



ANTI-DOPING COMMISSION

June 11th 2006

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**To the Delegates
to the 2006 IDSF Annual General Meeting
Wels, Austria, June 10-11, 2006**

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2006 Annual Report of the IDSF Anti-Doping Director

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

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

The main topics of this report are:

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1. in-competition testing 2005;
2. out-of-competition testing 2005;
3. issuance of TUE's;
4. modification of the IDSF Anti-Doping Code;
5. obligations of the IDSF members under the anti-doping rules.

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1. In-competition testing

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

In 2005 we performed controls in the following IDSF competitions:

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- IDSF Grand Slam Standard, Stuttgart, Germany, August 20th 2005
- IDSF Grand Slam Latin, Stuttgart, Germany, August 18th 2005
- IDSF World Championships Standard, Krefeld, Germany, November 12th 2005

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In total 19 athletes (10 male and 9 female) have been tested in 2005 in IDSF competitions, all test results are negative, so much better than 2004.

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Besides the IDSF in-competition testing also at the World Games 2005 at Duisburg, Germany, anti-doping tests have been performed. Unfortunately one athlete in dance sport tested positive. Presently the IWGA Anti-Doping Panel is still handling this anti-doping rule violation since the athlete appealed to the CAS at Lausanne, Switzerland.

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The nationalities of the athletes tested in 2004 are:

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Denmark	: 2 athletes;
England	: 1 athlete;
Germany	: 3 athletes;
Italy	: 4 athletes;
Latvia	: 1 athlete;
Lithuania	: 1 athlete;
Moldavia	: 1 athlete;
Poland	: 1 athlete;
Spain	: 1 athlete;
Russia	: 3 athletes, and
Slovenia	: 1 athlete.

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The 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.

The cooperation of most of the athlete is good (especially the top ranked couples), however we see a tendency that some athletes do have a negative and patronizing attitude towards the anti-doping controls and the testing officials.

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Each test starts with the correct and proper identification of the athlete to be tested. There is no other way. Therefore it's of great importance that athletes provide their identification papers to the competition administration. In spite of several years of efforts in this respect, this item is still far from correct.

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I appeal to all IDSF Member to instruct their athletes properly.

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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.

If the athletes don't have the proper identification papers available or with the competition administration, the risk for a non-test (declared as a positive test and sanctioned accordingly) is too great.

This means also Forms of Consent for Adjudicators!!

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Since 2004 the accredited testing laboratories are reporting any and all positive tests found directly to WADA and the particular International Federation. From this system we know that in the national competitions of some IDSF Members, positive tests have been found in DanceSport in 2005.

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Although all IDSF Members have the obligation to report positive tests to the IDSF Anti-Doping Commission, when asked information from these members no reply was given, not even after a reminder.

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Such behaviour of a member is an anti-doping rule violation by that member and will be reported as such to the DC of MC in the future.

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Since the positive test results in national competitions are not being decided by IDSF and we don't have proper information from the members, these figures are not included in this report.

2. Out-of-competition testing (OCT)

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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 IDSF Code.

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In September 2004 IDSF introduced out-of-competition testing (OCT) and a system of providing the athletes whereabouts information. OCT is done by WADA

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and paid for by WADA. We, IDSF and its athletes, have to provide the whereabouts information only.

In 2005 WADA performed 8 (eight) OC tests on DanceSport athletes:

- 125 --- England : 2 athletes
 --- Germany : 2 athletes
 --- Italy : 2 athletes, and
 --- Russia : 2 athletes

130 4 tests have been reported negative and 4 test could not be collected due to incorrect whereabouts information.

The latter is an anti-doping rule violation and has been reported to the IDSF MC as such.

135 OCT by WADA is only applicable to top ranked athletes in each sport, national as well as international. Therefore a testing pool is composed, national as well as international. The National Anti-Doping Organizations in each country deal with the national testingpool and the national top ranked athletes. IDSF deals with the international top ranked DanceSport athletes only.

140 It must be stated that the National Anti-Doping Organizations in each country do have an own responsibility and authorization in this respect. You, as a member of your National Olympic Committee, must realize that your national authority can and will have his own policies that you have to adhere to.

145 For example, we have been informed that the Norwegian National Anti-Doping Organization, Antidoping Norge, reserves its rights to perform OCT of all foreign athletes visiting Norway for a shorter or longer period. For this purpose Antidoping Norge requests from WADA the whereabouts information of the athletes visiting (vacation) or competing in Norway.

150 And we all know the situation of the Italian anti-doping legislation. Other countries can and do have similar rules.

155 The IDSF Anti-Doping Director, based on criteria given by WADA, composes the international testing pool for DanceSport athletes each year. After lengthy discussions with WADA we managed to reduce the number of athletes placed in the international testingpool for 2006 by almost 50%. The IDSF OCT-pool 2006 is send to the IDSF Member Federations involved and published on the IDSF website in December 2005.

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165 We more and more realize and experience that providing the athlete's whereabouts information to WADA is a huge administrative task for the athletes as well as IDSF. Not only in DanceSport of course. Other sports do struggle with this duty as well. An International Symposium is (was) organized by WADA at Lausanne on March 30-31st 2006 with all International Federations to discuss these problems and propose solutions.

170 One of the solutions might be the by WADA developed and introduced computerized system called Anti-Doping Administration & Management System (ADAMS). ADAMS is a web-based database management system that simplifies the daily activities of organizations and athletes involved in the anti-doping system. It's easy to use (that's what WADA says) and free to the International Sport Federations and Anti-Doping Organizations.

175 ADAMS has four (4) primary functions:
 --- athlete whereabouts
 --- information clearing house, the results management
 --- doping control platform, planning and coordination, and
 --- TUE management.

180 WADA introduces ADAMS step by step. 2-days courses are given by WADA to anti-doping officials of the International Federations at Lausanne, Switzerland. The major International Federations are working with ADAMS already. We hope to introduce ADAMS to your Meeting at the AGM 2007.

185 Cooperation and issuance of the whereabouts information by the athletes is declining. See also the OCT results 2005 above.

190 Those members and athletes who don't issue the information timely or not at all, please be informed that when WADA plans an OCT for that particular athlete and the athlete is not available at the address given, 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 IDSF Code.

195 **3. Issuance of TUE's**

200 One of the principles 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 IDSF 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.

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Only the National Anti-Doping Organization in each country (for only national competing athletes) or the International Federations can issue Certificates (for international competing athletes).

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

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Within IDSF the Anti-Doping Commission is evaluating the TUE Applications for international athletes. Therefore two more medical doctors reinforced the Commission in 2004. Member of the IDSF Anti-Doping Commission are now 4 medical doctors of 4 nationalities. The IDSF Anti-doping Director issues the TUE Certificate when the application is correct and approved by at least 2 medical doctors of the Commission.

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The IDSF TUE Procedure and applicable standard forms is published on the IDSF website in June 2004.

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

In 2005 IDSF issued in total 24 TUE Certificates by following nationalities:

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---	England	: 2 certificates
---	Finland	: 7 certificates
---	France	: 1 certificate
---	Germany	: 2 certificates
230	---	Hungary : 2 certificates
	---	Lithuania : 2 certificates
	---	Japan : 1 certificate
	---	Netherlands : 13 certificates
	---	Norway : 1 certificate
235	---	Sweden : 4 certificates
	---	Slovenia : 1 certificate

It seems to me by taking into account the issued certificates, a large number of athletes that are using medicines, don't have a valid TUE Certificate and are therefore in danger when they are chosen for anti-doping controls.

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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.

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4. Modification of the IDSF anti-Doping Code

This year we propose to your AGM a few minor changes to the IDSF anti-doping Code as follows:

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Art. 2: Definitions

II. Definitions of IDSF related Terms

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OLD

4. "IDSF Anti-Doping Delegate" is a person annually appointed by the IDSF Presidium. IDSF Anti-Doping Delegates organize, conduct and supervise doping controls at all IDSF granted DanceSport Events at which the IDSF Anti-Doping Representative has decided to carry out doping controls, safeguarding IDSF's responsibilities and interests. The IDSF Anti-Doping Delegate acts as contact person between IDSF, the Organizer and the DCT, and instructs the Organizer as required by the procedures of doping controls and this Code.

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NEW

4. "IDSF Anti-Doping Delegate", always substituted by "IDSF Anti-Doping Director", is a person appointed by the IDSF Presidium. The IDSF Anti-Doping Delegate/Director organize, conduct and supervise doping controls at all IDSF granted DanceSport competitions, championships and events at which the IDSF Anti-Doping Representative/Director has decided to carry out doping controls, safeguarding IDSF's responsibilities and interests. The IDSF Anti-Doping Delegate/Director acts as contact person between IDSF, the Organizer and the DCT, and instructs the Organizer and other officials as required by the procedures of doping controls and this Code.

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Reason: the introduction by the Presidium of the IDSF Anti-Doping Director.

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Art. 3: Scope

280 I. Application of the Code

OLD

1. This Code applies to all Participants.

285 NEW

1. This Code applies to all participants, adjudicators and organizers.

Reason: Participants only is too limited according to the WADC. All involved in DanceSport are to be bound by the Code.

290

Art. 4: Implementation of Doping Controls

VII. Procedure for Urine controls

295 OLD

sub 1 up to 9 included: deleted.

NEW

- 300
1. The procedure for Urine Sample Collection follows the corresponding WADA Guideline, which forms part of this Code as an Appendix.
 2. The IDSF Anti-Doping Representative or the IDSF Anti-Doping Director takes the role of the Doping Control Officer as mentioned in the WADA Guideline for Urine Sample Collection.
 3. The IDSF Anti-Doping Representative, the IDSF Anti-Doping Director or a representative of the IDSF Member or Organizer of the Competition takes the role of Chaperone as
- 305 mentioned in the WADA Guideline for Urine Sample Collection.

VIII. Procedure for Blood Controls

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OLD

310 Sub 1 up to 9 included: deleted.

NEW

1. The procedure for Blood Sample Collection follows the corresponding WADA Guideline, which forms part of this Code as an Appendix.
- 315 2. The IDSF Anti-Doping Representative or the IDSF Anti-Doping Director takes the role of the Doping Control Officer as mentioned in the WADA Guideline for Blood Sample Collection.
3. The IDSF Anti-Doping Representative, the IDSF Anti-Doping Director or a representative of the IDSF Member or Organizer of the Competition takes the role of Chaperone as mentioned in the WADA Guideline for Blood Sample Collection.
- 320 4. Blood samples shall be taken by medically qualified personnel only. Any person acting as Blood Control Officer according to the WADA Guidelines for Blood Sample Collection shall provide the athlete with evidence of medical qualification before blood samples are taken. An athlete shall be entitled to refuse to provide a blood sample if the person intending to conduct blood sampling is unable to provide evidence of an officially recognized professional
- 325 medical qualification.

Reason: bring uniformity in testing in all sports. There's no need to have a lengthy paragraph in the IDSF Code for sample collection since WADA request using the International Standards. In DanceSport the practice of blood testing is in principle

330 not used.

Art. 5: Sanctions

VI. Tampering / Refusal to provide Samples

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OLD

1. (...)
2. The refusal to submit to doping control or to provide a blood or urine sample is a frustration of evidence and a violation of the athlete's cooperation duties (art. 4 II 2, art. 4 II 4). An
- 340 athlete shall only be entitled to refuse to provide a blood or urine sample in circumstances

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where the mandatory procedures and safeguards set out in the IDSF Anti-Doping Code and its other Anti-Doping Regulations are not observed.

- for the first violation two (2) years ineligibility are imposed.
- for the second violation: lifetime ineligibility is imposed.

345 In cases of (...).

NEW

2. The refusal to submit to doping control or to provide a blood or urine sample is a frustration of evidence and a violation of the athlete's cooperation duties (art. 4 II 2, art. 4 II 4). This includes out-of-competition testing. An athlete shall only be entitled to refuse to provide a blood or urine sample in circumstances where the mandatory procedures and safeguards set out in the IDSF Anti-Doping Code and its other Anti-Doping Regulations are not observed.

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- for the first violation two (2) years ineligibility are imposed.
- for the second violation: lifetime ineligibility is imposed.

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In cases of (...).

OLD

3. For violations of art. 4 II 5 (whereabouts violation or missed test), the period of ineligibility shall be at a minimum three (3) months and at a maximum two (2) years for a first violation, and between one year and four years for subsequent violations.

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NEW

3. For violations of art. 4 II 5 (whereabouts violation and missed out-of-competition tests, or either of them) within a period of eighteen (18) months, the first violation will be sanctioned with a warning; a second violation during the same eighteen months period shall be sanctioned with a further warning and a period of Ineligibility to compete in any tournament or championship granted by IDSF, of three (3) months, which period of Ineligibility shall be suspended during the same period unless a third violation occurs; for a third violation within the same period of eighteen (18) months, the period of Ineligibility shall be a minimum of three (3) months and a maximum of six (6) months, to which the three (3)-month period of Ineligibility for the second violation shall be added consecutively and not concurrently. For

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a subsequent violation within the same period of eighteen (18) months, the period of Ineligibility shall be a minimum of two (2) years.

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Reason: fine tuning of sanctions in case of whereabouts rule violations.

5. Obligations of IDSF-members under the Anti-Doping rules

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Once more we like to draw your attention to the obligations of the IDSF members as a result of IDSF's obligations under the WADC.

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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.

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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.

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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.

400

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

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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).

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The foregoing results in the following obligations for IDSF members:

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1. Each and every IDSF member must adapt and implement Anti-Doping policies and rules conform to the WADC and the Code.
- 415 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.
- 420 3. Require from the members athletes to be available for OCT.
4. Organize and conduct Anti-Doping controls at the members national competitions.
- 425 5. Result management and sanctioning of Anti-Doping rule violations.
6. Take appropriate actions to discourage non-compliance with the WADC and the Code.
- 430 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.
- 435 IDSF has the obligation under the **WADC** to monitor its member's efforts and progress in this respect. We therefore plan to issue from time to time Questionnaires to you to answer and provide information to us. IDSF will also have to check your procedures and actual performances if necessary. It is the
- 440 duty of each IDSF member under the **IDSF Statutes** to reply to such requests without unreasonable delay.

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

Anti-Doping Controls in National Competitions

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

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This means at your national competitions and championships.

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

460 According to the information received by us so far only some 6-8 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 near future.

465 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
 470 hardest to include Dance Sport in your country in such a NOC testing pool.

It can save you a lot of money and time.

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

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
 480 coaches, adjudicators as well as all other athlete support personnel.

Also Participants do have obligations under the WADC and the Code.

Athletes have the responsibility:

- 485 --- 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

490 Support personnel have the responsibility:

- to be knowledgeable and comply with all applicable policies and regulations
 --- to cooperate with the athletes testing programs

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--- 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.

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

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.

510

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

515 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 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.

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525 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.

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.

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After all the athletes (competitors) are not member of the Federation and therefore the Federation offers services (Dance Sport competitions) to a free

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535 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. That's not a pleasant position.

540 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 licensing the IDSF competition to that organizer.

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

545 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.

550 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.

555 ***Result Management and statistics***

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

560 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.

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

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12. Our Agenda for 2005-2006

570 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, including testing at national level in all member countries;

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b) to continue Anti-Doping controls in IDSF competitions;

575 c) to cooperation with WADA on out-of-competition controls and other matters;

d) to provide information and assistance to athletes and Member Federations;

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

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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 IDSF Anti-Doping Director again this past year.

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Kudos: this year's report I like to conclude with a special thanks to our retiring President Rudolf Baumann for his support to Anti-Doping over the years. It was under his Presidency and at his initiative that that IDSF started this work.

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All of which is submitted with respect.

Sincerely,

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Ko de Mooy

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

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