

ACHIEVING COMPLIANCE WITH THE GLOBAL ANTI-DOPING SYSTEM: THE CASE OF AMADA

Rufat J. EFENDIYEV,

Assoc. Prof., Ph.D., Head of Science Department,

Azerbaijan National Anti-Doping Agency (AMADA)

[https://doi.org/10.52556/2587-3873.2023.1\(94\).02](https://doi.org/10.52556/2587-3873.2023.1(94).02)

Summary

The article is devoted to the study of achieving compliance with the global anti-doping system standards and norms, on the example of the Azerbaijan National Anti-Doping Agency (AMADA). The author describes the main steps taken by AMADA to develop clean sport and improve the country's anti-doping legislation, highlights the main stages, program documents, and monitoring visits by international organizations to verify the compliance of the work carried out by AMADA with global standards, norms, and practices. Considering the importance and relevance of preserving and maintaining high ethical standards of athletes' behavior in sports, the author points out the need for further improvement of the functioning of the anti-doping system and its compliance with global challenges.

Keywords: WADA, Council of Europe, UNESCO, AMADA, SDG, compliance, anti-doping, convention, legislation

Резюме

Достижение соблюдения норм глобальной антидопинговой системы: пример AMADA

Статья посвящена изучению достижения соблюдения стандартов и норм глобальной антидопинговой системы, на примере Азербайджанского Национального Антидопингового Агентства (AMADA). Автор, описывая основные шаги, предпринятые AMADA в целях развития чистого спорта и совершенствования законодательства страны в сфере антидопинга, выделяет основные этапы, программные документы, и мониторинговые визиты со стороны международных структур в целях проверки соответствия проводимой работы в AMADA глобальным стандартам, нормам и практикам. Принимая во внимание важность и актуальность сохранения и поддержания в спорте высоких этических норм поведения атлетов, автор указывает на необходимость дальнейшего совершенствования функционирования антидопинговой системы и ее соответствия глобальным вызовам.

Ключевые слова: ВАДА, Совет Европы, ЮНЕСКО, AMADA, ЦУР, соответствие, антидопинг, конвенция, законодательство

Rezumat

Asigurarea respectării normelor sistemului global antidoping: cazul AMADA

Articolul este dedicat studiului cu privire la asigurarea respectării standardelor și normelor sistemului global antidoping pe exemplul Agenției Naționale Antidoping din Azerbaidjan

(AMADA). Autorul descrie principalele acțiuni întreprinse de AMADA pentru dezvoltarea sportului curat și perfecționarea legislației antidoping a țării, evidențiază principalele etape, documente ale programului și vizitele de monitorizare ale organizațiilor internaționale pentru a verifica dacă activitatea AMADA se desfășoară în conformitate cu standardele, normele și practicile globale. Având în vedere importanța și relevanța respectării și menținerii unor standarde etice înalte ale comportamentului sportiv, autorul subliniază necesitatea îmbunătățirii continue a funcționării sistemului antidoping și a capacității acestuia de a răspunde provocărilor globale.

Cuvinte-cheie: WADA, Consiliul Europei, UNESCO, AMADA, SDG, conformitate, antidoping, convenție, legislație

Introduction

Countries, athletes, teams, clubs, and sports organizations are in the global battle for medals and the role of anti-doping organizations is to be impartial objective, and transparent in safeguarding the values and the spirit of sport.

The core pillars of the anti-doping system are public values such as health, integrity, and equality, and nowadays the world community complements them with innovations and social responsibility to address the global public issue of doping and stay in alignment with global commitments related to a different ethical aspect such as equal rights, education, gender balance, safety, justice, well-being, good health, etc.

As a country's National Anti-Doping Organization (NADO) and a Signatory to the World Anti-Doping Code, Azerbaijan National Anti-Doping Agency (AMADA) adopts and implements an anti-doping program and governs the fight against doping in sports in Azerbaijan. AMADA carries out its activities in a transparent way and in strict compliance with the World Anti-Doping Code and International Standards. Also, as a governmental body, AMADA ensures that the country is compliant with the UNESCO International Convention against Doping in Sport and the Council of Europe Anti-Doping Convention.

This article aims to highlight the steps undertaken by AMADA in achieving compliance with the respective international anti-doping legislation.

Research purpose. The main objective of this article is to describe the main elements of the de-

velopment of AMADA in the context of achieving compliance with the global anti-doping system.

Materials and methods

This article is based on the official publications and reports of WADA, UNESCO, the Council of Europe, Laws of the Republic of Azerbaijan, annual reports on the activities of AMADA, etc. Both theoretical-logical and empirical-historical research methods are used in the article.

Results

AMADA: stages of the NADO's development

Legal background and creation of the NADO: The legal background for the anti-doping system in the Republic of Azerbaijan is the Law № 447-VQ dated November 29, 2016, "On the fight against the use of doping substances and methods in sport" [12] signed and implemented by the Decree of the President of the Republic of Azerbaijan on December 14, 2016 [5].

AMADA is an independent body responsible for the fight against doping in sport in Azerbaijan, established by the Law of the Republic of Azerbaijan "On the fight against the use of doping substances and methods in sport" [19] and the Decree of the President of the Republic of Azerbaijan on its implementation [18]. The Agency is a public legal entity, with the state registration of the Ministry of Taxes. The Agency is composed of a Supervisory Board and an operational body.

Capacity building process: 2017 was the first operational year for AMADA [2]. The Agency was established during a period of non-compliance with the World Anti-Doping Code. Despite that, the Agency had its own plans, courage, and a strong belief that it is possible to build a crystal clear, transparent, and effective anti-doping system in the country. 2017 also was a year of transition. In general, there has been an overall lack of guidance and expertise in the field of anti-doping in Azerbaijan for years. The first part of 2017 was full of capacity building working meetings. These initiatives were carried out in collaboration with WADA and the Polish Anti-Doping Agency (POLADA); in total, during 2017 there were 9 working meetings, targeted at developing of organization. Constant support of WADA and cooperation with POLADA were invaluable for AMADA during the light speed process of capacity building the organization was going through. However, even with support from WADA and POLADA, capacity building was not an easy task. These activities were carried out in line with the ambitious plan agreed by both agencies and endorsed by WADA. The plan was to achieve the full operational capacity of the AMADA

in all areas of activity by January 2018. It should be highlighted, that in accordance with WADA's NADO Program Strategy 2021-2025, one of the main objectives is to "enhance NADOs' anti-doping expertise and facilitate development through a planned training and capacity building program" [23, p. 14].

Management approach: For the period of 2017-2022 AMADA established open and reliable communication with government agencies and the public in accordance with its obligations. The operational activity of AMADA is independent of the Supervisory Board, state bodies, and sports organizations. AMADA pays special attention to ensuring that there are no conflicts of interest. AMADA is a public legal entity, and in accordance with the law, in essence, it is "an organization that is not a state or municipal authority and carries out activities of national and (or) public importance, created on behalf of the state and municipality or on behalf of a public legal entity" [3].

In accordance with the status of the organization, AMADA applies an innovative management approach that combines the advantages of both public and private legal organizations. The goal is to create an organization that prioritizes justice, independence, the rule of law, and the interests of the state, is open to innovation, is predictable, flexible, open to the public, and useful. AMADA's innovative approach to public service combines public service quality, social cohesion, and environmental protection, while at the same time enhancing its effectiveness using private sector governance models. The goal is to shape the organization of the future, to create a new organization capable of achieving high performance, adaptability and attracting the very best employees. For instance, during the last years capacity building for new AMADA staff went through various processes like - partnership and cooperation; international activity, including training, seminars, and workshops; new skills development, including courses and certification; high performance workplace, including education through implementation.

Statistics: According to the annual reports, in total, 694 tests were conducted by AMADA in 2017, 913 tests in 2018, and 1933 tests in 2019 year. Due to COVID-19 global coronavirus pandemic in 2020 there were conducted 1046 tests [3; 4]. If there were only 7 employees in AMADA in 2017, in 2022 this number increased to 35 persons, with 7 departments (Testing, Intelligence & Investigation, Legal, Education, Science, IT, Finance & Human Resources).

ISO 9001

ISO standards are internationally agreed upon by experts [15]. In 2020 AMADA was assessed and found to meet requirements of ISO 9001:2015 for

the “provision of the national anti-doping program, doping control testing, result management, education, and prevention activities, in accordance with the World Anti-Doping Agency (WADA) Code and its accompanying International Standards” by AFNOR [1].

AMADA's strategy

Five years ago, when AMADA was just established, the four-year Sustainable Strategic Plan (SSP) linked to United Nations (UN) Sustainable Development Goals (SDGs) was launched¹. The UN Agenda 2030 is a call for action for people, businesses, all countries, and stakeholders to collaborate and implement this plan. It is the greatest global challenge and AMADA decided to accept this challenge. The commitment to sustainability approach was integrated in AMADA's strategy, core functions and this had strengthened the way Agency operate, communicate, and serve.

Today, in 2022, we review what has been learned and achieved since then. AMADA's SSP was a total quality management approach to continuous improvement. It was focusing on five core directions composing 11 out of the 17 SDGs, where Agency could make the biggest contribution to tackling global challenges and boosting the social, environmental, and business performance. AMADA's SSP overview demonstrates significant achievements in a relatively short period of time [16]. Thus, AMANDA's strategic approach is based on Innovation, Flexibility, Inclusion, Collective Wisdom, and Transparency.

To implement its functions AMADA is guided by local laws, international requirements, and standards, which are considered below.

WADA: global anti-doping regulatory body

Status: The global anti-doping system is overseen by WADA in accordance with the World Anti-Doping Code [28] and the International Standard for Code Compliance by Signatories (ISCCS). In fact, as a global regulatory body, WADA's primary role is to prepare, harmonize and disseminate anti-doping rules and policies for all sports and countries, and to ensure and monitor the effective implementation of the Code and related International Standards. For instance, the annual WADA lists of prohibited substances and methods are accepted by all the signatories, approved laboratories are used for analyzing samples, the minimum and maximum sanctions for doping offenses are standardized, and the number of nations and sports federations that carry

out anti-doping activities is increasing (Hanstad et al., 2010) [13, p. 418-430]. Therefore, there is a need to understand the reasons behind countries' issues in building up Code-compliant NADOs.

The World Anti-Doping Code (Code) is the core document that harmonizes anti-doping policies, rules, and regulations within sports organizations and among public authorities around the world. It works in conjunction with eight International Standards which aim to foster consistency among anti-doping organizations in various areas. The Code was first published by the World Anti-Doping Agency in 2003 [28]. Prior to 2003, there was no standardized set of rules for all sports and countries.

At the present time WADA's compliance activities are guided by its Compliance Strategy, endorsed by WADA's Executive Committee in 2019 [25]. This Strategy articulates WADA's vision that strong, Code-compliant anti-doping rules and programs applied and enforced consistently and effectively across all sports and all countries, enable clean athletes to have confidence that there is fair competition on a playing field level, and contribute to public confidence in the integrity of sport.

The Code Compliance Questionnaire (CCQ) is a tool developed by WADA to measure compliance of Anti-Doping Organizations (ADOs) to the mandatory requirements of the Code and International Standards [24]. It was developed in collaboration with a number of ADOs and other organizations such as the Institute of National Anti-Doping Organizations (INADO), the Council of Europe, and UNESCO. The Questionnaire is issued via the Code Compliance Center (CCC) to assist ADOs in providing responses and data to a series of questions. There are two main versions of the CCQ – one for International Federations (IFs) and NADOs, and one for Major Event Organizations (MEOs). In both versions, the questions have been categorized into 6 sections, namely, 1. General; 2. Testing and Investigations; 3. Results Management; 4. Therapeutic Use Exemptions (TUE); 5. Education; and 6. Privacy. There is also a short seventh section for ADOs to provide their feedback on the CCQ. All ADOs should answer the questions honestly for WADA to conduct an accurate review of their anti-doping program.

The situation in Azerbaijan: As a Signatory Member of the Code, AMADA has a number of compliance obligations to be monitored under the WADA Monitoring Program [27]. Accordingly, AMADA was also audited under the WADA Compliance Monitoring Program, and on September 24-25, 2019, Azerbaijan's anti-doping program was formally evaluated [26]. Maintaining an efficient and compliant system to achieve AMADA's goals is critical and a necessary

¹ In accordance with the Evaluation Report of the Monitoring Group (T-DO) these measures should include, as a minimum, the list of substances to be controlled, the agencies to be involved, and the applicable sanctions.

development factor. As a result, AMADA successfully passed the WADA audit and was found to be fully compliant with the Code and International Standards [3]. This was possible due to a number of abovementioned AMADA's fundamental management principles and factors. The Audit Team used CCC system, Corrective Action Report (CAR), Corrective Action Plan (CAP), and other sources of data, including ADAMS.

Council of Europe: monitoring

Status: Sport brings a key contribution to the promotion of the core values of the Council of Europe: democracy, human rights, and the rule of law. Historically, doping is the first of the Council of Europe's concerns in sports. As early as 1967 the Committee of Ministers produced the first international legal instrument on this matter. Since then, the Organization has continued to strengthen its commitment to eliminating doping from sports. The Anti-Doping Convention [9] was adopted in 1989 and is followed by an additional protocol (2002) [9]. Compliance with the Anti-Doping Convention, which is related to the country's international obligations, is monitored by the Council of Europe, the Monitoring Group.

The situation in Azerbaijan: As part of the Compliance with Commitments project of the Council of Europe and at the request of the Ministry of Youth and Sport of Azerbaijan, an Evaluation Team / Monitoring Group T-DO (2018) 41 held a Visit to Baku, Azerbaijan from 6 to 8 February 2018 [10]. The aim of the Evaluation visit was to assess compliance by Azerbaijan with the Anti-Doping Convention of the Council of Europe and, to evaluate those articles of the Convention and its Additional Protocol that place obligations on State Parties [9]. The principal findings and outcomes of the Evaluation Team on each of the Articles of the Convention and its Additional Protocol are reflected in the Evaluation Report of the Monitoring Group [8]. Considering that (a) the Azerbaijani authorities have ratified the International Convention against Doping in Sport of UNESCO and signed the Copenhagen Declaration on Anti-Doping in Sport that refers to the World Anti-Doping Code; and (b) the Convention requires States Parties to harmonize their anti-doping rules which can only be achieved under the umbrella of the Code, the Evaluation Team agreed that a comparison between the Anti-Doping Rules of AMADA and the World Anti-Doping Code fell within the Scope of this Visit. Based on the Memorandum of Understanding between the Council of Europe and the WADA [7], 2018 Evaluation visit to Azerbaijan of the Council of Europe team was a joint one with the WADA team.

UNESCO: ADLogic assessment

Status: The Operational Guidelines and Framework for the strengthening of the implementation of the International Convention against Doping in Sport, approved by the eighth session of the Conference of Parties to the Convention through Resolution 8CP/10, provides States Parties with guidelines on how to implement the provisions of the Convention and strengthen compliance with the Convention [21].

As required by Article 31 of the Convention, States Parties submit every two years, to the Conference of Parties, a national report concerning measures taken by them for the purpose of complying with the Convention.

The monitoring tool of the Anti-Doping Convention is the online self-assessment Anti-Doping Logic (ADLogic) questionnaire. Compliance with the Convention is measured through 21 principal questions of the ADLogic questionnaire, covering the four thematic areas of the Convention:

- National activities to strengthen Anti-Doping (Articles 7-12)
- International cooperation (Articles 13-14 and 16)
- Education and training (Articles 19-23)
- Research (Articles 24-27)

Situation in Azerbaijan: As it was stated above, compliance with the International Convention against Doping in Sport [20] is monitored by the Conference of Parties of UNESCO.

In accordance with the National report 2020-2021 of Azerbaijan, compliance with the Anti-Doping Convention from 2017 till 2022 has significantly and positively changed. Thus, in the Report of Azerbaijan submitted to the sixth session of the Conference of Parties (COP6 – 2017) it is indicated that Azerbaijan was 47,6% fully complaint, 4,8% partly complaint, and 47,6% non-complaint [22] to the International Convention Against Doping in Sport. The last report submitted by Azerbaijan and approved for the eighth session of the Conference of Parties to the Convention (COP8, 26-28 October 2022) shows, that Azerbaijan is already 85,7% fully compliant and only 14,3% non-compliant with the Convention. Some non-compliance issues were observed in regard to Article 10: Nutritional Supplements, Article 21: Athletes and Athlete and Support Personnel, and Article 24: Promotion of Research. As part of this logic, if a State Party is non-compliant with the Convention, this means that the State Party's implementation of the Convention in terms of national policies, legislation, or operational programs can be improved.

Discussions

Although the anti-doping community faces challenges in terms of achieving compliance, many of them are not unique to the anti-doping regime; they are general problems that hinder the implementation of, and compliance with, international agreements across various sectors. Recent studies confirm (Cannock, 2021) [6], that much previous research on the performance of NADOs is limited to evaluating the implementation of specific anti-doping program areas, such as education and testing, as well as NADO independence and governance. However, they do not examine overall NADO performance or compliance; in fact, very little is known about the factors that affect performance or compliance. Numerous international agreements aim to foster a global commitment toward compliance. Consequently, comparative analysis of international agreements and their respective policy regimes provides an opportunity to develop a deeper understanding of the techniques for achieving compliance (Downs & Trento, 2004) [11]. Within the anti-doping regime, WADA is recognized as the international standard setter and implementation of the Code occurs through a top-down approach (Houlihan, 2013) [14, p. 265-276]. The scale of the current compliance problem, combined with the lack of research in this area, has created a need for further investigation into the problems of, and techniques for, achieving Code compliance. Consequently, significant progress and more reforms are necessary if WADA is to achieve its goal of global harmonization (Müller, 2017) [17, p. 183-193].

Conclusions

Today, AMADA is an independent agency free to make impartial decisions to secure clean sports and protect the rights of clean athletes. But the scale of the compliance problem that the World Anti-Doping Agency (WADA) faces was many times highlighted by the series of doping scandals within various sports and countries worldwide. This confirms the constant relevance and importance of taking the necessary measures to combat illegal activities in the field of professional sports.

Over the past 5 years, AMADA has done significant work in the context of achieving compliance with the global anti-doping system. For instance, it should be mentioned that the key Recommendations proposed by the Council of Europe Evaluation Team / Monitoring Group T-DO (2018) 41 [8] were successfully implemented during the last five years of the Agency's activities.

Currently, the work is being carried out by AMADA in two directions:

- Further work on the adoption of comprehensive legislative measures by the Azerbaijani authorities to control the trafficking of doping substances²; and
- Encouragement and funding of research studies related to anti-doping by academic and other interested institutions in the country and playing a lead role in the coordination of the research activities on anti-doping in the country.

Besides that, AMADA putting together SDGs and National Priorities, as well as previous experience at the center of a new, even more, ambitious next five-year strategy, is renewing and extending its commitment to development that meets the highest standards of sustainability and compliance. It is the time to work on setting AMADA's 2021-2025 Sustainable Strategic Plan and continue to work with the local and international partners to focus on areas where AMADA can drive the biggest change and support the clean professional sports.

List of abbreviations

ADO - Anti-Doping Organization
 AFNOR - Association Française de Normalization
 AMADA - Azerbaijan National Anti-Doping Agency
 CAP - Corrective Action Plan
 CAR - Corrective Action Report
 CCC - Code Compliance Center
 CCQ - Code Compliance Questionnaire
 COP - Conference of Parties to the Convention (UNESCO)
 IF - International Federation
 INADO - Institute of National Anti-Doping Organizations
 ISCCS - International Standard for Code Compliance by Signatories
 MEO - Major Event Organization
 NADO - National Anti-Doping Organization
 POLADA - Polish Anti-Doping Agency
 SDG - Sustainable Development Goal
 SSP - Sustainable Strategic Plan
 TUE - Therapeutic Use Exemption
 UN - United Nations
 UNESCO - United Nations Educational, Scientific and Cultural Organization
 WADA - World Anti-Doping Agency

² In accordance with the Evaluation Report of the Monitoring Group (T-DO) these measures should include, as a minimum, the list of substances to be controlled, the agencies to be involved, and the applicable sanctions.

Declaration of conflict of interest

The author declares that there is no conflict of interest.

Bibliography

1. AFNOR. L'Association française de normalization. <https://www.afnor.org/>
2. AMADA. 2017 Annual Report. https://amada.az/site/assets/files/1956/amada_2017_english-1.pdf
3. AMADA. 2019 İllik Hesabat. https://amada.az/site/assets/files/1956/ar_2019_az.pdf
4. AMADA. Fərqli 2020. https://amada.az/site/assets/files/1956/ar_2020_az.pdf
5. AMADA. Legislation. <https://www.amada.az/en/legal/legislation/>
6. Cannock, F. (2021). Exploring the Factors That Affect World Anti-Doping Code compliance: An Analysis of Peru's and Bolivia's National Anti-Doping Organisations // The Athenaeum.
7. Council of Europe (2016). Memorandum of Understanding between the Council of Europe and the World Anti-Doping Agency (WADA). <https://rm.coe.int/09000016806c2b7e>
8. Council of Europe (2018). Evaluation Report of the Monitoring Group (T-DO). Evaluation visit in Baku, Azerbaijan. February 6-8, 2018. <https://rm.coe.int/t-do-evaluation-report-azerbaijan-compliance-with-commitments-project/16808ef1bd>
9. Council of Europe. The Anti-Doping Convention: an instrument of international co-operation. <https://www.coe.int/en/web/sport/anti-doping-convention>
10. Council of Europe. The Monitoring Group of the Anti-Doping Convention (T-DO). <https://www.coe.int/en/web/sport/t-do>
11. Downs, G. & Trento, A. (2004). Conceptual issues surrounding the compliance gap. In: E. Luck and M. Doyle, eds. International law and organisation: closing the compliance gap. USA: Rowen and Littlefield Publishers, 91.
12. E-qanun.az (2016). "İdmanda doping vasitələrindən və üsullarından istifadəyə qarşı mübarizə haqqında". Azərbaycan Respublikasının Qanunu. <https://e-qanun.az/framework/34359>
13. Hanstad, D. V., Skille, E. Å., Loland, S. (2010). Harmonization of anti-doping work: myth or reality? Sport in Society, 13, 418-430.
14. Houlihan, B. (2013). Achieving compliance in international anti-doping policy: an analysis of the 2009 world anti-doping code. Sport management review, 17 (3), 265–276. <https://doi.org/10.1016/j.smr.2013.10.002>
15. ISO. ISO standards are internationally agreed by experts. <https://www.iso.org/standards.html>
16. LinkedIn (2021). "Agenda 2021: the milestone and follow-up towards AMADA's Sustainable Strategic Plan" by Shafag Huseynli. <https://www.linkedin.com/pulse/agenda-2021-milestone-follow-up-towards-amadas-plan-shafag-huseynli/>
17. Müller, D. (2017). How to protect the clean athletes? Ger J Exerc Sport Res 47, 183–193. <https://doi.org/10.1007/s12662-017-0446-3>
18. President.az (2016). "İdmanda doping vasitələrindən və üsullarından istifadəyə qarşı mübarizə haqqında" Azərbaycan Respublikasının 2016-cı il 29 noyabr tarixli 447-VQ nömrəli Qanununun tətbiqi barədə Azərbaycan Respublikası Prezidentinin Fərmanı. <https://president.az/az/articles/view/22056>
19. President.az (2016). "İdmanda doping vasitələrindən və üsullarından istifadəyə qarşı mübarizə haqqında" Azərbaycan Respublikasının Qanunu. <https://president.az/az/articles/view/22047>
20. UNESCO. International Convention against Doping in Sport. <https://en.unesco.org/themes/sport-and-anti-doping/convention>
21. UNESCO. Monitoring of the Anti-Doping Convention. <https://en.unesco.org/themes/sport-and-anti-doping/convention/monitoring>
22. UNESCO. Reports of States Parties to the Convention. <https://unesdoc.unesco.org/ark:/48223/pf0000259976>
23. WADA. 2021- 2025 NADO Program Strategy. https://www.wada-ama.org/sites/default/files/resources/files/final_nado_program_strategy_en.pdf
24. WADA. Code Compliance Center User Guide. March 2022. https://www.wada-ama.org/sites/default/files/2022-03/CCQ_user_guide_v6_March_2022.pdf
25. WADA. Compliance & Monitoring. <https://www.wada-ama.org/en/what-we-do/compliance-monitoring>
26. WADA. Compliance Audits. <https://www.wada-ama.org/en/compliance-audits>
27. WADA. Monitoring Program. January 1, 2022. <https://www.wada-ama.org/en/resources/monitoring-program>
28. WADA. World Anti-Doping Code. January 1, 2021. <https://www.wada-ama.org/en/resources/world-anti-doping-program/world-anti-doping-code>

Rufat J. Efendiyev

Assoc. Prof., Ph.D., Head of Science Department,
Azerbaijan National Anti-Doping
Agency (AMADA)