings, the members of the Foundation Board have the right to ask the persons entrusted with running and representing the Foundation for information on the conduct of the activities of the Foundation and on specified questions. -----

The Foundation Board takes its decisions by an absolute majority of the votes of the members present; in the event of a tie, the chairman has the casting vote. The provisions of article 16, paragraph 2 of the present statutes are reserved. Furthermore, a unanimous vote by the Foundation Board members present is required for designating or transferring the site of the Agency and for appointing the Executive Committee. -----

The decisions of the Foundation Board may be taken in the form of approval given in writing to a proposal, unless discussion thereof is required by any of the members; decisions shall be recorded in the minutes. -----

----- Article 9 - Attributions of the Foundation Board -----

The powers of the Foundation Board are determined, with regard to the Foundation, by the Law, the present statutes and all other rules and decisions of the Foundation Board. -----

The Foundation Board has the inalienable right to: -----

1. Propose amendments to the present statutes. -----
2. Appoint the auditing body of the Foundation. -----
3. Appoint the Executive Committee provided for in the present statutes. -----
4. Appoint, if it deems it necessary to do so, other ad hoc or standing committees, *inter alia* a scientific committee, with the task of providing opinions or advising the Foundation on specific issues or in specific fields. -----
5. Take all decisions relating to the acquisition, against payment, or transfer, free or against payment, of all real estate. -----

----- Article 10 - Obligations of the Foundation Board -----

The Foundation Board is obliged, in particular: -----

1. to ensure the independence of the Foundation and transparency in all its activities; -----
2. to supervise the committees or persons entrusted with the running and representation of the Foundation, in order to ensure that the activity of the Foundation is, in accordance with the Law, the present statutes and the rules, and to keep itself informed about the conduct of the activities of the Foundation; -----
3. to appoint the members of the Executive Committee and other committees provided for in the present statutes; -----
4. to promulgate the rules relating to the Foundation Board itself, the Executive Committee and other committees, together with all other rules indispensable to the operation of the Foundation, subject to the approval of the supervisory authority; -----
5. to see to it that the minutes of the Foundation Board and the necessary books are duly kept and that the management report, profit and loss account and balance sheet are established in conformity with the provisions of the Law; -----
6. to publish, each year, a report in English and French on all its activities, its profit and loss account and its balance sheet, in accordance with the applicable legal requirements. -----

----- **Article 11 - Executive Committee** -----

The Foundation Board delegates to an Executive Committee of at least five members and a maximum of nine members, the majority chosen from amongst the Foundation Board members, the actual management and running of the Foundation, the performance of all its activities and the actual administration of its assets. -----

The members of the Executive Committee are appointed by the Foundation Board for periods of one year. They may be re-elected. -----

Furthermore, in the event of the incapacity or death of a member of the Executive Committee, he will be replaced immediately, either by the Foundation Board, or temporarily by the Executive Committee; such temporary appointment shall become final only upon its ratification by the Foundation Board, no later than during the next meeting of the Board. -----

The chairman of the Executive Committee is appointed by the Foundation Board. Moreover, from among its members the Executive Committee appoints, *inter alia*, a vice-chairman, if it deems it necessary to do so; it further appoints a secretary, who may be chosen from outside the Executive Committee, -----

The Executive Committee is competent to take all decisions which are not reserved by the Law or by the present statutes for the Foundation Board; its mission and organization will be specified in one or more sets of rules which the Foundation Board will promulgate to this end. -----

----- **Article 12 - Representation of the Foundation** -----

The Foundation is duly represented and bound vis-à-vis third parties by the collective signature of two of the persons designated as follows by the Foundation Board or the founder, in conformity with the method of signature below: -----

- a) at least two members of the Executive Committee; -----
- b) at least two members of the Foundation Board; one of the two co-signatories must however be one of the members appointed by the Olympic Movement, and the other must be one of the members appointed by the public authorities. -----

----- **Article 13 - Annual management report, balance sheet
and profit and loss account** -----

No later than 30th November of each year, the Foundation Board shall approve the budget for the following financial year; failing such approval by a unanimous decision of the Board members present, the budget of the current year shall apply to the next year. The annual allocations and other contributions shall be paid no later than 31st December of each year for the following year. -----

Each year, the Foundation Board submits to the supervisory authority the management report, balance sheet and profit and loss account as approved by the Board. -----

The financial year corresponds to the calendar year. The first financial year will thus end on 31st December 2000. -----

----- **Article 14 - Auditing body** -----

Each year, the Foundation Board designates a qualified and independent auditing body. Each year, the auditing body submits to the Foundation Board a report on the accounts of the Foundation; such report will be submitted to the supervisory authority. -----

----- **Article 15 - Indemnities** -----

The members of the Foundation Board are not entitled to any indemnity for the performance of their functions; they are however entitled to reimbursement of their expenses subject to the conditions fixed by the Foundation Board. -----

For the performance of their functions, the members of the Executive Committee are entitled to an annual indemnity fixed by the Foundation Board, and to the reimbursement of their expenses. -----

The auditing body is entitled to fees in accordance with professional practice. -----

The staff employed by the Foundation is entitled to the remuneration fixed by the Executive Committee, which also decides on the other conditions of employment. -----

----- **Article 16 - Modification of the statutes** -----

The Foundation Board may propose amendments to the present statutes to the supervisory authority. -----

Any proposed amendment, in particular any change to the object of the Foundation, must be approved unanimously by the members of the Foundation Board who are present. ---

----- **Article 17 - Dissolution** -----

The Foundation may be dissolved in the cases provided for by the Law. -----

The Foundation Board may designate one or more liquidators. -----

No winding up measure may be performed without the express agreement of the supervisory authority. -----

Any surplus from winding up is given, with the agreement of the supervisory authority, to an institution pursuing the same or a similar object. -----

----- **Article 18 - Entry in the Trade Register** -----

The Foundation will be entered in the Lausanne Trade Register. -----

----- **Article 19 - Supervisory Authority** -----

The Foundation will be placed under the supervision of the Federal Department of the Interior, the competence whereof is hereby reserved. -----

In application of article six of the statutes recorded above, the founder appoints the following persons as members of the first Foundation Board: -----

- Richard W. Pound of Canada, in Montreal (Canada), first chairman; -----
- Prince Alexandre de Merode, of Belgium, in Brussels (Belgium); -----
- Jacques Rogge, of Belgium, in Deinze (Belgium); -----
- Arne Ljungqvist, of Sweden, in Enebyberg (Sweden); -----
- Hein Verbruggen, of the Netherlands, in Lutry; -----
- Anders Besseberg, of Norway, in Vestfossen (Norway); -----
- Johann Olav Koss, of Norway, in Teneriffe (Australia); -----
- Robert Ctvrtlik, of the United States of America, in Newport Beach (USA); -----
- Manuela Di Centa, of Italy, in Meina (Italy); -----
- Peter Tallberg, of Finland, in Esbo (Finland); -----
- Suvi Linden, of Finland, in Helsinki (Finland); -----
- Awoture Eleyae, of Nigeria, in Yaoundé (Cameroon). -----

The founder recalls that the other members of the Foundation Board will be appointed by the Board, upon the proposal of the interested bodies, in particular the ASOIF and ANOC, the second member representing the European Union and the Council of Europe. ---

The Foundation will be domiciled initially in Lausanne, at the Château de Vidy, at the headquarters of the founder, which accepts such domiciliation. -----

IN WITNESS WHEREOF read by the notary to the persons appearing, who approve
and sign with him, forthwith, in LAUSANNE, this TENTH NOVEMBER NINETEEN
HUNDRED AND NINETY-NINE. -----

The original is signed: -----

Juan A. Samaranch; Carrard; A. Rochat, notary. -----

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