

**FIRST PHASE OF THE CODE REVISION PROCESS: SUBMISSION OF THE FOUR DUTCH STAKEHOLDERS**

**On behalf of: Ministry of Health, Welfare and Sport**

**NOC\*NSF**

**NOC\*NSF Athletes' Committee**

**Anti-Doping Authority the Netherlands**

**Service providers**

Service providers are commercial entities that play an important and appreciated role in the fight against doping in sport. They collect many samples, commissioned by anti-doping organizations, event organizers and others, and they are supposed to do this according to the World Anti-Doping Code and the relevant International Standards. If an AAF is established in any of these samples, the athlete will be prosecuted and sanctioned, and the same is true for NAFs that are observed or detected by the service providers. However, service providers are not Signatories to the WAD Code, nor is their role described in the Code (the Code does not mention them at all). WADA's Compliance Review does not include the service providers, and there is no other monitoring mechanism in place. In some countries, including the Netherlands, service providers compete with NADO's in the market for sample collection. To ensure a fair competition that does not negatively affect the quality of sample collection, the service providers have to be bound by the same standards, regulations and monitoring systems that bind NADO's.

Considering the important position of service providers, and the very serious consequences that can be the result of their work, the Dutch stakeholders find that the role and responsibilities of these organizations should be addressed by WADA. Service providers should be subject to a Compliance Review mechanism, just like all Signatories. Possibly even become signatories themselves, if that is the only solution to provide clarity about their role and to subject them to compliance monitoring. And this the more so, since a new but very important service provider, the International Testing Agency, has been established. The ITA will not only collect samples, but other essential elements of the work of NADO's (composing testing pools, managing whereabouts information, performing Initial Reviews, etc.) will be part of their work as well.

It is not our goal to subject service providers to the full extent of the monitoring mechanisms of the Code. If there is a possibility to subject them to monitoring of the aspects of the Code that concerns their work, that would be sufficient.

**Athlete's rights**

Anti-doping work aims to protect our main stakeholders: the clean athletes. But in the current version of the Code, the rights of the athletes are not defined. The Dutch stakeholders find that these rights should be formally recognized and described in the Code. In that way, the values that we aim to protect are made explicitly clear, and there will be little or no uncertainty about the rights of the athletes under the Code.

The easiest and most practical way to embed athletes' rights in the Code, is incorporating the Charter of Athletes' Rights (which is currently being drafted) into the Code, at least in as far as the Charter is relevant for anti-doping work.

### **Prohibited List criteria**

Maintaining and promoting 'the Spirit of Sport' is one of the most essential goals of anti-doping work. It is described in the Fundamental Rationale for the WAD Code, and rightly so. We support this wholeheartedly.

However, 'the Spirit of Sport' as one of the three Prohibited List criteria has been debated and criticized since it was included.

Science Officer Olivier de Hon of Anti-Doping Authority the Netherlands has analyzed the use and necessity of this criterion and he has concluded that maintaining 'the Spirit of Sport' as a Prohibited List criterion is redundant, because this concept is present in all anti-doping rules and regulations. De Hon's analysis was [published](#) in the International Journal for Sport Policy and Politics. Striking this redundant criterion will focus discussions regarding the contents of the Prohibited List on the potentially performance-enhancing and health risk properties, which will guide doping-related discussions towards the core of what the concept of 'doping' should be.

Capelle aan den IJssel,  
March 30, 2018