

## **ANTI-DOPING COMMISSION**

June 12<sup>th</sup> 2005

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**To the Delegates to the  
2005 IDSF Annual General Meeting  
Prague, Czech, June 11-12, 2005**

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## ***2005 Annual Report of the IDSF Anti-Doping Director***

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By Mr. J. de Mooy (the Netherlands),  
Chair IDSF Anti-Doping Commission  
IDSF Anti-Doping Director

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This year again I was honoured to serve you as Chair of the IDSF Anti-Doping Commission and (newly) as Anti-Doping Director.

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In the reports in previous years I informed you mainly about anti-doping policies and backgrounds as well as last year about details of activities and our work in relation to Anti-Doping within IDSF.

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This year I will inform you in brief about details of the work done as well as the obligations of the IDSF members under the **World Anti-Doping Code (WADC)** and **IDSF Statutes and Anti-Doping Code (the Code)**.

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### 40 **Activities of our Commission in 2004**

1. Finalize the **IDSF Anti-Doping Code**.
2. Study the requirements and negotiate a contract with WADA to start out-of-competition testing as required by the **WADC**.
- 45 3. Finalize the procedures for out-of-competition testing (OCT) and Therapeutic Use Exemptions (TUE's).
4. Contact with and provide assistance and information to the members and athletes.
5. Representing IDSF in Anti-Doping matters with WADA, communicate, issue reports and answer questions when necessary.
- 50 6. Organize and conduct anti-doping controls in IDSF competition; prosecute offenders of the Code.
7. Evaluate TUE request of the athletes and issue TUE certificates.
8. Request information and issue the same to WADA for OCT testing.
- 55 9. Results and administration management of the activities and Anti-Doping controls.
10. Publish information on the IDSF website.
11. Obligations of IDSF members under the anti-doping rules.

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### **1. Finalize the IDSF Anti-Doping Code**

After a detailed study of the **WADC** by the legal trained members of our Commission, the **WADC** was fully implemented into the **IDSF Anti-Doping Code (the Code)**.

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The completely modified **IDSF Anti-Doping Code 2004** was presented to your AGM 2004 at Lausanne, Switzerland, for acceptance and approval. **The Code** was accepted by your AGM unanimously.

70 It's expected that **the Code** will not be changed or revised for the coming years, apart from the **Doping List**.

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### 2. Negotiate a contract with WADA for OCT

75 This year the negotiations about the conditions as well as the scope of the controls (testing pools) regarding the out-of-competition testing (OCT) with WADA have been finalized.

A modified contract was issued by WADA and signed by the IDSF President.

80 WADA (not IDSF or the Member Federations) are performing OCT and pay for the costs involved.

As expected in 2004 WADA started out-of-competition controls in DanceSport worldwide. A testing pool was established comprised out of the top-10 couples in  
 85 each discipline. IDSF issues the standard forms to all IDSF members whose athletes are included in the testing pool quarterly.

Quite some whereabouts information is to be provided by the athletes through their respective IDSF members. The administrative work for IDSF is still  
 90 enormous.

We will further negotiate reducing the administrative work involved with WADA.

We expect that we can report the first results of the OCT to your AGM next year.

95 *Please note once more that non-compliance with the duty to provide correct whereabouts information is a violation of the **WADC** by the athlete and will be sanctioned according to **the Code**.*

### 100 3. Procedures for OCT and TUE

Its a IOC/WADA principle that testing of athletes must be possible at any time, anywhere, because athletes may be "clean" in competitions but still use performance-enhancing substances during their training programs. This principle  
 105 applies to all IOC recognized sport organizations whether or not a sport has a high doping risk.

Therefore the *Out-of-competition Testing* (OCT) is introduced in the **WADC** and **the Code**.

110 Another principle of Anti-Doping policies is to keep the sport healthy. However, Anti-Doping policies are not meant to exclude people from sport because they are ill or have a medical condition.

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Therefore **the Code** and **WADC** includes a system of *Therapeutic Use Exemptions* (TUE's), i.e. the use of certain forbidden substances by athletes, who need those substances for health reasons, without being sanctioned.

Last year our Commission finalized the IDSF OCT and TUE Procedures including standard forms to be used. The IDSF procedures are based on the WADA International Standards and approved by WADA. The procedures including the forms to be used are published on the IDSF website.

*Without a TUE Certificate, the use of forbidden substances is not allowed and no excuse will be accepted in Anti-Doping controls when a forbidden substance is found.*

*A prescription of the athlete's family doctor or specialist is not valid.*

**We kindly request all IDSF members once more to inform the athletes about those procedures to avoid unnecessary Anti-Doping rule violations due to the use of prescribed medicines.**

### ***4. Information to and from the IDSF Members Federations***

From our previous reports and presentations to your AGM's we hope it will be clear to you all that the information requested by IDSF from its members is necessary to do the Anti-Doping work correctly. The anti-Doping work is, as you all know, so vital for IDSF's recognition by the IOC and the membership of the GAISF and IWGA.

IDSF cannot accept the suggestion that it will not perform Anti-Doping controls in some countries because the Commission does not have the required and requested information.

At the 2002, 2003 and 2004 IDSF Annual General Meetings, President Baumann and the IDSF Presidium have emphasized that cooperation with the Anti-Doping Commission's work is necessary as a part of your membership in IDSF.

Sometime later this year the IDSF Anti-Doping Commission will start to issue from time to time Questionnaires to you as IDSF members to answer questions and provide information about the situation in your country.

IDSF has also the obligation under the **WADC** to check your procedures and actual performances regarding Anti-Doping if necessary. It is your duty as IDSF

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member under **the Code** and the **IDSF Statutes** to reply to such requests without unreasonable delay.

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### **5. Representing IDSF in anti-doping matters**

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The **WADC** is not just a single regulation. The **WADC** consists of a set of documents at three levels:

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1. The **World Anti-Doping Code (WADC)** (mandatory)
2. The *International Standards* (mandatory), for different technical and operational areas such as the International Standard for Testing, the International Standard for Therapeutic Use Exemptions, etc.;
3. The *Models of Best Practice*, to provide modern solutions in different areas. The Models are given as help to the signatories.

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It is indeed a complex and difficult system, applicable in all sports and in all countries. Explanations of the regulations in relation to a particular sport, like in our case DanceSport, are not always easy. Therefore it is necessary for the Anti-Doping Commission to frequently contact WADA for explanations and agreements of understanding.

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Cooperation between the International Federations can also help to solve practical problems. Therefore WADA developed a program of assistance and guidance in the form of symposiums. Attendance at such symposiums proves IDSF's commitment to Anti-Doping policies to the international sports community and at the same time helps IDSF's knowledge of Anti-Doping matters and implementation of the **WADC** into our policies. The representatives and delegates at such symposiums of the major IF's such as IAAF, FIFA, UCI, FINA, and FIS sometimes have more than twenty years' experience in Anti-Doping matters and are far ahead of us. It's necessary for IDSF to attend such symposiums to increase the knowledge and understanding of Anti-Doping and present DanceSport at the international sports podia.

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WADA and IOC regularly issue information, circulars and questionnaires to the recognized International Federations. The IF's have to reply to these circulars and questionnaires after gathering information if necessary.

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*Representing IDSF and DanceSport at national and international sports level is extremely important.*

### 195 **6. Performance of Anti-Doping controls**

The performance of in-competition-testing in IDSF competitions continued at a limited scale.

200 In 2004 we performed controls in the following IDSF competitions:

--- IDSF World Championships Senior Standard, Antwerp, Belgium, February 7<sup>th</sup>

--- IDSF International Open Latin, Antwerp, Belgium, February 7<sup>th</sup>

--- IDSF Open Latin, Arnhem, the Netherlands, October 17<sup>th</sup>

205 --- IDSF Open Standard, Arnhem, the Netherlands, October 17<sup>th</sup>

In total 24 athletes (12 male and 12 female) have undergone Anti-Doping controls in 2004 in IDSF competitions, of which three athletes tested positive.

210 The positive test results have been reported with full documentation to the Presidium (since the IDSF Disciplinary Commission is not installed as yet) for final decision.

All three athletes have been sanctioned by suspension. The sanctions are reported also to the athlete's member federations and published on the IDSF website.

215 It's the obligation of the athlete's member Federations and IDSF Sports Director to ensure that the sanctions are executed.

220 The cooperation of the members and organizers for performing the Anti-Doping tests was correct as asked for.

The nationality of the athletes tested in 2004 are:

225 Belgium : 2 athletes;  
 Croatia : 1 athlete;  
 Czech : 2 athletes;  
 Germany : 3 athletes;  
 Hungary : 1 athlete;  
 Italy : 6 athletes;

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230 Ireland : 1 athlete;  
 Moldavia : 1 athlete;  
 Portugal : 2 athletes;  
 Russia : 4 athletes, and  
 Slovenia : 1 athlete.

235 Member federations have been informed about their tested athletes as well as the test results. Tests and test results have been published on the IDSF website.

240 The Anti-Doping controls are performed strictly in accordance with **the Code**, adjusted according to local legislation and requirements of the country where controls taken place as required.

245 All controls have been organized, guided and supervised personally by the Chair of our Commission, the IDSF Anti-Doping Director.

***It is important that proper identification papers of all competitors are available with the administration of the competition and the Forms of Consent completed and signed.***

250 Each test must start with the correct and current identification of the athlete. There is no other way. If the athletes don't have the proper identification papers available the risk for a non-test (declared as a positive test and sanctioned accordingly) is great.

255 Since 2004 the accredited testing laboratories are reporting any and all positive tests found directly to WADA and the particular International Federation. Also the IDSF members have the obligation to report positive tests to the IDSF Anti-Doping Commission.

260 From this system we know that also some members have found positive tests in DanceSport in 2004 in their respective national competitions. Since such positive test results are not being finally decided by IDSF those figures are not included in this report.

265 *DanceSport seems not as clean as we all have been hoping and thinking.*

### **7. Evaluate TUE requests**

As said before, the principle of Anti-Doping policies is to keep the sport healthy.

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270 However, Anti-Doping policies are not meant to exclude people from sport because they are ill or have a medical condition.

Therefore **the Code** and **WADC** includes a system what is called *Therapeutic Use Exemptions* (TUE's), i.e. the use of medicines by athletes who need such medicines for health reasons.

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In the past the prescription of the athlete's family doctor or specialist was sufficient. Since August 2004 a system of the issuance of *TUE Certificates* is introduced by **the Code** and **WADC**.

280 Athletes competing at national level can apply for a TUE Certificate with their National Anti-Doping Organization (NADO). Athletes competing at international level can request for a TUE Certificate with the International Federation, for DanceSport the IDSF Anti-Doping Commission. For this reason and duties three more physicians have added to the IDSF Anti-Doping Commission last summer.

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***Without a TUE Certificate issued by the NADO or IDSF Anti-Doping Director the use of forbidden substances (medicines) in sport is not allowed.***

290 The prescriptions of the athlete's family doctor or specialist have no value in relation with Anti-Doping.

Please inform and instruct your athletes accordingly.

### 295 **8. Whereabouts information for OCT**

According to the IOC/WADA principle that testing of athletes must be possible at any time, anywhere, *Out-of-competition Testing* (OCT) is introduced in the **WADC** and **the Code**.

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Providing the athlete's whereabouts information to WADA is a huge administrative task for the athletes as well as IDSF.

305 An OCT pool has been established according to the IDSF ranking lists and issued to the IDSF members involved. Our Commission, according to the WADA requirements, has developed standard forms. Each quarter the athletes must provide detailed information as explained to you in previous IDSF AGM Forums.

So far the IDSF members and the athletes cooperate in general sufficient with a few exceptions. Those members and athletes who don't issue the information

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310 timely or not at all, please be informed that when WADA plans an OCT for that  
 particular athlete and the athlete is not available, the result might be a sanction.

***Not providing correct whereabouts information is a violation of the  
 athlete's duties according to the WADC and the Code.***

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### **9. Results administration and Management**

320 The results and administration management in Anti-Doping matters becomes  
 more and more a time consuming and demanding activity.

In order to follow the requirements of WADA and the IOC, all activities,  
 information and documentation must be kept in a proper filing system: *the result  
 management.*

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After testing, a dossier with all relevant test information of the tested athletes and  
 the particular competition, records and statistics, must be created, records filed  
 including the practical facts of the tests for eventual further proceedings in case of  
 a positive test result.

330 The same applies to the issuance of TUE Certificates, OCT information, etc.

According to the requirements of the WADC information about the testing and the  
 test results must be published (IDSF publishes on the IDSF website).

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### **10. Publish information**

Publish information is an obligation under the WADC. All information in relation to  
 Anti-Doping in Dance Sport is being published on the IDSF website.

340 This means that all regulations, standard forms to be used, testing and test  
 results as well as other information can be found at the website.

#### **Kudos**

345 The cooperation by the IDSF Communications Director Johannes Biba and Chair of  
 the IDSF Internet Commission Piet Rullens is very good.

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### **11. Obligations of IDSF-members under the Anti-Doping rules**

Under the **WADC** the IF's (IDSF) have several obligations as we have told you about in previous AGM's. Resulting from the IDSF obligations also the IDSF members do have several obligations. At last years AGM at Lausanne the IDSF Statutes and Code have been modified in order to comply with such obligations.

Article 5 sub 5 of the IDSF statutes read: *It is a condition of membership of the IDSF that the policies, Rules, Statutes and programs of the member comply with the **World Anti-Doping Code (WADC)**.*

The foregoing results in the following obligations for IDSF members:

1. Each and every IDSF member must adapt and implement Anti-Doping policies and rules conform to the **WADC** and **the Code**
2. Each and every IDSF member must ensure and require as a condition of membership and participation in the member's national competitions, that athletes, coaches/trainers, adjudicators and other participants and athlete support personnel recognize and be bound by the Anti-Doping rules
3. Require from the members athletes to be available for OCT
4. Organize and conduct Anti-Doping controls at the members national competitions
5. Result management and sanctioning of Anti-Doping rule violations
6. Take appropriate actions to discourage non-compliance with the **WADC** and **the Code**
7. Withhold funding and support to members, athletes, coaches/trainers and other athlete support personnel that are not in compliance with the **WADC** and **the Code**
8. Provide education and information

IDSF has the obligation under the **WADC** to monitor its member's efforts and progress in this respect. Therefore later this year IDSF will start to issue from time to time Questionnaires to you to answer questions and provide information. IDSF

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385 will also have to check your procedures and actual performances if necessary. It is  
 the duty of each IDSF member under the **IDSF Statutes** to reply to such  
 requests without unreasonable delay.

390 We IDSF, and you as members, must work very close together in order to work  
 out afore mentioned obligations.

### ***Anti-Doping Controls in National Competitions***

395 One of the duties of the IDSF members under the **WADC** and our **the Code** is to  
 implement a system that Anti-Doping controls will be conducted and performed in  
 competitions at national level.

*This means at your national competitions and championships.*

400 Your Federation has to develop your own Anti-Doping regulations in accordance  
 with your national laws, establish a national testing pool for your national and  
 international competing athletes and conduct and perform Anti-Doping controls.

405 According to the information received by us so far only some 6 IDSF members are  
 performing testing in their own competitions at this moment. WADA and IOC will  
 not accept this situation much longer.

We, you and IDSF, will have to improve this situation in the very near future.

410 If your Federation is a member of your NOC, your NOC can help you to overcome  
 problems for testing in your own competitions because it is the duty of all NOC's  
 under the **WADC** to introduce and conduct Anti-Doping controls within their  
 jurisdiction. The NOC's and National Anti-Doping Organizations have to set-up  
 national testing pools for each recognized sport. You are advised to try your  
 hardest to include Dance Sport in your country in such a NOC testing pool.

415 *It can save you a lot of money and time.*

### ***Binding athletes, coaches/trainer etc. to the Code***

420 It's an *obligation* of IDSF according to the **WADC** that all athletes and support  
 personnel must be knowledgeable of and be bound by the Anti-Doping rules and  
 regulations. This means each and every person involved in DanceSport including  
 adjudicators as well as all other athlete support personnel.

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Also *Participants* do have obligations under the **WADC** and **the Code**. Participants are defined as: any athlete, athlete support personnel or any other person involved in the particular sport.

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Athletes have the responsibility:

- to be knowledgeable and comply with all applicable policies and regulations
- to be available for sample collection, including OCT
- to take responsibility for what they ingest and use in the context of anti-doping
- to inform medical personnel of their obligations under the Anti-Doping rules

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Support personnel have the responsibility:

- to be knowledgeable and comply with all applicable policies and regulations
- to cooperate with the athletes testing programs
- to use their influence on athletes values and behaviour to foster Anti-Doping attitudes.

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Trying to sanction people for violating the Anti-Doping rules has no legal power or force unless the offenders are legally bound to the rules and regulations, one way or another.

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As we explained before legally we know three methods to bind persons to regulations and codes of an association:

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1. *by membership*. The statutes and regulations of an association bind each member of that association. Membership constitutes a contract between the member and the association.

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2. *by membership construction*. A member of a member is also bound providing the member includes provisions in it's own statutes. For example: the members of the IDSF members are bound by the IDSF statutes and regulations when that IDSF member include the provision thereto in it's own statutes.

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3. *by contract*. This is the way IDSF has chosen by introduction of the Forms of Consent.

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The best way by far is of course the membership binding. Only then we can talk about a *sport association structure*. However we know that not all athletes participating in the IDSF competitions (or the national competitions of the IDSF members) are members of their own national federation, the IDSF member of that country. In fact in practice many athletes have a commercial relation with a

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trainer/coach only. The trainer/coach only is (sometimes) a member of the national federation, member of IDSF. Some athletes have no membership binding at all with the IDSF member in his/her country.

470 In such occasions the only way to bind athletes and support personnel to **the Code** and IDSF regulations is a contract: the Forms of Consent. If no Forms of Consent are signed there might be no binding at all to the IDSF or your own regulations.

475 Another danger resulting from afore mentioned situation is that such a Federation, although member of IDSF and sometimes even member of it's national NOC, can not appeal legally on the freedom of association as stated in many constitutions and international treaties.

480 After all the athletes (competitors) are not member of the Federation and therefore the Federation offers services (Dance Sport competitions) to a free market! In this case the general laws of the country are applicable and superior to the regulations of the Federation.

One might find itself in a position that the courts in your country declare your competition rules in conflict with the law and therefore not legal at all.

485 That's not a pleasant position.

Also the organizers of the competitions, if not the IDSF member itself, must be bound to the IDSF statutes and regulations. One way for the IDSF Member is to require the correct procedures in a written agreement with the Organizer, before

490 licensing the IDSF competition to that organizer.

If the Organizer does not agree, he cannot have the IDSF tournament!

We advise IDSF Member Federations to use such agreements with its organizers. You can ask the Chair of our Commission, or IDSF Legal Commissioner Jim Fraser (Canada), for help.

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*After all: without a proper legal administration each and every control is useless and of no value resulting for IDSF or its members in a violation of the **WADC** rules.*

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### **Result Management and statistics**

*All duties and activities as mentioned above have to be recorded.*

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This means a huge administrative obligation for IDSF and for you as IDSF member. We, you and IDSF, will all have to work together very closely and spontaneously in order to fulfil your and our duties.

510 Items mentioned under this paragraph will be more explained to you at the Forum of this year's AGM.

### ***12. Our Agenda for 2005-2006***

515 Subject to approval by the IDSF Presidium and/or the 2005 IDSF Annual General Meeting, the IDSF Anti-Doping Commission proposes:

- a) to further implement the obligations of the **WADC** into DanceSport world wide,
- 520 including testing at national level in all member countries;
- b) to continue Anti-Doping controls in IDSF competitions;
- c) to cooperation with WADA on out-of-competition controls and other matters;
- d) to provide information and assistance to athletes and Member Federations;

525 I am always available for questions from representatives of the IDSF Member Federations, and from the Media.

To conclude: I would like to thank the IDSF Presidium and the AGM Delegates for the privilege of serving IDSF as Chair of the IDSF Anti-Doping Commission and  
 530 IDSF Anti-Doping Director again this past year.

All of which is submitted with respect.

535 Sincerely,

*Ko de Mooy*

540 **IDSF Anti-Doping Director/  
 Chair IDSF Anti-Doping Commission**