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联合国教育、  
科学及文化组织

## **FEEDBACK REPORT ON THE ANTI-DOPING POLICY ADVICE PROJECT**

### **COUNTRY ASSESSMENT REPORT**

#### **ROMANIA**

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The ideas and opinions expressed in this publication are those of the authors; they do not necessarily reflect the views of UNESCO and do not commit the Organization in any way.

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### ***List of abbreviations***

UNESCO International Convention against Doping in Sport	UNESCO Convention
World Anti-Doping Agency	WADA
World Anti-Doping Code	WADA Code
Romanian National Anti-Doping Agency	RNADA
Romanian Olympic and Sport Committee	ROSC
National Sport Federations	NSFs
National Sport Federation	NSF
Doping Control Laboratory	DCL
Ministry of Youth and Sport	MYS
Doping Control Officer	DCO

## **Preamble**

*The final phase of the UNESCO Policy Assessment Project constitutes an excellent opportunity for the national teams to take to the next level the approach deployed in crescendo throughout the development of the previous two project phases.*

*The present report follows the pattern devised under the guidance and the coordination of the International Project Consultant and it introduces detailed input on descriptive and analytical information aimed to provide a complete and thorough picture on the topic in focus.*

*Overall, this tri-phase project has created - on one hand - the ideal ambit for an in-depth look at the complex nature of the prevention of and fight against doping in sport, and - on the other hand - it encourages all stakeholders involved to contemplate the road ahead and to be proactive in the quest for the best approach to be pursued in the coming decades for an effective and efficient performance in achieving the goals defined by the UNESCO International Convention against Doping in Sport which was accepted by Romania via Law no. 367/2006<sup>1</sup>.*

*Romania has been amongst the first States to adhere to the UNESCO International Convention against Doping in Sport. As stipulated in article 37 para 1) of the Convention ("Entry into force"): "This Convention shall enter into force on the first day of the month following the expiration of a period of one month after the date of deposit of the thirtieth instrument of ratification, acceptance, approval or accession". We are of the opinion that a symbol of Romania's utmost commitment to the mission of anti-doping in sport is expressed by the fact that it was the 21<sup>st</sup> State which accepted the Convention.*

*To date, 179 State have become Parties to the Convention - a worldwide top level "institutional team" prepared to work for the future of a doping-free sport. We hope that the team work assembled in the texture of this policy assessment project will bring a contribution to this major goal.*

*Bucharest, Romania*

*May 2015*

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<sup>1</sup> Law no. 367/2006 on the Acceptance by Romania of the Convention against Doping in Sport adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO) in Paris on 19 October 2005.

## **Chapter 1**

### ***An assessment of the policies led pursuant to the provisions of the Convention***

- 1. The fight against doping at national level***
- 2. International Cooperation***
- 3. Education and Training***
- 4. Research***

## 1. The fight against doping at national level

As outlined in the previous reporting phases within this project, Romania has committed fully to the implementation of policies meant to reflect a comprehensive conformity with all undertakings of the UNESCO International Convention against Doping in Sport (*named hereinafter the UNESCO Convention*). It can be noted that the entire domestic anti-doping action approach has been devised in consideration of one major feature of the UNESCO Convention, namely that it "*provides the (...) legal framework with which all governments can address the (...) use of performance-enhancing substances and methods in sport*"<sup>2</sup>.

This overall and in-depth commitment has been reflected in several key areas:

- policy-making
- legislation
- institutional framework
- operational duties and activities

In the exercise of all actions focused on anti-doping, Romania operates within a specific and complex domestic legal framework created in commitment to UNESCO Convention, the World Anti-Doping Code and Anti-Doping Convention of the Council of Europe.

This domestic legislation has been devised to reflect the in-depth harmonization of the national anti-doping tools with all the relevant and international legal tools applicable in the prevention of and fight against doping in sport.

The most referential domestic legal markers are:

- *Law no. 227/2006 on the prevention of and fight against doping in sport, with the subsequent amendments and completions;*
- *Law no. 104/2008 on the prevention of and fight against the manufacture and illicit traffic of high-risk doping substances, with the subsequent amendments and completions;*

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<sup>2</sup> Marriott-Lloyd, P., "*Understanding the International Convention against Doping in Sport*", SHS/2010/PI/H/2 at <http://www.unesco.org/new/en/social-and-human-sciences/themes/anti-doping/international-convention-against-doping-in-sport/>

- *Government Decision no. 221/2013 on the approval of the National Anti-Doping Strategy for 2013-2017 and the Implementation Action Plan;*
- *The Methodological Norms on the organization and conduct of the doping control (approved via Government Decision);*
- *Government Decision no. 956/2011 on the approval of the Methodological Norms for the enforcement of Law no. 104/2008 on the prevention of and fight against the manufacture and illicit traffic of high-risk doping substances, with the subsequent amendments and completions;*
- *The Regulations on the Organization and Functioning of the Hearing Commission (approved by Order of the President of the Romanian National Anti-Doping Agency);*
- *The Regulations on the Organization and Functioning of the Appeal Commission (approved by Order of the President of the Romanian National Anti-Doping Agency)*
- *The Prohibited List (annually approved by Order of the President of the Romanian National Anti-Doping Agency).*

The main institutional actor in all matters pertaining to anti-doping operations in Romania and relying on the domestic and international legal framework available is the Romanian National Anti-Doping Agency (*named hereinafter RNADA*) whose mandate and status are defined in the legal provisions introduced by *Law no. 227/2006 on the prevention of and fight against doping in sport, with the subsequent amendments and completions*. The current version of Law no. 227/2006 was enacted through Law. no. 128/2014.

Pursuant to article 4 para 1) of the said law, "*the National Anti-Doping Agency, named hereafter the Agency, operates to fight against doping in sport. The Agency is a public institution with legal personality and decisional and operational autonomy in anti-doping and in the relevant scientific research activity. The Agency is coordinated by the Prime-Minister and it relies on self-generated income and on subsidies granted from the State budget through the General Secretariat of the Government*".

The UNESCO Convention is one of the major inspirations and references for the anti-doping movement in Romania. Perhaps one of the illustrative means to reflect this is

expressed through the core values promoted by the Romanian National Anti-Doping Agency: *professionalism, teamwork, respect, experience, motivation, responsibility* and also in the form of the Agency's slogan: *Together for a clean sport!*.

### **1.1. The coordination measures at national level: the National Anti-Doping Strategy and the associated Action Plan**

Such as in the case of any long-term, complex and multi-disciplinary approach, the prevention of and fight against doping in sport requires an in-depth and substantial coordination developed amongst the domestic public authorities with a mandate of decision making in all the relevant aspects.

Along these lines, to note the view expressed in the Preamble to the UNESCO Convention, namely that "*sport should play an important role in the protection of health, in moral, cultural and physical education (...)*".

In Romania the core policy on all matters dwelling in the prevention of and fight against doping in sport is built in the structure of the *National Anti-Doping Strategy*<sup>3</sup> and the *Implementation Action Plan*.

In reference to the UNESCO Convention and to the overall matrix of the present policy assessment project, to note that in its opening part, the vision behind the Strategy is devised as the institutional acknowledgment it includes, namely that the "*doping phenomenon is a complex one and requires a multidisciplinary approach, a consolidated effort of all bodies and institutions with responsibilities in the field of sport*".

The Strategy is devised on a series of conceptual pillars differentiated in:

- Principles and
- Objectives

► *Principles* of the National Anti-Doping Strategy:

1. *The principle of confidentiality*: preserving and observing athletes' rights and integrity.
2. *The principle of responsibility*: taking responsibility for actions and activities performed.

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<sup>3</sup> The current such policy roadmap in operation applies for the time span 2013-2017 and it was enacted through Government Decision no. 221/2013.



3. *The principle of professional integrity* - RNADA representatives are required to exercise both moral and professional integrity in their activities.

4. *The principle of consistency* – the activities performed as part of the national anti-doping programs are permanent and based on the previous experience gained nationally and internationally.

5. *The principle of efficiency and professionalism* - the RNADA makes it its duty to pursue a professional approach in implementing activities that will be continuously assessed, both in terms of concrete results and institutional management.

6. *The principle of structural cooperation* - under which RNADA and its institutional partners involved in the prevention of and fight against doping on national and international level should cooperate closely.

7. *The principle of ethic approach* - the implementation of activities under the highest standards of ethical behavior; the development and implementation of policies, procedures and practices that reflect justice, fairness and integrity.

8. *The principle of best practices and innovation* - reference to best practice standards and their application in all sectors, and developing innovative solutions to problems solving.

► *Objectives:* In consideration of the above principles, a set of objectives was established through the National Anti-Doping Strategy. These objectives were each devised in detail and associated with a clearly designed portfolio of intended results/achievements. We are of the opinion that the interdependent rapport between principles, objectives and achievements is also meant to reflect the multidisciplinary nature of any given anti-doping strategy. As such, the core objectives focus on the following vectors:

1. Prevention of and fight against the phenomenon of doping in sport at national level by raising awareness with regards to the consequences of doping practice and carrying out a relevant number of in competition and out of competition, no advance notice tests;

2. Performing the doping control analyses to prove any alleged anti-doping rules violations in compliance with international standards;

3. Design and development of scientific research projects and programs in the field;

4. Prevention of and fight against the illicit manufacture and traffic of high-risk doping substances;
5. Reaffirming the commitment of Romania and strengthen its approach as an active and reliable partner in the global efforts in the fight against doping in sport;
6. Institutional development aiming to implement the policies adopted in the field.

We appreciate that the overall target of the Strategy is properly worded in the content of *Chapter VII (Anticipated Action Outcome): "The anticipated general and specific objectives are expected to generate by 2017 a favourable impact over the quality of life, health and individual and social security, the target public education in the spirit of clean sport and the awareness regarding the main issues of the anti-doping field. To this end, the action plan related to the strategy specifies and establishes the concrete measures and interventions for reducing the use of doping substances, as well as for fighting against the illicit traffic of doping substances, starting from a coherent and efficient approach"*<sup>4</sup>.

## **1.2. Limitation of forbidden substances and methods availability**

*Law no. 104/2008 on the prevention of and fight against the manufacture and illicit traffic of high-risk doping substances, with the subsequent amendments and completions, is a domestic legal tool introduced in order to streamline the approach towards and effective and efficient response to the major threats incurred to athletes by the phenomenon it regulates.*

This domestic legislative tool incorporates the relevant provisions on the mandate of RNADA and the institutional cooperation amongst the domestic stakeholders involved in the prevention of and fight against the manufacture and illicit traffic of high-risk doping substances.

The provisions of the law are devised to make available an efficient and effective mechanism of cooperation and coordination.

Law no. 104/2008 represents the key domestic legislation focused on the full spectrum of aspects which tie into the matters in focus.

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<sup>4</sup> Government Decision no. 221/2013 on the approval of the National Anti-Doping Strategy for 2013-2017 and the Implementation Action Plan.

Pursuant to article 2 para (2) of Law no. 104/2008, "*the manufacture of high-risk doping substances represents the unlawful manufacturing, preparation, processing, and transformation of the high-risk doping substances and the products containing such substances*".

Similarly, article 2 para (3) of the law stipulates that "*the illicit traffic of high-risk doping substances represents the illegal offering, distributing, selling, purchasing, administering, delivering, sending, procuring, possessing, getting in or taking out of the country, as well as importing or exporting or any other operations related to the circulation of the of the high-risk doping substances and products containing such substances, unrightfully*".

In consideration of the key importance an active and substantial cooperation in this specialized field, Law no. 104/2008 enables the functioning of a platform of joint action via which RNADA benefits from proper support in implementing its mandate assigned by law.

This platform of joint action translated into an operational framework and in the existence of a structure acting beside RNADA: the *Board for the Prevention of and Fight against the illicit traffic of high-risk doping substances*.

As stipulated in article 3 of the Law 104/2008, this Board acts as a "*consultative body*".

The membership of the said Board was devised with an aim to reflect its role as a convergent platform of coordination amongst the relevant domestic institutional stakeholders who partner with the RNADA towards the implementation on the National Anti-Doping Strategy:

- the National Authority for Consumer Protection
- the National Customs Authority
- the Public Ministry - representation designated by the General Prosecutor's Office
- the Ministry of Health
- the Ministry of Justice

While consultative in nature, the Board is conferred on the strength of Law no. 104/2008 a series of relevant tasks which motivate its role as an across-the-board institutional tool.

Thus, pursuant to article 6 of Law no. 104/2008, "*the Board shall accomplish the following attributions: a) Review of the actions or the operations agreed by public institutions and authorities with responsibilities in the field of prevention of and fight*

*against illicit traffic of high-risk doping substances, in order to identify any irregularities arisen in their implementation and to submit proposals to eliminate these irregularities; b) Proposals for the harmonization, update and adjustment of the relevant legislation according to international regulations, based on data regarding proportions and domestic features of illicit traffic of high-risk doping substances; c) Drawing-up the annual report on the evolution and the level of illicit traffic of high-risk doping substances, which is submitted by the National Anti-Doping Agency to the Government and the relevant international bodies, which have the competence to ensure the implementation of international conventions' provisions, according to the agreements signed by Romania".*

Another core feature of Law no. 104/2008 refers to the special measures it introduces with regards to the fight against the illicit traffic of high-risk doping substances in the bodybuilding and fitness gyms. We are of the opinion that this set of provisions clearly support a broader and effective outreach limitation of forbidden substances and methods availability.

The said provisions encompass a portfolio of actions assigned to the specialized personnel of RNADA and which range from inspection of body-building and fitness facilities, to conducting specialized training for anti-doping certification of these facilities, vetting and (re)-issuing anti-doping certifications, participating in joint actions with the law enforcement authorities, enforcing pecuniary sanctions, etc.

### **1.3. Measures aimed at preventing and limiting the use and possession by athletes themselves of forbidden substances and methods**

The core provisions on these measures are introduced by *Law no. 227/2006 on the prevention of and fight against doping in sport, with the subsequent amendments and completions*, and they are shaped in the form of the roles and responsibilities assigned by law to athletes and their support personnel.

Such as the other components of the domestic anti-doping legal framework in force in Romania, this law mirrors the country's active and involved commitment to comply to the highest standard with the international provisions.

These roles and responsibilities binding athletes and their support personnel translate in a series of obligations and principles<sup>5</sup>:

- the obligation for the athletes to be knowledgeable of and to comply with the all the applicable national and international anti-doping rules;
- the obligation for the athletes' support personnel to advise and educate the athletes with regards to the anti-doping policies;
- the principle of strict liability binding an athlete for what is found in his/her biological sample;
- the obligation of cooperation with the Anti-Doping Organizations investigating anti-doping rule violations - applying to both athletes and their support personnel;
- the obligation for athletes to provide accurate whereabouts information while being a part of a Registered Testing Pool;
- the obligation of proper and timely notification binding an athlete who returns to sports after a pause or after serving a period of ineligibility, and the consequences applicable in case of non-compliance;
- the very strict rules applying to the roles of doctors, nurses and para-medical personnel in their interaction with the athletes;
- the specific provision prohibiting the athlete support personnel to use or possess any prohibited substance or prohibited method without valid justification.

#### **1.4. Measures (taken or encouraged by States parties) against athletes' staff who breach anti-doping rules**

The anti-doping community worldwide acknowledges the instrumental role exerted on an athlete by his/her proxy entourage, with a particular emphasis on the context of underage athletes.

The newest available international anti-doping legislation (and its transposition in the domestic legislations thereof) stipulates specific provisions with regards to athletes' staff who breach anti-doping rules.

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<sup>5</sup> Articles 20 to 21<sup>6</sup> from Law no. 227/2006 on the prevention of and fight against doping in sport, with the subsequent amendments and completions.

As such, the Romanian anti-doping legislation - progressively amended and completed with an aim to reflect the changes operated in the international ambit - incorporates provisions on obligations<sup>6</sup> assigned to as well as measures stipulated against athletes' staff who breach anti-doping rules.

As such, pursuant to *Law no. 227/2006 on the prevention of and fight against doping in sport, with the subsequent amendments and completions*, specific provisions are in force stipulating sanctions to be imposed to athletes' support personnel who violate anti-doping rules.

To this effect, to note for instance the correlation which Law no. 227/2006 makes between the following provisions.

Pursuant to Article 2 para 2) letters g) and h), "*The following sanctions constitute anti-doping rule violations: (...) (g) Trafficking in or attempting to traffic any Prohibited Substance and/or Prohibited Method; (h) Administration to an Athlete in and/or out of competition of any Prohibited Substance and/or Prohibited Method. (...)*". Law no. 227/2006 further strengthens the normative framework through the provisions stipulated under article 40 which reads quote "*The sanction imposed on the athlete's support personnel established pursuant to article 2 para 2) letters (g) and (h) shall be greater than the sanction imposed on the athletes who tested positive to doping control*" unquote.

## **1.5. Measures aimed at establishing good practices for the trade and supply of food supplements**

In Romania the sector of food supplements falls under a responsibility shared amongst several institutional stakeholders: the Ministry of Health, the Ministry of Agriculture and Rural Development, RNADA, the National Sanitary Veterinary and Food Safety Authority and the National Authority for Consumer Protection.

In consideration of its status as an EU Member State, Romania upholds the EU legislation as domestic legislation. In the matter of food supplements the EU legislative reference was *Directive 2002/46/EC of the European Parliament and of the Council of 10 June 2002 on the approximation of the laws of the Member States relating to food supplements* followed by a series of related legislative tools.

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<sup>6</sup> Reviewed under *para 1.3* in the present report.

As far as prevention of and fight against doping in sport is concerned, the Romanian legislation incorporates Law no. 511/2006 and the Government Ordinance no. 59/2006 which regulate the athletes' use of food supplements.

At the present time, a new draft law on food supplements is tabled before the Romanian Parliament for approval - and RNADA is a co-initiator of this legislative project.

As indicated in the report of motives, the said draft law aims to achieve the following results:

- to create an unitary regulatory mechanism for the applicable institutional and procedural legislative framework, including the mutual recognition of the notifications issued within the EU;
- to ensure consumer and public health protection;
- to create a data clearing house destined to encompass all types of certified food supplements, in compliance with the EU standards;
- to regulate the trade and supply of food supplements destined to athletes - in consideration of the substances included in the Prohibited List stipulated in Law no. 227/2006 on the prevention of and fight against doping in sport.

#### **1.6. Funding of a national testing program, or a financial support to sports organizers and anti-doping agencies to fund these tests**

The doping testing program relies on funding from the state budget and on extra-budgetary funds. For instance, in 2014 RNADA's budget was in the amount of 2,896,600 Euro - of which 76% represented funding from the state budget and 24% represented self-generated funds.

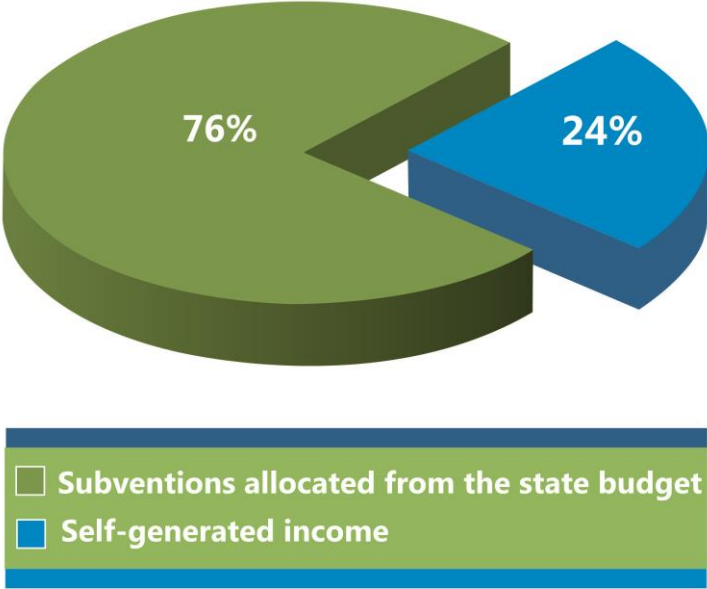
The prevailing share of the self-generated income consisted in income derived from the contracts drawn with the national sport federations and clubs for doping control sample collection and analysis. On a yearly basis, RNADA operates contracts with at least 54 National Sport Federations and a range of orders from sport clubs.

Furthermore, the Romanian Olympic and Sport Committee has an ongoing contract with RNADA for the testing of the Olympic athletes.

Also to note as self-generated income the contracts drawn with the orders placed by external entities, international federations and WADA.

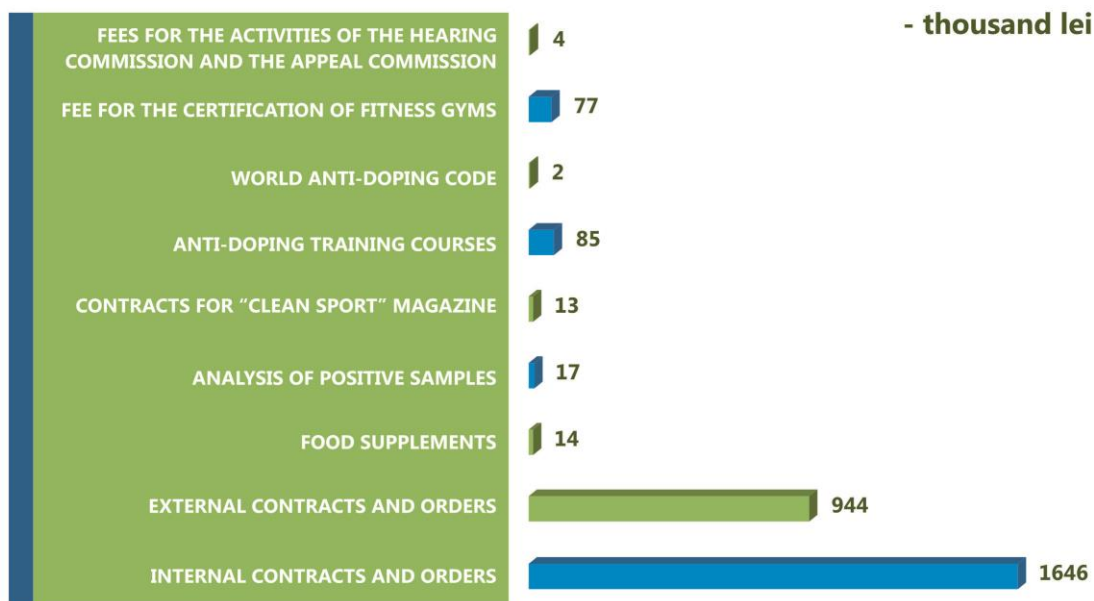
We consider relevant to underline that - in terms of their doping testing programs - the NSFs rely on funds assigned by the Ministry of Youth and Sport and which originally dwell in the income generated by taxes and excise duties on alcohol and tobacco.

The mandatory requirement to budget appropriate funds for the doping testing program is expressed in the text of Law 227/2006 on the prevention of and fight against doping in sport, with its subsequent amendments and supplements, as it follows: "**Art. 52<sup>2</sup>**. (1) *With the purpose of protecting athletes' health and to prevent doping in sport, the national sport federations, sport clubs and professional leagues are bound to stipulate in their annual budgets funds committed to anti-doping tests for their athletes*".



Sources of funding for the National Anti-Doping Agency





#### *Structure of the self-generated funding of ANAD*

### **1.7. Provisions aimed at withdrawing sport-related financial support to athletes or teams during the duration of a suspension warranted by a breach of anti-doping rules**

The national anti-doping legislation incorporates provisions on the complex consequences entailed by the violation of anti-doping rules. As such, *Law 227/2006 on the prevention of and fight against doping in sport, with its subsequent amendments and supplements*, stipulates a series of correlated applicable notions.

More specifically, in Article 3(11) *Disqualification* is defined as *the invalidation of the Athlete's results in a particular Competition or Event, with all resulting consequences including forfeiture of any medals, points and prizes*.

Furthermore, in Article 42(7) it is provided that "*During the period of ineligibility, the financial support will be withheld, in part or in full, by Signatories, Signatories' member organizations, except for the anti-doping rule violations which do not result in a reduced sanction imposed for the use of Specified Substances*".

### **1.8. Provisions aimed at withdrawing financial support to sports organizers or anti-doping agencies who are not compliant with the World Anti-Doping Code or with anti-doping rules adopted pursuant to the Code.**

The Romanian anti-doping legislation recognizes the need to incorporate provisions that create law-endorsed means to monitor the compliance of sport organizers with the obligation to enforce the sanctions issued for anti-doping rule violations. As such, article 52<sup>3</sup> of *Law 227/2006 on the prevention of and fight against doping in sport, with its subsequent amendments and supplements* stipulates that: *"(1) Enforcing the sanctions against the athletes or athletes' support personnel constitutes a responsibility of the federations, clubs and leagues and to this effect shall comply with the provisions of the present law and the applicable international regulations in force; AND (2) Failure by the federations, clubs, leagues or the Federation for School and University Sports to comply with the provisions set forth in paragraph (1), unless article 52<sup>4</sup> para (1) applies, constitutes contravention and it is sanctioned with a fine ranging from 5,000 RON to 30,000 RON, withdrawal of any financial support from the state budget, provisional suspension of the Sports Identity Certificate or removal from the Sports Register".*

The same outcome (withdrawal of financial support) constitutes one of the sanctions imposed in outcome to the registration of athletes who serve an ineligibility period; pursuant to article 52<sup>4</sup> para (1) of Law 227/2006, *"Registering the athletes serving an ineligibility period for a competition or sport event by the national sport federations, sport clubs or professional leagues constitutes contravention and it is sanctioned with a fine ranging from 7,500 RON to 30,000 RON, and the withdrawal of any financial support from the state budget, provisional suspension of the Sports Identity Certificate or removal from the Sports Register".*

To note also that the same law expands on sanctions which results from lack of conformity or from faulty actions such as the ones listed above, in the sense that another significant outcome stipulated on the grounds of Law 227/2006 refers to the pecuniary consequences incurred by the sports organizers in a range of amounts specifically quoted in the text of the law.

### **1.9. Supporting and facilitating doping tests carried out by sports organizers and anti-doping agencies**

At national level, the implementation of the anti-doping policy is coordinated and developed by RNADA, in conformity with the relevant international and national legal provisions in force.

The overall objective of the doping testing program aims at performing a relevant number of in competition and out of competition no advance notice tests with a view to protecting the health of athletes and their fundamental right to practice a clean sport.

In pursuit of this overall objective, RNADA devises the Annual National Testing Plan, devising a distribution of the doping tests according to criteria such as sport discipline and doping risk incidence.

RNADA and the domestic event organizations rely on a good cooperation for the purpose of jointly devising the testing strategy during the events.

On a case-to-case basis, doping testing can be performed upon request of the event organization together with testing planned by RNADA, or there can be situations when solely RNADA conducts doping testing or only the event organization launches a request for doping testing during a given event.

According to the legal provisions in force, both RNADO and the sport structures are subject to a binding obligation of confidentiality in relation to the testing and the results management.

RNADA responds to all requests for doping testing and provides assistance to the respective sport structures, to event organizations - WADA Code Signatories - in the implementation of a doping testing plan and an anti-doping education strategy for the purpose of proper conformity with the statutes and regulations of the international structures of affiliation, or with the statutes and regulations of the event organization (e.g. ICO, ECO, etc.).

In terms of operations, doping testing is performed by trained Doping Control Officers and to note that in Romania DCO has been introduced in the National Occupational Classification. As a requirement intrinsic to this ranking, DCO credentials are received based on an occupational training and successful completion of an examination.

Anti-doping education actions developed during events are held by specialized lecturers working on the staff of RNADA which also provides the supporting logistics.

In assessing the doping testing conducted on the territory of Romania as part of international sport events, we are of the opinion that the cooperation developed between RNADA and the event organizations (namely the international sport federations) is consistent and positive. RNADA is frequently being designated as testing authority by these international event organizations and is invited to include education actions as part of the contribution to the development of an international sport event taking place in Romania.

As far as results management, this competence is assigned to the event organization - nevertheless there are situations when RNADA has been designated by the international event organization to act as results management authority with jurisdiction over the Romanian athletes competing in the respective international event.

#### **1.10. Supporting and facilitating agreements concluded by sports governing bodies or anti-doping authorities allowing for the control of their members by accredited teams in others States**

Pursuant to the provisions of the UNESCO Conventions and implicitly of the WADA Code, RNADA recognizes the doping tests conducted on Romanian athletes by other anti-doping organizations.

Furthermore, on a contract basis, RNADA conducts doping testing during events taking place abroad - upon request by the respective event organization (e.g. the European Swimming Championships in Hungary, European Shooting Championships in Croatia, etc.).

On the strength of contracts drawn with several international federations, RNADA has conducted testing on their behalf either in Romania or in other countries in the region (e.g. Bulgaria, Hungary, Moldova, etc.).

#### **1.11. Support to sports organizers or anti-doping agencies for the analysis of samples taken by an accredited laboratory:** whether an accredited laboratory is present, funding and pricing system, agreements with foreign accredited laboratories...

The Doping Control Laboratory in Bucharest, Romania was awarded the accreditation by WADA in 2009. To note that - in conformity with the UNESCO Convention and the World Anti Doping Code - RNADA resorts solely to WADA accredited doping control laboratories for the analysis of the doping control samples collected under its testing authority.

For the most part, for the analysis of the doping control samples collected under its testing authority, RNADA liaises with the Doping Control Laboratory in Bucharest. Nevertheless, agreements are in place for the conduct of some specific analysis entrusted to the other WADA-accredited laboratories located in Cologne (Germany), Seibersdorf (Austria) and respectively Lausanne (Switzerland).

The Doping Control Laboratory in Bucharest relies on its own budget and independently determines its pricing system for the doping control analysis it performs. The pricing quotes are enacted via Order of the President of RNADA and published in the Official Journal of Romania, Part I.

## 2. INTERNATIONAL COOPERATION

*In order to achieve the purpose of this Convention, State Parties undertake to: (...) b) encourage all forms of international cooperation aimed at protecting athletes and ethics in sport and sharing the results of research; (c) foster international cooperation between State Parties and leading organizations in the fight against doping in sport, in particular with the World Anti-Doping Agency<sup>7</sup>.*

Enhanced international cooperation is achieved in full commitment to Romania's policy on international relations and it relies on the following main objectives:

- Enhancing cooperation with WADA for the design and implementation of RNADA's legislation and programs, as well as for doping controls pursuant to the contract-based relationship established with WADA for tests ordered by WADA;
- Extend and diversify the cooperation with the Council of Europe, UNESCO, the Institute of National Anti-Doping Organizations (iNADO) in consideration of their prerogatives in the field of anti-doping;
- Enhancing bilateral cooperation with national anti-doping organizations of the WADA Code Signatories in order to enable sharing of the experience in anti-doping;
- Ensure that Romania is represented in the key international events focused on the fight against doping in sport; endorse the presence of Romanian representatives in the management panels, the commissions and committees of the international anti-doping authorities; The national anti-doping movement in Romania was devised, designed and it is being implemented in consideration of all relevant international provisions. In turn, RNADA understands to contribute to the maximum extent of its expertise and know-how to the works and the projects of all international bodies that have created and also coordinate the enforcement of the UNESCO Convention, the Convention of the Council of Europe and WADA. To this effect, the President in office of RNADA has developed a background of holding important positions in the decision-making process:

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<sup>7</sup> Excerpt from Article 3 of the International Convention against Doping in Sport 2005 (Paris, 19 October 2005)

- Chairperson of the Advisory Group on Education of the Council of Europe; (in office to date) re-elected as Chairperson of the Advisory Group on Education of the Council of Europe; (in office to date) Gender Equality Rapporteur for CAHAMA; (in office to date) Vice- Chairperson of the Executive Committee elected at the 4th Session of UNESCO International Convention against Doping in Sport State Parties Conference
- Also, RNADA is actively represented through its experts in the reunions of the Monitoring Group of the Anti-Doping Convention of the Council of Europe and respectively the Ad Hoc European Committee for the World Anti-Doping Agency (CAHAMA), the reunions of the Expert Groups on Anti-Doping Education and Prevention and the Advisory Group on Science.
- Enhancing cooperation with the international sport structures and other entities with prerogatives in the field of anti-doping.

## **2.1. Supporting and facilitating international cooperation between anti-doping organisations, sports organisations and public authorities**

The anti-doping activities developed in Romania are devised with a keen focus on the importance of international cooperation and mutual support amongst the relevant stakeholders.

One such relevant example is the International Conference which RNADA hosted in October 2014 under the theme "*A modern approach to anti-doping policies*" on the occasion of the 30th anniversary of the Bucharest-based WADA-accredited Doping Control Laboratory.

The conference enabled a venue reflecting the international recognition enjoyed by Romania in the field of anti-doping and it brought together representatives from all the international bodies with prerogatives in the preventio of and fight against doping in sport: UNESCO, the Council of Europe, WADA, the World Association of Anti-Doping Specialists, iNADO, etc.

The papers presented by renown specialists from anti-doping organizations worldwide focused on the changes introduced by the new 2015 WADA Code.

## **2.2. Support to the World Anti-Doping Agency (WADA)**

The support extended to WADA by RNADA and the Romanian authorities is expressed in a variety of forms such as:

- the continuous focus on the harmonization of the Romanian anti-doping legislation with the provisions of the World Anti-Doping Code, or
- the ongoing contract-based relationship with WADA on the subject of doping controls ordered by WADA

## **2.3. Funding of WADA shared equally with the Olympic movement**

RNADA is standing in full compliance with this commitment shared with the Romanian Olympic and Sport Committee and is acting on this assumed obligation pursuant to article 61 from *Law no. 227/2006 on the prevention of and fight against doping in sport, with the subsequent amendments and completions* which reads that: "*The Agency is subject to the obligation to pay the fees established by the international governmental and non-governmental organizations, a commitment undertaken as per Law 171/1998 and as per the International Convention against Doping in Sport adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization in Paris on 19 October 2005 and ratified based on Law 367/2006*".

## **2.4. Facilitating doping tests performed on competing or non-competing athletes by WADA or anti-doping agencies within the national territory**

The doping tests performed in this context are facilitated under the provisions of the national legislation harmonized with the international provisions in force.

## **2.5. Facilitating cross border movement of accredited anti-doping teams**

Both this option and the one referred to under 2.6 below are available on the basis of the legal provisions and based on the cooperation with the National Customs Authority and the National Border Authority.

As mentioned earlier in this report, RNADA designated DCOs have conducted doping testing in other countries, and, in the same fashion, foreign DCO teams acting on behalf of anti doping organizations from overseas have often conducted doping testing in Romania.



## **2.6. Facilitating the safe cross border transport of samples**

The transport of samples onwards to accredited laboratories overseas is performed via specialized courier services. In those situations when transportation involves chaperon of the samples by a DCO, the procedure was facilitated with the support of the National Customs Authority.

## **2.7. Participating in the international coordination of doping tests**

The participation in the international coordination of doping tests is put in practice through RNADA's compliant support to ADAMS - a permanent activity which is implemented the strength of *Law no. 227/2006 on the prevention of and fight against doping in sport, with the subsequent amendments and completions:*

*Article 19(4): The Agency will report to the World Anti-Doping Agency, through ADAMS, the Therapeutic Use Exemptions granted to national level athletes and to athletes who hold resident status in Romania and who are not international level athletes, included in its Registered Testing Pool.*

*Art. 21<sup>3</sup>. The athletes within the Agency's Registered Testing Pool are bound to provide accurate whereabouts information through ADAMS.*

## **2.8. Cooperation and assistance between anti-doping laboratories, support to States parties (technical transfers and suitable abilities to set laboratories)**

Ever since its opening, the Doping Control Laboratory in Bucharest (DCL Bucharest) has established cooperation with other doping control laboratories, and this constituted a major and beneficial support during the development and accreditation phase. After receiving the international accreditation in July of 2009, DCL Bucharest became itself a resource for assistance for other laboratories. For example, two doping control laboratory staff from Belarus received a 1-week training on topics such as: receipt of urine and blood samples, analytical techniques (androgen anabolic steroids analysis via gas chromatography–mass spectrometry, identifying the exogenous origin or endogenous steroids via gas chromatography-isotope-ratio mass spectrometry), the quality management system. Furthermore, two staff from the Moldovan National Anti-Doping Agency received introductory

training on the topics of establishing, managing and devising the human and material endowment of a doping control laboratory compliant with the standards of accreditation by WADA.

DCL Bucharest hosted expert visits conducted by other doping control laboratories, from locations such as: Cologne and Seibersdorf (Germany), South Africa, Ghent (Belgium), Madrid (Spain).

Staff on the expert pool of DCL Bucharest travelled overseas to specialize in various techniques applied in other accredited doping control laboratories: Cologne and Seibersdorf (Germany), Madrid (Spain), London (UK), Lisbon (Portugal), Ankara (Turkey). DCL Bucharest availed its own specialized training opportunities scientists from other important doping control laboratories.

Specialization programs were conducted on the following topics: gas chromatography–quadrupole mass spectrometry, gas chromatography–dual focus mass spectrometry with high resolution, liquid chromatography-triple quadrupole mass spectrometry, gas chromatography- triple quadrupole mass spectrometry, isotope ratio gas chromatography-mass spectrometry, immunological techniques (detection of erythropoietin EPO, determination of the growth hormone, the human chorionic gonadotropin, measuring the hematological parameters of the athlete biological passport).

## **2.9. Support and backing of reciprocal tests agreements between anti-doping agencies**

In compliance with the international provisions in force, *Law 227/2006 on the prevention of and fight against doping in sport, with its subsequent amendments and supplements*, regulates the modality to support and endorse reciprocal tests agreements between anti-doping agencies. Pursuant to article 23 para (2) alinea 4) "*The Agency may conduct doping testing upon the request of other anti-doping organizations and international sport bodies*".

Two relevant examples in this regard refer to the support and backing provided to the anti-doping institutional entities from the Republic of Moldova and Belarus.

## **2.10. Mutual recognition system of anti-doping agencies' procedures, in compliance with the World Anti-Doping Code, in respect of control, test results management and corresponding sanctions**

The Romanian anti-doping legislation is compliant with the applicable provisions of the World Anti-Doping Code. *Law 227/2006 on the prevention of and fight against doping in sport, with its subsequent amendments and supplements*, asserts the principle of reciprocity in article 23 para (2) alinea 5) on the following grounds: *"On a reciprocity basis, the Agency shall recognize doping testing, therapeutic use exemptions and hearing results or other final adjudications of any Signatory - which are subject to appeal and are consistent with the World Anti-Doping Code, under the law"*.

## **3. EDUCATION AND TRAINING**

In the prevention of and fight against doping in sport - at the core of any approach and project devised by the stakeholders involved lies the focus on awareness.

The overall approach on this essential sector of the anti-doping work relies on the view that it is easier and more effective to prevent than to fight against a harmful process such as the use of doping in sport.

It is not an easy task to raise and enhance proper and durable awareness with regards to the major health and personal or community development dangers incurred by the use of doping - as the approach concerns not only the athletes, but also their support personnel and their next of kin who play a role on an athlete's upbringing and mentality: family, educators, entourage.

In the context of the anti-doping activity in Romania, the stream including education, information and prevention holds a high-profile relevance.

This key stream of the national anti-doping policy approach addresses the following target groups: athletes, coaches, sport managers, medical personnel and the media

The overall objective of the Program on Education, Information and Prevention is to increase the awareness and education level of athletes, athletes' support personnel and other stakeholders involved in sport with regards to the dangers and

consequences of doping use in sport, as well as to protect the health of the youth with a particular focus on athletes.

This overall goal incorporates a series of specific objectives:

- Increasing the awareness level with regards to the risks incurred by athletes when using prohibited substances and/or methods;
- Creating an active environment in the fight against doping and devising attitudes and practices for a doping-free sport;
- Developing an Internet-based system to enable the access of the targeted public to the relevant information in the domain;
- Educating and making the athletes included in the national and Olympic teams more responsible in relation to the requirements of the Olympic and Paralympic Games;
- Promoting education programs, the values of ethics, integrity and fair play in sport, by involving the active athletes or the athletes retired from sport;
- Establishing partnerships with sport schools in order to initiate and carry out projects on the fight against doping in sport;
- Establishing partnerships with higher education sport institutions in order to incorporate anti-doping courses in their curricula;
- Increasing the involvement and sense of responsibility of athletes' support personnel and families in practicing a clean sport and adopting a healthy lifestyle;
- Informing the Romanian media about the policies and the legislation governing the anti-doping activity for a proper understanding of the doping phenomenon in sport;
- Establishing partnerships with national and international health bodies and professional bodies with a view to inform the medical staff with regards to the anti-doping regulations;
- Establishing partnerships with the entities carrying out bodybuilding and fitness activities.

### **3.1. Conception, implementation or support to educational and training programs relative to the fight against doping**

Since 2006 to date, RNADA has launched and developed a vast number of anti-doping education campaigns.

The education and information strategy was structurally devised on specific target groups as basis for the several campaigns designed with a focus on the prevention of and fight against doping in sport - some of them being recurrent in nature, while others were

event-oriented (e.g. the education and information campaigns launched on the occasion of major events such as the Olympic Games, etc.).

▶ The campaign "*Say NO to Doping!*" was launched in 2006 and it remains operational to this date. It is devised on two specifically designed modules:

- *Module I* focused on the target group comprising: national and international level athletes, junior and senior athletes, coaches, medical personnel;
- *Module II* focused on directors of counties' sports directorates, managers of sport clubs, principals of sport elementary schools and high-schools.

▶ The campaign "*Champions for a Clean Sport!*" ran from 2006 to 2009. It addressed athletes aged 16 to 21 enrolled in physical education schools, high-schools and universities or enlisted with the Olympic centres for junior athletes.

▶ Another recurrent campaign was "*First Steps for a Clean Sport*" - launched in 2011 and developed in partnership with the Romanian Ministry of Education. This project is still ongoing and runs based on two modules. So far it has achieved an overall outreach of more than 3,000 school pupils who attended over 30 educational activities distributed all around Romania. As underlined earlier in this report, the national anti-doping strategy recognizes the role of the community in the development of an athlete since a very early age.

As such, this campaign targets school-age students enrolled in sport elementary schools and high-schools with an aim to promote the intrinsic values of sport as a set of references in the prevention of and fight against doping.

▶ In addition to the above recurrent education campaigns, the RNADA developed specific education and information programs focused on the major events (such as the Olympic Games). Under the theme "*A chance for clean athletes!*" a series of education and information milestones were implemented, starting with the year 2008: *Beijing 2008, Vancouver 2010, Singapore 2010, London 2012, FOTE 2013, Utrecht 2014 and Sochi 2014.*

Given the very specific nature of these campaigns focused on major events, the objectives featured by them were very clearly streamlined. These projects were aimed to:

- provide athletes with the appropriate information on the risks of using prohibited substances and/or prohibited methods;
- educate athletes to comply with the demands of the sports competitions;
- enhance the athletes' approach towards practicing a doping-free sport;
- change the behavior patterns of those athletes who had committed anti-doping rule violations.

To note here the expanded relevance of this education and information event-channeled campaigns which translated in the decision adopted by one of the key stakeholders in the prevention of and fight against doping in sport in Romania: the ROSC. Based on a decision of its Executive Committee it was decided that all athletes and their medical personnel included in the Olympic pool must acquire the "Anti-Doping Education Certificate" as a Game participation pre-requisite.

### **3.2. Promoting codes of conduct, codes of good practices, and codes of ethics from all sources**

This sub-section touches upon 3 relevant vectors of any long-term multidisciplinary and international strategy: proper conduct, good practices, ethics.

The Romanian anti-doping legislation and the portfolio of applicable operational norms observe these key features and their weight is given due consideration in the wording of the most relevant national legislative tools focused on the prevention of and fight against doping in sport.

One such very significant example is reflected by the legal obligation that any type of anti-doping research be devised, initiated and conducted only pursuant to proper clearance granted by the responsible bioethics authority.

Furthermore, RNADA monitors closely all developments at international levels and seeks to disseminate all relevant information vectors to the benefit of the sports movement. One such example is embodied in the annual conferences organized by RNADA for two specialized audiences with a direct and relevant impact on athletes: managers of sport federations and clubs and respectively medical personnel. In 2014, for instance, the annual conferences focused on the changes introduced by the new 2015 WADA Code.

In consideration of the impact of fair-play on a successfully achieved clean sport, article 6 para (10) of *Law no. 227/2006 on the prevention of and fight against doping in sport*,

*with the subsequent amendments and completions stipulates that RNADA "initiates, supports financially and/or encourages programs for the promotion of fair-play in sport (...)"*.

In the realm of anti-doping education and promotion of best practices, experts on behalf of RNADA contributed to a "*Best Practice Guide on Anti-Doping Education*" under the aegis of the Council of Europe.

### **3.3. Involvement of athletes and their staff in the fight against doping**

In a competitive and complex ambit such as the world of sports, role models are vital in promoting the messages focused on ethics, fair-play and respect for health.

Such as every nation, Romania takes pride in its top sport performers who wrote history in their sport disciplines are continue to be regarded with respect and gratitude - one of the reasons being their own record as clean athletes all the way throughout their respective careers.

In consideration of this important aspect, several of the campaigns mentioned above counted on the contribution of former Olympic and World Champions who have never violated or were never asserted to have violated the anti-doping rules. Specifically, 11 such elite athletes added their brand to the success of the campaign "*Champions for a Clean Sport!*" and one of the major event focused campaigns was endorsed for former Olympian and World champion gymnast Andreea Raducan (the campaign "*Beijing 2008 - the Chance of Clean Athletes!*").

### **3.4. Supporting the creation of training and educational programs by sports organisers and anti-doping agencies. Eventually setting up programs in schools or in athletes training academies**

In their formative and training years, athletes not only train in training facilities - most often they also attend schooling in sports-specialized education facilities which can better endorse the general education track of an athlete training all your round.

As such, the anti-doping authorities in Romania have always worked closely with the education system which encompasses athletes of all ages for the purpose of anti-doping information, education and training.

In taking this approach, national anti-doping and sport authorities recognize the relevance of giving anti-doping education a structured quality as part of an education process

based on which nowadays athletes will become in turn coaches or will exercise a profession akin to the entourage of future athletes.

To ensure the continuous and consistent application of this key goal, *Law no. 227/2006 on the prevention of and fight against doping in sport, with the subsequent amendments and completions* includes in its current version Article 73 which reads: "(1) For the information and education of the personnel involved in anti-doping activities, all Romanian Physical Education and Sport Universities and the National Centre for Coaches Education and Development shall include in their curricula courses introducing the national and international anti-doping regulations, as well as the National Anti-Doping Strategy. (2) The higher education institution may incorporate anti-doping education and information activities into their extra-curricular schedule. (3) All providers of training for sports instructors are required to incorporate anti-doping education courses into the occupational standard".

### **3.5. International cooperation initiatives with relevant organisations to promote best practices**

The protocol developed by RNADA with WADA enables the implementation of the program themed "*Athlete Outreach*" during the international events taking place in Romania.

In terms of legislation and policy framework, to note that the principles defined in the guidelines of WADA, UNESCO and the Council of Europe are integrated in the provisions of the various specific anti-doping regulations in force in Romania.

As such, pursuant to article 1 para (2) of *Law no. 227/2006 on the prevention of and fight against doping in sport, with the subsequent amendments and completions* "(...) According to the provisions of the Anti-Doping Convention, adopted within the frame of European Council on Strasbourg, November 16<sup>th</sup> 1989, ratified by Law no. 171/1998, the International Convention against Doping in Sport, adopted within the frame of United National Educational, Scientific and Cultural Organization on Paris, October 19<sup>th</sup> 2005, accepted by the Law no. 367/2006 and of the World Anti-Doping Code, elaborated by World Anti-Doping Agency, named below the Code, doping in sport is prohibited for ethical and medical reasons".

We are therefore of the opinion that promotion of best practices developed through international cooperation is endorsed in Romania in terms of legislation, policies and the long-term anti-doping strategy.



## 4. RESEARCH

Prevention of and fight against doping in sport requires an ongoing and high-level commitment to multi-disciplinary research, ranging from the analytical scientific research projects to social science studies conducted by the experts who develop advance knowledge in all aspects related to anti-doping.

In Romania, the commitment to the research-related objectives stated by the UNESCO Convention is intrinsically embedded in the legislative framework. Pursuant to article 5 para c) of *Law no. 227/2006 on the prevention of and fight against doping in sport, with the subsequent amendments and completions*, one of the objectives of RNADA is "*to draft and develop social, behavioral, legal and ethical studies and projects, and medical, biochemical, analytical and physiological investigations*".

### 4.1. Supporting and promoting research

The section on research is but an excellent opportunity to refer in this report to DCL Bucharest which in 2014 celebrated its 30th anniversary.

We shall first refer to the legal status of DCL Bucharest which is stipulated in article 4<sup>1</sup> of Law no. 227/2006 on the prevention of and fight against doping in sport, with its subsequent amendments and supplements: "*The Doping Control Laboratory is an entity which is independent in its analytical and operational duties in relation to the Agency and to any sports structure. Its structural and operational framework and its funding shall be established by means of Government Decision amending and supplementing the Regulations on the Agency's organization and operation*".

The research pool for doping prevention operating within the DCL in Bucharest develops methods to detect and measure prohibited substances.

All research conducted in this field observes the ethical principals and all the excretion studies based on administration of prohibited substances must be cleared with the Ethics Board.

DCL Bucharest has operated a series of partnership contracts within the framework of national and international research programs.

As such, DCL Bucharest joined the following national research programs:

- ORIZONT 2000: "*Research conducted on the metabolism and excretion of pharmaceutical substances from the class of androgynous steroids on elite athletes*"

- INFRAS: "*The preparation of the Doping Control Laboratory in view of the ISO17025 accreditation*"
- RELANSIN: "*Technology for the measurement of the steroid hormones applicable to the doping control of elite athletes*"
- RELANSIN: "*Conversion of the Doping Control Laboratory in a Centre of Excellence in doping control*"
- BIOTECH: "*Manufacturing nutritious products based on natural ingredients*".

#### **4.2. Exchange of anti-doping research results**

DCL Bucharest partnered with the Cologne Doping Control Laboratory (Germany) on a WADA funded project themed: "*Dried Blood Spots (DBS) in Sports Drug Testing*".

In cooperation with the Doping Control Laboratory in Madrid (Spain), DCL Bucharest conducted a comparative study on the calculation of steroid profile concentrations - each of the two laboratories applying its own lab-designed method.

On a yearly basis, experts from LCD Bucharest attend the doping control symposium hosted by the peers from Cologne, Germany.

#### **4.3. Support of sports science research in compliance with principles of the Code and the use of results by athletes and sports organisations**

The results achieved based on the research conducted by LCD Bucharest on its own or in a variety of scientific partnerships have been presented in various scientific events (symposiums, national and international conferences) and these have also been published in national and international specialized publications.

One of the priorities of experts researching the best venues and innovations in the prevention of and fight against doping in sport is to pursue in-depth research on the correlations between athletes and the society they are part of - an analysis and has been developed over the years in terms of both quality and quantity assessment.

Given the complex nature of such research, international support to national anti-doping agencies is instrumental. One such example of expanded research involves WADA's support awarded to RNADA to develop a study themed: "*Risk Factors within Doping Behaviour related to Personality Structure and Social Environment of the Athletes*"<sup>8</sup>.

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<sup>8</sup> Available on: <https://www.wada-ama.org/en/resources/social-science/risk-factors-within-doping-behavior-related-to-personality-structure-and>

## Chapter 2

*A quantitative and a qualitative assessment of the policies led  
regarding the fight against doping*

## **2.1. Assessment on the Program on the Prevention of and Fight against the manufacturing and illicit traffic of high-risk doping substances - since the publication of the Methodological Norms on the enforcement of Law no. 104/2008**

Article 8 of the UNESCO Convention stipulates extensive provisions on means proposed to restrict the availability and use in sport of prohibited substances and methods. Pursuant to the cited text "*these include measures against trafficking to athletes and, to this end, measures to control production, movement, importation, distribution and sale*".

In Romania, the anti-doping legislation framework includes two relevant legal instruments applicable to this topic:

- *Law no. 104/2008 on the prevention of and fight against the manufacture and illicit traffic of high-risk doping substances, with the subsequent amendments and completions;*
- *Government Decision no. 956/2011 on the approval of the Methodological Norms for the enforcement of Law no. 104/2008 on the prevention of and fight against the manufacture and illicit traffic of high-risk doping substances, with the subsequent amendments and completions.*

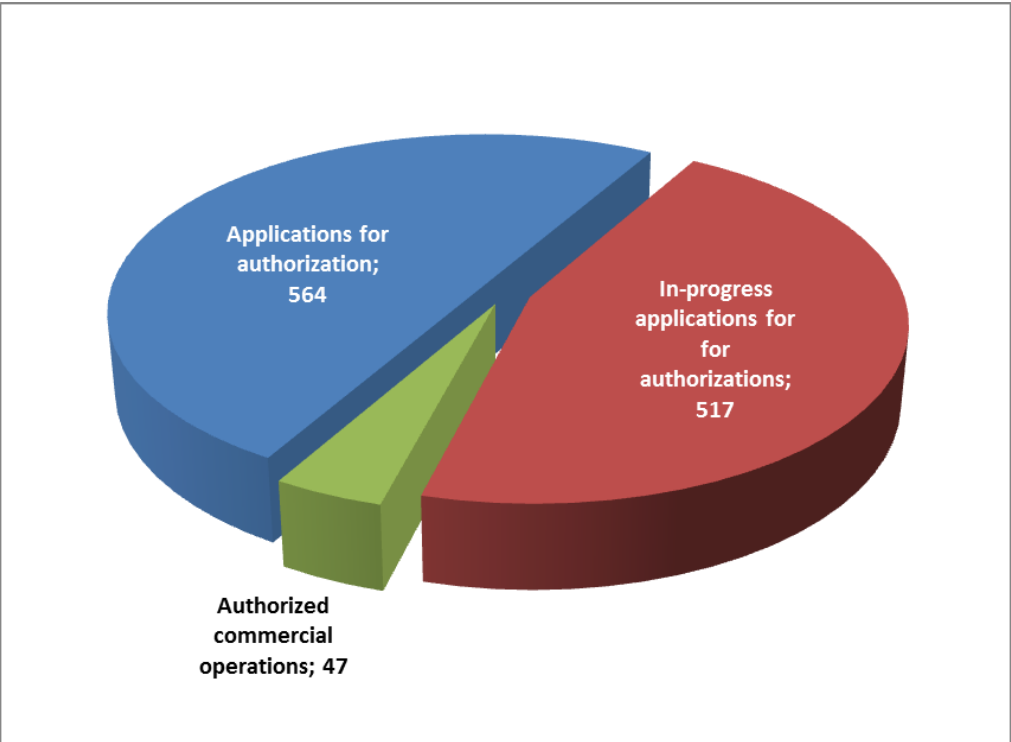
The statistics featured in this section of the report aim to highlight the results achieved in follow-up to the implementation of the Methodological Norms devised in 2011 in support of the Law enacted in 2008.

The information reviewed herein is also indicative of the key role of the support extended by UNESCO in designing information and education projects which ensure the preventive component of this ongoing doping deterrence effort conducted by the Romanian authorities.

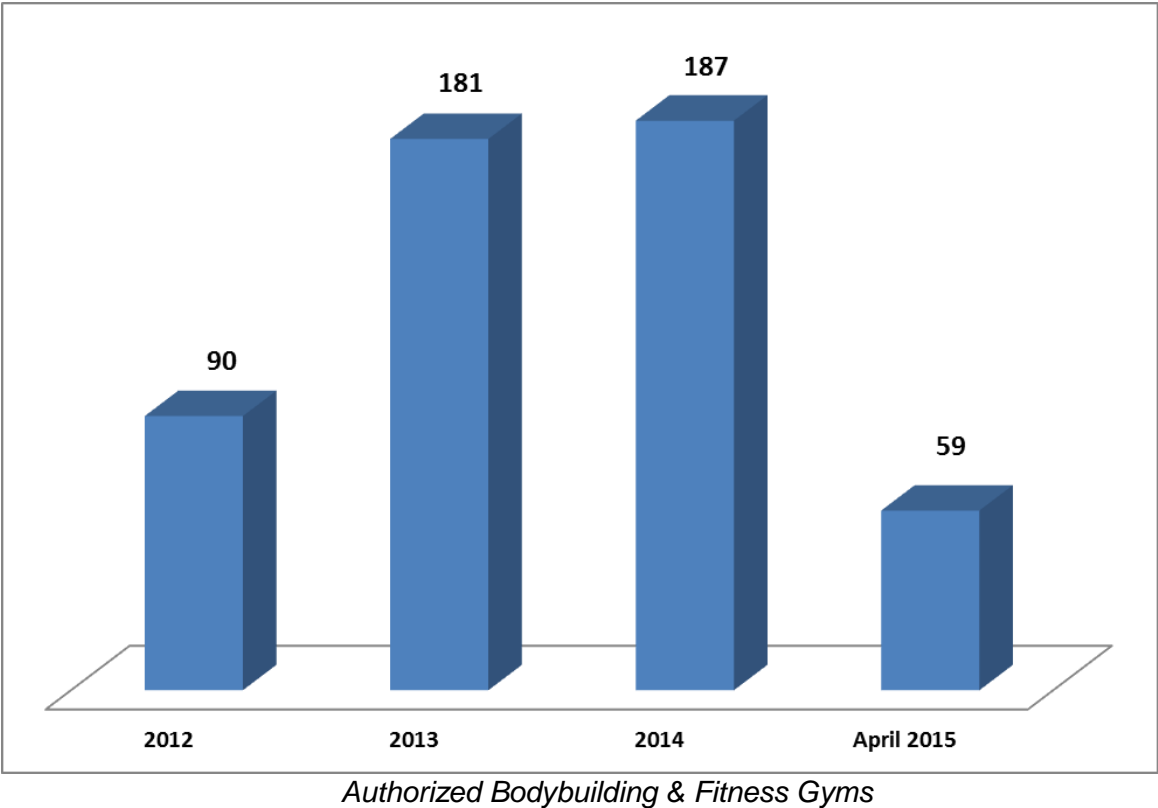
### **2.1.1. Authorizations issued to the body-building and fitness gyms**

From June 2012 to April 2015, RNADA received a total of 564 applications for anti-doping authorization and in follow-up approved such applications on behalf of 517 commercial firms which operate body-building and fitness facilities.

The relevant figures are tabled in Diagram below:



For the purpose of a more in-depth statistical review, the inventory split per years within the considered span of time is rendered in Diagram below:



**2.1.2. The anti-doping training courses**

From December 2011 to April 2015, 24 sessions were held for a total number of 707 attendees enrolled on behalf of fitness gyms. From this total figure, 682 completed the course and the requirements making them eligible for the anti-doping training certificate.

Year	No. of sessions	No. of participants
December 2011	1	10
2012	11	286
2013	4	111
2014	6	201
April 2015	2	74
<b>Total</b>	<b>24</b>	<b>682</b>

*Table no. 1: Statistics per years (2011 - 2015) for the anti-doping training course sessions*

### 2.1.3. The inspection of body-building and fitness gyms

From June 2012 to April 2015, inspections were conducted with 827 commercial business which operate bodybuilding and fitness facilities and, pursuant to the legislation in force, fines were enforced in a total amount of equiv. over 150,000 USD.

Table no. 2

No.	Year	Number of inspections	Number of commercial businesses inspected
1.	2012	28	173
2.	2013	66	283
3.	2014	35	242
4.	2015	11	129
<b>Total</b>		<b>140</b>	<b>827</b>

Statistics have also been drawn based on a different relevant criteria, namely correlating the fines to the unlawful acts committed by the legal entities operating body-building and fitness facilities. The statistics featured in Table no. 3 below follow the unlawful acts provided in Law no. 104/2008 and the related Methodological Norms:

No.	Unlawful act	Total amount
1	Merchandising prohibited substances	115.000 lei
2	Operating a facility without anti-doping certificate	475.000 lei
3	Denying access of the inspection team in the exercise of their control duties	2.000 lei
4	Possession of prohibited substances by natural persons	20.000 lei
5	<b>Total</b>	<b>152,892 USD (equivalent)</b>

#### **2.1.4 Confiscation and destruction of prohibited substances**

From June 2008 to December 2014, 172 actions of confiscation of prohibited substances were conducted.

The duties related to confiscation and destruction of prohibited substances reflect a substantial example of institutional cooperation with one of the most relevant domestic stakeholders.

As an example, in June 2014, in response to a request for joint action relayed by the General Police Inspectorate (G.P.I.), RNADA participated in a search procedure at the residences of natural and legal entities suspected of sale of medication products containing high-risk doping substances and whose operations are linked to bodybuilding and fitness gyms.

The products seized on that occasion by the Fraud Investigation Squad were transferred to the Bucharest based HQs of the G.P.I. to be released to ANAD for destruction after the conclusion of the investigations.

#### **2.1.5. UNESCO-funded projects devised and implemented in Romania**

The "*UNESCO Fund for the elimination of doping in sport*" allows anti-doping organizations worldwide to devise and implemented strategic education and information projects which consolidate the impact of the domestic legislation and policy framework in the prevention of and fight against doping in sport at all levels, including here the stream of recreational sport activities developed in the bodybuilding and fitness facilities and gyms.

The Romanian National Anti-Doping Agency has developed on focus on designing projects presented for UNESCO funding and to date, 3 such projects have been launched and developed in Romania.

**UNESCO-funded project # 1: operational in 2009 - 2010:** *"Harmonizing the information and education printed materials with the new regulations introduced by the World Anti-Doping Code.*



The financial contribution extended by UNESCO was of 10,000 USD for printing of education-information brochures and pamphlets, while the expenses in the amount 3,500 USD incurred by the consulting in the design and editing of these materials were borne by RNADA. The final resulting budget was of 13,500 USD.

The printed info-education materials focused on topics such as: athletes' rights and obligations; therapeutic use exemptions; whereabouts information; sanctions; guide on pharma products allowed in sport; athlete's guide; 13 steps in doping testing; side effects of prohibited substances.

The goal of this project focused on info-education materials was to ensure a selective and proper information to the target groups on the changes introduced by the World Anti-Doping Code.

**UNESCO-funded project # 2: operational in 2010-2011:** *"Raising awareness of school pupils on the potential risks incurred by the use of food supplements containing prohormones and prohibited substances".*

This project was designed on a platform of 8 education activities in sport-specialized schools and on the printing of education materials.

The project relied on a budget of 25,000 USD of which 20,000 constituted UNESCO funding.

**UNESCO-funded project # 3: operational in 2014-2015:** *"Anti-doping education strategies destined to reduce the use of doping substances in the bodybuilding and fitness gyms".*

In March 2014 ANAD applied to the "UNESCO Fund for the elimination of doping in sport" with a project themed "Anti-doping education strategies destined to reduce the use of doping substances in the bodybuilding and fitness gyms".

The Approval Committee allowed the project and in August a funding contract was signed between ANAD and UNESCO.

The project is being implemented from August 2014 to July 2015 and focuses on the development and the implementation of education strategies on preventing the use of doping substances by individuals who practice recreational sport in bodybuilding and fitness gyms.

Project Objectives:

- raising awareness of the youth practicing recreational sport in bodybuilding and fitness gyms on the risks incurred by the use of prohibited substances;
- establishing educational partnerships between ANAD and the owners/operators of bodybuilding and fitness facilities with an aim to foster a healthy environment for physical exercise.
- enhancing awareness of the Romanian public on the risks incurred by the use of prohibited substances in all forms.

The Project focuses on the following target groups:

- 300 young individuals pursuing physical training in bodybuilding and fitness gyms, including those who practice sports as performers and resort to the respective gyms for supplementary training. These subjects will participate in the 10 education actions delivered through the project;
- 1,000 young individuals will receive info materials in electronic format. Their coordinates are already logged with the records of the fitness gyms and as such they will be asked for permission to use their identification data for relay of anti-doping information;
- 300 trainers/gym representatives from certified facilities;
- 700 trainers/gym representatives from facilities undergoing the certification procedure;

The total budget of the project amounts to 26,835 USD, of which UNESCO funding amounts to 19,780 USD and ANAD contributes in the amount of 7,055 USD.

## **2.2. Assessment of the implementation and impact of the anti-doping rules, regulations and policies from the perspectives of the institutional stakeholders**

RNADA has promoted a harmonized legal framework which is complex in terms of approach, knowledge and outreach. This approach supports the operational ambit for all relevant bodies in the field of sport, through an active participation of their representatives in the consultative board of RNADA, in the commissions of RNADA or those acting beside RNADA. As an example: the Executive Board of RNADA includes 4 representatives appointed by the General Secretariat of the Government; 1 is appointed by the Ministry of Youth and Sport; 1 on behalf of the ROSC, 1 on behalf of elite athletes; 1 representative designated by ROSC on behalf of the national sport federation. This level of representation is indicative of how sports decision-making authorities network with the concrete demands of the anti-doping activity in Romania.

This context allows for an effective communication, even if at times the resulting feedback may not achieve the expected outcome.

To note here the constant support extended to the anti-doping activity by the governments which succeeded in office after 1989, especially the current Cabinet, by the Parliament and the Presidency in devising and approving a specific anti-doping legislative framework which thoroughly observes the UNESCO Convention and the new WADA Code.

The applicable domestic legislation is assimilated and enforced by the Government authorities, by the Ministry of Youth and Sport, the ROSC and other public institutional stakeholders with a mandate in the field of anti-doping.

Over time, certain difficulties were noted in the enforcement of the anti-doping legislation at the level of some sport structures, national sport federations, clubs and professional leagues; yet, recently, these challenges have diminished considerably. A contribution to this improvement consisted in the anti-doping information and education activities. On a yearly basis, RNADA holds 1-2 conferences inviting all NSFs to access information on the latest developments related to the international and national applicable regulations in force.

A concrete example with regards to the above-cited challenges can be noted in the case of the Romanian Football Federation and the Romanian Professional Football League - two bodies which do not comply entirely with the provisions of *Law no. 227/2006 on the prevention of and fight against doping in sport, with the subsequent amendments and*

*completions* - in respect to funding allocation towards the performance of a sufficient number of doping tests. The expenses for these tests are currently covered from the budget of RNADA.

One NSF - namely the National Bodybuilding and Fitness Federation - which in the recent years has not harmonized its statute with the applicable legislation - yet we deem that the matter also lies with the International Bodybuilding and Fitness Federation which has been contacted in this respect. It is actually this international entity which should have made it mandatory for the affiliated national federations to harmonize their rules and regulations with the anti-doping international and national regulations. This has resulted in a high incidence of doping cases in this sport discipline. According to the information we have available, this federation is currently in the process of modifying its statute in conformity with the new anti-doping regulations in force - as a result of the demarches taken by RNADA and MTS.

From the perspective of the Romanian Olympic and Sport Committee (ROSC) the implementation of anti-doping policies in Romania equates the presence in the Olympic Games and in the other competitions held under the aegis of ICO of 100% “clean” athletes.

In the field of anti-doping ROSC networks with:

- The National Anti-Doping Agency (RNADA) – a highly-regarded partner renowned for the quality of its output and
- The Anti-Doping Laboratory in Bucharest which in 2009 became the 35<sup>th</sup> WADA accredited laboratory worldwide and the sole such facility available in Eastern Europe and this year celebrated its 30<sup>th</sup> anniversary

ROSC is supportive of RNADA’s international representation at the highest level and appreciates its continuous and dedicated work delivered by a well-trained team with a remarkable availability for top quality services in a rather challenging ambit.

The view of ROSC on the effective implementation of anti-doping policies consists in the following strategy:

- under the guidance of ROSC's Chairperson, the promotion of mandatory provisions regarding the fight against doping; extending unconditional support to NADO in the implementation of the national anti-doping strategy and in its activities at national and international level;
- supporting the national sport federations in the anti-doping know-how and implementation – including here the insertion into their statutes of clear provisions

regarding the anti-doping policies. Thus, as a mandatory affiliation or recognition requirement, it has been stipulated that their anti-doping policies or regulations be compliant with the World Anti-Doping Code, failure of this requirement thereof resulting in the suspension of funding;

- raising awareness on the fact that teaching staff, coaches and other persons on the athletes' support personnel do not have knowledge of the legal provisions applicable to anti-doping which has led to immediate action meant to improve this aspect, including in reference to the "unintentional" errors;
- promotion of anti-doping education at all levels of each sports structure;
- design and implement anti-doping campaigns;
- delivery of specialized conferences and participation in the ones organized by the RNADA;
- introduction of the anti-doping certification as a requirement applicable to each member of the Romanian Olympic Delegation in follow-up to proper training and knowledge testing in relation to anti-doping;
- insertion in all sports-specific contracts of mandatory clauses with regards to the anti-doping regulations and the sanctions triggered by the violation of such regulations for the specific reference of all stakeholders;
- enabling knowledge, compliance and implementation of the domestic and international norms which regulate the ambit;
- ordering as many doping tests as possible, both in- and out-of-competition – in order, on one hand, to avoid any doping incident occurrence, and, on the other hand, to raise awareness of the sports stakeholders on the risks implied by doping;
- cooperation with all eligible stakeholders in the deterrence and fight against doping, by promoting a coherent and unitary approach on the measures to be pursued in the eradication of doping.

The legal norm does not depict reality, it only commands and authorizes a certain conduct to those it concerns, and as such we are of the view that the proper profiling of the challenges triggered by doping has led to the design of rules turned into legal provisions which are viable and harmonized with the international legislation – and which – properly applied – have led to a decrease in the number of doping cases and to an understanding of the phenomenon and of the risks involved.

MTS endorses the promotion of a clean sport in Romania and this support translates into a sound cooperation developed with RNADA. On a yearly basis MTS commits funds disbursed from the extra budgetary income to the NSFs - means destined to fund the doping testing program. These amounts can not be re-assigned by the NSFs for other expenditures.

At national level we note a certain lack of specific knowledge of the anti-doping legislation manifested at times by representatives of sectors which intersect with the operations of RNADA - sectors which have the tendency "to protect" their own legislative framework and show reluctance at inserting certain clear-cut provisions focused on the deterrence of the illicit traffic of high-risk doping substances and a clear regime regulating food supplements.

As an example, in the context of the provisions of *Law no. 104/2008 on the prevention of and fight against the manufacture and illicit traffic of high-risk doping substances, with the subsequent amendments and completions*, acceptance from the police authority was a lengthier process and it resulted in a partial agreement as far as the mandate of the anti-doping authority to conduct inspections over the sales of prohibited substances and to be part of the subsequent seizing procedures.

Notwithstanding these aspects, at moment RNADA is actively engaged in talks with the Ministry of Interior and the General Police Inspectorate towards amending Law no. 104/2008 through the introduction of responsibilities that would be assigned to the law enforcement authority.

The inherent flaws affecting the human society nowadays there are at times occurrences when the law is not observed by all social actors (e.g. the users of the bodybuilding and fitness facilities).

We are of the opinion that the anti-doping education campaigns, the anti-doping education certificates, the training & certification programs for the personnel of the bodybuilding and fitness gyms constitute important communication tools devised and implemented by RNADA to introduce the applicable provisions and regulations to the target-groups and the general public. Two significant examples of the main strategies deployed by RNADA refer to (a) the mandatory anti-doping education and certification process binding the athletes and the medical personnel included in the Romanian Olympic pool and respectively (b) the anti-doping education courses for the personnel of the bodybuilding and fitness gyms - an activity implemented within the framework of UNESCO-funded projects.

The anti-doping strategy devised and implemented in Romania has been devised in relation and in compliance with the *UNESCO Convention* which was accepted by Romania via Law no. 367/2006.

As such, it is our view that the legislative framework and the implementation policies in the prevention of and fight against doping in sport were devised and are being focused on designing and establishing an effective instrument that would be conducive towards the

defined goal, namely the reduction and even the elimination of doping in sport - and that would create the proper context for the key-vectors such as, for example, protection of athletes' health, the chance of clean athletes to compete in an ambit of fair-play, or education

### **2.3. Measuring the social effects of the anti-doping policies among different age groups<sup>9</sup>**

At a first glance, doping may appear as a very specialized realm with a relevance to limited group in society. Yet doping involves much more because it the use of it affects society in more ways than one: health, self-esteem, trust in the values promoted by sport.

Over the years, such as in other parts of the world, sociologists and psychologists have initiated in-depth research and observation on the interface between doping and the society at large. Their quest have been to conduct an analysis on the internal and external mechanisms that determine athletes to resort to doping.

Written as part of a larger study focused on the youth, the article referred to in this section of the report develops on the correlation between social effects of anti-doping policies and age groups and makes reference to the *per ensemble* concept of that research: *"An important frame of this current project consists in measuring the social effect of anti-doping policies among different age groups (children, teenagers, adults) and certain targets (athletes). Specifically we are interested in doing research regarding the level of social awareness toward the Anti-Doping Code taking in consideration that we've reached more than 20 years since the first anti-doping legislation came into force in Romania. (...)*

*Current studies on anti-doping put emphasis on studying the young athletes as well as the teenagers that are doing sport only for health and wealth. The increased attention towards the young people derives from the frequency of drug use among young athletes. Our past research (...) showed that the use of doping substances is linked with an external motivational orientations associated with the tension-anxiety states or internal motivational orientations associated with moment states of anger-hostility or depression-dejection. Those aspiring to the highly ranked positions and presenting psychic states - tension, depression, fatigue over the population's average are more tempted to use prohibited substances than those already well-known. No matter how content they are, the athletes experiencing certain spontaneous states of mind - such as tension, depression, fatigue might use prohibited substances. The risk is higher in senior athletes with weak results. The doping substance use is a temptation equally perceived by juniors and seniors, especially under higher tension*

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<sup>9</sup> Excerpts from article on the views of PhD Senior Lecturer Alina Duduciuc

*and higher depression conditions. The athletes who would use prohibited substances and methods are the ones with good results in the first three places as well as the athletes with other results (Vajjala et al. 2010)<sup>10</sup>".*

The sociological examination of doping extends a special attention to the young athlete population - whether competing or opting for sport as a recreational venue and in this sense, the keen focus lies on the question whether teenagers benefit from the expanded access to the internet and whether the information they elicit in this fashion supports them in making the proper choices in relation to their health and well-being - *"the relation between the use of Information and Communication Technologies (ICTs), unhealthy behaviors and other specific topics that young people show interest in, in the case of alcohol and tobacco consumption, sexual life, nutrition, diets, weight maintenance, fitness. (...) there are many online sources for teenagers where they can find information about health and sometimes these messages are contradictory"*<sup>11</sup>.

The sociological profiling highlights a key incidence of a factor that has been previously referred to in the present report: the relevant impact of an athlete's (especially teenage athlete's) entourage translated in the rapports developed with the peers, the education community, the training staff, the medical staff. And enhances the view that the quality of the information that young athletes receive via means of their entourage is instrumental to their perception and decision-making towards the proper choices. An from this point on - the importance of the information and education campaigns devised and implemented by anti-doping organizations such as RNADA and their stakeholders.

According to the author, *"based on our (...) evaluation of the past campaigns ("First steps towards a clean sport", "No to Doping!", "Athletes Outreach"<sup>12</sup>), we achieved a certain level of awareness toward anti-doping code among the children, teenagers and adults. Although the Romanian National Anti-Doping Agency reached its aims during the past years of activity, we believe that designating new interventions with certain groups implies meeting new challenges of a certain audience that use more and more the new technologies such as smartphones, apps and different devices that will be used by individuals in the near future. We believe that the outcome of the evaluation of the Romanian anti-doping policy will allow us to get more insights on tailoring the messages preventing the use of substances"*<sup>13</sup>.

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<sup>10</sup> *Idem 8*

<sup>11</sup> *Idem 8*

<sup>12</sup> *The anti-doping education campaigns referred to in the author's paper are described in detail in the present report in Section 3.1.*

<sup>13</sup> *Idem 8*



### Chapter 3

#### ***Identification of difficulties and challenges and potential recommendations***

Overall, in Romania all institutional stakeholders are actively endorsing the cause of a clean sport - both financially and logistically.

Nevertheless, the rather frequent Cabinet reshuffles which have occurred since 1989 have led to several brief periods of time when certain impediments were experienced at the level of communication and cooperation amongst the institutional stakeholders.

► *Recommendation:* We are of the opinion that possibly UNESCO would consider as an appropriate approach to relay an official letter to Governments in order to reiterate the significance of promoting and endorsing the anti-doping policies from the perspective of the UNESCO Convention.

The legislative framework promoted by RNADA is bound by a requirement of conformity with (a) the order of precedence of the national legislative system (topped by the Constitution of Romania) and with the (b) strictly worded provisions of *Law 24/2000 on the legislative technique norms for drawing up regulatory acts*. Simultaneously, the national anti-doping legislative framework promoted by RNADA is bound by the commitment to of harmonization with the applicable international legislation.

This binding dual reference of conformity leads at times in practice to the occurrence of some confused situations and to an objective impossibility to duplicate word by word certain WADA Code articles in the ambit of the Romanian legislation (a requirement by WADA standards).

► *Recommendation:* We are of the opinion that the international norm should constitute the outcome of a comparative law study which should be devised giving consideration to the relevant national legislations - with an aim to fulfill its role in a more effective manner.

As far as research is concerned, one impediment we could highlight ties into the fact that in Romania the National Research & Development Plan does not include a chapter dedicated to research in sport.

► *Recommendation:* We are of the opinion that in the coming years the mechanism of support availed by the provisions of the UNESCO Convention could introduce provisions which further encourage more and more Signatories to feature research in sport in the range of strategic research and development priorities - in consideration of the major impact which sport exerts on the health protection and social and economic development of every nation.

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- UNESCO International Convention against Doping in Sport
- WADA Code

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- Law no. 227/2006 on the prevention of and fight against doping in sport, with the subsequent amendments and completions;
- Law no. 104/2008 on the prevention of and fight against the manufacture and illicit traffic of high-risk doping substances, with the subsequent amendments and completions;
- Government Decision no. 221/2013 on the approval of the National Anti-Doping Strategy for 2013-2017 and the Implementation Action Plan;
- The Methodological Norms on the organization and conduct of the doping control (approved via Government Decision);
- Government Decision no. 956/2011 on the approval of the Methodological Norms for the enforcement of Law no. 104/2008 on the prevention of and fight against the manufacture and illicit traffic of high-risk doping substances, with the subsequent amendments and completions;
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