

# **Challenges And Ways Of The 2015 Code Implementation**

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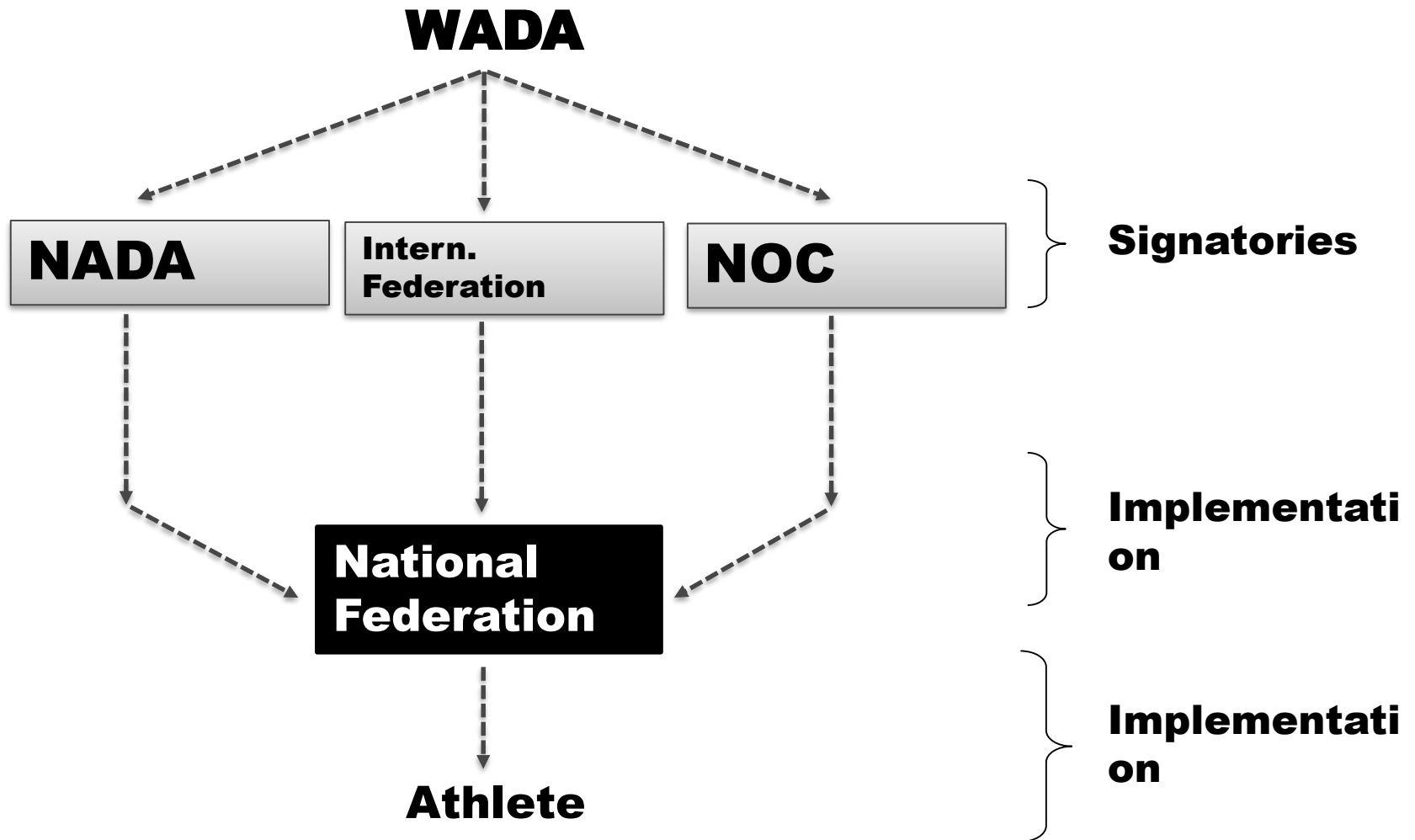
# **WADA-Code and national Anti-Doping-Rules**

# WADA-Code 2015 – significant changes

- New Anti-Doping-Rule-Violations // Art. 2.10
- Therapeutic Use Exemptions – Responsibilities
- „Intelligence & Investigations
- Testing – Technical Document on Sport Specific Analysis
- Substantiell Assistance
- Aggraviated Sanctions
- Data Protection
- Extended Time Limits



# Implementation of harmonized Anti-Doping-Rules



# **(German) Anti-Doping-Law**

# Anti-Doping-Law / History

## (1) Criminal law / Pharmaceutical Products Act

- intended only for the athlete's entourage.

## (2) In **2007** stricter liability provisions were introduced by the **Act on Improving Measures against Doping Sport**. The Act (cf. Annex 6.2)

- **extended forfeiture** e.g. confiscation of profits;
- include drugs used in conjunction with **methods prohibited** in the appendix to the Anti-Doping Convention and for the purpose of human doping;
- mandatory inclusion of **warnings on packaging and specialist information for physicians** concerning drugs which can be used for doping;
- authorizes the **Federal Criminal Police Office (BKA)** to conduct investigations of internationally organized trafficking in pharmaceutical products;
- introduces criminal penalties for the **possession of significant quantities** of certain doping substances which are especially dangerous.

# Anti-Doping-Law – Essential Changes

## 1. Bundling of the legal provisions in a consistent law

Transfer and expansion of the provisions from the **AMG**.

## 2. **Doping substances** and **doping methods** are recorded.

## 3. Prohibition of self-doping subject to punishment in

- a. top athletes who are recorded in a **test pool** of (NADA) or
- b. athletes achieving **considerable income** with the sport.

## 4. Punishable possession "from the first gram".

5. Authorisation of state governments to **focus the anti-doping criminal proceedings** in certain courts by legal regulation.



# Anti-Doping-Law – Effects on the Work of NADA

1. Authorisation basis for the **data transmission** of courts and public prosecutions to **NADA**.
2. NADA may collect **personal data**, process and use them.
3. Clarification of the **admissibility of arbitration agreements** in the contracts between associations and athletes.

# Top-Athletes Criticise Anti-Doping-Law



*„I am afraid! ... But I ask myself, if there is a ready-to-use drug in my bag, do I still have to provide evidence for intent?“*

*„The law should protect athletes but this draft makes them vulnerable.“*



# Top-Athletes Praise Anti-Doping-Law



*„If we expect other countries to do more, we are the ones who have to start and set an example.“*

*„A two-year ban is scaring. But taking doping athletes to court gives the criminal energy a whole new dimension.“*



*„Severe penalties make doping senseless. Our model role is strengthened.“*



# Anti-Doping-Law – Result

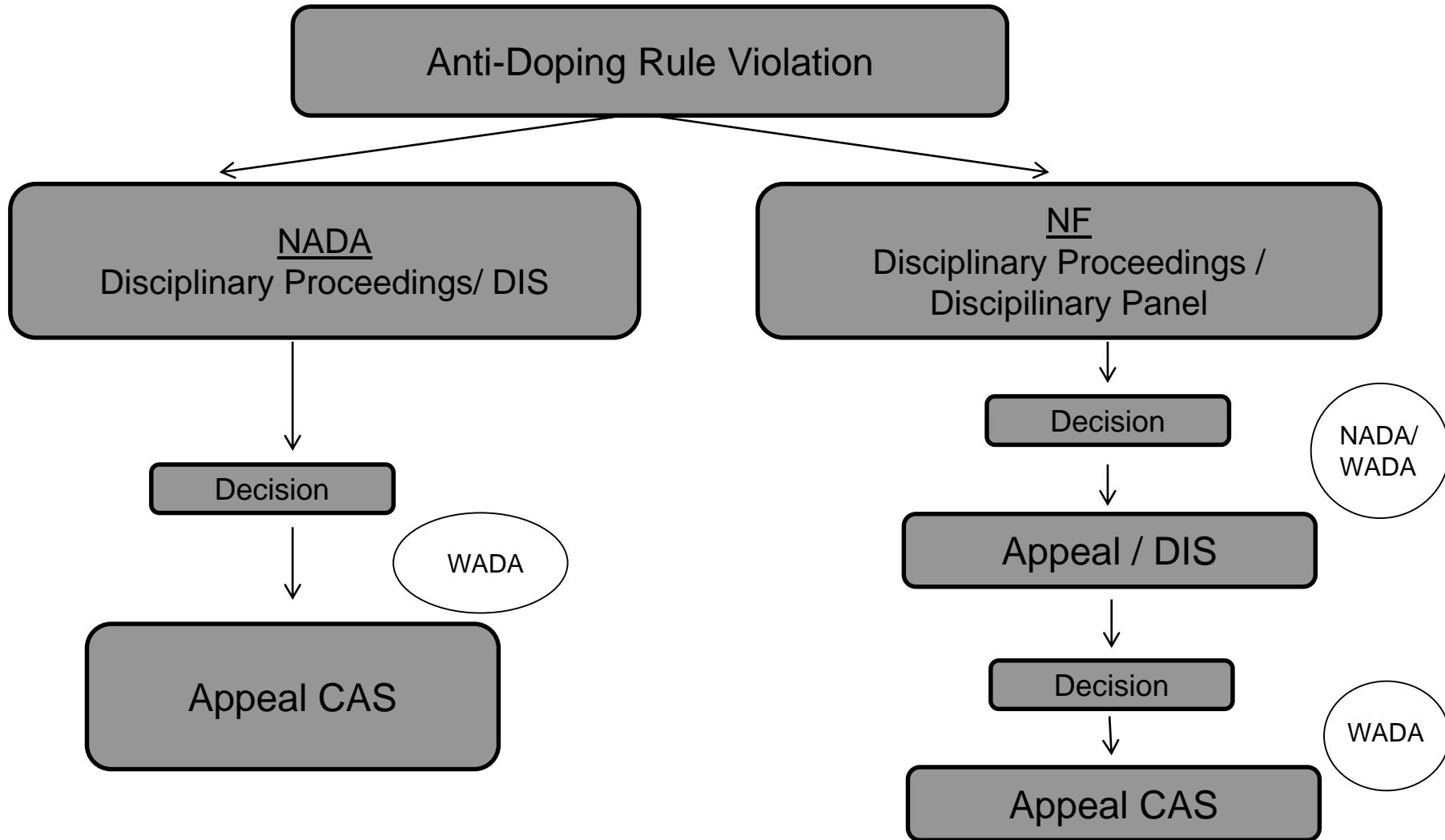
- **Sports law** generally is an **effective tool** to punish doping offenders.
- **Constructive coexistence** of sport and criminal persecution of doping.
- The athletic values that are protected – fairness and equal opportunities – cannot be protected by criminal law. Therefore, **joint action of sport and criminal law** is of enormous importance. Particularly backers, such as doctors who administrate doping agents, must be persecuted by the state with the means of criminal law.
- For NADA, it is a priority that the **cooperation with the investigative authorities** be improved and that it receives all important information to use them for target controls or further research.

# **Results Management and Disciplinary Proceedings**

# Results Management and Disciplinary Proceedings

- Art. 7 WADA-Code and Art. 12 WADA-Code / NADC
- Two different proceedings
- Responsible: NF or NADA
- Hearing only within the disciplinary proceeding
- Sanktion by disciplinary body (NF or national Arbitration panel/ court)
- Appeal – national arbitration panel/ court oder CAS





# Arbitration in Sports and Anti-Doping

- German Court of Arbitration for Sports – founded 2008 by NADA
- Independent arbitration court
- Own procedural rules
- Similar to CAS





# Summary

**The Right of the Clean Athletes to  
compete in a fair and Doping-free Sport  
is our daily Motivation!**

# Thank You!

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