



THE FIGHT AGAINST DOPING

SOCIAL RESPONSIBILITY OF SPORTS AND POLITICS
ON NATIONAL AND INTERNATIONAL LEVEL

Werner Blumenthal (Ed.)

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FOREWORD

The Konrad-Adenauer-Stiftung performs a mediation role in society by initiating and encouraging the dialogue between those responsible from politics, associations, academia, business and the media. And in sport.

That is why the Konrad-Adenauer-Stiftung has been conducting sports fora for more than 30 years. The aim of these sports fora is dialogue about important issues between the worlds of sport, politics and sports sciences. This dialogue sees itself as a clarification process in which current problems are discussed, always against the backdrop of what sport and sports associations on the one hand can and must do to overcome these problems and what politics on the other hand should contribute so that these problems can be solved.

The 2008 and 2010 sports fora dealt with the problem of doping and combating it. In Leipzig in October 2008 attention was on combating doping in Germany. Three things became clear: firstly, that doping is no longer limited to elite sport, but has long since moved into grassroots sport. Secondly, that doping is increasingly becoming a challenge for society as a whole, where it is also a matter of raising people's awareness of the negative consequences of doping. Doping does more than jeopardise one's own health; anyone who turns to doping is not only betraying his or her own natural performance, but also his or her competitors', thus undermining the basic ethical principle of all sporting comparison – fairness. And thirdly it has become clear that no matter how necessary and effective combating doping is in the national area of responsibility, combating doping is only really efficient when there are international standards that are also adhered to and implemented.

It was not least for this reason that the Konrad-Adenauer-Stiftung and the EPP Group in the European Parliament organised an international sports forum in Brussels in June 2010 that concentrated on and discussed the international, but primarily European, aspects of effectively combating doping. This was also done against the background that the Lisbon Treaty has enabled the European Union to develop an independent European sports policy. Therefore, the Belgian Government, which took over the EU Council Presidency in the second half of 2010, has put a European standardisation of the national anti-doping regulations on the basis of the WADA Code on the agenda. However necessary harmonisation of the anti-doping regulations may be for effectively and successfully combating the abuse of drugs in sport, we must not lose sight of the fact that state interventions always mean interference in the autonomy of sport. This aspect also has to be discussed.

With this publication the Konrad-Adenauer-Stiftung wants to draw attention to the most important positions on the subject of doping. The contributions are all presentations that were held at the sports fora in Leipzig and Brussels and they reflect the breadth and the different aspects of the doping problem expressed by those responsible from sport, politics, science and the church. It is the last aspect in particular – sport and ethics – that is not really considered when the issue is dealt with in the media, even though it is important. Because sport is always a mirror on society and its values.

Berlin/Wesseling, in September 2010

*Dr Hans-Gert Pöttering MEP
Retired President of the European Parliament
Chairman of the Konrad-Adenauer-Stiftung e.V.*

DOPING AND THE RESPONSIBILITY OF SPORTS

TOP-LEVEL SPORTS AFTER THE BEIJING OLYMPIC GAMES

Thomas Bach

Since your subject area covers a broad spectrum, I will choose something between a 90-minute general presentation on the importance of sport in society and the world and simply answering your question "Do we need gold medals?"

In my opinion and undoubtedly in the opinion of the many representatives and colleagues from sport who I can see here in the Plenary, answering the question "Do we need gold medals?" goes far beyond actually winning medals. Because top-level sport and grassroots sport are still inextricably linked and the question has to be associated with the relationship between society and sport.

We need sport in society for many different aspects of social policy and for social reasons. I don't have to go into this in detail for you as political experts. But subjects such as integration, education, preventive health and representation of the country beyond its borders as well as much more are tasks where sport will increasingly have to be fostered, but where it is also faced with a real challenge.

I would like to make this a bit clearer for you: we work in various fields of society with 11 federal ministries and the Federal Chancellery. This cooperation ranges from the Federal Foreign Office, the Defence Ministry, the Ministry of the Interior – that I should really have mentioned first of all, here, Mr Kass – to the Women's and Building Ministries. You can add to this list at will.

This is how sport meets its social-policy responsibility and performs its social-policy role. But it can only do this if it retains its force in society, if it continues to be as deeply and broadly integrated in society as it currently is. I quote the former Federal President Johannes Rau who said that sport and clubs are the glue that bind our society. And this glue can only work if enough people are involved in sport, take part in the clubs and then volunteer. In the German Olympic Sports Confederation this is 7.4 million people alone.

However, this broad and deep penetration of our society by sport can only be achieved with healthy elite sport. The role-model effect of top-level sport continues to be essential. That is why we need gold medals and top performances. We need them as a correlation to grassroots sport. But we also need to credibly link guiding principles and values in our society.

This aim, that the German Olympic Sports Confederation set itself with the Olympic team for Beijing, is above our commitment to top-level sport. We want success, but we want clean success. This means that we want the laurels, but we don't want any dirty laurels. Elite sport and Olympic sport have to remain values-oriented. Otherwise they no longer match our ideas about sport.

We need success on the Olympic stage to embody this, to show that performance using fair means is still possible and that there are still young people in our society who are equally motivated by performance and values to perpetuate this role-model effect. I am sure that yesterday with Lena Schöneborn you also gained your own positive impression of how elite sport can be associated with the necessary discipline and ambition, with the belief in fairness and with a personal naturalness and geniality that characterised our entire Olympic team.

In the Olympic team for Beijing you saw young, fresh winners who kept their feet on the ground, did not lose touch with reality, who were just as ambitious as they were natural and who certainly knew how to measure their sporting achievements and also combined this with social awareness and an understanding of the role that they play in society.

We can't have enough role models of this kind. However, these role models don't grow on trees. It doesn't happen on its own. Here the relevant conditions have to be created in many areas. We must encourage. But, above all, we must declare our belief in performance – and this is the basic prerequisite for any success and for all support in the sporting field for these young athletes. Not every performance, wherever it is achieved has to be immediately greeted with envy and suspicion – and this does not just refer to sport, it can be transferred more or less to society as a whole. Ideally, it must be appreciated and encouraged. But obviously this is only the case when it has been achieved with fair means and within the rules. This is a basic requirement that was not always the case in Germany and is still not completely the case. In our culture we do not have the orientation towards success, the appreciation of success that we experience in many other areas of culture. It is also very painful for our young athletes when this recognition and appreciation of their willingness to perform and their contribution towards the development of society is not given the acknowledgement that is really its due.

There are other general conditions that I don't have to explain to you in detail for establishing optimum training and a competition system and then giving our athletes the opportunity to be successful in them. I therefore intend to limit myself to the international comparison.

The value of top-level sport for the positive motivation of young people, the value of elite sport for the presentation of performance in its most favourable light, the value of top-level sport for acknowledging performance in society at all and for publicising this acknowledgement, the value of top-level sport for national representation and, in many young states, for national identification – all of this has resulted in us being in a situation today where more is being invested on a large scale in the development of elite sport than ever before. Not even in the hardest times of the Cold War was so much invested in top-level sport as today. In the last decade alone, investments in elite sport in the United Kingdom have increased by a factor of twelve, against the background of the then Olympic bid and now the host role for the 2012 Olympic Games.

There are similar programmes in Russia, and it goes without saying, China, and in many, many other countries in the world, which are starting at varying levels. And you can see how these efforts bear fruit in the results at the Olympics. You can see it at the top, how the UK has worked its way up. You can see it in other countries, how Russia has worked its way back after a period of decline. But you can also see it in the breadth. If we look at the figures, we can see that 74 nations won Olympic medal in Athens in 2004, whereas medals were won by 87 nations in Beijing.

If we also consider that China, as host country, took an even bigger piece of a cake that had not become any bigger, we get an idea of how the competition among the others is tougher than ever before. Bearing these facts and this competition in mind, we are very satisfied with the results of our Olympic team in Beijing. We realised the three goals that we formulated before the Games.

The first goal was to be successful. This Olympic team was successful. It finished one place higher than the team in Athens in 2004. In the unofficial national table we moved up from 6th place to 5th place.

The second, but equally important goal was to achieve this cleanly. And we did this. To do this, we introduced extremely comprehensive anti-doping management for this Olympic team, which comprised short-term and long-term measures originating in our 10-point action plan. For the first time, all members of the Olympic team had to sign an athlete's agreement, which contained a clear statement against doping and under which the athlete subjected himself or herself to the entire anti-doping system of NADA and the DOSB. In the event of violations, especially anti-doping violations, this leaves the athlete open to financial sanctions, for example reimbursement of travel expenses for the Olympic team.

Before the start of the Games we also subjected the members of this Olympic team to targeted tests by NADA and during the Olympic Games we also pursued a very strict "whereabouts" regulation – i.e. information from the athletes about where they were at any given moment so that they could be located for ad-hoc training and targeted tests. We set up an extremely comprehensive anti-doping management system with a dedicated employee in the Olympic Village.

Furthermore, we subjected back-up teams and doctors to corresponding obligations. They also had to sign declarations of obligation. We arranged special preparatory seminars, particularly for the medical staff, in which we made it clear that there is a "zero tolerance" policy towards doping in the DOSB and that everyone has to actively participate in this if they want to have any responsibility at the Olympic Games or in the DOSB.

We established a raft of measures. That is why we are still very proud – even though we should not say this very loudly in Germany – that the then WADA President, Dick Pound, who is certainly not known for diplomatic wording and is known for his tough stance against doping, cited our DOSB set of measures as exemplary in the worldwide fight against doping.

This means that we are all the more saddened if, in spite of all these measures, a case occurs like the one we had in Beijing with the Ahlmann scenario and I just want to say one sentence on this. I do not understand at all the ban that the International Federation has just imposed. You must be able to test each individual case, but to arrive at such a mild punishment that is below the minimum punishments of six months for a comparable violation, which has been investigated thoroughly, is beyond my comprehension. On the other hand, I am very satisfied that this lack of understanding is shared by the National Association, the German Equestrian Association, which intends to make an appeal and stand up against this ban insofar as this is possible in its statutes. A clear signal has to be sent out here in the interests of equestrian sport, especially in the interests of equestrian sport in Germany, for which this case is not the first of its kind.

We all still have painful memories of the experience of Athens 2004 when a gold medal had to be returned. When it is then a rider, who was affected at the time, who four years later still attempts something similar, it is really saddening and shocking and I hope that the matter will be addressed with force and clarity.

In any case, the DOSB will play its part. As soon as the violation has been ascertained by legal means, we will demand the return of Mr Ahlmann's travel and accommodation expenses. At the time, in conjunction with those responsible for equestrianism, we ensured that he was sent home immediately and removed from the Olympic team. We will ensure

that the sanction from the athlete's agreement takes effect and I hope that its deterrent effect will also be felt.

Mr Pfeifer asked me not to just speak about doping. Nevertheless, at this point I would like to go into more detail on one point. Because this question and the problem of doping is currently the key question with regard to the credibility of sport. That is why I intend to address a second case that subsequently affected the Olympic team.

This is the Schumacher case. If his violation had been detected at the Tour de France before the Olympic Games, he would not have been able to become a member of the Olympic team and we would not have nominated him. However, before the Games and during nomination the situation in terms of evidence and law was different – even though I won't deny that we did not find this particular nomination easy. We considered this for a very long time because beforehand there were many moments that – to put it carefully – aroused our suspicions and that ultimately the nomination was a legal question, quite simply because the grounds for not nominating him were insufficient.

And then this case arose. The arrogance associated with it defies description. It was and should be clear to everyone and it has also been repeatedly stated that at the Tour de France in particular, the tour organisers will conduct an extremely rigid anti-doping management system.

If someone still tries it on, this shows that the required change in attitudes has obviously not yet happened. If someone still believes that in this situation he can manoeuvre his way through, win stages and believes that either the drug cannot be detected or he could get out of it in some other way, he quite simply has not understood what is at stake.

On the one hand, that is encouraged by the past, but on the other hand also by the organisational peculiarities of cycling. In cycling we have a situation where they have many pioneering and good concepts in the fight against doping, but where these concepts are not coordinated with each other and that are not enforced 24 hours a day, 365 days a year like all other effective anti-doping concepts. They have an anti-doping concept from the UCI, the International Cycling Union. This includes biological passports and blood profiles, and many other controls, etc. But it is not implemented throughout the whole year and cannot be so

because there is also an equally tough and clear concept from the tour organiser, ASO, which, for many reasons, does not want to cooperate with UCI. Depending on who you ask, each party has its view of things. Ultimately this means that different responsibilities are in force at different events at different times. I don't even want to go into the responsibility of the racing team owners, the responsibility of the sponsors or the responsibility of other tour organisers.

All of this leads to chaos that then, apparently maybe automatically, gives the athletes the impression that they can elegantly weave their way through these regimes and things aren't as bad as they seem. That is why I feel that a basic requirement, if cycling wants to have a chance to regain credibility, is that a very careful, rigid agreement will have to be put in place, everyone will have to come to an agreement and there must be a seamless anti-doping concept in cooperation with the World Anti-Doping Agency, which then applies to cyclists 24 hours a day, 365 days a year.

In these cases, too, it has become clear that we urgently need the support of the state in the fight against those behind doping. Incidentally, that is also part of our 10-point action plan, in which we made it clear that for those behind doping the reach of sport is too short and we cannot take enough action. This quagmire around the athletes has to be drained, especially by statutory means, in which dealing, incitement and other useful measures are combated in the fight against doping using the vehicle of the Pharmaceuticals Act, which has been strengthened accordingly. This actually allows the tapping of telephone calls and the involvement of the Federal Office for Criminal Investigation and offers a plethora of investigation options that should and must be exhausted. Doping agents don't come out of the blue. There have to be "back-room boys" who supply cyclists and others, who ensure repeated supply and possibly even take special orders and any of the other opportunities that we have seen in the past.

I still hold out hope, and also call upon the justice authorities to make greater use of these investigation options and prosecution methods and we believe that the establishment of a specialist public prosecutor would be a step in the right direction.

But we have to say that this is not a one-way street. We cannot just make demands of the justice authorities and say, do something. The associations and those with responsibility in sport have to be more aware that there are these options for criminal prosecution and that we will actually use them if there is sufficient suspicion; that we should not limit ourselves to launching sporting or disciplinary proceedings, but that we should immediately report our suspicions to the authorities.

If this is working, another dimension must be added. There must be a better exchange of information between those responsible for disciplinary proceedings within sport and the criminal prosecution authorities. There is a great deal still to be done here, both nationally and internationally. To this day, in spite of repeated questions and demands, we have not received information from the Spanish authorities in the Fuentes case to be able to introduce further disciplinary and legal action.

On the other hand, you have seen a positive example. The Disciplinary Committee that I headed at the Winter Olympics in Turin in 2006 was able to work very closely with the Italian state prosecutor in the proceedings against the Austrian athletes; we received a mass of information and provided likewise, which then enabled prosecution in Italy of some of those involved whereas we, on the other hand, were in a position to conclude our proceedings, which mainly ended in life-long bans, around a year ago.

The third goal that we associated with the team was that it should be a good ambassador for our country. I believe that it was. It conducted itself well. It represented modern sport, fresh, youthful sport. It was well received in China and by the other teams and I believe it brought a positive effect back to Germany. So we can only congratulate all who were involved in this success and who represented Germany well and worthily in a host country where they were received with great friendliness.

That is why we would like to be friendly hosts of Olympic Games again in the near future. We have decided to support Munich's application to host the 2018 Winter Olympic Games with all our might and hope that the support for this Olympic application, which is backed by the population and all with political responsibility in Munich and Bavaria, will spread to our whole society and the whole country. Because that is one of the

conditions we have to meet to be successful with this application, and I am sure that the new Land government in Bavaria will also lend all of its support to this Olympic bid by Munich 2018. We in sport will do whatever we can and I would be delighted if you were to accept and look to spread the message of a German Olympic Games.

THE FIGHT AGAINST DOPING – A TASK FOR THE IOC

Arne Ljungqvist

Thank you for this invitation it's a great pleasure for me to speak on behalf of both the IOC and WADA on anti-doping matters, particularly on an occasion like this, with a very competent and knowledgeable audience and on a very prestigious occasion. I will give the IOC standpoint vis-à-vis the matter of doping, how it has been dealt with by the IOC and what we see is going on and also a look into the future.

I usually say, citing Winston Churchill's words he spoke at the Royal College of Physician in 1944 in London, saying: "The longer you can look back, the further you can look forward". I usually say that this is very true for the fight against doping because if you don't know the history, you don't fully understand where you are today and why you are where you are and also have difficulties in designing a strategy for the future.

Unfortunately or fortunately, choose your word, we can't look very far back because the fight against doping did not start actually until post-war era in 1960ies and onwards. I will give you a piece of that history. I mean doping had gone on for quite a while in elite sport and it was not taken seriously by sports organisations. It occurred in particular in

professional cycling but not so much in so called amateur sport at that time, as far as is known.

Not until the famous case in 1960 at the Rome Olympic Games when a Danish cyclist died during the road-race did the IOC react. The reason was very much the fact that the Rome Games were the first world-wide televised Summer Games, meaning that an Olympian died in front of the public eye around the world and that was a bit too much for the IOC.

They had to do something. And what they did was to institute a medical commission in 1961 which was given the sole and explicit task to design or come up with a proposal of a philosophy or approach to fight the drug misuse in Olympic sport. That was the mission assigned to the IOC medical commission. They started from scratch and not surprisingly did it take quite a while for the medical commission to find the right people to review the situation and to get started. I would say that not until 1965/67 did the IOC medical commission start an efficient work, very much due to that a young IOC member took the responsibility to do this as a chairman of the medical commission.

The Belgian who recited here in Brussels and is a well known figure in the history of anti-doping. He was not a Medical Doctor himself but he was a talented and extraordinary competent man in identifying the right people and bringing the right people together and take the leadership which was very much needed at that time. They did get started by some preliminary testing at the Olympic Games already in '64 but in '68 in particular. The first wider testing for doping substances at an Olympic Games took place in Munich in 1972.

At that time the drugs that were used, were mostly stimulants, drugs like amphetamine and alike. It's also interesting here to know the history that drugs like amphetamine were not a very ethical matter. Amphetamine was regarded as a fully innocent drug but it was known as an efficient promoter of aggression and action and could therefore have a doping effect and was used in sport at that time. I say it was not a social or ethical matter in my country in Sweden, I don't know about Germany, I don't know about Belgium, but I know that amphetamine in my country did not become classified as a narcotic until 1974. Before then it was widely used, by soldiers, by students to keep awake during hard time of studies and so it was not a social or ethical matter but it became a sport matter.

The IOC had a problem however to conduct an efficient fight in the field because the IOC only had one or two competitions every four year, winter and summer Olympic Games. So the true responsibility for the conduct of an efficient fight against doping should lie with the international federations who are responsible for the year around international sports activities. But no federation took this seriously.

The first who did it was the UCI, the cycling federation, who had these identified problems at that time. They were the first to structure rules and introduce testing in some way and ban certain stimulants. The IOC had the problem, as I said. They only had the mandate every four years. Therefore the federation that came to become the leader in this field happened to be my own, namely IAAF, International Athletics Federation who started, when I came onboard in 1972 in Munich into the IAAF medical commission. And there we started a fight on an one year around basis. I recruited to the medical commission in IAAF the two top stars from the IOC medical commission the predecessor of Professor Schänzer, Manfred Donike and the world champion in stimulants from London, Professor Arnold Beckett. They were the two who joined us and we started to conduct a fight against doping and very much of what has been going on since then has been lead in the field by IAAF but supported by the monitoring supervision of the IOC.

The first time that anabolic steroids were identified and tested for was at the Athletic European Championship in Rome in 1974. I talk very much here about testing. Of course any anti-doping programme and that is obvious to anyone includes education, includes the production of rules and includes also the control that people obey the rules and therefore testing of athletes or competes is essential. This is also what produces visible results and so called "cases" that are very observed by media.

I think this history is worth knowing so that you understand why the development went the way it did and why we are where we are today and what we can do in the future. In IAAF we started a programme for accrediting laboratories in the late 1970ies. And we had all the rules and regulations in place for the conduct of doping analysis at accredited laboratories. But in order to make those laboratories available also to other sports we handed over from the IAAF to the IOC the accreditation programme in 1983. All this is documented in a book that came out in 1997 and which is entitled "First 30 years of the IOC medical commis-

sion" written by another Belgian doctor. So the laboratories started in 1970ies under the umbrella of IAAF and from 1983 under the umbrella of IOC.

During the 1970ies / 1980ies the fight against doping was very difficult for one simple reason, and that is very important for the politicians to know: We had no support. No support from society, not even from sports organisations. This was part of the Cold War, there is no question about it, and I think you are very well aware of it not at least in Germany. We were very much applauded for what we tried to do but actually not supported. Officially applauded, unofficially worked against. And we felt the headwind very clearly. Certain political powers used successes in Olympic sport to show as a means of the superiority of the political system in the country. We are all aware of that and what was picked up by one country was later picked up by another. I think the peak of the doping era when the fight was unsupported was reached around 1988.

You can easily see, again, that in a sport like athletics, I was a happy witness to the World Championship in Berlin last year in 2009. But I can tell you the gold medallists in many games there would not have qualified in Olympic Games in Seoul 21 years earlier. Take one example: the German discus thrower, who won surprise gold. He did not even reach 70 metres. The first discus thrower's 70 metres were reached in 1978. You can simply go and look at statistics, it is easy. In particular in men's and women's throw we have the same implements, the events haven't changed much. You can take men's hammer throw as an example in 1988 women did not throw hammer. In Berlin, eight finalists throw six throws each, 48 throws. In Berlin only one single throw reached beyond 80 metres. That man would have been number 8 of the finalists in Seoul 21 years earlier. Something has happened, and I remember when I talked to Mr Samaranch, about this in the stance of a stadium at Valencia at the indoor championship a few years ago. We walked through these figures and he said to me: "Arne, something has happened." And we know what this something is. It is the successful fight against doping, where we now have a playfield which looks very different from 21 years ago.

But what happened in 21 years ago was crucial in the fight against doping: The 100 metres champion is usually regarded as the number one athlete in the world. Whether we like it or not, that is the way it is taken.

Here it was Ben Johnson, the Canadian sprinter, broke the world record by a fantastic race, beating Carl Lewis and all the others and was found doped. The world felt cheated and was disappointed. Sport leaderships finally realized this cannot go on, the actual competitive sport as such was at stake. A year later we know the political changes that took place in Europe and around the world which also made the Cold War fade away. Those two years around 1988 and 1990 the wind had changed, from headwind for us anti-doping fighters to support.

Slow support in the beginning. But it came along. Since then we had been working in more and more support. This was a very clear feeling within the IOC. I think one very crucial matter here, was the fact that the IOC actually took a clear standpoint after the Ben Johnson incident. Through the 1990ies things evolved in the right direction, no doubt about it. We found during the 1990ies that we needed to have harmonised rules, we needed a harmonised approach to this around the world and in particular we noticed that athletes, who were found doped, were treated very differently in terms of penalties, in different countries and also in different sports. This could not go on.

Also we found that some rules included penalties that were not acceptable to the IOC. Many cases did end up in civil courts and were either revoked or changed. So we were in a rule wise chaos and the implementation of these rules was in a chaos. Therefore IOC, during the 1990ies, slowly came up with a code, a suggestion to common rules around the world that came in 1999. Those rules, the IOC code, were not very well received around the world. Therefore IOC sent out an invitation to the governments around the world. Please join us in the fight against doping, so that we can harmonise our activities, our rules and our penalty systems.

So WADA was created. I think that is a truly remarkable event. WADA is a unique organisation. It is a marriage between world sport, under the umbrella of IOC and the political establishment around the world, the governments around the world. We from the sport's side could easily organise ourselves as a partner of WADA, the governments had much more difficulties, for obvious reasons. WADA needed a financial backbone. 25 million dollars is not much, but it is better than nothing. Governments had problems to support a private organisation based in Switzerland financially, because that is what WADA is. It required changes of

legislation, procedures at the governmental level around the world but it is fantastic that today 98 % of the governments around the world are supporting WADA financially. So the loyalty to WADA today is 100 %, I would say, from sport and the governmental level. We all have the common goal, namely, to get rid of drug misuse at sports. WADA is so far a success story in a record time and I will come back to that.

What did the IOC do? WADA took over the code work and in record time, in four years time, did we have a common set of rules. I remember there was a German article back in the 1990ies under the title "Can harmonisation ever be achieved" and the answer was probably not. And they raised all the different issues that would complicate the attempts to reach common rules for world sport all over the world. But in 2004, in four years time, WADA produced it. Some of us remembered the story we were at the Copenhagen conference in 2003 where the preliminary support was given by the governments. What did the IOC do to enforce the code? They took the brave action, and I applauded. They said that those Olympic Summer Sports who do not rectify and accept the code before the Athens's Game 2004 will not be eligible for participation in the Olympic Games.

Literally one minute to twelve before that hour stroke. FIFA as the last federation accepted the code. I think this is a very efficient way, in which IOC can act. It has to exercise its power carefully and cleverly and they did it this time and it worked. The governments on their side, worked quite efficiently as well and those who represent the politicians here in the hall, know this better than me.

But I have been told that the UNESCO convention was produced in record time, to be such a convention. Never earlier has such a convention been rectified, produced and ratified in such a short time. Why did that happen? Well, the government representatives at the WADA. I have been onboard of the WADA since its inception in 1999 and I listened to all these discussions. The governmental representatives found that they can of course not tell governments around the world that they should install legislations. It is the matter of domestic decisions. The closest they could come to a close-to-binding document would be a convention at the UNESCO, which is a strong recommendation for governments to follow what is written down in the convention. The convention means a support for the sport's fight against doping as it is presented in the WADA code.

So it is a support of the code of WADA, expected to be implemented by the UN member states at their own domestic level.

That code was produced in five years time, from 2000 to 2005, and was rectified by the necessary 40 member states in 2007. It has been told that this never happened at UNESCO before. So we have a complete political establishment behind us in today's fight against doping which is dramatically different from the 1980ies. Then some important matters happened which has a bearing and relation to the WADA code and UNESCO convention. We had an incident in the Torino games in 2006 which we all know about, I believe.

Where it was found that a systematic, sophisticated doping activity is taking place in the Austrian skiing, cross-country and biathlon teams and the Austrians know it and they have taken the necessary consequences. They should have been applauded for what they have done. This could have happened in any country. But it happened to be Austria. I think it was a message to the world that even in a country like Austria doping is prevailing at a sophisticated level and very advanced. The story is the following, since I was in the middle of what was happening, I think I can report it. The IOC medical commission, we, got a report from WADA that doping control officers had been at the foreseen camp where the cross-country and biathlon teams of Austria were supposed to prepare in Austria for the Torino Games.

I will come back to a rule we have, which says that any Olympian, should be available for testing during an Olympic period. We got the report that the Austrians were not at the foreseen camp that there was a pension on the Austrian side of the Austrian-Italian border. It turned out that the camp was a small pension and that people involved in that pension were in particular Mr Walter Mayer, who had already been under suspicion at the Salt Lake City Games and moreover, therefore the control officers from WADA went into the pension to see, despite what a woman they met said that they are not here, they wanted to make sure that there was nothing illegal going on. They did not find athletes but they found a hematologic laboratory in the pension with very sophisticated equipment, worthy an advanced hospital laboratory. So that is the message they told us, when I was in Torino. They did not find the athletes but this was what they have found which was a very serious message.

This became even more serious a few days later when it was reported that Mr Mayer has been seen in the area of Torino where the Austrian teams had settled down outside the Olympic Village. We found that this could mean that something illegal could go on in Italy. Here I come to the key point: Italy has a law which is completely in compliance with the WADA code and even goes a little beyond it. This means that the possession of doping material and substances is a criminal offence in Italy. I asked for a meeting with Jacques Rogge. We had a secret meeting with him in his office a particular morning. We called upon the Italian authorities and we handed over the information we had and told them that this is what we have and we cannot abstain from giving you this message because we judge that there may be some criminality going on in your country during the Games' time and IOC cannot be aware of it without telling you. We have no power to do anything but testing the athletes that is our field of responsibility. So we told them that in two days time, I think it was a Sunday evening, we would make a surprise test of the Austrian team. In 24 hours the Italian authorities came back to us after having analysed the information, answering this looks serious we will make a police raid in the Austrian camp, could we please coordinate so that not one comes after the other because the second unit will find nothing. It is sad for sport that such an action is needed to be taken during the Olympic Games but it had to. So I was sitting in a sort of spy operation centre down in Torino and we were making sort of strategic moves of our troops, if I may say so. Police, the Carabinieri on the one hand and the IOC testers on the other hand and we struck simultaneously in the Austrian camp with an enormous surprise effect.

Material and doping equipments thrown out of the windows, athletes escaped over the border to Austria. Some athletes immediately told the public that they finish their sports careers and it was a drama for Austria, the IOC and the Olympic Games in Torino. An interesting lesson is that all tests on all those athletes were negative. No athlete was tested positive. The Italian authorities found what the WADA officers already had seen in Austria before the games, namely a full hematologic laboratory, doping substances and doping equipment for doping methods etc. in the Austrian camps.

This is a criminal offence, as you already know, criminally prosecuted in Italy, which is still going on. The Austrian authorities took immediate action and I will come back to that.

From the IOC point of view this became a very clear doping offence. A number of Austrian athletes became disqualified for having conducted anti-doping rule violations and Austrian Olympic Committee was fined with 1 million USD they had to pay to the IOC for bad supervision of their Olympic team. All this was revealed for one single reason: the existence of a law in Italy. Had that not been, this case would have never ever been revealed. All were tested negative. So it is a lesson to be learned and I will come back to that during my presentation.

This is the Austrian team that we found and that is a matter of controversy because Mr Mayer was banned from being an accredited Olympian since his suspicious behaviour in Salt Lake City but unfortunately for the Austrians they had Mr Walter Mayer as an official leader of the biathlon team in their documents in Torino. So he is up to the right-hand corner as a leader of the biathlon team here in Torino. We had another key year recently, namely Beijing Olympic Games, probably you have read about, but I think it is another important message which shows how the fight against doping has become more and more intense and more and more efficient. In the WADA code there is today an eight years old statute of limitation which means sports authorities are authorised to take actions against suspected anti-doping rules violations that may have taken place even eight years ago but not beyond it.

This means, the message to an athlete or his or her entourage is, if you are not identified today your might be tomorrow or in eight years time because there are methods, let me look at them from the medical point of view since I am a medical doctor myself. Drugs come on the market today in a very controlled way. We usually say that it could take up to ten years from the time when a chemical compound has been identified as a potential drug which can be used as a drug to cure diseases until the time it really comes onto the market through all those clinical and other trials and in the end there is a stage of other clinical trials. The final stage of clinical trials can take three years before they become officially approved and registered as a drug. During these three years or more, they may be available on the market, illegally of course, but athletes and their entourage are very skilful in finding ways to obtain these drugs that are not yet officially on the market but available because of clinical trials in different laboratories and clinics around the world. Those clinical trials are usually multi-central studies.

When the host city contract was signed with the Beijing organisers there was no method available for testing the new generation of Erythropoetin, the blood boosting hormone. That last generation drug is called CERA, Continuous Erythropoetin Receptor Activator. At the time of the Olympic Games a method was there tentatively but we could make no use of it at Beijing because it was not included in the host city contract but we had no hurry because we have eight years at our disposal. After the Beijing Games we made further analyses of a number of samples. During the time of Beijing Games, we found nine doped athletes with different subtypes of drugs, anabolic steroids and stimulants. After the games we made those further analyses of a number of samples for CERA at the laboratory at Lausanne and Paris who both had this combined method and we found five more athletes with this new drug and that is a strong message to the people around, yes we have eight years at our disposal and we will find you sooner or later. Out of those two were medallists, one was a gold medallist even, in 1500 metres and one medallist silver in cycling.

Now we have decided for your information, we have been informed we are working today with respect to the testing very much on an intelligence basis. Information we get more or less save or secure information. So now we have decided since we have heard that CERA may be available at the time of the Torino Games in 2006 we will go back and test a number of samples for CERA from the Torino Games. An interesting message I believe.

Where are we today in terms of the IOC activities? Well, WADA was created in 1999. IOC is today exercising its role in anti-doping through its 50 % partnership in WADA. The supervision, the monitoring of the world activities in anti-doping is the responsibility of WADA not the IOC's. The IOC has left over the role it earlier had in being the umbrella body for anti-doping in the world of sport to WADA.

But the IOC has the ultimate responsibility for the anti-doping controls at the Olympic Games that is still our role, it was so still in Beijing, in Vancouver and Athens. This means the production of rules, specific for the Games but which are in harmony with the WADA code. It means the decision of a test distribution plan; I will come back to an example. It includes conduct of the controls through the local organising committee and we are assisted by WADA and we are responsible for the result

management. We could say for those who are representing local anti-doping commissions here, we work as a national anti-doping agency during the time of an Olympic Game.

Now there are particular IOC rules related to the anti-doping activities throughout the Games and there are three main additional rules, additional to what WADA says. The first one is, we identify an Olympic Period which includes the time from the opening of the Olympic Village which is usually a week or two before the Games get started, until the closing ceremony of the Games.

During that period IOC has the full responsibility and mandate to conduct anti-doping activities on the Olympic participants. During that period we test not just for the out of competition manual on out of competition tests but we test for all doping substances both those who are banned during competitions and out of competition. We therefore have the right not just to test right after a competition but at any time during the Olympic period even if he or she may be at home and examples of that I will come to. They are by definition out of competition tests but they will include also substances that are banned in competition. We don't want any athlete to be a drug taker during the time of the Olympic Games.

All Olympic athletes have to be available for testing wherever they may be and at any time. Here are some examples: the Hungarians, sorry if I name them, but it is officially known that there were two Hungarians, medallists at Athens' Games, who delivered samples that were fake samples. We identified that they provided samples from a machine that already stored clean urine and we demanded a second sample of them during the Olympic period. One of them had gone home one was still in Athens. Both refused, both lost their medals and were banned for the necessary four years at that time. One was a completely dramatic one because he was protected by his own fans and squad in his home in Hungary and when WADA testers came there, they were threatened and did not dare to enter his home and the judicial panel deemed this to be an arrangement for evading providing the sample and he was banned.

More dramatic, I shouldn't compare, was the picture here the two Greek athletes that was a dramatic period. It was very uncomfortable to be IOC Medical Commission chairman. It was very uncomfortable for the

IOC president, I am sure, when a few days before the Games we found that the two top stars of the host country, the two sprinters, and one gold medallist from Sydney were trying to escape from getting tested. They were chased around the world during the Olympic Period from Canada, from USA, Germany down to Athens. The testers were on their heels but never reached them. Finally we got the message that they were in the Olympic Village in Athens. It was just a few days before the Games and I was very pleased that finally we found them so they would be tested but before the testers came to the Olympic Village they had disappeared and a few hours later they were found in a hospital having been subjected to a motorcycle accident which was never proven by the way. The case did not become more pleasant by the fact that the man was supposed to be the one to lead the Olympic Flame to the stadium. So it was the hero of the country and this was embarrassing of course for our hosts but for every one of us. It shows how much more accepted the fight against doping has become over the few decades. Even under such situations we were supported all over with the actions that we were taken. Of course the athletes were banned and since then disappeared from the scene.

These two incidents, I should say, with the Hungarians and the Greeks at the Athens Games created a new terminology, namely non analytical-positives, non analytical-cases, and this is remarkable. It is a step in the right direction again that today we can prosecute athletes who are obvious cheats even though they may not ever been tested positive. We can do it on other evidence; this is a very important step in the right direction as well. When I talk in these terms it may give the impression to outsiders that we are chasing athletes at every cost. That is not the case, we hope not to find any doped athletes, of course but what we are trying to do is to make sure that all those men and majority athletes out there around the world do not need to compete against those who take drugs and are cheating. That is the philosophy. This means have to take a mechanism in place which makes this as sure as possible. I think we have succeeded to some extent by the examples I have given you. Examples like comparing the results in Berlin World Championships with the same events in the Olympic Games in Seoul 21 years earlier.

The next rule, the Osaka Rule, it is called Osaka Rule because this rule was decided upon by the IOC meeting in Osaka in 2007 and it says that any person that has been sanctioned with a suspension of more than six

months by an anti-doping organisation for any violation of any anti-doping regulations may not participate in any capacity in the next addition of the Olympic Summer and Olympic Winter Games following the date of expiry of such a suspension. Meaning that if you have been banned for more than six months, even though the time ineligibility elapsed you will not be authorised to enter the next Olympic Games. This was questioned if it was a double penalty. This was evaluated by CAS, Court of Arbitration for Sport, and CAS has accepted that rule saying however that it has to be decided upon on a case to case basis, but in principle it was acceptable for the Court of Arbitration for Sport. So it was legally OK. It was intended to be used in Vancouver but the athletes concerned did not qualify for the team.

One other, and now I probably come to the most important message I have, as I see it, to you and particularly to those who are responsible for taking political decisions. This has been accepted on the basis of the Torino experience, the IOC has looked into the legislation in host countries and it was a matter in Copenhagen, at the Copenhagen IOC session last year, when the 2016 Games were awarded to Rio. The question was, is there a legislation in place in the host country and that question was raised to all candidates, Madrid and the others who were competing. Asking is there a domestic law in place which would allow your police authorities the same actions as the Italians in Torino. The answers were very vague to say the least. They are obviously not in place. Therefore the IOC executive board took this principle decision to promote such an action. Saying that the relevant authorities of the host country will provide its full cooperation and support for the implementation of the IOC anti-doping rules during the time of the Games and particularly in the relation to investigations and procedures regarding athletes' support personnel or any other person involved in trafficking or in assisting in any way in relation to the use of prohibited substances or methods.

This is reference to the Italian situation that relevant laws are in place in order to ensure the foregoing to mean this is complicated juridical wording, medical professionals usually go more straightforward to the point but legal terminology requires all this sort of protection. In the sense it means that in the evaluation process of coming candidate cities the candidate cities have to make sure that in order to be able to compete with other candidate cities they will have to make sure that proper domestic law be in place that would allow actions similar to the ones the

Italian Carabinieri did in Torino. This was decided in December 2009 to be applicable in the future and I know that the Rio people are working now very hard on this.

It is also interesting for you to hear the following, which I got a message two weeks ago when I was in Beijing that we had very much concerns about the Chinese legislation and investigated before the Games, would the legislation be acceptable to the IOC based in the experience in Torino and we got an insurance from the head of security of the state that yes probably. But we could not get it more but of course these were new events that came up way after the host city contracts were signed. Now, I heard two weeks ago that the former Chinese member of the board of WADA who is parliamentarian in China has send a proposal to the government in China to introduce laws against doping in the country. Whether this will be accepted or not by the government is very questionable but at least it is a sign how people look at these matters now around the world, people with the background and knowledge about doping. This man, as I said, was the earlier Chinese member Mr. Chi of the board of WADA and he saw obviously that the law in China was not sufficient and this is sort of legacy of the Games that was in that country may a law against doping be reality.

Now I come back to the UNESCO convention, because this is what is expected within UNESCO convention. This is a citation of the general director of WADA who said in the official bulletin of WADA named "Play True" that the UNESCO convention is intended to enable governments to align their domestic legislation with the WADA code by harmonising the public and the sport legislation in the fight against doping in sport. I have used it in a meeting with European authorities in Athens last summer. Some of you were there. I was saying the following: that the rectification of UNESCO convention is fine but the implementation is much more important and the implementation and the production of a domestic law means the implementation of the UNESCO convention.

Here is an example of what happened in Beijing how IOC is acting during the Games and you can see that we are covering the Games pretty well. 10500 athletes competing in Beijing and almost 50 % were subjected to doping controls during the so called Olympic period. Out of competition 1400 and in competition 3300 and as I said nine athletes tested positive during the Games and five athletes after. I mentioned I was in Beijing

two weeks ago and got the information about the discussion on the future legislation in the country. This is little beside the point but it is so fresh that I should share it with you.

The reason I was there is that there was a launching ceremony of a book named *The health legacy of the 2008 Beijing Olympic Games*, a WHO publication jointly with IOC and the health authorities in Beijing in China where it is documented that the various measures that were taken to provide optimal conditions for athletes visitor and Chinese during the time of the Games that the measures that were taken will have a long-lasting legacy effect. Smoking prohibition was introduced, dirty industries was moved out of the city centre that happened to be there, various types of legislations on infrastructure changes, metro system was expanded, the traffic regulation was introduced, part of which still prevails, by the way, with the support of the people. Every private car has to stand still one working day in a week. Today, you see blue skies Beijing which you did not see before. WHO became very interested and we initiated this documentation which also includes a chapter on anti-doping which shows that this big power now has a resource of anti-doping which they never had before and would probably never have arrived at had they not got the Olympic Games. I think it is nice to show as an IOC medical commission chairman at the end of a presentation like this that the hosting of the Games does not mean an enormous input of money and resources and expensive installations. It can also mean a health legacy for your own population and if that be the case I think the Olympic Games has a major role to fulfil also in the future and I know that the Rio people are really interested in doing the same.

DOPING AND THE RESPONSIBILITY
OF POLITICS

DOPING AND THE RESPONSIBILITY OF THE STATE

Christoph Bergner

Just a few weeks ago the Olympic Games and the Paralympics came to an end in Beijing. The banking crisis has almost made us forget them already. So we can see how fast-paced our lives are now. But the Games in Beijing were certainly remarkable. I unequivocally agree with Jacques Rogge in this.

I believe that we have rarely seen such a tremendous celebration of world sport. In every way they were record-breaking games, in terms of top-class sporting achievements by the athletes and of the developments both within China and in interaction with the host country. The Tibet issue was discussed across the world. As were press freedom and the situation of human rights in a country that wanted to excel through its perfect organisation. As far as the sport was concerned, nobody can have failed to be impressed by the many world records and the haul of Chinese medals.

The German team was under great pressure to perform, mainly because of the sporting officials' target of winning as many medals as in the previous Olympic Games in Athens. But others also added to the great expectations, in particular the media and commerce. And the state sponsors of sport and all of us as sport fans were hoping for lots of medals.

But then, in the first days of competition when the medal haul was nothing special, the first prophecies of doom started – German sportsmen and women could no longer compete at an international level. It was only when the medal table showed more gold than in Athens that a certain degree of satisfaction was felt. The mood suddenly changed. A marketing alliance of major companies even issued a form of “Gold discount” in the form of bonus points for every gold medal won by the German team.

This is not only merely human; it is also anchored in the system of sport itself and in our democratic society, which is based on people’s performance. No success without performance. That is the simple, but perennial formula. Without performance and competition our economy and every other area of life – be it sport, education, science or culture – would stagnate. Sport motivates us to achieve. When we, as grassroots or hobby sportsmen or women, give of our best, we are inspired. And we are delighted when athletes deliver top performances that no one had ever believed possible. After all, in the Olympic Games it is not just true that “it’s the taking part that counts”, but also “citius, altius, fortius” and the medal. Standing right on top of the podium is the dream of every Olympic competitor.

Some of them could be tempted to give success a helping hand. And you can start to wonder when you look at what sheer super-human performance was demonstrated in Beijing. Whether we are thinking about the sprint records, the eight gold medals won by one swimmer in seven days with seven world records, or the absolute deluge of gold for Chinese athletes: can that all be achieved legitimately? Are so many world records possible without banned performance enhancement? Can such great progress by individual athletes be achieved in such a short time just by means of intensive training?

The argument for a clean Games is backed up by the fact that in spite of the more stringent doping regime – there were approx. 5,000 drug tests – in Beijing only a comparatively small number of drug cheats were found. Another reason why the World Anti-Doping Agency, WADA, can talk about a clean Games is because around 50 athletes had been banned in advance. But we must continue to be vigilant. For as long as success goes hand in hand with the “celebrity circus” generated by the media and sponsors’ generosity, there will always be the temptation to

cheat. This is also true for the biggest sporting event on earth. For as long as the control regime is not handled uniformly and intelligently all over the world – for example, during the performance training phases well before the competitions – many people will believe that cheating at sport is worthwhile.

So is fighting against doping like tilting at windmills? Some people think so and advocate the approval of doping. But I would not agree with this measure. I believe that this fight will be difficult and hard to win, but it will be worthwhile. On the one hand because the credibility of sport at the highest level is at stake. Top sporting events can only be marketed in the long term when rules are adhered to, thus ensuring the fairness of every competition. A good example of this can be seen in the Tour de France. Doping cases mounted up, viewers lost interest, the media withdrew, sponsors felt that their advertising platform was damaged and less money was forthcoming.

Now, we say that is how the system successfully regulates itself. For the very reason that we stand up for autonomy in sport and sport’s responsibility for fighting doping, we could be tempted to welcome a development of this kind. But, unfortunately, things are not quite so simple. Putting a stop to the support cycle would not just weaken top-level sport. Grassroots sport would also lose its vital driving force. We can’t just wait until things go wrong for the “naughty” boys and girls. Because that is too late – for those who break the rules and for sport as a whole.

That is why we have to take action against doping wherever we can. And as soon as possible. Primarily, sport owes it to itself, but also to the providers of public funding because of the positive social effects of sport. In terms of health policy, we cannot allow top sportsmen and women to pump themselves full of harmful drugs. After all, sporting champions are role models for our young people.

Even today, we have to deal with an enormous consumption of doping agents in grassroots sports – for example, in gyms. According to some studies, 250,000 to 400,000 gym members take performance-enhancing drugs. Substances are also used in large-scale sporting events. In Rhineland-Palatinate, drug tests were carried out at a marathon open to the public. Although only a few athletes were tested, five positive samples were found.

Other Länder want to follow the example of Rhineland-Palatinate and carry out tests at grassroots sporting events in future. We must not allow doping in top-level sport to have a knock-on effect on grassroots sport. Just think of the health risks, from which we want to protect not only athletes, but also the people who pay for their health insurance, which would have to cover the follow-on costs.

It is the responsibility of the state to prevent these social consequences of doping. However, doping itself must be combated mainly by sport and its institutions. But here, too, the state does not intend to shy away from the duty incumbent on it under a free system based on subsidiarity: creating a framework in which sport develops instruments to effectively combat doping.

If we draw up rules for a ban, they must be clear. There must be no grey areas. But drawing a boundary between natural and artificial performance enhancement is often difficult. Athletes who live and train at altitude have a natural performance advantage. If other athletes want to achieve the same effect artificially by means of blood spinning, that is doping. And the question of drawing boundaries between "maintenance of health" and "banned performance enhancement" is sometimes difficult. Where does health maintenance end and illegal performance enhancement begin? We have to answer these questions to arrive at a credible set of regulations. Then, even tough sanctions – that could cost someone their career – can be defended.

We have had a worldwide Anti-Doping Code since 2003. Its new version comes into force in 2009. Practically all international sporting associations in the Olympic movement, all National Olympic Committees and anti-doping organisations have since accepted this Code and undertaken to implement it. But are these rules really observed? According to the first compliance tests by WADA, only around half of National Olympic Committees and the national anti-doping agencies had satisfactorily implemented the Code. This is a number that will have to be further increased.

But we also have to ask how these regulations are applied in practice. For example, how is the requirement for adequate testing during training implemented? Let's look at China: about 10,000 tests are carried out there every year. This is roughly the same as the number of tests in

Germany, although China has many more top athletes. This means that the results of the tests are hard to compare. This is especially the case for countries where there are no testing laboratories and there are probably very few tests. It is incumbent upon WADA to aim for comparable general conditions. We can only achieve credibility if athletes worldwide accept similar controls and there is thus equality of opportunity for all. This also helps to inspire more confidence in top performances in international competitions.

In Germany, we are in a good position with the so-called "intelligent testing system". It differentiates the pressures on athletes according to the risk and probability of doping. The majority of tests is concentrated on the national test pool. But the absolute number of tests has been greatly increased. Overall, testing is much more frequent among top athletes – up to seven times per year at the highest risk category. Obviously, in this regard I am well aware of the complaints of some athletes who see the required information about their whereabouts as an invasion of their privacy. However, other athletes stress the need for the information in order to allow ad-hoc testing. I am convinced that this system ultimately contributes to the perpetuation of top-level sport.

There is such a thing as success in the anti-doping war. But it is also true that sporting institutions often have trouble effectively combating doping. Many call for the state to be the saviour of sport. In a nutshell: combating doping was and primarily remains a job for sport itself. Its institutions have to define the values that they believe are worthy of protection. They have to create rules to be observed by athletes, their back-up teams and officials. And they also have to ensure unflinching credible implementation. For example, how does it make sense to have witness protection under sports law for doping perpetrators, if they could thereby reduce their ban, but actually no longer be able to practise their sport due to being labelled whistle-blowers? Credible implementation of its own rules by sport should look very different.

Whereas sport and its strict liability primarily focuses on the athletes, the state has to use the legal framework to ensure that doping does not have wide-ranging consequences. It has to prevent harmful substances that are used in sport being passed on to third parties. Doping is hardly conceivable today in competitive sport, or in grassroots sport, without a wide network of supporting structures. Some of these structures, espe-

cially the supplier networks, are criminal. Penalties under law and efficient prosecution can combat them. To this end, we strengthened the laws last year and gave further powers to the Federal Office for Criminal Investigation.

Some people believe that we should introduce comprehensive criminal liability for possessing doping substances, i.e. also for the doping athlete. The majority of experts believe this is problematic. Our legal system is based on the principle of self-harm without penalty. The state cannot use legal compulsion to prevent athletes, or any other citizens, from self-harm. However, athletes do make themselves criminally liable if they possess large quantities of drugs. Because then the suspicion prevails that they are acting as part of a supply network.

Others call for the introduction of a crime called "sport fraud". Here, too, we agree with the dominant opinion of legal experts, who believe that the introduction of such a crime would be problematic from a legal point of view – especially because of what is being protected. So we dispensed with such regulations for good reason.

We do not have regulation problems in combating doping, just implementation problems. In criminal prosecution, for example, the concentration of investigative powers with the Federal Office for Criminal Investigation would be ideally complemented by similar powers for the state prosecutors. The Land justice ministers are against this. But if doping materials are becoming increasingly complex – we only need to think of genetic doping – such specialised public prosecutors will become inevitable.

We also have implementation problems in financing the National Anti-Doping Agency's centre of expertise for combating doping. Although the Federal Government, the Länder, sport and business agreed that we have to jointly set up an office of this kind, financing for this institution was subsequently left to the Federal Government to an ever increasing degree. Here, too, more commitment by the Länder and business could result in marked improvements. The same applies to doping prevention. Firstly, we have too few preventive measures – especially at the lower club level – and secondly the few measures there are, are mostly uncoordinated. But we have reinvented the wheel several times here. There are some good approaches, but they are not always used where they are needed. Together with the Länder we conducted a survey of

current practice which we are currently evaluating. This will put us in a position to develop a joint action plan, which I will call the "national doping prevention plan". Then, doping prevention will hopefully be more coordinated, more targeted and more efficient.

There is certainly no ideal way to combat doping. Too many players and their interests are affected by it: athletes and their back-up teams, scientists, associations, media and sponsors, but also state providers of funding. Only when everyone in this mix recognises how they are involved in the doping problem and when they all stand up to their responsibilities, can we combat doping holistically. It would be an illusion to believe we could banish the threat posed by doping from sport once and for all. But together we can make sport cleaner and more credible. That is important so that sport continues to give us pleasure and retains its important role in society.

MANIPULATION-FREE SPORT STARTS AT SCHOOL

Manfred Palmen

For several years now, the Land Government of North Rhine-Westphalia together with the Land Sports Federation have been dealing with the preventive aspects of combating doping and have created foundations at sports club and school level that we feel are referred to much too rarely.

Currently, we are working with the Federal Government on a joint strategy on doping prevention, in which NADA is naturally to play a strong role. But we are also agreed that the expertise of NADA particularly refers to elite and top-level sport, but that doping prevention is a subject that encompasses more of society. This means that other players also come onto the scene, of which schools are certainly among the most important.

In recent years, we amateurs have learned a lot. For example, we now know that the "Belgian mix" ["pot Belge"] has given impetus to the kings of the mountains and sprinters in the spring classics and the major tours of the summer. You don't have to be a drugs investigator to know that this mixture of amphetamines, anaesthetics, heroin, cocaine and corticosteroids can be obtained only with criminal energy. But also by using the combination of insulin, growth

hormones, EPO and the third generation EPO drug, CERA, which is currently in the spotlight – a combination that is very popular in endurance sports at the moment –, a healthy athlete makes himself or herself criminally liable, and not just under sports law.

Nevertheless, not enough help is offered to those who uncover this apparently ubiquitous, manipulated system in cycling and want to leave the sport and all previous attempts to clean up the system have proved to be unsustainable in the long term. Jaksche and Sinkewitz have made extensive statements about the machinations in cycling. They confessed all and, unlike cyclists who have been accused of doping but have not made statements, they are now unemployed and are also being sued for damages.

The offers of the doping advocates in cycling still seem to be better than our offers. Maybe Jaksche and Sinkewitz need our support right now to make it clear that there is a way back from the morass of doping. If we are seriously interested in draining this swamp – and I assume that this is the case for all sports organisations – we also have to take care of the dropouts.

I don't want to misrepresent our elite sport. Doping manipulation only concerns a minority. A few who, however, as a result of their actions are capable of endangering the elite sports system in the long term. They throw the integrity of sporting competition into doubt and force all involved, whether spectators, reports or sponsors to view the achievements with reservations.

But we also note that the undoubtedly successful strategies to stem doping by expanding and optimising doping control activities and strengthening and unifying the sanctions for doping abuse have resulted in even more extensive efforts by doping advocates and the proportion of positive tests remains relatively stable.

That is why combating doping is and remains a permanent task. We will only be able to maintain the role-model function of elite and top-level sport if we succeed in preserving or re-justifying the credibility of the performance and results achieved. The latter appears to be necessary in cycling. The world of politics is greatly interested in effectively combating doping; it has to be: for reasons of sports policy and health policy and for social responsibility for sport.

I see expanding doping prevention as one way of improving our efforts.

In the past, the efficiency of doping prevention efforts in Germany have suffered from a large number of target groups being addressed by very different players with varying approaches. Moreover, there were no common goals and strategies in doping prevention. That is why setting a catalogue of common goals and measures guiding action by the most important institutions, organisations and facilities involved in doping prevention could lead to a marked improvement in doping prevention.

On behalf of the Länder and the Federal Government, Munich Technical University, involving NADA, has examined the current status of the doping prevention measures of recent years in German sport. This survey was overdue because it was the first time that all previous and planned activities and measures by associations, research institutions and ministries as well as their personnel and financial resources have been asked. Publication of this study is expected soon.

The first results of the evaluation have shown that we are not starting from scratch. There are already very good working documents on doping prevention, such as "Sport without Doping!" by Deutsche Sportjugend [German Sports Youth], "Wrong Throw-In – an Initiative by the Land Sport Federation and the Land Government of North Rhine-Westphalia", the NADA Campaign "High Five", as well as the previous NADA preventive measures.

North Rhine-Westphalia concentrated on two fields of action when conducting the campaign "Wrong Throw-In – Against Drug Abuse and Doping" – schools and clubs. When defining the campaign activities we deliberately made sure that we reach children and young people. Nowadays, personal best achievements are not only expected from elite sportsmen and women; they are demanded in practically all areas of life. Particular demands are made of young people and children in everyday life at school. There, but also in other areas of life, the idea of performance has increasingly gained ground. In principle, this is extremely positive, but at the same time we have to deal with the side effects that have unmissable parallels. Suspected lack of vitamins is not treated with fruit, but with vitamin pills, tranquilisers are used for fear of exams and psychoanaleptics for hyperactivity. A substituting or drug treatment to enhance the performance of young people is encouraged by the pharma-

ceuticals industry, often prescribed by doctors and simply accepted or even demanded by many parents and teachers. Using medication without reflection creates the basis for young people to be willing to accept doping.

But it is in school in particular that there are especially favourable conditions for extensive and early prevention of doping and the abuse of prescription drugs because it is only in school that all children and young people of school age can be reached. In implementation, schools present the opportunity for the subject of everyday doping to be dealt with comprehensively and from varying perspectives in different school subjects – not only in Physical Education (PE) and biology. This subject is so important because performance enhancement and manipulation do not just affect elite sport, but because they have so many parallels to other areas of children's and young people's lives.

Everyday dealings with performance-enhancing substances can be discussed in various subjects and school years from the most varied perspectives. But PE is the starting point, because that is where society's view of performance and the current physical ideals can be best understood and where the risks of an incorrect understanding of aiming for performance and the chance of an individual definition of performance can best be reflected.

The availability of performance-enhancing substances and even drugs cannot be prevented. Children and young people must therefore be prepared as personalities against the abuse of drugs and other substances harmful to health. This is a major educational aim of school. PE can pass on experience that is an important contribution to positive personal development for young people. In PE physical performance can be perceived and measured and it is possible to boost it by one's own efforts. Developing stamina, experiencing one's own and other people's limits, dealing with success and failure, accepting rules and taking responsibility: all of these experiences are possible and necessary in school sports.

This also includes the finding that a manipulated performance is not one's own achievement, but someone else's that you can't be proud of. Children and young people must recognise and learn that performance and success are two completely different things. They can only be proud of what they have achieved themselves on their own, irrespective of external targets and comparison with others.

We have already achieved quite a lot in combating doping: a worldwide, formally uniform doping regime, which is recognised under international law by the UNESCO Resolution against Doping in Sport, which is operatively implemented by WADA in treaties with the sports organisations. More stringent and intelligent doping tests, sanctions by the sports associations, a German Anti-Doping Act, an international and a German court of sports arbitration. But doping prevention is still in its infancy. In schools in particular there is a special potential for education because that is where we reach elite and grassroots sportsmen and women at the same time.

That is why it is also right for NADA, as part of its preventive measures, to go to the Olympics centres, the elite sports schools and where young people train for the Olympics to inform and educate. But that is not enough because to date doping has largely been an issue for elite sport and the particular strengths of prevention by incorporating the settings of children and young people have been exhausted nowhere near enough. The basic brochure "High Five" gives pupils a basic knowledge of doping. The manual for trainers provides knowledge on the fundamental aspects of doping prevention and didactic instructions on implementation. But the wealth of information is not brought together; neither is it taught to the peer groups so important to children and young people. But we will only succeed in doing this if the schools cooperate and recognise doping prevention as an important subject for continuing education.

It is not to be expected that doping and medication abuse will disappear – even with such well-meaning prevention offers. Prevention in these areas will be a permanent task.

We therefore need coherent concepts for action and materials that are harmonised and, if only for reasons of efficiency, show a certain degree of consistency in the various areas of action, such as school and sport.

In order to achieve a lasting effect among young people, up-and-coming sportsmen and women and pupils, we have to develop perspectives that can ensure permanent prevention. For example, these include:

- Integrating anti-doping work in the training of sports teachers and trainers to make them aware of the problem,

- Including the subject in as many different school curricula as possible,
- The school cooperating with various settings (e.g. community, sports clubs, addiction advice centres, etc.),
- Fixing curricula on doping prevention in the basic and further training of trainers by sports associations,
- Specifying a catalogue of common goals and measures guiding action by the most important institutions, organisations and facilities involved in doping prevention,
- and, overall, a balanced mix of preventive behaviour and relationships.

And nevertheless – given all the considerations on the future perspectives of prevention tasks – I am convinced that we need partners with integrity in the institutions and organisations of sport, who are committed, responsible and unstinting in their work against doping in sport. It will not be possible without them.

It is illusory to believe in a complete elimination of doping, just as it is illusory to believe in an end to crime. We will therefore have to continue to live with doping in sport in spite of manifold efforts by the organisations and institutions involved in combating doping.

Despite many efforts in combating doping, many years of experience have shown that repression alone, however important it may be, only ever provides short-term success.

Doping prevention, by contrast, is probably the much more effective lever for lasting changes. We can – and I am very confident of this – improve and strengthen explanation, information and education as our foundations for combating doping and thus achieve much more than we currently dare to hope.

Dealing with doping repression and doping prevention is tedious, it is imperfect, there are many setbacks associated with it, but in my view it is essential if we want to protect our children and young people.

THE WHITE PAPER ON SPORTS AND THE ROLE OF THE EUROPEAN PARLIAMENT

Doris Pack

“Sport is part of every man and woman’s heritage and its absence can never be compensated for.” This is a quote from Pierre de Coubertin, the founder of the modern Olympic Games. It contains several statements that I believe need to be considered in more depth.

SPORT IS A SOCIAL PHENOMENON

Sport did not come about because states or governments ordered its founding by decree. It is part of the development of our society and its structures came about because men and women from this society were committed to promoting and extending it. Sporting clubs and associations are protected by the right of assembly guaranteed in our constitution. In Europe there are approx. 700,000 sports clubs, run by 10 million voluntary supporters. Sports and its club structures are thus an expression of active and living commitment by citizens. Voluntary commitment by each individual is worthy of our great appreciation. Sports clubs operated by volunteers form the backbone of European sport. Irrespective of this, the fact that a sport is practised in hundreds of small clubs by enthusiastic players is a major

contribution to this sport enjoying great popularity in a region or a country. Grassroots sport and volunteering are thus key elements that make elite sport attractive and lucrative. We should take account of this close link precisely because in recent years we have seen that professional and grassroots sport appear to be growing apart.

SPORT IS A CROSS-BORDER PHENOMENON

The power of sport to bring peoples together was a central element of Pierre de Coubertin's philosophy, originating with the ancient tradition of joint competition during which all war-like activity had to stop. Even today, the International Olympic Committee stands up for the Olympic Truce. Since the first Olympic Games of the modern era sport has continued to become more international, especially in recent decades. It is not only the number of international associations and competitions that has increased. Sportsmen and women, too, have become increasingly mobile and this has been particularly noticeable in team sports.

Allow me to take this opportunity to say how much the Parliament abhors manifestations of racism. Racism and xenophobia are not compatible with the European fundamental values. But they show that associations, leagues and clubs, especially at the highest professional level, have to pay attention to developments of this kind and must develop and implement concepts to combat them.

Sport should not be an exclusive matter for an elite of top sportsmen and women.

Professional sport in Europe is part of the absolute world peak in all respects. This is clear when we look at the number of European participants and their results in international sporting competitions. In some areas, European sport is setting the standards worldwide.

The last few decades have seen clear professionalisation and commercialisation in certain sports. The sums of money generated by the sale of transmission rights, sporting articles and memorabilia are breathtaking. Sport has become an economic factor. The number of people employed in sport is growing. Major sporting events are important to regions and local communities not just from a cultural but also from an economic point of view. This development has many positive aspects.

Nevertheless: Sport should be and remain part of life in society for all. It should be guaranteed that money earned at the top of the European sports pyramid also benefits the regional and local clubs and associations. Because future top athletes often take their first steps in a small club before they are discovered by the large clubs. TV money and lottery grants are important sources of income for sport. The Parliament has spoken clearly in both cases. Income from the central sale of transmission rights should be distributed according to the principle of solidarity in order to guarantee financial equilibrium and ultimately to ensure more exciting competitions that are in the interests of all. And in the case of lotteries, the Parliament emphasised the legality of restrictions of competition by member states and the importance of lotteries in funding cultural and social activities. Just recently, the European Court of Justice (ECJ) supported the legitimacy of restrictions on competition.

SPORT CONVEYS SOCIAL VALUES

In addition to the economic aspects, the social and cultural importance of sport in our society should not be ignored. Sport not only brings people together across borders, it also contributes to social cohesion on a small scale, in the neighbourhood, in the local town. Sports projects for the integration of socially disadvantaged groups and immigrants impressively demonstrate this power of sport. Sport can convey values such as team spirit, fairness, observing rules and respecting others. People come together in clubs and associations where they take on democratic responsibility and can be actively involved in cultural networks. Not least, sport builds bridges between cultures and nationalities, facilitates the social integration of the disabled and gives participants and spectators a feeling of connectedness. It is apparent that sport helps children to strengthen their social skills. And irrespectively, also leads to a healthier lifestyle. Anyone who learned as a child to take exercise and respect his or her body has a good basis for staying fit as an adult. However, anyone who grows up without sport will find physical activity much harder later. And once again, we can only emphasise that it is mainly the many small sports clubs that take on the majority of care for children and young people, alongside schools.

In spite of its enormous social and economic importance, sport lived in the shadows at European level for many years: for example, this area did not have any legal foundation in the European treaties for many

years and was mostly perceived/treated as a marginal aspect of other areas of policy. It is only in the last few years that more attention has been paid to sport and account has been taken of its importance as an integral element of European reality:

At the end of 2000 the final declaration of the Nice Summit at long last contained an explicit declaration recognising the importance and social function of sport in Europe and highlighted the special features of sport that have to be considered within the scope of joint policies. The European Year of Education through Sport came about on my initiative.

In 2007 the Commission submitted the *White Paper on Sport*, the first comprehensive European document of this kind; the Parliament dealt with it in detail and adopted an extensive joint report.

For the first time the White Paper provides an appropriate foundation for all future activities and policies of the Union in the sphere of sport; and there is now a legal foundation for them. Article 165 of the Lisbon Treaty for the first time explicitly grants the EU responsibilities in the sporting sector – a positive development of relations between the world of sport and the EU. As a result, the demand of sporting associations for greater importance and visibility of sport at the European level has finally been met.

But how the new Treaty article will be applied remains to be seen. It is certain that there will be a sporting programme with which the EU can promote networks in the sphere of sport, the exchange of information and research. The European Commission has announced a first Communication for the autumn of this year. Moreover, thought could be given to the need for regulation in the field of agents or doping. In any case, we can assume that the new article will not throw the single market into question. Questions of competition or the freedom of movement of employees will continue to be answered mainly on the basis of the relevant article if economic aspects of sport are in doubt.

With the *White Paper on Sport* and the associated action plan, the European Commission has launched some important initiatives that the Parliament greatly supports. It instigated discussions about central problems, raised awareness of the special needs and peculiarities of the sport sector and illustrated the application of EU law in the sporting sphere. The

revival and intensification of the contacts between the EU and the world of sport that this has introduced show that a regular exchange of ideas by all involved can eliminate misunderstandings before serious legal disputes start. We as the Parliament/Culture Committee are pleased that we provided the financial support for these activities with our "preparatory measure".

PREPARATORY MEASURES

In the European Parliament decision of 14 April 2008 on the *White Paper on Sport*, the Commission was called upon to propose an EU Sports Programme and preparatory measures in the field of sport from 2009.

The aim of the preparatory measures is to carry out preliminary work for future measures on the basis of priorities laid down in the *White Paper on Sport*, by means of strategic support for the conception of future sport policy measures. This support can be in the form of studies, surveys, conferences and seminars. This leads to in trying out the introduction and use of appropriate networks and tried and tested methods by invitations to submit proposals. The aim is to advance greater pan-European visibility at sporting events.

In 2009, € 6 million were spent on preparatory measures, and the figure will be € 3 million in 2010. Two weeks ago, on 22 May 2010 the call for 2010 was published.

The following are also financed in sport:

- € 1.5 million for the X European Youth Olympic Festival, 18 to 25 July 2009 in Tampere (Finland) with competitions in nine disciplines; 3,500 athletes took part,
- € 2 million for the Youth Olympic Winter Festival in Liberec (Czech Republic) from 12 to 19 February 2010,
- € 6 million for the Special Olympics Summer Games in Warsaw (Poland) from 18 to 24 September 2010.

I am convinced that the route we have started of regular contacts, exchange and mutual solutions will continue to be the best way. Because it is the best way to ensure the autonomy and self-regulation of the world of sport that the Parliament has always supported. Legal acts or

even court judgements can be a final means if other solutions cannot be found.

PROMOTING YOUTH

The Parliament, just like the Commission and the Council, see the promotion of the next generation of sportsmen and women as an important task for the world of sport. In professional team sports this is always associated with the question of opportunities for young talents to be called up into the professional teams. Two concepts have dominated the discussion here: UEFA's regulation on the use of home-grown players, which is already in use and FIFA's "6+5 Rule", which is only a concept to date. The Parliament and Commission support UEFA's rule, especially because the proportionality of the means, as required by the ECJ, is taken into account. In this way, discrimination is reduced as far as possible without throwing the goal of better practical training for young talent into question.

SOCIAL DIALOGUE

Another area in which there has been positive progress is the social dialogue between employers (FIFPRO players' association) and employers (EPFL association of professional leagues) in the field of professional football. Here, too, the Commission has provided useful support and created the framework for negotiations under the leadership of UEFA, which have now resulted in an agreement on minimum requirements for players' contracts in professional football. This, too, is a welcome development.

Ladies and Gentlemen, European sport is characterised by its pyramid structure. European top-level associations are supported by national associations and leagues, and they in turn by regional associations. The many clubs are found at the base of the pyramid. They form the foundation of European sport. Clubs can be promoted or demoted depending on their success – obviously, they are less keen on the latter. This permeability not only makes sport more interesting for the spectator, but also shows that there is a link between the individual levels in a sporting respect. These structures have helped to make sport – and its clubs and athletes – in Europe as successful as they are. And we should retain this model so that sport and thus the enjoyment of sport –

whether as a participant, volunteer, professional or fan – continues to belong to everyone's life.

CULT APPLICATION FOR A DECISION ON THE ROLE OF PLAYERS' AGENTS IN SPORT

The European Commission study on this subject, published in February 2010 states that there are problems with respect to criminal activities associated with players' agents, which have a negative impact on the image of sport, its integrity and role in society.

The Parliament calls upon the Commission in the decision to become active with respect to the standards and inspection criteria for players' agents, transparency in agents' transactions, the ban on paying agents when placing minors and on minimum harmonised standards for agents' contracts.

HEARING WITH UEFA

UEFA's new regulations on "Financial Fair Play" were presented to the Committee on Culture and Education on 1 June 2010.

There is a need for action because too many clubs have accumulated considerable debts in order to give themselves better competitive advantages by buying the best players. The concept of "financial fair play" will hopefully help to stabilise clubs financially and to create a genuine competitive situation in Europe's favourite sport in the long term.

DOPING AND THE RESPONSIBILITY
OF THE COMMUNITY

DOPING – TEMPTATION FOR THE ETERNAL YOUTH?

Thomas Ulmer

Over the course of today you will hear many presentations from experts, and we are already looking forward to them. They are mainly about the fight against doping, doping research or the European Parliament's view about sport. I want to speak to you today not only in my function as a Member of the European Parliament, but mainly as a representative of amateur football.

For over 20 years, I have been president of a football club that plays in the "Verbandsliga", the 6th tier of German football. It is Spielvereinigung Neckarelz. A highlight in club history was the DFB cup match against Bayern Munich on 1 August last year. We lost 3-1, but gave Bayern a run for their money. There was a great atmosphere in the Rhine-Neckar Arena, Hoffenheim's stadium, and that was the main thing.

I always find it impressive how sporting events bring people together and trigger a sort of magic, a fascination. I am sure that sport, the team spirit that is experienced and the struggle for the same aim can overcome boundaries. I hope that this will be seen in the forthcoming World Cup in Africa. Although apartheid officially came to an end in 1994, there

is still discrimination in this country. Maybe sport can help to bring people closer together.

But sport quickly loses its magic when people's performances have not been achieved by their own drive, but only with the help of doping and stimulants. It is regrettable how this problem has crept into cycling in particular and has been discussed in the media. This has thrown an extremely bad light on this sport and on top-level sportsmen and women in general.

Sportsmen and women are role models for many people, especially young people.

They show that you can achieve a goal with your own strengths if you work hard and consistently for it. But if you use an agent of any kind to enhance the body's natural strengths, you are not being honest to yourself or the public. You are cheating your body and your fans equally.

However, I see the boundary between what is allowed and what is no longer allowed as very fluid. This seems to be increasingly becoming a problem. But I will come back to talk about this.

Article 149 Paragraph 1 of the Lisbon Treaty says: "The Union shall contribute to the promotion of European sporting issues, while taking account of the specific nature of sport, its structures based on voluntary activity and its social and educational function."

This education function should not be underestimated and has a great influence on young people in particular.

The question that concerns me is: Why do sportsmen and women start doping in the first place? In my opinion, the main reason lies in the high, almost superhuman, expectations of sportsmen and women, that they cannot always meet. The commercialisation of sport and a great interest from the media are other aspects that put athletes heavily under pressure.

In the long-term, this has serious consequences, namely physical and mental dependency, not just on substances, but also on success. The lack of positive experiences leads to depression that has to be treated. In the worst case scenario, an overdose is fatal.

It is shocking that not only professional footballers and cyclists take illegal substances, but also these substances are being increasingly used in grassroots sport. Why is this the case and how can we counter this challenge?

I think that this is a very multi-layered problem. Our society has developed into a performance society in which success is increasingly the measure of all things. Even in school children and young people have to get used to the pressure of performance and competition to prove themselves. Anyone whose marks are somewhere around the middle is lost in the mass or fails in a permanent comparison with the better pupils. In this way, all educational foundations are removed from a sporting "Taking part is what counts" or even the principle of fair play.

Sportsmen and women must be encouraged but not overstretched! The players in my football club have all learned a trade that they practise alongside their sport. Obviously, this is only possible up to a certain performance level. But in grassroots sport I believe that it is extremely important for athletes not to concentrate exclusively on their sport, but also to practise a trade that they can return to later. After all, in many sports one no longer performs as required above a certain age. It is then at the latest that one has to ask oneself what is to be done with the rest of one's career. At this point, many fall into a hole and suffer from depression. Some athletes are suddenly faced with the terrifying fact that their entire existence to date has revolved around sport and they are not capable of giving their life a new direction.

I must be honest with you and say that I am extremely critical when I see sportsmen like Michael Schumacher returning at the age of over 40 after they have supposedly retired from sport. He obviously missed the media circus in Formula 1. I don't begrudge him his success, although he hasn't had much of that yet. But whatever motivated him to this comeback, it gives the deceptive appearance that the human body is capable of un-limited maximum performances. This sends out a message that can have highly dangerous effects. Although we are now living longer and, above all, more healthily, the active phase of every sportsman and woman still has its natural limits. We should recognise and accept this. Because after all, we can't compare our bodies with a pair of trainers that can be thrown in the bin when they are worn out!

As with so many things in life, we are often only aware of the value of our health when we have lost it, in some cases irretrievably. That is why it is our duty to protect our bodies and our health.

Every athlete is responsible him or herself to ensure that no banned substance enters his or her body. This is called strict liability, as many of you already know. The principle of strict liability is already used today in most international associations. It is explicitly anchored in the new Anti-Doping Code. If an accredited doping lab proves that the sample contains a banned substance, the athlete has violated the doping rules and must expect sanctions. This is irrespective of whether performance enhancement was intended and even irrespective of whether the athlete actually knew that a banned substance had entered his or her body. The chances that the athlete can provide counter-evidence by proving an error in the transport chain or the lab analysis are extremely slight.

However, an increasing number of cases are coming to light that show that young athletes in particular are not even aware of the fact that they are doping. One example of this is the trial against Thomas Springstein in March 2006: Magdeburg Local Court sentenced the athletics trainer to one year and four months, suspended, for a particularly serious violation of the Pharmaceuticals Act because Springstein had given the then 16-year-old sprinter Anne-Kathrin Elge testosterone undecanoate. Doctors who give sportsmen and women illegal substances against their knowledge are committing grievous bodily harm; this is not a trivial offence.

The harmonisation of the doping rules in the various sporting associations is one of the main goals of the Anti-Doping Code issued by the World Anti-Doping Agency (WADA). Harmonisation should mainly be achieved with regard to the sanctions. I believe that is very important! If an athlete is proved to have used a banned substance or method, he or she should be given a two-year ban for the first offence and then be banned for life if the offence is repeated. This is irrespective of whether it is a successful professional footballer from a top club or a young synchronised swimmer in the up-and-coming generation.

After all, the doping of individual sportsmen and women not only has manipulating effects on individual performances and competition results, it is also a demotivating factor for sport in general. I can completely

understand that competitors who take part fairly, feel cheated. The media circus gives the impression that doping is omnipresent in almost every area of sport, which means that some sportsmen and women are already going so far as to ask themselves, and I am exaggerating deliberately here: If everybody is doping already, is it worth my while taking part in the competition at all?

We have to answer this question with a clear and loud "Yes"!

The fact that doping scandals arouse more media interest than combating doping must not lead the population and sportsmen and women to the false impression that no effective measures have been introduced in this respect. A good example is the EU Anti-Doping Conference, which was organised in Athens in 2009 by the European Commission upon the proposal of the Parliament. Representatives of the government authorities responsible for sport in the EU member states came together with important players in combating doping. The central themes were data protection, cooperation between anti-doping centres and the pharmaceutical industry and the possibility of a direct exchange between accredited laboratories and other interested parties in an EU context. Only when all players work together with a common goal can we succeed in effectively countering attempts at cheating.

This also includes preventive education, which should protect young sportsmen and women in particular from the doping trap. In its White Paper on the subject of "Sport and Doping", the European Commission calls up sporting organisations to develop a code of conduct for better education about doping substances, medicines that possibly contain doping substances and their health implications.

Only in this way can we guarantee that the fundamental values of sport, such as the "basic right" of athletes to take part in doping-free sport and the promotion of health, fairness and equal treatment of sportsmen and women will in future be given the status that is their due.

GENE DOPING – MEDICAL BASICS AND THE NEED OF ACTION

Peter Liese

The importance of sport in the European Union is admittedly still a little opaque. Obviously, we have to take account of subsidiarity – Ms Pack talked about that earlier – and yet we should never forget how important it is. I would like to illustrate this using one example, not from top-level sport and not from doping, but from grassroots sport.

In the European Parliament Committee on the Environment, Health and Food Safety we are currently discussing the subject of food labelling with great engagement and passion. We are talking about whether we should use a traffic light system to label certain foods “red” that we actually shouldn’t eat. As a doctor I would say that that is not quite appropriate because there are no unhealthy foods on the market in the European Union. There are only foods that one should not consume in excess. So, we should obviously not ban chocolate, for example, but we should not eat too much of it. We are discussing that heatedly and were debating the question of what can be done so that people do not consume too many calories, so that we can reduce the number of cases of certain diseases based on obesity, such as diabetes, cardiovascular diseases, diseases of the joints, etc. And the subject is very important.

We have an enormous problem caused by obesity, we have an enormous problem caused by the secondary diseases and this is explosive. Before I was elected to the European Parliament, I worked as a ward doctor in a children's hospital until 1994. At that time it was practically inconceivable for children to suffer from Type II diabetes. Type II diabetes is known as the diabetes of old age. It is usually caused by a certain degree of genetic predisposition, but mainly by obesity. Children did not suffer from this disease. But we now have the problem that Type II diabetes is increasing at an explosive rate among children. And naturally we think about what we can do and this is where food labelling comes in.

But scientific analyses, e.g. by Professor Harms at Münster University, who has dealt with this subject in the German Society of Paediatrics for many years, show that in the last 15 to 20 years, i.e. in the period when I was in the hospital, children's eating patterns haven't changed. Children then drank fizzy drinks, ate chocolate and sucked on sweets, none of that is new, and there was even McDonalds then, too. But what there wasn't then, were the many television channels, computers, Game Boys, etc. Children are exercising less. And that is why they are putting on weight and that is why we have these secondary diseases. That is why the question as to how we get children and society as a whole to exercise more is the central question.

And no matter how great the food labelling system we decide on, with however strict a warning, if people don't exercise, we will not be able to solve many problems. And I am not just talking about obesity and the resultant illnesses; I am talking about many things. There are scientific studies that say, for example, that women who take part in sport are up to 30 % less likely to suffer from breast cancer. There is a link between sport and depression, i.e. more sport means fewer cases of depression. Sport also has a positive influence on the brain's performance, on the memory's abilities. There is a link between sport and a lower risk of suffering from Alzheimer's disease. So that is an awful lot that we can have a positive influence on if we manage to make people in Europe do more sport.

Now, because of subsidiarity, we have a certain limit, we cannot prescribe, but we can point out certain things. And an expert said to me a few weeks ago that in certain countries we have a very lax way of dealing with sport in schools. Just a note from the parents or the pupil

that he or she doesn't want to take part in sport is enough; he or she no longer has to. And the question is whether we should not discuss something like this at European level so that we can learn from each other how we can motivate children, but also the population as a whole, to exercise more and more intensively. I wanted to say that to start with.

And doping is at the other end of the scale. Top-level sport is now not necessarily practised to stay healthy; it has another aspect. A few days ago, the team doctor of the German national ice hockey team said on the radio that the German team was under great stress. And when the reporter asked what impact that was having on their health, he said: "You don't become part of an ice hockey team to get healthy, but to become world champion." This shows that there are different aspects there. But this should not mean that those who damage their health should gain an advantage.

And so we arrive at doping. Doping cannot be accepted, must not be accepted. And I think that that has been said and explained often enough here today. In advance, I therefore thought about what I could still add. So many experts have been here today, including my colleagues Mr Ulmer and Ms Pack from the Parliament. I thought long and hard about what I could add that was meaningful but you haven't already heard. And then I remembered that I did my doctorate at the Institute for Human Genetics at the University of Bonn and I have therefore dealt at length with borderline questions of modern biotechnology in the European Parliament. I also head a working group on bioethics. And in this working group on bioethics we have also dealt with the subject of gene doping in recent years. So I thought that maybe an aspect that I could briefly address here.

I must excuse myself to all the experts sitting in the audience who have already taken part in the podium discussion because this will be nothing new for them. But in my experience, the circumstances of human genetics can be very hard to understand for people without a medical background and that is why there can be no harm if we briefly look at the subject of gene doping again. What is gene doping and what distinguishes it from traditional doping? What do we have to consider in sport, in medicine and in politics when we talk about it? I have brought a few illustrations on this subject.

That is a human cell or an animal cell; they aren't different under a microscope. And when we talk about genes, we are talking about that in the middle, the nucleus of the cell. The genetic information can be found in the nucleus of the cell. And that is important, for understanding genetics and therefore also gene doping. Next picture.

Here we have the fine structure of the genetic information. In the nucleus of their cells, all living creatures, including man, have DNA, deoxyribonucleic acid, the so-called genetic code. And to understand genetics and thus gene doping, it is very important to see how this genetic code results in properties. This is explained here, from the gene to protein. These coloured symbols that you can see, adenine, thymine, guanine and cytosine, are the so-called nucleobases. There are only four of them. But any combination of these nucleobases can be made. We have millions of these nucleobases in the nucleus of each and every cell in a human or other living creature.

And that can be called the building instructions for proteins. A protein is formed in a complicated mechanism using these building instructions but I won't explain that in detail here. And right at the bottom of the slide you can see these green symbols; they are amino acids. Amino acids are building blocks of proteins and, depending on what the genetic code is, the protein building blocks are composed differently. And these form different proteins and these proteins determine different properties of living creatures.

A very simple example: If the nucleus of a flower cell contains a building instruction for a blue protein, the flower will bloom in blue. But if the nucleus contains a building instruction for a red protein, it will bloom in red. That is simple. Other things are more complicated. But even complicated properties, including human properties, are based on the genetic code. As humans, we have a genetic code for our hair colour, for example. If the protein is dark, we have dark hair and if it is light we have blond hair. And other things, complicated matters, are also genetic. This also concerns diseases and it concerns other human physical properties.

In recent years we have learned how we can influence this genetic code. And the next slide shows a concept of what we can do with it. There are possibilities to treat diseases. And, as is always the case in medicine, the transition from not quite normal to ill is fluid. And naturally, using the

same means that are used to fight disease, we can make an average person into an above-average person, e.g. a better sportsman or woman. The example here is erythropoietin. Erythropoietin is normally produced in the kidneys of healthy people. If a person has kidney disease, he or she has no erythropoietin and erythropoietin is needed to produce red blood cells. People with kidney disease therefore normally have a lower number of red blood cells. Naturally, erythropoietin substitution is carried out in medicine. Using genetic engineering, it is possible to produce erythropoietin with genetically modified microorganisms and thus raise the blood cell levels again. Now we are wondering whether we cannot do this directly, by giving people the erythropoietin gene so that the body produces it itself again. To put it plainly, we just need one injection. The body is changed, in this case a muscle cell, and the person produces erythropoietin again.

We can see that erythropoietin is a medicine that is used for people who produce too few blood cells. We can see that this method also works to cause a person, a sportsman or woman with a normal number of red blood cells to produce more and improve his or her performance.

Gene doping has been very broadly defined by WADA since 2003. It is not just a matter of direct manipulation, the direct insertion of a gene in the human body; it goes further. Gene doping is the non-therapeutic use of cells, genes, genetic elements or the influencing of genetic expressions with the possibility of enhancing performance.

The World Anti-Doping Agency did that preventively in 2003. There are still no proved cases of gene doping, but we must assume that it is tried in many places in the world.

It says here "Gene doping is more than genetic therapy". I have just shown you how the information from the cell nucleus transforms into a protein. The whole thing is extremely complicated and I don't expect you all to understand how the cell nucleus... I'll show you. How this genetic information in the cell nucleus becomes a property. At all points between the DNA and the finished product you can intervene, and you can not just intervene by changing the actual cell nucleus, i.e. by inserting another gene, but you can also administer a medicine that does not have a direct effect, maybe directly increases the red blood cells as erythropoietin or brings about a different doping property, but you can

also administer a medicine that switches on the genes, i.e. that makes the genetic information produce more of the relevant protein.

And that is what is tricky in gene doping: the intervention takes place at a time with a method that one may not be looking for and that one can no longer detect at the time of the competition or the time of the test. So there are very many means of influencing the genetic information and the transfer of the genetic information into a final product.

Another example, alongside erythropoietin, is myostatin. Myostatin is a substance that retards muscle growth. And we all need this substance because otherwise we would look like the animals in this picture. If a muscle grows unhindered it grows uncontrollably and disproportionately and some people tried to harness this in doping by blocking the myostatin, which prevents the muscles from growing. This can be done traditionally. But it can also be done with gene doping. That is the next picture.

So there are very many means of intervening in this myostatin blocking, thus promoting muscle growth. This is a matter that is currently being discussed intensively.

In the internet fora this is not just a question of top-level sport, but also in grassroots sport, for example it is a topic among people who quite normally go to the gym without taking part in competitions. Over the internet they exchange experience about how to promote muscle growth. Testosterone is a substance that plays a role there, myostatin another. And information from Cologne Sports University is very worrying to me. In the internet fora for body builders there is a lively discussion about the advantages of gene doping and authors of scientific publications that present things like I have just shown for mice receive queries as to whether they can also do that for people. This means that gene doping is a serious danger, not just to top-level sport but also to grassroots sport. And in my view the dangers are much clearer than with traditional doping because I am intervening in a mechanism that I can control less.

If I no longer add testosterone or EPO in the conventional way, the process eventually comes to an end. If I manipulate a gene, in any way whatsoever, it can continue to produce a protein even when the intervention is long over and that can be controlled much less. The side effects are therefore at least as great as with traditional doping.

In principle, gene doping is simple once the principle has been developed. It is relatively cheap because I don't have to constantly add new substances, but need only a one-off manipulation on the gene for success. Many scientists, especially young scientists, use the relevant methods. It can be carried out in small labs and the transition between treatment of a disease and improvement, i.e. doping, can be fluid.

I have just hinted that officially there are as yet no cases that can be proved in court, but we must assume that it is being attempted and has probably already been carried out. As far as ethics are concerned, there are no fundamental new dimensions in comparison to doping. It is just as ethically reprehensible as doping per se, but it is a refinement of the method and the doping investigation is more difficult.

And now I come to the consequences. What do we have to do together to combat gene doping? I believe that it is very important for all of us together, politics, sports officials, everyone who has anything to do with it, including the churches, give political support to the doping investigators and the anti-doping agencies. That is not always so simple and I personally remember the case of Claudia Pechstein. If I have been correctly informed, this was not directly a case of gene doping, but the mechanism is comparable. No substances can be detected that resulted in increased production of erythropoietin in Ms Pechstein, but the evidence is very much in favour of manipulation.

And one may feel sorry for Ms Pechstein, she is maybe much more congenial than a bundle of muscles in the sprinting disciplines whose mere appearance gives rise to the impression that they don't keep to any rules. An acquaintance said to me that one would like to believe Ms Pechstein. But nevertheless, I have great understanding and would explicitly like to express my support for those who have excluded her from competitions because I believe that some things can simply only be judged on the basis of indirect evidence because we cannot provide the direct evidence, simply for technical reasons, and if we say that so long as there is no direct evidence a sportsman or woman is entitled to take part in all competition then we are removing an important instrument from the armoury of anti-doping investigators and doping control. And we need this in gene doping in particular. That is why I have great understanding. Obviously, you always have to bring together the evidence and consider the case on an individual basis to see whether the

evidence is sufficient or not. But I would really like to signal support for all who say we also have to permit indirect evidence otherwise we won't get any further, especially with gene doping.

Something that we can do as the European Parliament is support research. Show that we support research in the fight against doping. We have a well-financed research framework programme, € 50 billion in the financial period from 2007 to 2013 and, when the framework programme was being drawn up, the European Parliament advocated anti-doping being a focus of European research.

At that time I was still a member of the competent Committee on Industry, Research and Energy and personally supported it. Since I am no longer in the committee I have not been able to follow in detail what has become of our initiative. The indications that I have after consultations with the German Olympic Sports Federation and some others are that we may not yet have any ground-breaking success, that there is no massive funding for research by the European Commission in this area. I believe that is a duty that we share. The discussions about the next research framework programme start in the next few months and I, together with you, will be committed to the fight against doping and in particular against gene doping being a key focus of the European Union.

DOPING AND THE RESPONSIBILITY OF THE NATIONAL ANTI-DOPING- AGENCIES AND THE DOPING- LABORATORIES

ON THE TRAIL OF THE OFFENDERS

ANTI-DOPING SUCCESSES IN EUROPE THANKS TO THE NETWORK
OF NATIONAL ANTI-DOPING-AGENCIES

PODIUM DISCUSSION WITH WILHELM SCHÄNZER | ARMIN BAUMERT |
ANDREAS SCHWAB | MARCO STEINER

Discussion Leader: Herbert Fischer-Solms

Herbert Fischer-Solms

Good afternoon Ladies and Gentlemen. I hope that Mr Pfeifer's wishes come true: that our discussions are "as contentious as possible" – that is what a leader of the discussion would also wish for. I'm not sure whether I should introduce the speakers again. I'll keep it brief and start to my right. Professor Wilhelm Schänzer, Head of the Institute for Biochemistry at the German Sports University in Cologne, a highly renowned international scientist. He and his team, which also includes Dr Geyer and Professor Mario Thevis, have made great achievements in the field of doping research. He is the successor to Manfred Donike. His Cologne laboratory has been accredited by the IOC since 1966 and by WADA since 2004.

On my left is Dr Marco Steiner. He is the Deputy Director of the institution Antidoping Switzerland. He is a lawyer – and it's a good thing that we have a lawyer up here on this panel because we will need him. Mr Steiner is also member of the

Court of Arbitration for Sport of the International Canoe Federation. To his left is Magister Andreas Schwab, Managing Director of the National Anti-Doping Agency Austria. He is the sporting contingent on the podium – he was fourth in the two-man bob in the Innsbruck Winter Olympics. At that time he was a victim of the GDR, which competed in the bobsleigh again for the first time in Innsbruck, so you could say that the GDR cost him a medal.

On the far left is Armin Baumert, CEO of the National Anti-Doping Agency NADA in Germany, long jumper and decathlete, member of the national team, multiple German champion who then made a career for himself in sports politics and as an official, including Head of the Berlin Olympic Team Support from 1987 to 1995. It was here that he lived through German Reunification, the reunification of the sport and did some important work in this field. Then, from 1995 to 2004 he was Managing Director of the Federal Committee, then Federal CEO for Competitive Sport in the German Sports Confederation.

Mr Schänzer, here today we are holding discussions for a whole working day about combating doping – and I believe that this is highly commendable of this institution, the Konrad-Adenauer-Stiftung. In this time, while we are talking here, the other side will not be idle, in other words the underground labs will still be churning out their products. How should we imagine this? How does the other side work? Give us an impression.

Prof Dr Wilhelm Schänzer

I can't exactly say how the other side works. But I believe that it is complex. There are certainly underground labs that manufacture and distribute doping agents. We know that from the United States and there seem to be labs here in Europe, too. The police and the public prosecutors will have to take action. But the hard part is uncovering them. In America, especially the USA, some successes have been seen in the last year. Authorities in Europe should similarly try to obtain the relevant information from the USA to see where the labs in Europe are located and how they work.

Herbert Fischer-Solms

Where do you get the information about how they work?

Prof Dr Wilhelm Schänzer

Obviously, we also get information from the authorities. We also exchange information with anti-doping organisations in America and in various other countries to get further information. We know roughly what drugs are distributed and available in Europe. And obviously it is not the case that only elite sportsmen and women are served. Usually, an attempt is made to supply a large market with doping agents. It is known that not only professional and top-level sport is affected by doping, but also grassroots sport. Doping also plays a role in grassroots sport. At the moment, grassroots sport has hardly any fears with regard to doping controls. But a specialisation of laboratories ultimately only for elite sports, which are tested – only special laboratories and maybe special working groups are used for this. A few examples are known from the past, such as those in California (Balco Scandal) and Spain (Fuentes Scandal). There are bound to be even more laboratories, but I think that we only have specific and verifiable information from the past. How labs work exactly now, how they try to get their products to the client (sportsmen and women) – I just have to admit that I don't know enough. But it is now known that underground laboratories obtain large quantities of basic materials from China, then process them accordingly and distribute them so that they can be used as doping agents.

Herbert Fischer-Solms

What role is played by the internet?

Prof Dr Wilhelm Schänzer

For the leisure sector, the internet is extremely important, possibly for the professional sector too. The other side, i.e. those who want to dope, try to get information via the internet, especially to obtain new research results and information about new products (possible doping agents). After all, there are new products in the pipeline that are not just announced when they are launched on the market. There are reports about new medicines even in the development phase. Dopers certainly obtain extensive information about the new possibilities for doping. We have seen this in a well-known case in Germany, where a coach supplied an adolescent with a doping agent (this has already been mentioned). In this specific case there were investigations into the extent to which the

trainer in question obtained extensive information about new doping methods over the internet. I believe that the internet plays a very important role in obtaining information about doping. But we also have to say very clearly that experts for the other side are also active. They are usually chemists, doctors and other scientists who make their knowledge available to sportsmen and women so that they can use their doping methods while remaining undiscovered.

Herbert Fischer-Solms

You know a lot about the other side.

Prof Dr Wilhelm Schänzer

A little bit, yes.

Herbert Fischer-Solms

I will have to press you a bit here, because you have to put us in a position to be able to have our discussion today. Do you assume that there are underground labs in Germany or in our neighbouring countries, such as Switzerland and Austria?

Prof Dr Wilhelm Schänzer

I assume that there are. But at the moment, I don't have any specific indications, or any data; that will have to be found. But I do know, especially from information that I have from colleagues in the USA, that there are corresponding networks here in Europe, too, including here in Germany.

Herbert Fischer-Solms

Where are they? If we are talking about things that come from abroad – China probably accounts for the lion's share of production. What are the routes? Where are the entrances to Europe and Germany?

Prof Dr Wilhelm Schänzer

Obviously, we try to obtain data for ourselves, e.g. from relevant information that we get from the customs authorities. But we now also know that the borders are very open, especially since Germany is located in the middle of neighbouring EU countries. In general, it is always suspected that doping agents come from Asia, the Middle East, South America and Central America. There are concrete data, but also data that I can sometimes only roughly assess in terms of quality. I think that there are also ways for medicines manufactured by major pharmaceuticals firms that go abroad to find their way back to Germany illegally ultimately, there is insufficient knowledge about these ways.

Herbert Fischer-Solms

It is known that the production of these drugs, these doping agents, is immense. We know roughly the demand from the health system, from the medical sphere and, on the other hand, we know roughly how much is produced. Can you tell us anything about this ratio?

Prof Dr Wilhelm Schänzer

These are usually data often quoted in the media, but I myself cannot calculate them in this way and don't want to comment on them. I do believe that the majority of medicines are marketed illegally, but to say precisely, as is often quoted, that 80 % of EPO medicines are used illegally is not something that I could confirm. In my opinion, these data should be calculated by experts who are very familiar with the pharmaceuticals market. I personally believe that the actual figures are usually much lower. In principle, these data known from the media should be treated with caution. I would not like to state any percentages myself.

Herbert Fischer-Solms

But in principle, as we have seen in the Balco doping scandal in the USA and many other cases, there is an industry that manufactures exclusively or mainly for the drugs market, for the sports doping market?

Prof Dr Wilhelm Schänzer

We now know that very many companies, particularly in Asia, in China prepare so-called basic substances from which steroid hormones and other doping agents can be manufactured very cheaply. Specifically, this means that it is very easy to order large quantities of material from such a company in China, which can then be specially filled and distributed in a laboratory. It is very difficult to state precise data here because we don't explicitly know them. China is an enormous country and other countries, such as Russia, India, etc. produce basic substances and medicines that can be abused for doping purposes.

Herbert Fischer-Solms

I will now only ask you once more for a possible percentage. Around 1.5 %, this figure is proven, are documented, proven and prosecuted doping cases. How high is the number of unreported cases? How pronounced is the doping mentality among athletes? What is your assessment?

Prof Dr Wilhelm Schänzer

I assume that the number of unreported cases is higher than 1.5 %. But I would also be cautious to use precise data for my arguments here. We know that there are surveys that arrive at higher numbers. These surveys often ask about consumption of doping agents over a wide area of life. The approx. 1.5 % from doping controls are percentages over just one year from selected athletes in the control system. That is quite a difference. Surveys for Germany in the leisure area associated with gyms and bodybuilding show that the abuse of anabolic steroids among men is around 19 %, but is much lower for women, as far as I am aware it is around 5 % to 6 %. These are figures that are serious for certain sports that work with anabolic steroids. That is why I think that clearly citing numbers is ultimately difficult for sport in general. We only have to remember that doping is a bigger problem in some sports than in others and that it is therefore generally not possible to state a percentage for sport as a whole.

We know that there are experts who have estimated the percentages to be very high in cycling. After many scandals have become public in professional cycling in recent years, the actual percentages seem to be approaching these high percentages, but I don't want to really state 20 %, 50 % or even 80 %. I believe that we have to work at improving our anti-doping campaign. We will not be able to deter 100 % of athletes. Back to the control figures, the 1.5 % are also imprecise. They also include repeat offenders, including athletes with approval for medical use and cases where athletes had used their medication incorrectly. This means that in my opinion, actual doping abuse cannot be definitively cited.

Herbert Fischer-Solms

Thank you, Mr Schänzer. Mr Schwab, the Ski President of your country, who is still in office, has said "Our country is much too small for doping" Do you agree?

Andreas Schwab

I don't exactly know what he meant by that.

Herbert Fischer-Solms

You know very well what he meant and what I mean with the question. Once again: Do you agree?

Andreas Schwab

I don't want to comment further on this statement. At that time, I was not Managing Director of the NADA. The fact is that the President of the Austrian Ski Association, together with the NADA, is highly active against doping.

Herbert Fischer-Solms

Mr Steiner, what is the doping legislation in Switzerland? We know what it is like in Germany and Austria and other EU countries. But we know less about Switzerland. Please bring us up to date.

Dr Marco Steiner

Maybe you know less about Switzerland because we ourselves probably know less in comparison to our neighbours. I just heard with some amazement that Professor Schänzer said that he gets information from the customs authorities. At home in Switzerland, we don't have the legal foundation for the customs authorities to speak at all to a so-called independent foundation like Antidoping Switzerland, which is organised under private law. To put it in a legal context: We have legislation, we have a Federal Act on the Promotion of Gymnastics and Sport. It contains criminal offences. But in principle the doping sportsman or woman is not subject to punishment. It is mainly a matter of import, trade, prescription. In other words, the legislative means using criminal law are in place, but the authorities are not allowed to talk to us. That is the starting position in Switzerland. The problem has been recognised. We are in the process of changing things – but “we” is a big word. The Swiss Parliament is in the process of changing things. The revised Act should then enable us to communicate actively with the customs authorities, medical authorities, investigative authorities and public prosecutors from mid-2011.

Herbert Fischer-Solms

We will dig a little deeper with this subject. First of all, a question to you: How is Jan Ullrich, your cycling compatriot?

Dr Marco Steiner

I hope that he is well. I don't know him personally, that is why I can't give you any information. I don't know where he is. I don't know what he is doing at the moment. You are probably referring to the fact that he is a compatriot from the point of view of sports law. There is still a case in Lausanne before the Tribunal Arbitral du Sport, the Court of Arbitration for Sport. Antidoping Switzerland lost in the first instance and it is now up to the Tribunal Arbitral du Sport to decide whether there is any responsibility at all and, if yes, whether Mr Ullrich was guilty of doping.

Herbert Fischer-Solms

So you are assuming that the Ullrich case is a doping case?

Dr Marco Steiner

Of course. We are a type of investigating magistrate's authority, under private law of course. If we did not assume that he was guilty of doping, we would not have applied for the Swiss Olympic Disciplinary Chamber for Doping to open proceedings and would not have taken the matter further to the Tribunal Arbitral du Sport.

Herbert Fischer-Solms

Why does it take years in Switzerland to ascertain that one is not responsible?

Dr Marco Steiner

Because everything takes a little longer with us. There were various reasons. Antidoping Switzerland is only two years old. The Ullrich case is much older. Previously, the National Olympic Committee, Swiss Olympic, was responsible. There was then a transitional phase where the files had to be transferred and, at the same time, requests to inspect the files in Germany were pending. We wanted to have this information and I can tell you, it was naturally not so simple. A public prosecutor in Bonn does not simply send records to a foreign foundation, organised under private law, especially not in such a contentious case as that of Jan Ullrich, who, by the way, had excellent representation, which did not exactly speed up matters. And that is why three years passed between the Tour de France and it being possible to apply for proceedings to be opened.

Herbert Fischer-Solms

Armin Baumert, CEO of the NADA, I think we can stay on first name terms, because we have known each other for a long time. My question: Do you have any contact with Claudia Pechstein?

Armin Baumert

If the times were different, I definitely would, because after the Berlin Wall came down I was Head of the Berlin Olympic Team Support and I had good contacts with all athletes, including Claudia Pechstein. We had the advantage that others in Germany did not have. 24 hours a day we really had to make sure that the motto was not just hollow words: "one people". In sport in Berlin I believe that we tackled this well from both sides and this also included putting sportsmen and women to the fore. Claudia Pechstein was still very young when the Wall came down in 1989. She then made her way, in the interests of Germany as a whole. We from the National Anti-Doping Agency in Germany have currently received the very clever advice not to interfere in an ongoing case. However, just like the German Speed Skating Association, we have accused "Anonymous" in order to enable public prosecutor investigations into the athlete's surroundings. Interesting times lie ahead

Herbert Fischer-Solms

As a banned athlete, is she subject to the doping control system? In other words, could the testers turn up on her doorstep tomorrow – after all, she can train privately?

Armin Baumert

Just like my friends from Switzerland and Austria and all other NADAs, we have set up the system on the basis that we cooperate closely with the sporting associations. One of the most important conditions is that not all sportsmen and women of a particular sport are controlled, only some of them who are raised to a cadre status by the sporting associations in Germany or by the international associations so that they are in the focus of efforts. Anyone who does not have cadre status is outside for the time being. That means he or she is not subject to the control system.

Herbert Fischer-Solms

Good, so Claudia Pechstein is not subject to the doping control system although it is, to a certain extent, still a pending process.

Armin Baumert

I said that the NADA position does not need any further comment. We are waiting to see what happens in front of the Swiss Federal Court and we will act accordingly after that.

Herbert Fischer-Solms

Mr Schwab, what is happening with the Vienna Blood Bank? What is happening with Humanplasma?

Andreas Schwab

I know that you can certainly make me suffer as an Austrian. Unfortunately, we have a past, as we have already heard from Professor Ljungqvist today. In the case of Humanplasma, I would like to say that we, the National Anti-Doping Agency of Austria, have had the investigation files from the public prosecutors for about six months. And these investigation files contain the names of Austrian sportsmen and women and three mentors; there are also the names of international athletes.

Herbert Fischer-Solms

The standard question at these point: including Germans?

Andreas Schwab

There were no German names in this report from the public prosecutors. There is no evidence that German athletes went to Humanplasma in Vienna between 2003 and 2006. We know that there were very many rumours, but, as you know, the doping scene is full of rumours, full of untruths right up to slander. We have now handed the whole file over to WADA. Lawyers from WADA came to us in Vienna – we had very good talks. WADA together with other national Anti-Doping Agencies will start proceedings against those sportsmen and women who are not Austrians. We will start proceedings against all Austrian athletes and mentors before our Legal Commission; we have the Legal Commission in the National Anti-Doping Agency and the task of the Legal Commission in Austria is to clarify whether these athletes violated then valid WADA anti-doping guidelines or the then valid anti-doping guidelines of the

international specialist associations. We know only that these athletes went to Humanplasma and we can prove that they were there, that they had blood taken and that the blood was frozen. But we cannot prove than any athlete, whether Austria or foreign, had this frozen blood re-injected. There is no proof of this. And once again: We now have to clarify whether this procedure, this conduct by the athletes was a doping offence at that time.

Herbert Fischer-Solms

Because this returning of the blood, the refunding, that would be the legally interesting point.

Andreas Schwab

This is an interesting point under sports law because possibly – I deliberately say possibly here – this is a very contentious question that the lawyers will have to clarify. Possibly, doping – blood doping – has only actually taken place when the blood is returned. Added to this – and we have to keep stressing this – is the question of what was the anti-doping regime between 2003 and 2006. But in the negotiating body, the Legal Commission, we have the right experts who can determine this.

I would just like to say something about our President of the Austrian Ski Association. We know that Austria's problematic doping past has thrown up three cases. They were Salt Lake City 2002, Turin 2006 and Humanplasma, and all three cases have largely been caused by Walter Mayer. The Austrian Ski Association reacted firmly to this and excluded Walter Mayer from the Association. I would just like to point out that the President of the Austrian Ski Association now acts very firmly against doping, cooperates very well with the National Anti-Doping Agency and that we conduct annual, really well-organised comprehensive education and information programmes together with the Austrian Ski Association.

Herbert Fischer-Solms

Mr Schwab, I am sure you don't mind me saying that in our private conversation earlier you said that you are sure that the Vienna Blood Bank/Humanplasma case will have run its course through the courts within a year because you now have the instruments to deal with it. Within a year; are you prepared to bet that in public?

Andreas Schwab

I assume... we have a schedule of how many trials can be dealt with within a certain period and when I look at the number of names and the time available and how many cases our Legal Commission can process, it should be possible for us to have dealt with all of the Austrian cases in the Legal Commission by the middle of next year at the latest.

Herbert Fischer-Solms

At this point we would like to know what new instruments Austria has acquired? In Austria you have an Anti-Doping Act that is also worthy of the name – we will come to the Drugs Act and the revision in Germany later. What specifically characterises the Anti-Doping Act in Austria, Mr Schwab?

Andreas Schwab

The key thing is that the National Anti-Doping Agency, which is organised as a standard limited company, is enshrined in law, that all specialist sporting associations that belong to the Federal Sports Organisation in Austria and thus receive funding from the state are automatically subject to controls by us. That is 60 different sports in Austria. So all of the major specialist sports associations are monitored by us and, in the event of a positive doping test, the specialist associations no longer deploy their disciplinary commissions, as used to be the case, and as is mainly the case in Germany still, I believe. Since we have had the NADA in Austria, for exactly two years, we have had the independent Legal Commission at the NADA. There are five experts in it who then decide on the athlete's future under sports law.

Herbert Fischer-Solms

In other words, a NADA with a right of sanction?

Andreas Schwab

The Legal Commission has the right of sanction in all sports in Austria and, in addition, on 31 December last year, a law was adopted that expanded the definition of fraud in Austrian penal law to include sports fraud. In practice, for us this means – we have haven't yet had a case of

this kind – if there is now a current positive case of doping, it will be dealt with by our Legal Commission according to the aspects of sports law. But we pass all documents on to the criminal police, which is responsible for doping in Austria, or to the public prosecutors. They, i.e. the criminal police and the public prosecutors, then decide whether it is a case of fraud under criminal law. If this is the case, the athlete is reported to the court and there will be court trial against the athlete.

Herbert Fischer-Solms

In other words, Armin Baumert, this means that everything that has been hotly debated in Germany for the last year, everything that has been fiercely discussed in the Bundestag and the Bundestag Sports Committee, but what was not wanted, i.e. the crime of sports fraud, is possible in Austria. In Germany it was not achieved. Jealous of the Austrians?

Armin Baumert

We are relaxed about that point because we are an independent National Anti-Doping Agency which naturally has to observe the political and the sports policy environment, even in those points that are legally viable. So that means that everything that Andreas says about Austria is certainly one way, but we agreed with the German Olympic Sports Federation and with the world of politics, with the Federal Ministry of the Interior, that we would wait for the evaluation of this revised Drugs Act. I believe that this will be in 2012. And then we will see what the two parties responsible, i.e. politics and sport, will do then. I can only say that, no matter how charming it all sounds, we are not jealous but in very close exchanges we have found out what would happen if the NADA had this set of sanction instruments in Germany – and not the sports associations. At first sight, that would be a concentration of the NADA scope, maybe of independence vis-à-vis sport. But what happens when it comes to it, i.e. when someone who is accused pulls out all the stops with legal support etc. As Ulli Feldhoff always said, where will the “dosh” come from.

In other words, where will the money come from to really see through the trial by the NADA against whomsoever. And I doubt, when it really comes down to it, when the really big guns have to be fired, that NADA

Austria and its Legal Commission, although it is responsible, really will have the patience needed to see something like this through to the end.

Andreas Schwab

I have to answer here of course. It is absolutely right, Armin, that the Legal Commission has a very responsible task in the National Anti-Doping Agency. The Legal Commission is independent by virtue of the law, and is also called the independent Legal Commission, established in the National Anti-Doping Agency. Only we definitely won't get into material difficulties, even if we suspend or ban the very best athletes in Austria, possibly for a year, and it then turns out that the suspension or ban was wrong and he or she then sues us for damages. We are organised as a limited company and the owners of the company are the Federal Government, i.e. Austria, then the nine Austrian Federal Länder, the Austrian Olympic Committee and the Federal Sports Organisation, and even if the Legal Commission makes a mistake and makes a crass incorrect judgement, I don't believe that we will have material difficulties. Much rather, I hope that this will never happen as long as I am the one responsible.

On the other hand, however, you have to see that the athlete also has a legal route open under sports law. If he or she is adjudged by the Legal Commission in the first instance, he or she has to option of going before the Arbitration Commission in the second instances, which we also have in Austria. And if he or she is adjudged guilty again and believe that this is still wrong, he or she can go before the International Court of Arbitration for Sport, CAS.

Herbert Fischer-Solms

Obviously, we also have to add that this Austrian Anti-Doping Act is a very new law – it has been in force since 1 January 2010 – so it still has to undergo the acid test. We will follow it with interest. A question to Dr Steiner, the lawyer: What do you think of the Austrian model of the Anti-Doping Act?

Dr Marco Steiner

If you allow me to say it, I find it a very charming model and it is obviously exactly the direction that we have to go. As far as the details are concerned, I don't want to comment on them because I am not familiar enough with the details of the law and because, as you have said yourself, it still has to pass the acid test. But there is something that I have noticed in the discussion: Austria seems to be emphasising, or at least in part, legislation criminalising the athletes, but both in Germany, if I am informed correctly, and in my home country criminalising the athlete is not a priority. For us, the priority is on exchanging information with the authorities so that the whole environment can be examined under criminal law. This position is not set in stone; the discussions are still ongoing at home, as I said earlier. The revision of the law is currently in Parliament, but it will probably be the case that an athlete who "only dopes" will not be criminalised provided that he does not deal in doping agents, imports them or commits other crimes. But in principle, I believe that the Austrians are going in the right direction. I must say that they are role models for us. We are orienting ourselves on what is being done in Austria.

Herbert Fischer-Solms

Mr Schänzer, several times today we have heard of the new EU Treaty, which for the first time contains sports legislation, if we want to call it that. The intention is to set up a sports programme by 2010. And now we have the buzzword of "harmonisation". In your view, in the opinion of a scientist, would harmonisation in the area of pursuing doping, in the area of sanctioning in Europe, would that be desirable?

Prof Dr Wilhelm Schänzer

I believe that harmonisation is always desirable. We are also trying to harmonise analysis worldwide, so that doping can be pursued and sanctioned in comparable ways and so that we are effective. But I also think that the exchange, i.e. the passing on of information, between the individual countries must be very good. This point is important because professional athletes in particular are highly mobile and are not just in one country. They often work in another country, where they have their licence. In such cases, the information has to be exchanged much more

quickly. Within harmonisation, however, there should be good links between the prosecuting authorities and the national anti-doping organisations.

Herbert Fischer-Solms

So, if I understand you correctly, mentioning this means criticising this. Are you saying that exchange has not been quick in the past?

Prof Dr Wilhelm Schänzer

I don't work in this area myself. I can only cite an example where the authorities were criticised, as in the Spanish case. Tracking athletes in the Fuentes case in Spain was supposedly very difficult because not enough information was available. On the other hand, however, I have to note that the public prosecutors in Bonn received the relevant blood bag from Spain so that it could assign this blood bag to Jan Ullrich after the relevant tests. So this exchange wasn't so bad after all. But I believe that ultimately the anti-doping agencies concerned can say much more about this than I can. In the field of information, it is very important for the labs in the fight against doping to know which doping agents have been ascertained in a police investigation like the one in Spain.

Herbert Fischer-Solms

Good, I'll do as I'm told and take up Mr Schänzer's recommendation. Each one of you has one minute for a statement on how the international exchange works from your point of view.

Armin Baumert

Yes, now we are coming to the real subject of this discussion. There is no need for any more question marks. Those who are sitting here are the guarantors that we in the Western European, German-speaking network have been in practice for at least two or three years. In other words, we, the responsible full-timers and volunteers, agree completely that a strategic goal is to the fore that we keep having to repeat, even here in today's company. Who are we actually there for? We are there for elite athletes. For those who want to concentrate on this goal for a certain period of their lives and need frameworks associated with a level

of certainty. And if we understand the fight against doping against this background of harmonisation, as we have now agreed here in Austria, Switzerland, Germany and also in France, then first of all we have to harmonise something for the athletes. And this is that the interpretation of the NADA and WADA Code really is consistent and does not result in German athletes saying but the Swiss are not tested so often or are treated differently in control planning.

I believe that we have come very close to this goal, that we really have been thinking of the athletes; when they start their competitions they will no longer take special notice of their neighbouring countries because they will see people treated the same as them. This is a very important task for Europe. And when I say Europe – after all, we met in Brussels in 2007 under the then German presidency of the Council – we saw who came. Comrades came from Eastern Europe, from Southern Europe. Now we could say, why are things not going any further? I will leave the question marks. We will concentrate on what makes us stronger.

We will concentrate on the level we have reached and want our athletes – and that is who this is all about – for the next Olympic games in London and then in Sochi to be free to concentrate on this task and not on unnecessary discussions. And we really have to take the same line again, as Arne Ljungqvist said earlier. If we do not succeed in optimising quality of opportunities for German and European athletes in the world of the IOC, then this path that we are following – harmonisation – must be pursued with greater persistence. We insist on that. We are fighting this fight for the athletes who obey the rules and subject themselves to the rule and they are entitled for the supreme government of world sport to perceive this properly. For example, it is not right, as happened in Beijing 2008, for “whereabouts” to be an unknown factor for half of the participating countries. That must not happen.

Herbert Fischer-Solms

We will come back to “whereabouts”. By the way, our colleague from the French NADA is here; he intervened in the discussion this morning. Mr Schwab, your statement on the subject of the exchange of information.

Andreas Schwab

Well, the exchange of information between France, Germany, Switzerland and Austria is now exemplary for me. Naturally, we would be in an even better position if we didn't have the language barrier with France. That is an issue occasionally. It really is occasionally an issue when we meet to discuss specific issues, medical issues, legal issues associated with doping. But this is not excluding our French colleagues, far from it. When I started my job, my French colleagues helped me greatly when the Austrian, Bernhard Kohl, tested positive in the Tour de France and was convicted of doping. I also believe that it is very, very important, at least here in Central Europe, really to harmonise the WADA Code. WADA itself said that the WADA Code is the instrument to harmonise the worldwide fight against doping. And we are in the same boat as WADA, which is not sailing a very good course, because worldwide we are still very, very far from approaching doping in the same way. I only need to mention one thing: combating doping in Africa. There was not a single blood test in Africa in 2009. Or no national anti-doping agency in the Caribbean, only a regional Caribbean anti-doping agency. The tests there cannot be conducted as consistently and to the same quality as here in Central Europe.

And another point that shows the level of cooperation that we have now reached. This November for the first time we will carry out large-scale training of testers, doping testers from Germany, Switzerland and Austria, where we will bring together at least 160 to 170 testers and train them so that in future doping testing will be one hundred per cent identical in each country.

And one last point on cooperation. I know that our criminal police unit that is active in the fight against doping already cooperates very well with colleagues in Germany, Switzerland and Belgium. By the same token, we can also report that together with our criminal police we are co-mentoring an EU project in the fight against drugs and doping in Croatia. Just a fortnight ago, I was in Croatia in this matter.

Herbert Fischer-Solms

Thank you very much. Dr Steiner, the buzzwords communication, cooperation and exchange of information.

Dr Marco Steiner

Really, there is nothing to add to the words of the two previous speakers, Mr Baumert and Mr Schwab. Cooperation and the exchange of information are excellent. Just allow me to add two additional, very small points. I believe that we still have two major priorities, knowing that the four countries France, Germany, Austria and Switzerland, the anti-doping agencies talk to each other and exchange the information very quickly. I think that we have to succeed in every agency at home obtaining the necessary information from its state authorities – and Austria is exemplary in this – so that it can then be passed on to the foreign partner organisations if needed. And secondly – but this is much more minor – we also have to ensure that we achieve the same cooperation when working with the international associations. Because doping is not only combated by the national agencies and monitored by WADA; doping is also combated by international associations at their level. And these three levels, or at least two levels, can result in problems of delimitation which can ultimately mean that information doesn't flow as it should and I believe that we still have plenty to do here.

Herbert Fischer-Solms

Injustices and omissions have been referred to, interestingly from the "sporting faction" Baumert/Schwab, who remind us strongly of the athlete's situation. Mr Schänzer, what do you think the testing situation is for the Olympic sprint champion Usain Bolt. Apparently there is nothing at all. And I would also like to ask you to say something about the remarkable figures that Professor Ljungqvist threw into the room. The IOC conducts increasing numbers of tests. But is that not just art for art's sake? Are these not competition tests, which are impressive in number but are ultimately useless? Basically, wouldn't the IOC's money be better invested in other things, such as strengthening the doping infrastructure in continents such as Asia, South America and Africa by setting up doping labs. Would the money not be better invested than in competition testing where, to quote the Heidelberg molecular biologist Professor Werner Franke, "only the stupid are found out"? I believe that you don't think any differently, Professor Schänzer?

Prof Dr Wilhelm Schänzer

Well, I can't quite accept that. I believe that competition tests are very important. There are very many substances that can really only be effectively used on the day of competition. That is why the tests are absolutely necessary. Naturally, the IOC has increased the number of these tests in particular in the Olympic Games. This is a consequence of that fact that in recent years (Sydney 2000, Athens 2004) a high number of positive samples were identified. In Athens there were far more than twenty positive samples. So tests at the Olympic Games make sense.

Herbert Fischer-Solms

And in Vancouver?

Prof Dr Wilhelm Schänzer

In general, we have to say that over the years we have had far fewer positive samples at the Winter Olympics than at the Summer Olympics. So far as I know, there were five samples in Salt Lake City 2002, and hardly any positive samples in Turin 2006 in the actual tests. There is a great deterrent for the athletes because they know that there is a lot of testing. That is why testing makes sense; with a large number of tests we achieve a high level of deterrence. The money for doping tests is not wasted because we conduct so many tests. The infrastructure causes very high costs. A complete laboratory is always set up at the Olympic Games. It is then no longer important whether 1,000 or 2,000 samples are tested. But it is important that we have a high percentage in order to achieve a good level of deterrence.

But it is also important, and the IOC said this too, that tests before the Games are improved in cooperation with the international specialist associations and that the number of tests is increased. This is especially important for testing for substances that are not used on the day of competition, but in the preparatory phase. It has to be said that various associations undertook very good and effective testing before the Olympic Games in Beijing. In athletics, for example, successful tests were conducted in Russia, where several positive samples with manipulation were discovered. This shows us the importance of these tests outside competition. And the International Weightlifting Federation also con-

ducted intensive testing in the run-up to the Beijing Olympic Games in 2008 and convicted whole teams in Bulgaria and Greece of doping. This means that we have to do both in the fight against doping: tests during the competition and outside competition.

Testing in the run-up to the Olympic Games is certainly much more difficult from an organisational and logistical point of view than at the Olympic Games because the athletes have to be reached without becoming aware of the planned test beforehand. This is much more easily possible in western countries than in many countries in Eastern Europe and in countries where there are no democratic systems. In many of these countries it is hard to prevent announcement of the testers.

Herbert Fischer-Solms

But you still haven't said anything about the lack of infrastructure in the continents and what do you say about the accusation of unequal treatment?

Prof Dr Wilhelm Schänzer

If athletes have been poorly tested in the run-up to international events, possibly as indicated previously in the discussion, it is an unsatisfactory situation and the international association should think about how the testing programme for elite athletes can be improved. In general there are already programmes run by several international specialist associations who continuously test their elite athletes. If a national association or a national anti-doping organisation does not manage these tests, we have to wonder whether other organisations can help to do this. I believe this ultimately asks the following question about the infrastructure: should every country in the world set up its own anti-doping organisation? Does that make sense? Or do clear structures have to be created on a regional level to guarantee doping testing. I can't answer that. It is certainly unsatisfactory when elite athletes are not adequately tested outside competition. I believe that this remains one of the biggest problems in the fight against doping: testing outside competition. Of course it must be improved and harmonised worldwide.

Herbert Fischer-Solms

But – you are so damned cautious – say something else on this: What do you think of an Olympic 100 m champion who has never been subjected to doping tests in the run-up to Olympic Games?

Prof Dr Wilhelm Schänzer

I'm now not certain that he was never tested. There is apparently no national testing programme in Jamaica. I can't say much about that. I don't have any figures on testing. There were possibly international tests? The International Athletics Federation would have to answer that. Of course international athletes who put in the top performances must be tested regularly. It is unsatisfactory if an athlete is not adequately tested. I cannot say any more about this at the moment.

Armin Baumert

Athletics is always the focus, to a certain degree, with 47 Olympic disciplines, that is clear. The attention is obvious for a country the size of Schleswig-Holstein, but that nevertheless dominates almost the entire sprint disciplines. We can now see how the system is crumbling on this beautiful Caribbean island. One or two people have now been suspected. The situation after Beijing no longer applies, just two years later. At an international level we hear the questions, too when we are abroad: "You must have cases of this kind, too?" Especially in disciplines that are not among the least suspicious disciplines. I only need to mention weightlifting. You can only respond with arguments, stand firm and say: look at the results of the ad-hoc testing during the training process of the Olympic champions and then you can discuss matters with us.

We have done all that is humanly possible. What is important is that the 438 athletes in the German team for Beijing plus those in Hong Kong subjected themselves to a testing system – nationally, which is almost incomparable worldwide.

But we must not make too many demands of the world. There are regions that will never get as far as us. So the demand that the majority of all National Olympic Committees should have a NADA like us doesn't add up. I'll say it again: we in Germany, because of our legacy of doping in both German states, we, all of us with responsibility, have the damned

duty and obligation not to slow down and not to rest on our laurels. And this includes the demand that is included in the 2003 Foundation Constitution of NADA. A system based on “out of competition” testing alone is only half a strategy. There must be independent competition testing for the German associations in their events. Only then can we say that we in Germany have established an independent testing system. This is not yet the case. In organised German sport there are more than 60 sporting associations and we now have twelve that have concluded this competition testing agreement with us. So we can still improve and should not necessarily point our fingers at others in the world.

Herbert Fischer-Solms

Let’s stay with the Germans. The leader of the conference asked us to have a heated discussion. Armin, when presenting the NADA Annual Report last year, your Managing Director said that the NADA in Germany had the best testing system in the world. Now we have experienced meltdown in German sport: professional cyclist Jan Ullrich doped, Claudia Pechstein, the most successful German winter sportswoman of all time, doped, Isabelle Werth, the best dressage rider in the world, or rather her horse, doped. The heroes of German sport are doping cases. These were all cases that were not detected by NADA tests, but by international doping tests? So, what’s going wrong?

Armin Baumert

It’s obvious that cases like that hurt hard. Every individual case, whether prominent or no name is not good for elite sport. Nor is it good for this. You can’t expect us to sit back rubbing our hands. We are annoyed that athletes don’t stick to the rules. In 2009 we carried out a total of 15,000 unannounced tests in training, and we have 41 violations of proceedings, but not all of them needed sanctions. Only 21 of them were liable to sanctions under the rules that we have. The others were cases where the rulebook wasn’t strictly observed, for example the deregistration system.

Now, we could say ‘small fry’. But a 32-year old 2009 German champion in the 400 meter hurdles has also been caught in ad-hoc testing in training this March thanks to our persistence. Now everyone has to listen carefully. We cannot assume that everyone is like that, but this Thomas Goller had a guilty conscience every morning when he looked in the

mirror and in April at the next training test he was caught again. I tell myself that these are the hard cases, they are not so prominent in the media as the above-mentioned names. And we had Katrin Krabbe, Dieter Baumann, etc. A long chain of idols, who were also idols for young Germans, who have fallen and will not get back up again.

Herbert Fischer-Solms

And all the cycling professionals, such as Zabel, Aldag, etc. You said every case of doping hurts you, which all of those who know you believe. But you will have your own thoughts on this: where does this come from in this supposedly so intensively controlled German sport?

Armin Baumert

We can’t look into the minds of individuals. We have to believe. If we lose faith in elite sport then we can end the whole subject. That is why I believe at least that we don’t have to give up hope on this generation that we are talking about now, but this faith has been seriously damaged.

I was not present at this conference this morning because I share the upbringing of my 8-year-old daughter. I place all of my hopes in this generation: prevention, education, information so that this generation doesn’t move away from elite sport. I admit that when you see these hard cases, as a parent – even if you have elite sport in your blood – you should probably not allow anyone to take part in certain sports at the elite level. But it is still worth doing top-level sports because hope is growing again with the next generation. Others probably think the same.

Herbert Fischer-Solms

So, Professor Schänzer, is the doping mentality possibly even greater? The name has been mentioned: Thomas Goller, in Sydney 2000 – as a German, as a white man he was really something special. He reached the semi-final of Olympic Games and now he’s been caught twice. With boldenone, a drug used in breeding cattle and pigs. Boldenone is apparently banned from veterinary medicine but this person has taken it. What is going on in the heads of such athletes?

Prof Dr Wilhelm Schänzer

Anabolic steroids, with the exception of testosterone, are generally hardly available on the medical market in Germany, and this is also the case in many other countries. Boldenone is one of the most commonly abused anabolic steroids. According to the statistics, in recent years boldenone comes after testosterone, stanozolol and methandienone in fifth place among the most abused anabolic steroids. It is an anabolic steroid with a similar structure to testosterone. Anyone who wants to dope themselves with an anabolic steroid can work with a drug of this kind. Incidentally, anabolic steroids, including boldenone, are still available for the leisure market. There is enough information about this, with advertisements using enhanced performance with the relevant anabolic steroids, including boldenone. I cannot say why an athlete should turn to this substance in particular and what recommendations lie behind it. It is a well-known phenomenon for an ageing athlete to want to continue and even improve upon old performances. Ultimately, the reasons for this substance are clear, i.e. performance enhancement, thus improving speed.

Herbert Fischer-Solms

Professor Schänzer, as the expert you must take this opportunity to explain two things to us. Firstly: what is the current state of affairs, which doping agents, which methods are currently not tested for or cannot currently be detected?

Prof Dr Wilhelm Schänzer

It is usually the case that athletes obviously try to turn to substances and methods that cannot be tested or that we find it difficult to prove. We still know, for example, that testosterone, an anabolic steroid naturally found in the body, can be tested, but the time window is very short. There, too, we are still trying to use corresponding effects for improved proof. But the athletes continue to use these steroid hormones in international sport because they are apparently a group of substances that can enable effective performance enhancement. At international competitions in particular, we keep finding cheating athletes from countries where in-training testing is not quite so effective. This means that we can detect steroid hormones (with the exception of testosterone) for a very

long time. Blood doping with one's own blood is still an enormous problem. Unlike doping with someone else's blood we cannot yet prove it and therefore not even assess the scale of abuse. There is a blood transfusion shortly before a competition after an athlete has had blood removed and stored beforehand. We just have to imagine this: athletes have up to a litre of blood removed in the winter and then exchange around half a litre of their removed blood every month so that it remains stable. Fresh blood is taken regularly and blood is reintroduced from the stored sample. These are techniques that are really practised.

New substances that are currently of interest, which we believe may be in use, include EPO-relevant substances. For example, there is a completely new group, so-called EPO-mimetics (e.g. hematides), which, unlike the CERA that became known in 2008, cannot be detected with the current EPO testing method. That is why it is particularly important for the doping samples from the Vancouver Games to be stored in the long term so that tests for hematides, which will be available soon, can be carried out retrospectively.

In principle, we can say that athletes obviously try to dope with substances that are also produced by the body because it is more difficult to distinguish between substances produced by the body or doping. And abuse is also possible with substances where the time window for proof is very short, such as growth hormone and testosterone. We currently also have problems in proving insulin produced by the body. Substances relevant to doping that are also produced by the body are the biggest problem for analysis. And I believe that athletes and the back-room boys who supply the sportsmen and women with doping substances know this. This is confirmed by the information that we have from confessions from athletes in cases from cycling, such as Telekom, from the Fuentes case in Spain and currently the statements by Floyd Landis. They all admitted which substances had been used. And these were only those areas where at the time insufficient or unsatisfactory proof of doping could be furnished.

Herbert Fischer-Solms

A second question, Professor Schänzer, concerns the doping case of the Swiss cyclist, Thomas Frei. After he was identified by a positive test, he very openly reported that the sector of those who want to dope works

with mini doses. In other words, they regularly take their mini dose that is so small that it cannot be detected if it is taken with very large quantities of water. After all, the tester doesn't come in the night. Is this method widespread among athletes?

Prof Dr Wilhelm Schänzer

I believe that it is certainly one technique, working with mini doses. Whether that is enough to have positive effects is another matter. But we cannot rule out a possible effect. However, this technique isn't new. We assume that it has already been practised for years. It has also been communicated. It possibly started when it was possible to prove the presence of EPO. This threw up the question of when we can still prove EPO; if the dose is reduced and smaller quantities are used. These are marginal areas where the relevant scientists who want to support athletes are trying to get information.

Ultimately, I am of the opinion that we have to work with the appropriate quantities of substances to achieve an effective doping use.

Herbert Fischer-Solms

Then a third question. In Austria, we have seen that the triathlete Lisa Hütthaler, attempted bribery in the officially accredited Austrian doping testing lab when she was there when the B sample of her doping sample was opened. An attempt at bribery that failed. Question: How often have you been bribed?

Prof Dr Wilhelm Schänzer

In my entire career I have received only one phone call, from an official from one of the former Soviet republics, who asked me whether an imminent B sample analysis could be prevented with an appropriate sum of money. Otherwise, there hasn't been a single attempt at bribery. That is why I have never experienced criminalisation in doping as such, as is often talked about. I have often experienced that sportsmen and women convicted after a B analysis actually thank me politely. Admittedly, they were crying and I almost had the impression that the dopers still have a little bit of the sporting spirit.

Herbert Fischer-Solms

Dr Steiner, you are bound to have read the book by your compatriot, Beat Glogger, *Run for My Life*. It deals with a sprint star who has been genetically modified in such a way that he beats all others and the drugs mafia wants to get to his genetic material. The author, who is an economics journalist by the way, says that the reality is so exciting that he didn't have to exaggerate too much. What do you have to say about this?

Dr Marco Steiner

Is there anything to say about this? I don't know. Naturally, I have not been in the business long enough to be able to take a definitive stance on it. Yes, it could be the case. I know the people on whom he modelled his hero. I think that it is just a novel, but I have too little experience to be able to assess that definitively. I have also never come into contact with it in such scenarios.

Herbert Fischer-Solms

A sentence from you on genetic doping, Professor Schänzer.

Prof Dr Wilhelm Schänzer

When using the term genetic doping, we have to distinguish between two areas. There are now actually three areas that will soon have different definitions. What is always being discussed in gene-therapy approaches to see whether we can use appropriate methods that then, for example, put the body in a position to produce its own doping agents, such as EPO, growth hormones or testosterone. In animal testing, a method has already been developed, gene doping with EPO, but it has remained at the development stage for animals. There are currently no methods being developed for humans because the EPO drugs currently on the market are much too good, meaning that there is apparently no interest from the pharmaceuticals firms. But we cannot rule this out in general. Our French colleagues have already developed a possible method of detecting gene doping with EPO. WADA (the World Anti-Doping Agency) sees gene doping as a very important point, right at the top of the agenda in its anti-doping measures. WADA is already funding research programmes so that when certain gene doping methods are used, it will be

possible to provide and develop proof (adapted to the relevant method) much more quickly than was the case in the past. I believe that gene doping could be a problem in future; currently, I don't regard it as a problem. But we cannot rule it out and we could even be surprised tomorrow (it would be in the press) because some athlete has tried to achieve doping effects with a measure that has only been developed in animal experimentation.

Herbert Fischer-Solms

Thank you very much. Before we hand the word over to you, a final, brief aspect that is often forgotten but that is very important. I need only say prevention, Armin, you mentioned it briefly. When we look at the financial means in the NADA budget, then prevention isn't so high on the agenda after all?

Armin Baumert

It's higher than it's ever been before but that still isn't enough. Nevertheless, I say that irrespective of financing, there are networks – especially in the field of prevention – that have been ignored to date. Not just by sport, but also by the ministries of culture, which are responsible for sport in schools, and maybe also by the NADA in the early days. We have now, I believe, proved – and the Council of Europe's observers' group praised us for this – that we can use the next generation elite sports system in Germany, via the 40 elite sporting schools and via the 20 Olympic Support Centres, without paying a single euro for it, so that we can arrive at really sensible and practical preventive work. This is an example of how everyone has to sing from the same hymn sheet in a federal state system like the one in Germany.

In other words, not just a single institution, the NADA. Starting from primary school, everything that can be done against addiction in society, including sport, must be incorporated in the curricula of German schools, in a measured fashion, obviously, and without exaggeration. It must all become a binding part of the curriculum. And we must no longer be able to find that the subject was not on the curriculum at all in some of the 40 elite sporting schools. We will succeed in this task only if the network of the parental home is also included. That is extremely important. And another thing: the previous example when Andreas said that the cat

wouldn't allow mousing. If I hear the name of a trainer here who was outed at the Olympic Games, taken away by the police, etc. And I then see that he apparently can't gain a footing in a sport any more and he takes a retirement opportunity and carries on. For me, these are points where I say how long do we still want to wait? These migratory birds who are destroying international and national sport, i.e. trainers and managers, how long do we want to let them carry on working? Who will send out the signal there? There has been a case of this in Germany: Thomas Springstein. There, I will say the name. The trainers want and must have even more security on the one hand so that they are not in the firing line. Social security, yes, because, for example, they must also be required to communicate their observations in the training process. If the performance of one of their athletes increases by 20 %, the alarm bells should start ringing because that is not possible with normal training methods in most sports. And that is here I stop being calm. When I see how we here are all making every effort while others, including trainers, are not fulfilling their really responsible educational and specialist tasks.

Herbert Fischer-Solms

Mr Schwab, prevention at the NADA in Austria, financial means and their implementation?

Andreas Schwab

I believe that we are financially on a very satisfactory path. 30 % of our budget funds are used for prevention, 30 % of the entire budget go only to prevention, and that is satisfactory, in view of the circumstances. It cannot be too much because I also believe that young people are our future and that the groups of, say, 20, 25, 30-year-old elite sportsmen and women who already dope can no longer be reformed. So I see things very soberly and, I believe, realistically. We will not reform anyone there. In Austria I tend to say why should we go there, they already think we are naïve and tell themselves that they know better than the people in the National Anti-Doping Agency.

I believe that young people are especially important because we have an educational and informative role there, because we already have major problems in practically all of the countries of the European Union with young people and drugs, alcohol and nicotine and we don't want doping

to become yet another problem among young people in youth elite sport as well as grassroots sport and fitness training. That is why I believe that there is much preventive work to be done.

In Austria, I am critical of the involvement of the Health Ministry. I have also said that repeatedly in Austria. In my opinion, the Austrian Health Ministry should do much more in the field of prevention, information and education, generally in grassroots sport, in fitness training. I believe that the national anti-doping agencies worldwide are much too small for this, they don't have the manpower and, above all, the budgets.

And the same applies to the Education Ministry. I am fully behind Armin, I believe that there should be much more information and education in sports lesson or even in biology lessons or wherever it fits.

I just want to say something in conclusion. The three terrible Austrian doping stories, I will say it again and maybe they will not be talked about internationally as much as now in the preparatory phase. Salt Lake City, Torino and Humanplasma, these three doping scandals are characterised by one and the same person. This is one person who damaged and denigrated the Austria Ski Federation and, consequently, elite Austrian sports worldwide. That was Walter Mayer. And we have still not managed to remove him from circulation in Austria.

Armin Baumert touched upon it. A month ago, his current partner, a marathon runner, refused a doping test in Croatia when we sent doping testers to a training camp there.

Herbert Fischer-Solms

Mr Steiner, doping prevention in Switzerland.

Dr Marco Steiner

Antidoping Switzerland has a dedicated department that deals with information and prevention. As for the importance of prevention, I can only agree with the two previous speakers where young people are concerned. Well, you wanted a contentious discussion. I would say, up to what age is one a young person? Up to 16, 17, maybe 18 at most. I personally don't believe that prevention works for any others. I believe

that we have to inform these athletes. Information is not prevention. It is about informing so that everyone knows the rules and, in knowledge of the rules, then decides what path to follow. I don't believe that we can influence grown-up athletes with a preventive message.

Herbert Fischer-Solms

Thank you very much, Mr Steiner. So much for the discussion on the podium. We will now open up the questions to the auditorium.

Questioner

I have a question for Mr Schwab. You have just announced the composition of the Austrian NADA. It seems that I missed something there; you have the BSO, the NOC, the Länder and who was the fourth? The Federal Government?

Andreas Schwab

Yes, the owners of the limited company, NADA Austria, are the Federal Government, i.e. the State of Austria with 53 % of the shares. Then we have nine Federal Länder in Austria. Every Federal Land holds 5 %, and I always say a symbolic 1 % is owned by the National Olympic Committee and the Austrian Federal Sports Organisation. They are the owners of the National Anti-Doping Agency.

Questioner

I am familiar with the structures in Austria, the BSO, which is sub-divided into three organisations....

Andreas Schwab

...three umbrella organisations....

Questioner

...Umbrella organisations and the NOC, and you have also mentioned the federations. What is the role of the BSO in bans and testing with respect to the federations and what is the role of the NOC? Who informs?

Andreas Schwab

It is organised so that the shareholders, they are the owners, and they provide the money. But they do not have any means of intervening in daily business, in testing processes, in the doping testing system or in jurisprudence. The doping testing system is organised in such a way that we have a Doping Selection Commission. It is made up of three experts, who advise us or our doping control system about when, where and which sportsmen or women should be tested at what point ideally in training. That is a Doping Selection Group. Otherwise, no one has anything to say.

If a sportsman or woman has a positive test, we are notified by the relevant laboratory and we or the lab informs WADA, the International Specialist Alliance and us, NADA Austria. Those who ordered the test. And we then start proceedings against this sportsman or woman before our Legal Commission, which in turn is made up of five completely independent men in this case - three lawyers, a sports doctor and a toxicologist. The Legal Commission is independent by virtue of the law. No one, neither the National Olympic Committee, nor I nor the Federal Government nor the Länder nor the Federal Sports Organisation can intervene in any way. It then decides.

Herbert Fischer-Solms

Thank you very much for the clarification. Please, Prof. Ljungqvist.

Professor Arne Ljungqvist

asks about cooperation between the national anti-doping agencies and the justice authorities in the state concerned

Andreas Schwab

I'd like to answer that first. Well, in Austria we got a regulation last July from the Austrian Justice Ministry whereby the Austrian public prosecutors can allow us to view all files relating to doping matters under criminal law. We have all the files when the criminal proceedings have been completed before the courts. And Austria has gone much further and I believe, Professor, you will be pleased to hear, that I also briefly

mentioned this: we were able to give WADA and its lawyers the entire Humanplasma file. I believe that that has very, very rarely happened to date anywhere in the world. So Austria is going very far there. WADA has all the means to now understand what has been learnt there and what we are doing.

We have now also created the opportunity for the IOC. We have received an inquiry from the IOC as to how we intend to proceed with Humanplasma and we indicated to the IOC that it should coordinate with WADA so that we don't have to report to two international organisations. So, we can work very well.

And at this point I would also like to point out that I believe it will be necessary all over the world to be successful in the fight against doping if it is possible for criminal proceedings to be launched in every country, otherwise the fight against doping doesn't stand a chance. There is no point in convicting individual sportsmen and women of doping occasionally. Dealing in banned substances must be prevented.

Armin Baumert

From our point of view I can only portray the current status. Earlier, I spoke of the possibilities agreed between sport and politics and this takes the form of us cooperating very closely with the public prosecutors in Munich. Very, very closely. Including in the Humanplasma case. And that we cooperate very, very closely with a public prosecutor in Bonn at the location of the NADA. And that always means in the legal sphere, not on the voluntary board or with X and Y peoples, but very clearly with reference people who then discuss individual points long and persistently with the experts on the other side.

This possibility exists. We will have to wait and see how this strategy develops worldwide. I want to state my private opinion: when I see how youth protection legislation has been cobbled together in Germany over the years since the War, I believe that our Youth Protection Act is a good law. But there are problems with implementation, as we seen in individual cases. So a law alone is not the deadly weapon. And, Professor Arne Ljungqvist, please allow me to add another sentence. I understand this demand of Europe. I see things in exactly the same way. And our western cultural sphere also advises us to stand up to all that is bad in

the world. I am very old-fashioned there but I believe that I am right. But when we see how quickly values are being lost in society, then I say: am I Sisyphus or Don Quichote or something? This is a general task for society to come back to what our generation received from its parents.

And then I can only say we would love to give away some of our expertise as NADA Germany. Incidentally, the Brazilians have also been in Bonn. They were here for information, so we already have international contacts. But when the big boys who motivate us, WADA and IOC, were to review their resources, we would be much more willing to respond to this call. I cannot call upon WADA. 25 million dollars, someone might like to correct me here, is its annual budget. That is nothing in comparison to the powers who operate worldwide with criminal energy. That is nothing, it's not a budget.

Things look a little different at the IOC. But then we really have to say, friends if you imagine that the NADOs are providing positive "development aid", we will be happy to do so. But quid pro quo – it has to be paid for. We can't do that from our subscriptions, which are earmarked. I would be happy to do so, but there are many who think like that.

And another thing: the key to the whole problem lies with international regulators of sport, admission to the Olympic Games is the most effective instrument. And if, damn it, ten years after establishment of WADA not everyone in the world who can – not everyone at the same speed, we all know that, there really are countries who want to but just can't yet. But if the highly industrialised and powerful countries still have deficits then I could now say – I know that hardly anyone will listen to me, but it would be associated with justice - let's only admit those who really are working on this strategy. This calling on those who are striving for the equality of opportunity for their athletes, should at least be received with openness by those who hold the associate opportunities in their hands.

Herbert Fischer-Solms

Thank you very much. Are there any more questions? Then we would round things up now and conclude this discussion.

Dr Bernard Simon, Representative of the French NADA

asks about the possibilities for NADA research and about the practice of international cooperation in fighting doping.

Armin Baumert

First of all thank you very much that we have heard the French voice here after all. It has become clear that we are not acting alongside each other, but really are agreed in this cooperation and the information. I can only say that we have no way of researching or of commissioning research. That is not part of our range of tasks.

In Germany, we have institutions such as the Federal Institute for Sports Science and the universities and, above all, the laboratories. Professor Schänzer in Cologne and Dr Thieme in Kreischa are the addresses that generate applications and finance for their research projects. We are happy to act as intermediaries.

Herbert Fischer-Solms

International cooperation, that was the second question.

Armin Baumert

If I remember rightly, it has not yet been necessary in the three years. But if international, then Austria, Switzerland, yes but not beyond that.

Andreas Schwab

We have not been designed for that in Austria, either. Not for supporting or financing research. In Austria things are like this: we have a WADA-accredited lab, and this lab receives funding directly from the Austrian Federal Government. I also know that WADA repeatedly commissions research projects from our lab in Austria and finances them there. And the lab can develop further in this way.

Dr Marco Steiner

Antidoping Switzerland has its own research department, but we don't conduct our own research. We support applied research, i.e. especially with the lab in Lausanne, which we provide with funding and try to make our own inputs within the scope of projects, and the same applies, for example, to Cologne.

As far as cooperation with the international associations is concerned, I touched upon it briefly earlier. I will say it now a bit more directly, it is – and I am glad that Professor Ljungqvist is not in the room at the moment – between very good and catastrophic. The spectrum is very broad.

Herbert Fischer-Solms

The last question from Folker Hellmund, Head of the EU Office of the European National Olympic Committee here in Brussels.

Folker Hellmund

Yes, this goes with the question that has just been asked. We are here in Brussels now and the EU will play a greater role in this field of anti-doping in future, and the sports ministers have just stated that anti-doping will be an issue.

I would like to know how you see this role. Earlier, I had the opportunity to speak to Mr Ljungqvist. He said that the only thing that is missing – and you said it, too, Mr Baumert - is implementation. The sports ministers should be helpful there and not try to launch new legislation. So

I would be pleased if you were to see it the same way.

And Mr Schänzer, last year we had the opportunity to talk to your deputy, Dr Geyer. At our conference in Athens last year he said that the funds to start research were lacking. Is that still the case? And would that be one of the demands that you now have of the European Union: support us in our research activities? Then, I believe that would be a good signal for the sports ministers who could then set the ball rolling.

Prof Dr Schänzer

I believe that it was a correct demand that my colleague made there. Years ago, within the scope of the 5th Framework Programme of the European Commission (1998-2002) we had the opportunity to process financially sponsored projects in the field of doping detection. After that, it was no longer possible. That is an important point because the budget that WADA makes available worldwide for research is just under 4.5 million dollars per year – and that is relatively little, definitely too little. I believe my colleague, Hans Geyer, also indicated that there should be possibilities to fund case-related research projects. Incidentally, this is something that we do on a small scale with our national anti-doping agency. Often new questions arise in current cases which then have to be processed with short-term intensive research projects. A new testing method may have to be developed quickly. Usually, a research project has to be applied for at an early stage; there are run-up times and it can only be processed after approval. This is usually associated with a not inconsiderable time lag. So we need support here.

Armin Baumert

I want to say this again because we are looking at the German side here: I must stress that the development of financing all NADA tasks by the Federal Government has been exemplary in recent years. There is nothing left, we have to see things very realistically, especially given what financing scope there really is in our country. We have the option from the Federal Government that we can keep the status that we currently have in financing.

But very clearly, in the federal system, especially in the area of prevention that I mentioned earlier, we have to bluntly say that there have not been major improvements on the status of 2002, the year the NADA was established. We are still making persistent efforts with regard to the conference of sports ministers of the Federal Länder. And things are moving now thanks to Mr Caffier, not least also because of our new NADA Managing Director Dr Göttrick Wewer, who obviously became familiar with the instruments of the political landscape in the Federal Ministry of the Interior as a former State Secretary. This is advantageous for us.

German business, which sponsors sports in all respects, some winter sports athletes have 11 logos on their outfits, is very distant where standing up to doping is concerned. Deutsche Telekom, Deutsche Bank, Adidas and a fourth smaller company, Bionade, are our co-financiers. And what else? We should really get worked up about this all the time. But we are now in a good position thanks to our own marketing concept, which obviously has to convince the desired business partners and, I say optimistically, will convince them.

Andreas Schwab

The question was that EU sports ministers want to become more involved in the anti-doping issue. If the sports ministers do that, it would be very good. But I believe that the sports ministers should try to involve the health ministers and the education ministers or whatever – are there ministers for young people in other countries? The sports ministers alone – I am judging this for Austria – don't have the chance to be as successful alone as they should be because in sport we do not have the budgets or manpower, and I believe that I am speaking for Switzerland and Germany as well, to be able to work successfully in grassroots sports, young people's sports and in fitness. Therefore, it is essential to think of these ministries, too.

Then the interior ministries must, I deliberately say must, cooperate, justice ministries. The exchange of information, criminal police, I believe I am repeating myself for the third or fifth time. That is very important. This has to be organised so that it happens bit by bit and must not be complicated by bureaucracy. That will take us further.

Herbert Fischer-Solms

Thank you very much, Ladies and Gentleman. Today we have discussed "Anti-Doping Successes in Europe thanks to the Network of National Anti-Doping Agencies". The heading was "On the Trail of the Offenders". I would like a closing statement from each of you. I will start with Professor Schänzer, how do you see the prospects? On the trail of the offenders – do you think this effort has good prospects of achieving even more success in the fight against doping?

Prof Dr Wilhelm Schänzer

Support has become much better in recent years. This is a positive development. The gulf between the dopers and the "doping hunters" has become narrower. For dopers it will become increasingly difficult to dope without detection. In addition, cooperation with the relevant state investigation authorities and the police has improved the fight against doping markedly.

Herbert Fischer-Solms

Thank you very much, Professor Wilhelm Schänzer, Head of the Institute for Biochemistry at the German Sports University in Cologne. Armin Baumert, please.

Armin Baumert

Those who want to dope will continue to do so because they are no longer in charge of their senses. They have sunk into the mire in which they find themselves. They don't come out and those who try to do not usually manage a convincing new start. So I place greater hope in our prevention strategy. It is the best weapon in the fight against the hostages of sport.

Herbert Fischer-Solms

Armin Baumert, the CEO of NADA Germany. Dr Marco Steiner, what is the Swiss perspective on things?

Dr Marco Steiner

I don't think we can win the fight against doping. But we don't have to win it; we just have to make the gulf smaller and I am quietly optimistic that we can do that.

Herbert Fischer-Solms

Dr Marco Steiner, thank you very much, the Deputy Director of Anti-doping Switzerland. And the closing words go to you, Mr Schwab.

Andreas Schwab

I believe that the fight against doping will have to be continued undiminished. Another figure: worldwide in 2008 there were 220.000 doping tests and analyses, and ultimately only 1 % were positive. If we want to improve and then also improve prevention then we are on the right path.

Herbert Fischer-Solms

Andreas Schwab, Managing Director of the National Anti-Doping Agency Austria.

Thank you very much for taking part in the discussion. Thank you in the auditorium for your interest.

DOPING AND ETHICS

THE PURSUIT OF EXCELLENCE AND THE SCOURGE OF DOPING

ETHICS IN SPORT AS A SOCIAL PARADIGM

Kevin Lixey

As I was asked to speak about ethics in sport as a social paradigm, let me say something about this word paradigm, which comes from the two Greek words "παρά", meaning "by" and "δείκνυμι" (*deiknumi*) a verb meaning "to show, or to point out". Thus, it could easily be translated as "to show by an example or pattern". With Thomas Kuhn's "Structure of Scientific Revolutions", scientific paradigms and namely, "paradigm shifts" became popular terminology. In the English language, thinking "in the box" encompasses the reasoning of normal science; whereas thinking "outside the box" is what Kuhn calls revolutionary science. In the social sciences, paradigms have gained ground to describe one's world view or "Weltanschauung" for our German speaking friends; the world view is that set of experiences, beliefs and values that affect the way an individual perceives reality and responds to that perception. A "dominant paradigm" refers to the values, or system of thought, in a society that are most standard and widely held at a given time.

This being said, we could ask: What have been the dominant "Weltanschauung" or paradigms for the world of sport over the last 25 centuries or so? Not an easy question to answer!

But, considering that philosophy of sport professor Dr. Karen Joisten of the University of Mainz already did this homework for us at a sport seminar held in conjunction with our Vatican office a few years ago, I would like to share with you her findings as a backdrop for my talk today. After doing so, we will be in a better position to consider the connection between sport and ethics in light of these social paradigms, and the possibility of proposing a “paradigm shift” for the world of sport that could be advantageous in the fight against doping.

Professor Joisten’s working hypothesis¹ is along these lines: the manner in which we human person – consciously or subconsciously – approaches sport (and especially regarding the care or concern to his or her body) will be similar to the way he or she deals with his self in other areas of life an especially regarding their mortality. Thus, sport can be interpreted as a kind of mirror of society in which the especially pronounced intellectual-cultural positions of a time go hand in hand with the way the same society approaches sport, and in particular, how a certain epoch envisions its athletic idols or heroes. Trust me, although it seems complicated, the following brief sketches of some dominant paradigms over the last 25 centuries will help illustrate this point.

COSMOS CENTRED PARADIGM

So, first of all, let us begin with ancient Greece. Here we have what Joisten calls the “cosmos centred” paradigm. This is a world view that is neither God centred nor man centred, but rather, on nature (*phusis*) where all creation or all the cosmos seeks to reaching its full “telos” or natural end already present in seed form in its nature or essence. Of course, this aspect is highly Aristotelian. Yet, the pursuit of excellence in ancient Greek athletic competition, dates back long before Aristotle to the ritual of holding funeral games to honour the dead or royalty. In sporting contests, *arête* is manifested above all in excellence in physical strength and agility. While the noble dead are honoured by these lavish funeral games, the living participants who compete strive for a type of “immortality” by being remembered for the athletic feats, for their excellence. Later, the pursuit of excellence would also be incorporated into the pursuit of the virtuous life.

GOD CENTRED PARADIGM

Later, with the spread of Christianity throughout the Roman empire, we have what Joisten considers a “God centered” paradigm. Here, there is a deep sense of being creatures created by a Triune God, where the human person is a pilgrim in a valley of tears – yes, but with a vivid hope of an eternal life of happiness. While some claim that Christians of this age totally despised their body (as symbolized by corporal penance). This depreciation of the body is more akin to Gnosticism than Christianity as the very Incarnation of the Son of God gives unprecedented value to the body. I see corporal penance or martyrdom- the supreme sacrifice of the body- as both being a subordination of the body and earthly life to a higher cause. The martyr simply values being true to their faith more than extending their life temporarily on this earth in the hope of gaining eternal life. When religious persecution ceased, the “heroic life of a martyr” is transferred to the severe asceticism of the monastic life – and both in a certain sense – replace the athletic idol of the ancient athletes of Olympia or the gladiators of Rome.

In the later Middle Ages, there arises the ideal of knighthood, where brave young men embrace the code of chivalry and engage in battles to defend their king or the Holy Land or some other cause. In lieu of battles, jousting tournaments arise. Yet these are quickly condemned by the Church (in favour if the body and human life!) because these tournaments unnecessarily exposed the knights to risking mortal wounds in the pursuit of folly and vainglory (Here, perhaps, we can see a sort of precursor to the risks taken in doping for similar purposes).

MAN CENTRED PARADIGM

I admit that we are making sweeping generalizations in order to offer a sketch of these paradigms; so I ask the reader to bear with me.) At the end of the Middle Ages, and especially during the Baroque period – arises the ideal of the “galant homme”. Here, the perfect gentlemen was understood as the compete harmony of body and mind. The men and ladies of court had to have a good intellectual and physical education if they sought to be fully refined and acknowledged at court.

With the flourishing of science, and the coming of the “Enlightenment”, man moves to centre stage, as his reason takes him to new heights. With this capacity of science to now obtain precise measurements, and to quantify everything quantifiable, we have a shift that Alan Guttman neatly sums up with the title of his book “From ritual to record”! The stage is thus set for Coubertin and the Olympic games, which have man and humanism as the key actor! Yet, also with this new found confidence in science, comes a certain blind faith in that all which is scientifically possible is also licit. When this mode of scientific thinking mixes with the now much more calculable and relentless pursuit of “citius, altius, fortius”, it can become a potent cocktail that continues to inebriate the sport of today.

TRANS-ANTHROPOLOGICAL PARADIGM

So, where are we today? Joisten makes well the case for one last dominant paradigm that she calls “trans-anthropological”. In this fourth paradigm, man is concerned, after the disappearance of God, with the task of overcoming his own self. The man centred *Weltanschauung* has become obsolete. The world becomes a manifold intertwined network constituting of a vast web that is very broad but also very shallow! This world view can be described with the help of the image of the rhizome, an underground rootstock which does not possess a main root, thus lacking a centre: the complete opposite of a tree or a root wherein a centre point and a hierarchy is always determined. So too our paradigm today, is a meandrous and labyrinth-like mode of thinking and understanding of the world which lacks a fixed centre and an origin: the Facebook era where it is possible and almost mandatory to be able to connect to every arbitrarily chosen point with one other like the rhizome.

As Joisten notes, Friedrich Nietzsche’s mad man describes our situation in a poignant way: “...wither do we move? Away from all suns? Do we not dash unceasingly backwards, sideways, forwards in all directions? Is there still an above and a below? Do we not stray, as through infinite nothingness? Does not empty space breathe upon us? Has it not become colder? Does not night come on continually, darker and darker? ...”²

The Enlightenment has expired and there is nothing new that remains to be explained. There is nothing mysterious in it, it is transparent as mesh. It has no depth. Along with the loss of faith there is also a loss of tradi-

tional ties and tradition per se, leaving man radically thrown back on to himself, having lost any foothold or orientation.

So, what will happen to man in trans-anthropocentric age after having before placed all the focus upon himself in the scientifically saturated anthropocentric age? According to Joisten: “After the death of God, the death of traditional relationships and knowledge acquired through experience, the loss of time and space, of values and the omnipresence of technical images, man has – in a figurative sense – begun to kill himself. He has abandoned himself and is now endeavouring with every possible means – whether bio-technology, artificial intelligence or media-theory research – *to create something new and different: a trans-human!*”³

There are then two tendencies to overcome the existing human person: one is the *trans-human meta-body*, the other is through a *trans-human intellect*. Both tendencies share the mutual interest of demolishing the physical constrictions and limitations of man to become unlimited, without horizon and immortal at last.

We should note how the quest for a trans-human meta-body aligns itself well with the fitness-craze, the quest for the most state of the art doping procedures and the future exploitation of new biotechnologies that could produce made to order genetically modified athletes in the future. In pursuing superior performance, human beings have long sought advantages obtainable from better tools and equipment, better training and practice, and better nutrition and exercise. Besides the pharmaceuticals of today, tomorrow, we may also find help in new technological capacities for directly improving our bodies and minds-both their native powers and their activities-capacities provided by drugs, genetic modifications, and surgical procedures (including the implantation of mechanical devices).

In a 2008 *Spiegel* interview⁴ with Dick Pound, the former president of Wada spoke of some of the future horrors of Bio genetic engineering with this example. Dr. Sweeney of the University of Pennsylvania has – through genetic engineering – increased the muscle mass in laboratory mice by 35 percent. Half of the emails he receives are from athletes who ask him: “Try it out on me”. When Sweeney tells them that he works only with laboratory animals and has no idea how a human body would respond, they email back: “That’s ok; do it to me anyway!” According to Pound; the world of people who dope is a sick world!

Thus, something tells me that the dominant paradigm in sport today is not “the important thing is to participate”, but rather, the athletic ideal of our time can be understood as the realisation of the trans-human meta-body.

AN ETHICAL RESPONSE: A PARADIGM SHIFT TO VIRTUE ETHICS IN SPORT

A. Proposing a paradigm shift

In the battle against doping, appeals have been made against doping in order to safeguard the long term health of the athletes, as well as to uphold fairness. And this must continue!

We can note that already in 1955, Pope Pius XII observed: “Youth must realize that ... no motives can prevent the sportsman from observing the common moral law with its three-fold object: family, society and self. In this last aspect, one must deplore the error of claiming the right to dispose unconditionally of his body and thereby to submit it to obvious risks and to exhausting efforts, or else, in order to obtain results that are beyond his own natural forces to absorb gravely noxious substances such as the case when consuming highly stimulating drugs, which besides being likely to cause harm to the body of a possibly irreplaceable nature, are considered as fraudulent by specialists!”⁵

Yet, in spite of these appeals, doping is ever more prevalent and is killing athletes just as it will kill sport itself. The lives of many athletes have been claimed because of this scourge, however, sport itself is not dead yet. It seems that the pursuit of excellence that began with the Greeks and continues today with greater intensity – victory at all cost- is the true “Achilles’ heal” of sport today? It is sports weak point. Yet, could this same Achilles’ heal also be our point of attack, the door to enter into this world and create its transformation; In other words, could the quest for excellence also be a type of catalyst for change? Let me explain.

I was asked to speak about “ethics in sport as a social paradigm”. But, in doing so, allow me to propose “*virtue based ethics in sport*” as a new paradigm – or paradigm shift – in the fight against doping and other maladies that afflict sport today.

As noted, the pursuit of excellence is innate to the human person. Our aspirations to reach lofty goals are at the heart of much that we do and much that is admirable about us. Many of us aspire also to excel in the specific activities to which we devote ourselves; and nearly all of us admire superior performance whenever we encounter it, even in areas where we ourselves are only mediocre. Huizinga makes the case in the classic *Homo ludens* that this competitive streak, this desire to play, to pursue excellence in a myriad of fields is also responsible for the creative flare of genius in the human person that has been at the heart of each culture. He sights the ancient Greek Olympics, the magnificent Roman games, or the baroque period in art, as emblematic of this.

In a certain sense, **doping has its roots in this quest for excellence in this relentless pursuit of “citius altius fortius”**. However, it is a pursuit of a false excellence through fraudulent and illicit and health damaging means. True excellence cannot be pursued through non excellence, through illicit means! In our shallow rhizome era, we need a deeper, more comprehensive understanding of true excellence, especially as it applies to sport. While the anti-doping campaign must continue, raising awareness and fostering government and non-government body participation, perhaps we could also tap into this quest for excellence, by rooting it in a hierarchy of values as found within a virtue orientated ethics.

In our third Vatican sports seminar held last fall in November on the mission of Catholic sport associations, we focused one of the panel discussion on “What does it mean to be a champion?” In other words, we set out to explore how we, and how should we, define success? Is it only to be defined in external terms of gold or silver? Or internally?

According to Coach John Wooden, one of most winning coaches in US college basketball, “Success is peace of mind that is the direct result of self-satisfaction in knowing you did your best to become the best you are capable of becoming.”⁶ One point to stress here is that success is primarily determined from within as you are the only one who really knows whether you have won or whether you have cheated. Perhaps we are quick to forget the deeper thirst for the transcendent that lies within each and every person. He or she is not only “*homo economicus*” but also *homo sapiens*, where it is man’s thinking and spiritual capacity that should distinguish him from an ape, setting the human person within

a framework that goes beyond the mere material and extends to the spiritual.

This begs the question of where lies the true source of self-satisfaction. Is it not more internal than external? Are doped athletes really happy in being victorious for a few years until their medals and health are eventually stripped away from them? Where lies their happiness then? I recall these haunting words of former boxer, and also former convict who has spent time in prison, Mike Tyson, who responded to a question in this way before his last fight: "When I'd get up in the morning, my former trainer (Cus D'Amato) would make me breakfast. Now, he's not around anymore. I'm going to do well, but when I come down to it, who really cares? [...] I'm not happy being victorious. I fight my heart out and I give it my best, but when it's over, there's no Cus to tell me how I did, and no mother to show my (newspaper) clippings to!"⁷

Pope Benedict, during his recent trip to Prague, touched on this quest for excellence- especially as it relates to youth. "At the present cross-roads of civilization- he said- so often marked by a disturbing sundering of the unity of goodness, truth and beauty and the consequent difficulty in finding an acceptance of common values, every effort for human progress must draw inspiration from that living heritage. Europe, in fidelity to her Christian roots, has a particular vocation to uphold this transcendent vision in her initiatives to serve the common good of individuals, communities, and nations. Of particular importance is the urgent task to encourage young Europeans with a formation that respects and nurtures their God-given capacity to transcend the very limits which are sometimes presumed to entrap them.

In sports, the Pontiff went on to say, young people welcome the opportunity to excel. Is it not equally true that when presented with high ideals they will also aspire to moral virtue and a life of compassion and goodness? I warmly encourage parents and community leaders [...] to promote the values which integrate the intellectual, human and spiritual dimensions of a sound education worthy of the aspirations of our young."⁸

B. Virtue ethics in sport

As mentioned before, sports talk is littered with reference to the achievement excellence. So too is virtue ethics. *Arête*, in ancient Greek, meant just that: excellence. *Arête* could mean the excellence of anything. In human terms, a virtue, then, is a way of being humanly excellent. People are not born with excellence but, rather, become excellent by acquiring a certain human quality.

It could be said, that in attempting to establish a singular ethics of sports based upon the cultivation of virtues, I am suffering from excessive nostalgia. There may be some truth in this claim. The shared identities, norms and purposes of the *polis* are long gone and inapplicable to the modern multicultural world that is short on tradition. Yet, if sports, with their explicit rules and implicit ethos of fair play, cannot help to model human behaviour, it is difficult to see what modern practices can. Thus, I uphold that sports, when staged in the right way, could be a *rich arena for practicing virtue ethics*.

What would virtue ethics in sport entail? Obviously, we cannot offer a treatise on this here, but a brief sketch of some of its potential and actual application is in order. Let me explain some of these ways the practice of sport – with its internal dynamic of seeking excellence – can lend itself to the practice of certain virtues.

a) *Self-control*

There is an English saying: "At table and at play, a man gives himself a way." This is to say that a person manifests his or her character – or, if you prefer, their degree of self dominion – when they are precisely in the heat of the game where the player reveals how much will power or self control dominates over his or her compulsory inclinations? How one plays on the field, doesn't automatically determine how one performs in life, but there is some overflow. One who cheats on the field might easily cheat in other areas of their life; while one who shows composure in the heat of the game – keeping in check their compulsory urge to punch the referee in the face for calling unjustifiable foul – might also show composure in other situations off the pitch. This is one of the ways sport can be a paradigm of human behaviour in general.

Since we are on the eve of another World Cup, allow me to quote from Cardinal Joseph Ratzinger, on the eve of World Cup of 1978. Speaking about the great hype over this event, the then Archbishop of Munich stated: “the fascination for football consists in the fact that it unites the following two aspects in a persuasive manner. First of all, it “compels the human person to exercise self-discipline”, so that they may gain control over themselves, and through this control, reach self mastery. In turn, this self mastery leads to freedom.”⁹

b) Learning to obey rules

Players of a game, mutually accept certain rules and boundaries that determine the game, and make it what it precisely the type of game. If in a game of soccer, a child picks up the ball and starts to run with it, the children themselves are the first to recognize this breachment of the rules and will unanimously decry the guilty culprit as a spoil sport for not playing by the rules, for the spoil sport has spoiled the play, making it what it isn't.

As moral philosopher Alasdair MacIntyre points out, **there are communities** constituted by a tradition and also *communities constituted by the practice they develop*. A community of practice is a socially established cooperative of human activity through which goods internal to that form of activity are realized in the course of trying to achieve those standards of excellence which are appropriate to it. He cites sport as an example of such a community of practice. Furthermore, as MacIntyre points out: “A practice involves standards of excellence and obedience to rules as well as the achievement of goods. To enter into a practice is to accept the authority of those standards and the inadequacy of my own performance as judged by them. It is to subject my own attitudes, choices, preferences and tastes to the standards which currently and partially define the practice.”¹⁰

The rules of the game, which all mutually obey, unite the competitors together by a common bond. The freedom of play – when rules are respected – gains a certain seriousness and this tension that directs play is only resolved when the game is over. **Note, I am not saying that** the presence of contrary vices is not prevalent in sport. I am merely claiming that sports because of the very nature and purposes, place demands on all players. Their responses are obligatory in nature through

rule structures and conventions. Observing them, and doing so not only because of a fear of penalty or sanction, still challenges us because of our weakness of will and the ready availability of (more or less substantial) external goods that incentives the ends of victory over the means of playing fair and well.

c) Role models

In Aristotelian thought, understanding the right thing to do, feel, and see is a product that is learnt from wiser souls than ourselves whose grasp of practical judgement is more reliable than our own. Yet, it is not enough only to *know* what to do, but also *to do it*, for it is by doing just acts that the just man is produced, and by doing temperate acts the temperate man is produced, etc.

But, as Aristotle also keenly notes: “But most people do not do these, but take refuge in theory and think they are being philosophers and will become good in this way, behaving somewhat like patients who listen attentively to their doctors, but do none of the things they are ordered to do. As the latter will not be made well in body by such a course of treatment, the former will not be made well in soul by such a course of philosophy.”¹¹

This is precisely why philosophers have stressed that sports can be an important arena for the development of virtue: they can provide, in a very public way, occasions for practicing good and evil. Sport activities create relatively controlled, and sometimes contrived situations, we can afford opportunities not merely for sporting youths to “try out” moral action, but to think and feel it out too. Here the role of the coach is crucial!

Yet, also important to note here is that – for better or worse – the importance of sound role models for the young people to emulate. Professional sports are also a realm of heroes – of star athletes who young children look up to. Because of this, **elite athletes are publicly held accountable** for higher standards of conduct and character. We are setting the bar high and asking of athletes more than might be expected of others. But it is precisely because of their high profile, and the enormous financial endorsements or social prestige, that expectations of higher standards are justified.

In a *New York Times* interview from August 2008, sport psychologist Dr Brim, who is author of the book *The fame motive*, says that seeking fame is not the number one motivation for most athletes, but, according to his research, it is rather, the drive to simply be their best! The article cites the remarks of gymnast Natalie Comaneci: "I didn't want to compete to make history; I wanted to compete to be my best!"¹² Once again, the quest for excellence surfaces.

Although there are plenty of bad apples in professional sports, there are also many positive role models for the youth to look up to, who going against the grain of direct competition, they act in ways that are selfless, (such as assisting fellow athletes who are injured, or deliberately eschewing easy opportunities to win at the expense of incapacitated opponents) or exercising honesty by indicating to the official that they have broken a rule when it was not realised, etc. Clearly many people under such circumstances would seek to gain unfair competitive advantages. Yet, the fact that, with so much to win and lose, the vast majority of athletes rejects opportunities to cheat is one reason that we properly think of them as above everyday folk.

d) Teamwork

It is often said that sports focus on competition which fosters egoism. Logically speaking, this cannot simply be the case. What is playing sport if not an appeal to suspend all differences of creed or colour in order to strive together for victory? Competition requires co-operation. Sporting contests cannot survive without this shared spirit we often call fair play. Neither can team sports excel without team play, as players learn to insert their individuality into the service of the entire group.

e) Other virtues

While it is fairly obvious that one would need virtues such as discipline, determination, persistence and tenacity, as sportspersons whose endeavours are focused on a specified goal, one would also need "courage" and "prudence" in knowing when which levels of risk were really worth taking in one's sporting life, which is usually only a microcosm of a life fully and wholly lived over the full course of one's allotted years. Ignoring one's future health by risk taking in one's adolescent years (say by doping) represents a challenge that demands great prudence and moral imagina-

tion. Yet, all have at their base this quest for virtue in general, this quest to excel at their endeavours.

To sum up this section on virtue ethics in sport, I again turn to Pope Benedict's words with occasion of our last sports seminar: "In our time, when an urgent need to educate the new generations is evident, it is therefore necessary for the Church to continue to support sports for youth, making the most of their positive aspects also at competitive levels such as their capacity for stimulating competitiveness, courage, and tenacity in pursuing goals. However, it is necessary to avoid every trend that perverts the nature of sports by recourse to practices that can even damage the body, such as doping. As part of a coordinated, formative effort, Catholic directors, staff and workers must consider themselves expert guides for youth, helping each of them to develop their athletic potential without obscuring those human qualities and Christian virtues that make for a fully mature person."¹³

C. Implementing a paradigm shift

As we have seen, the trans-anthropological paradigm of today lacks a centre, as it is characterized by shallow, rhizome like roots without depth, nor hierarchy, and consequently, without meaning. Thus, the first step to creating a new paradigm would be to give the human person a firm anchoring, a ground to stand upon.

In his encyclical letter, *Caritas in veritate*, Pope Benedict XVI observes: "Without God man neither knows which way to go, nor even understands who he is [...] A humanism which excludes God is an inhuman humanism. Only a humanism open to the Absolute can guide us in the promotion and building of forms of social and civic life – structures, institutions, culture and ethos – without exposing us to the risk of becoming ensnared by the fashions of the moment." (n. 78).

In previously sketching the various characteristics of each of these dominant paradigms, we can see that each paradigm has its positive aspects as well. The appreciation of excellence and the acute sense of the *telos* present in the essence or nature of each thing is something that could be to our advantage to recover. Especially with regards to the human person, the Holy Father noted just last week: "But today, Nature is considered as a purely mechanical thing, which therefore does not con-

tain any moral imperative in itself, any value orientation: it is purely a mechanical thing and orientation comes from being itself."¹⁴

Regarding the God centred paradigm of the Middle Ages, it would be beneficial today to recover this sense of being creatures and consequently, of having human limits. From the renaissance era we could recuperate the sense of balance emblematic in the *gallant homme* who cultivated both his body and his intellect, and the quest to integrate science with faith. As for the trans-anthropological era, we can learn from this that a man centred paradigm doesn't suffice, and man himself thirsts for the transcendent. Yet, instead of seeking to overcoming man himself with a meta body or a meta intellect, we could seek a deeper understanding of his spiritual dimension through a recovery of the spiritual heritage of Europe, this rich patrimony that is all too easily dismissed for a much bleaker horizon. One positive side to the "rhizome-like age" is this a greater sense of being connected with others, could help man overcome a false concept of his autonomy, that claims that man must develop himself by and for himself without impositions from others.

This concept is erroneous, explained Pope Benedict XVI, because man's self is defined in relation to others. "In reality, the essential fact is that the human person becomes himself only with the other. The 'I' becomes itself only from the 'thou' and from the 'you'. It is created for dialogue, for synchronic and diachronic communion. It is only the encounter with the 'you' and with the 'we' that the 'I' opens to itself."¹⁵

Dominant paradigms are shaped both by the community's cultural background and by the context of the historical moment. Some social scientists attribute the following as the conditions that could facilitate a virtue ethics paradigm would include: educators who propagate the paradigm's ideas by teaching it to students; lay groups that embrace the beliefs central to the paradigm; dynamic leaders to introduce and support this alternative paradigm; professional organizations giving legitimacy to the paradigm; media backing: journalists and editors who write about the system of thought; government agencies who give credence to this other paradigm.

CONCLUSION

In a very general way, we have seen how man's approach to sporting activities and sports heroes reflects in some way his world view of himself in each epoch. This has also given us a sense of where the human person is heading, and what is driving this meta-body trend that is much akin with doping and the use/abuse of biotechnologies of tomorrow. We have also been able to see how attempts to debunk doping in sport was necessary and will continue to be but are at the same time insufficient. We need to change a mentality, and this requires incentives as well as prohibitions. It requires positive role models as well as penalties; it requires preventive education as well as controlled testing. In light of this what was proposed here is a virtue ethics in sport paradigm shift that seeks to incorporate this dynamic of excellence – already latent in sporting pursuits as well as in the deeper aspirations of the human person – into the pursuit of virtue at all levels.

I now conclude by asking whether or not a paradigm shift is actually taking place? Let us reconsider the success of the Paralympics at Beijing, where stadiums were packed full of Chinese spectators to watch Paralympians as they were part of a vast population who couldn't get tickets to the Olympic events. Here we are talking about a country that has a poor track record with regards to human rights, where parents are only permitted one child. Consequently, a perfectly healthy baby- and especially a baby boy are the favoured conditions by some people's standards- in order for that child to survive birth. Nonetheless, in this very same country, its inhabitants were buying tickets and filling mega stadiums to watching Paralympians – athletes who might not be considered "ideal" as they might be missing a leg or an arm or are confined to a wheel chair – to compete at the international level.

Such was the popularity of the Paralympics in China that it was rumoured that IOC members were concerned that the Paralympics were growing in popularity while Olympic diminishing. I don't think this is the case. But, I do think that the Paralympic Games live up to their motto of "inspiring and exciting" the world by enabling Paralympic Athletes "to achieve sporting excellence!" The president of the International Paralympic Committee (IPC), Sir Phil Cravens, who participated in our sport seminar last fall in the Vatican, noted: "When talking about Paralympians, we shouldn't talk about champions despite the obstacles; rather, they are champions precisely by overcoming these obstacles!"

The world has enough cheaters. Consequently fans don't want to have to watch them in their favourite sports. They would prefer to see genuine human greatness: human excellence at its best. People have loved sport for its transparency and unpredictability and will continue to do so. Although, other than an Oscar Pistorius, we might not remember the names of the Paralympians, the images of greatness of these athletes – of being champions in spite of and precisely through obstacles – are etched in our mind and strike a deep chord in our heart. These athletes too are true witnesses to the greatness of the human spirit in a way that is very attractive as well as contagious and inspiring. And this greatness of the human spirit is precisely that excellence that virtue ethics in sport and through sport seeks to promote!

- 1| Cf. K. Joisten, "Der Mensch, die Endlichkeit und das sportliche Idol – gestern und heute", in: *Sport und Christentum: Eine anthropologische, theologische und pastorale Herausforderung*, D. Mieth / N. Müller / C. Hübenthal [eds.], Grünewald, Ostfildern 2008, pp: 20-38.
- 2| F. Nietzsche, *The Gay Science*, W. Kaufmann (ed), Vintage Pub., New York, 1974, pp. 181-82.
- 3| K. Joisten, "Der Mensch, die Endlichkeit und das sportliche Idol – gestern und heute", in: *Sport und Christentum: Eine anthropologische, theologische und pastorale Herausforderung*, D. Mieth / N. Müller / C. Hübenthal [eds.], Grünewald, Ostfildern 2008, p. 36.
- 4| M. Grosseckhöfer / C. Gilbert, „Interview with Former Anti-Doping Czar: Doping Is Organized Along Mafia Lines“, in: *Spiegel Online*, 12/02/2008, <http://www.spiegel.de/international/world/0,1518,druck-593937,00.html>
- 5| Pius XII, Address to the Centro Sportivo Italiano, 9 October, 1955, found in *Italian in Discorsi e radiomessaggi di Pio XII*, Vol. XVII (1955), p. 277. [my translation].
- 6| J. Wooden / J. Carty, *Coach Wooden's Pyramid of Success: Building Blocks for a Better Life*, Regal Books, Ventura, 2005, p. 17.
- 7| T. Kluck, *The Reason for a Sports: A Christian Fanifesto*, Moody, Chicago, 2009, p. 48.
- 8| Benedict XVI, Address to political and civil authorities and the Diplomatic Corps at Prague Castle, 26 September, 2009, in: "L'Osservatore Romano" Weekly English Ed. N. 39, 30 September 2009, p. 7-8.
- 9| J. Ratzinger, *Co-Workers of the Truth: Meditations for every day of the year*, Ignatius Press, San Francisco 1992, 262-263.
- 10| A. MacIntyre, *After Virtue: A Study in Moral Theory*, Notre Dame Press, South Bend, 1984 (2nd ed.), p 187, 190.
- 11| Aristotle, *Nicomachean Ethics*, Bk. II.V: 1105-21.
- 12| B. Carey, "After Glory of a Lifetime Asking 'What now?'" from August 18, 2008 in *New York Times Electronic edition*, found at <http://www.nytimes.com/2008/08/18/sports/olympics/18psych.html> .

- 13| Benedict XVI, "Message to the President of the Pontifical Council for the Laity on occasion of the International seminar on Sports, Education and Faith: a new season for the Catholic sports movement", in: „L'Osservatore Romano" Weekly English Ed. N. 46, 18 November, 2009, p. 5.
- 14| Benedict XVI, Address to the General Assembly of the Italian Bishops Conference, 27 May, 2010 in *L'Osservatore Romano Weekly English Ed. p.*
- 15| *Ibid*, p.

DOPING – ETHICAL PERSPECTIVES

Dietmar Mieth

1. THE SITUATION OF SPORT TODAY

Sport can look back on a successful history over the last 100 years, over the course of which it has changed its face greatly. Modern sport has religious-moral sources (Coubertin and the Olympic Idea); it grew out of national-romantic revolutionary movements ("father of gymnastics" Jahn), certain education systems (e.g. in the United Kingdom) and it developed from the democratisation of leisure, which not only increased but became accessible to all.

By contrast, sport today in the early 21st century is marked by the factors of commercialisation, mediatisation and medicalisation. First of all commercialisation: An active interest in sport as a leisure activity and a passive interest in elite sport have increased greatly. On the one hand, this has resulted in an entire industry at the service of sport, right up to boosting one's self-worth through merchandising; on the other hand, industry makes use of sport's success and the demand for it by means of advertising contracts and sponsorship and thus gives sport an enormous financial boost.

The mediatisation of sport in the top-level professional sector peaks in astronomical figures in media marketing. There is a gulf between the growing importance of the media to sport and responsibility in the media.

Ideals, such as “taking part is more important than winning” or “there are higher values than success” are becoming increasingly obsolete in these contexts.

Medicalisation means on the one hand, sport is associated with the benefit of health, but on the other with pressures on health from specific, often one-sided and extreme achievements. The factor of medical care has therefore increased in importance and assumed tremendous proportions. This can be seen in the offerings from the pharmaceutical industry and in the ever-more specialised demands made of medical staff, for whom there are no appropriate training certificates approved by sporting associations or the state.

On the one hand, sport is a mirror on society. Even its ambiguities can be viewed in this context. On the other hand, the supply and demand of sport embody a set of benefits or values with a special profile and therefore appear attractive because they cannot be had (or appear to be had) so efficiently in any other way. These benefits include: health in the meaning of fitness, pleasure in exercise, the experience of competition, enjoyment of achievement and success, discipline, new opportunities for contact, educational and cultural opportunities, a role model function for fairness, solidarity, social mobility and social integration, etc.

Doping is only one factor that appears to be irrevocably linked to the realities of sport today. Doping is attractive as far as the use of problematic means is concerned. It is not just a matter of enhancing performance, but also about compensating for pain and damage, cutting regeneration times and, finally, about the choice between short-term but intensive success and longer participating stability coming down in favour of the former option. Doping is therefore a highly complex phenomenon, the ethical discussion and legal treatment of which have to struggle with particular difficulties.

2. DIFFICULTIES IN ETHICALLY DEFINING THE SUBJECT OF DOPING

The complexity of the phenomenon of doping is often unknown. Since doping is often equated to illegal performance enhancement, sometimes called “artificial”, and since this term is considered to be clear, people call for a war against doping without clarifying the complex prerequisites. These are found in the scientific, medical, legal and political spheres.

Viewed medically, anything that damages health is not allowed. But the parameters of health are not easily uniformly normative and cannot be specified at the same time for all types of sport irrespective of context. There is also a lack of scientific studies and follow-up analyses here.

Doping is often pragmatically, politically and legally often equated to banned lists of certain pharmaceutical products. But these lists differ from country to country and differ just as much with respect to sporting associations and sporting disciplines. This not only throws up the question of whether and how harmonisation can be achieved, but also how inclusion or non-inclusion in a banned list is justified.

The different regulations between the sporting associations on the one hand and between sport and the state on the other (see below) increase the difficulty of the argument, especially since different legal reasons are cited and different legal systems have to be taken into account.

The demand for products, their transfer and availability depend on all possible regulations (e.g. customs and bringing into circulation). Even when pharmaceuticals are being produced, the question remains as to whether they clearly serve a medical-therapeutic indication.

Much depends on the status given to the doping problem in the media, in society, in sporting organisations and by those with political responsibility. This is where strict and more relativist positions often come up against each other.

A particular problem is posed by sporting ideologies that either suppress doping as a problem or use it as an excuse to hide other problems. National ideologies or an attempt to claim that sport is clean in face of the facts can have a suppressing effect.

The investigation and testing of doping cases involves a complex and often opaque system of laboratory analyses (with a lack of uniformity), testing methods (situations, times, tension between privacy and legal control), differences in investigation, legal classification and the possible extent of punishment, etc.

The doping problem is thus linked to many other structural, political and legal areas. In particular, at this point it is worth mentioning the problem that dealing with issues of health, economy and law at an early stage is usually missing from child-rearing and education systems.

3. DOPING AND THE PUBLIC

Public opinion is repeatedly concerned about doping. On the one hand, sport is a central expression of life in social culture; on the other, heroism and cheating are very close neighbours when worshipping success. The exposed sport is a sensation either way. It has its roots in the increased sporting nature of life; the trend towards achievements continues in compensation by means of achievement of another kind. Even if the body corresponds to the norms of health more with abstinence, the motivation to exercise is more tempting.

The public reacts to doping in various, often extreme ways. Strong rejection puts doping on a par with taking drugs, fraudulent manipulation and corruption, which is suspected just as readily in sport as it is in politics – unfortunately often correctly in both regards. But there is also a shoulder-shrugging acceptance that laughs about clean competitors and believes doping is more a type of “business as usual”. Thirdly, there is the position of suppression that mostly doesn’t want to disturb consumption of sport with negative side effects and shuts its eyes to them.

The inappropriateness of these extremes in view of a highly complex phenomenon is apparent. The fighters against doping have called for more solidarity and partisanship; they are standing up against trivialisation and defeatism as much as against profiteering without a conscience. They are faced by the relativists, who see doping more as an offence that is becoming visible, that complies with standard behaviours; they play it down and refer to the difficulty of clearly identifying the negativity of doping (see below).

Sport, especially top-level sport, owes its existence as a cultural phenomenon to the fact that it whips up feelings. The more central the emotion in the active or passively consumer sporting culture, the more the sensational outshines the moral. Just as a crash involving vehicles and bones can be an instrument of entertainment, the manipulation of performance is just as “sensational” as the performance itself.

All of these phenomena contribute to a veil in front of the matter of “doping” that first of all has to be penetrated with explanation so that doping can be talked about in an ethically relevant way.

The role of the media here, with a few exceptions, seems to be split in two. Because the sport media in particular praise the success and condemn the instruments that lead to it. Often, success can only be logically achieved with the use of instruments that are classified as harmful performance enhancement (see below). The media don’t point out the direction here; they live like vultures from flights of fancy and falls, from floating without gravity and from corpses. No help can be given here without assuming a directional task that reflexively gets involved with ethics as thinking about morals. Without ever having understood media ethics, the media use morals as a weapon of revelation and condemnation. Without controlling their own contribution to the collapse in sporting morals, they much rather intensify the lack of ideas and the slippery slope, i.e. the yoyo effect of combating doping. (We are familiar with the yoyo effect from trying to lose weight by using short-term dieting that results in the dieter putting on even more weight when he/she returns to his/her former way of life.)

4. THE TERM “DOPING”

Doping is a complex term. If we equate it with illegal performance enhancement, we have to explain what is illegal and why. Four elements interact in the justification:

Firstly, the risk to the values associated with sport, in particular fairness in competition and fitness appropriate for the body.

Secondly, the health risk to which a doping sportsman or woman additionally exposes himself or herself (and possibly others) according to objective criteria.

Thirdly, the fraud or deception of society’s expectations that human capabilities and performance, which are enhanced by training, bring about the success without performance enhancements and advantages being achieved due to medicalised manipulation.

Fourthly, consensus on “what is illegal”: a result of a debate about self-regulation in sport and, in the event of insufficient efficiency, a debate about statutory regulations.

Doping along the lines of morally and/or legally impermissible performance enhancement should therefore be viewed as the result of a convergence argument. An argument of this kind is not based on a single decisive reason, but brings together various reasons that converge in a direction. A single categorical criterion for doping would always end up in contradictions. Because not every performance enhancement is wrong; risks to health are tolerated (smoking, extreme sport, etc.); there is no such thing as “natural” performance or it is hard to define; a morally relevant difference between medication and extreme training methods (e.g. space simulation) is hard to prove. On the other hand, health in sport, for example, is a value inherent to sport that must not be allowed to be inverted into its opposite and every competitive system in society needs an understanding of equal starting opportunities and taking impermissible advantages. For it is precisely in a society in which personal freedom has a high standing that the condition of the opportunities of freedom have to be constantly examined and regulated if necessary. This is the much-praised “Justice as Fairness” (John Rawls). Laying down the criteria for the debate needed for this is part of the duties of ethics.

5. DOPING AS CROSSING A BOUNDARY

There are morally acceptable methods to enhance performance. They are characterised by the fact that they revive, develop, intensify and strengthen the body's resources. They should also be used permanently where possible and it should therefore also be possible to conserve them. This is not always possible in the same way. But the short-term performance of the body should be balanced with the sustainability of a good physical condition and should not lead to long-term damage.

The limits of the body can be shifted, but not removed. They must not be shifted too far or for too long. That is why gradual and cautious methods of performance enhancement should be preferred over abrupt and interventionist methods. In this regard we also talk about “naturalness”. This also means care and finite nature with respect to the body.

This is also the case for limits to developing mental strengths (concentration, motivation, stabilisation, etc.). The experience that elite sport can only be practised for a certain time is not just due to the depletion of physical strengths. This experience is also typical of other extreme performances, e.g. in management careers.

Doping is therefore a crossing of a boundary that can no longer be defended. Since the boundaries and the limits for pressure can differ individually, the individual ethics of performance enhancement can also vary. But since sport is a part of social culture and social solidarity, the boundaries need to be generalised. Law cannot be based on an individual case. That is why it has to set average values for physical capacities. Thresholds (e.g. in emission protection) are always the result of negotiation processes in a culture of experts. As many perspectives of responsibility as possible must be involved.

The identification of doping methods is therefore linked to a debate aiming at consensus. However, this consensus should not simply adhere to the strategic minimum or the lowest common denominator of those involved; its argumentation should refer to the above-mentioned boundaries, the recognised values in sport as a sponsored cultural phenomenon and thus the justified expectations of society and, in particular, the health propagated by sport and the resultant obligations to act as a role model.

6. INVESTIGATION METHODS

A list of doping methods should include standardised descriptions of the types, the quantities, the ingestion methods, etc. just as much as standardised methods of taking doping samples and testing substances in the lab. The investigations should handle an appropriate combination of ritualisation and surprise in order to ensure both legal certainty and efficiency.

So that sampling, testing and investigation methods can really test doping, or scare people off doping, there must be commensurate financial, scientific, technical and structural investment in them. Some of the income of sporting associations should be tied to this purpose, in a way that can be legally checked. At a subsidiary level, state investments, e.g. by setting up foundations, could also be considered.

In view of the dispute about testing reliability and its efficiency, there should be (anonymous) surveys among sportsmen and women at regular intervals to ensure a realistic assessment.

Any future developments should be foreseen and addressed preventively. For example, this is the case for genetic and/or neurological effects, where they can be classified under the above-mentioned perspectives of responsibility and crossing boundaries.

7. MEDICAL ASPECTS

The usual medical ethical principles also apply to sports medicine: Respect of autonomy, non-maleficence, orientation to the wellbeing of the person being treated and fair distribution of the available resources.

Such criteria can come into conflict with each other if the sportsman or woman reclaims autonomy as self-determination over his or her own body and if the doctor then has to plead non-maleficence. The doctor should not respect any autonomy that has to be interpreted as arbitrary self-harm. Because he is working as a sports doctor, or is working in sports medicine as a sideline, he should primarily remain obliged to his patient but, also to the patient's benefit, he should also be obliged to the values to which the sportsmen and women and their associations have committed themselves and under the preconditions of which society culturally privileges and funds sport. A specific code for sports medicine could be considered along these lines. This would ensure the legal attributability of medical doping incidents to the doctors involved. The loophole of a specific codified ethics in sports medicine should be closed. But it is essential to ensure that the doctor does not become a sports official, but primarily remains obliged to his patient. Neither top-level nor grassroots sport can be practised without adequate medical care. But since a specific spectrum of commodities worthy of protection determines the cultural value of sport, this also has to be taken into account in medical provision.

8. ECONOMIC ASPECTS

Sport as a popular cultural activity is often also indirectly or directly becoming an economic activity. Be it via merchandising, advertising, sponsorship, capital formation or inclusion in share ownership and the

associated acquisition and valuation structures – the economic aspects are pushing themselves more and more to the fore. However, the sports economy cannot guarantee the smooth annexation of sport to the laws of business; it is obliged to adapt the economic forces and autonomies of the specific culture of sport. Sport economy in a responsible sense means economy in sport, not economisation of sport. Only under the condition of the autonomy of value-orientation of sport, in top spot here, the value-compatibility of performance enhancement, does economic assistance make sense in terms of sports ethics.

The commercialisation of sport also includes duties towards sport. The instrumentalisation of sport for profit should be associated with the promotion of the values whose standing is brought about by economic success. That is why sponsors, the media and people marketing sport should also be prepared to take part in the war against doping – as a risk to health, unfair competition and the disappointment of justified expectations. Financial contributions, the withdrawal of support and participation in campaigns to combat doping should be part of a voluntary undertaking code in the sport economy.

9. LEGAL ASPECTS

Different legal situations can be seen in the internal regulation of doping in the various international sports associations. They are also characteristic of nationally differing procedures in matters of investigation, prosecution and punishment. Standardisation is needed here. It can probably only be achieved by means of a charter, a convention or – with the appropriate consensus – an EU directive. The autonomy of sport must be respected, but firstly it is relative vis-à-vis the overlapping laws and secondly it can be removed if sport cannot solve its own inherent problems that also affect society. There are two sides to the principle of subsidiarity: the granting of self-regulation by the higher-level body and its obligation to intervene and help if regulation is not enough or is not applied efficiently. The legally valid definition of doping should be the same internationally. Furthermore, the levels of authority and their interactions should be clarified. The legal reasons for access to and condemnation of doping should also be uniform (self-harm, harming others, cheating analogies, etc.).

The more important the sporting cultural activity has become at the top and in the masses, the less it can avoid juridification. This is also a matter of aspects that touch on doping, but go beyond it: the protection of young people, children's rights, the protection of clean athletes against manipulation by their environment.

Furthermore, it is about institutions such as the World Anti-Doping Agency, that have to be legally secured to such an extent that they are an independent body vis-à-vis the sporting associations, sport economy and sport politics.

10. ETHICAL ASPECTS

If doping is viewed as an ethically wrong use of means for competitiveness, reducing pressure, enhancing performance and regeneration, it must be explained what is against good morals and what can be called ethically wrong. This is about values that are inherent to sport and to which it owes its reputation and attractiveness (1), furthermore it is about rights that those involved in sport can claim actively and passively (2), finally it is about the duties of solidarity that exist mutually between sport and democratic society (3).

For the active sportsman or woman the values or benefits anchored in sport, the realisation of which is ethically relevant, even ethically required, are health, fitness, enjoyment of exercise and life, discipline, opportunities for contact, educational opportunities, cultural values, such as travel, languages, leisure opportunities and much more. In relation to other active people, the values are comradeship, fairness, cultural integration, recognition of the other and what is different about him or her, consideration and much more. With respect to the social status of sport, they are role model functions in the performance society and in a society based on solidarity, cultural and educational function, integration of foreigners, moral ties of social expressions of life and their forms of expression and much more.

The rights to be anchored in sport are:

- Self-development and self-determination in harmony with the voluntary undertaking of the values recognised by participating in sport;
- Right to the inviolability of one's own body, of one's development in identity with person and gender;
- Right not to be instrumentalised or exploited. This is especially the case for children;
- The protection of vulnerable groups of people (e.g. sport for the disabled);
- Equal access, limited only by talent and performance;
- Non-discrimination;
- Right not to be deceived and tempted;
- Right for a balance between risks and success;
- Right to non-maleficence by others (trainers, competitors, doctors, associations, media, audience);
- Right to co-determination by the active participants;
- Right to a share in the resources developed by sport
- (and many more)

The duties of solidarity for sport are:

- Preventive measures to protect the sporting nature of sport and the associated values;
- appropriate cultural promotion or, under certain circumstances, withdrawal of the same;
- legal general conditions under the condition of subsidiarity;
- supervision of the social, ecological and media environment;
- protective measure for people involved in sport actively and passively;
- duties of solidarity among active participants;
- duties of solidarity among active participants vis-à-vis legitimate expectations.

All of these values, rights and duties can be defined with respect to the doping phenomenon. This is especially the case since doping by definition limits or endangers the realisation of the values, rights and duties under solidarity. Whereas direct combating of doping can be tackled under sports law, criminal law and institutionally (investigation, revelation, prosecution), indirect combating of doping is also possible by promoting the values, the rights and adherence to duties. In particular, asserting one's own rights must include respecting the rights of others.

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Thomas Bach was born in Würzburg on 29 December 1953, he has a doctorate in law, was in the 1976 Olympic Champion and 1976 and 1977 World Champion fencing teams (foil), member of the Competitors' Council of the German Sports Confederation (DSB) from 1977 to 1981, being Chairman from 1980. Thomas Bach has been a member of the IOC since 1991, an executive member of the IOC from 1996-2004 and since 2006 and Vice-President of the IOC between 2000 and 2004 as well as since 2006. Within the IOC, he is Chairman of the Juridical Commission and the Sports and Law Commission, member of the Marketing Commission, Commission for TV Rights and New Media and the Anti-Doping Disciplinary Commission. Since 1994 Thomas Bach has been Chairman of the Appeal Chamber at the International Court of Arbitration for Sport.

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Armin Baumert was born in Grünberg (Silesia) in 1943 and completed his schooling at the Besselymnasium in Minden (North Rhine-Westphalia) in 1961. He went on to undertake a technical apprenticeship at the Farbenfabriken Bayer AG in Leverkusen (1961-1964). After his apprenticeship, Mr Baumert studied at the German Sport University Cologne, taking his exam to become a certified sports instructor in 1971. From 1971 to 1972 he worked as a certified sports instructor at Eifelland-Wohnwagen GmbH Mayen and for a further four years at the state-run modern language institute Gymnasium Mayen. Eventually, he became senior national coach of the Berlin Athletics Association from 1976 to 1978. At the Rhineland-Palatinate Sports Association in Mainz, he worked as a consultant for competitive sport and sports science, and in 1987 he was appointed Manager of the Olympiastützpunkt (Olympic Base) in Berlin for eight years. From 1995 to 2004, he worked both as a senior competitive sports director and as CEO of the German Sports Federation in Frankfurt am Main. In 1996, he was also Deputy Chief of Mission of the German

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Herbert Fischer-Solms was born in Löbau (Lausitz) on 11 December 1946. He completed a traineeship at the newspaper *Giessener Allgemeine Zeitung* and was later Editor of both the Evangelical Church Press in Kassel and the daily *Wiesbaden Kurier*. In 1973, he joined the Sports Desk at Deutschlandfunk and began broadcasting on German national radio. He now works as a reporter for the public service broadcasting group ARD, covering sports policy. Mr Fischer-Solms is also a member of the Doping Task Force at ARD radio. In 2009, he published an article entitled "Spritzensport – Doping in Ost und West" ("Sport and syringes – Doping in the East and West") which appeared in a publication for an exhibition, *Wir gegen uns – Sport im geteilten Deutschland* ("Us versus us – Sport in Divided Germany"), in the Haus der Geschichte der Bundesrepublik Deutschland (House of the History of the Federal Republic of Germany).

Dr Peter Liese MEP

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Dr. Peter Liese was born on 20 May 1965 in Olsberg. In the year 1991, he absolved his second state examination in medicine. In the period between 1989 and 1992 he graduated as Dr. med. at the Institute of Humane Genetics of the University of Bonn. Until 1994 he was engaged as ward doctor in Paderborn children's hospital and was Doctor in general practice and internist since 1994. Dr. Liese is a former member of the Land executive of the Young Union in North Rhine-Westphalia and District Chairman of the Junge Union (1991-1997). He is a member of the Land executive of the CDU of North Rhine-Westphalia. In the period from 1989 until 1994 he was member of the Bestwig local council. Furthermore, he has been appointed Vice-Chairman of the Young Group from 1994 to 1999. During the same period, Dr. Peter Liese operated as reporter for the working party on bioethics and biotechnology. Since 1994 he is a member of the European Parliament and is member of the Group of the European People's Party (Christian Democrats). He is member of the Committee on the Environment, Public Health and Food Safety and of the two Delegations for relations with the countries of Central America and the Delegation to the Euro-Latin American Parliamentary Assembly. Also, he is a member of the central committee of German Catholics.

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Rev. Kevin Lixey is originally from Michigan, USA. He was ordained priest in the congregation Legionaries of Christ in 2001 and holds Master's degrees in philosophy and systematic theology from the Pontifical Athenaeum Regina Apostolorum in Rome. He is currently finishing his doctoral thesis on a theology of play in sports. Since June 2004, he heads the "Church and Sport" section within the Vatican's Pontifical Council for the Laity. This office was willed by the late John Paul II as a kind of Vatican observatory and research desk for the world of sports and is supposed to serve as a point of reference at the international level for the Catholic Church's pastoral work within youth sports especially.

Professor Dr Arne Ljungqvist

Chairman of the Medical Commission of the IOC, Vice President of WADA

Professor Dr. Arne Ljungqvist was born on 23 April 1931. He is married and has three children. Between 1992 and 2001 he was President of the Swedish Cancer Society. In the same year he became Rector at the Swedish University College of Sport and Physical Education for four years. In the period between 1983 and 1992, Professor Ljungqvist was Chairman of Department of Pathology and Cytology in Karolinska Hospital. At the Karolinska institute he was Pro-rector and Vice dean of the Medical Faculty at the same institute (1972-1977). Since 1986 to date, he has been appointed Lord-in-Waiting to His Majesty the King of Sweden. During the period 1977 until 1986 he was Chamberlain to His Majesty the King of Sweden. Professor Ljungqvist still serves as Vice President of WADA, he is member of the Board and Executive committee of WADA, Chairman of the Health, Medical & Research Committee of Wada, member of the Board of World Anti-Doping Agency (WADA), Chairman of IOC Medical Committee and member of the International Olympic Committee. Between 1981 and 2007 he headed the Medical Committee and the Anti-Doping Commission Chairman IAAF. That same year, he became Vice President IAAF and held this position for 18 years. Furthermore, he was member of the Council of the IAAF (International Amateur Athletic Federation). From 1989 to date he was member of the Swedish Olympic Committee. In addition to this, he served as President of the Swedish Sports Confederation (1989-2001) and as President of the Swedish Council of Sports Research (1980-1992). Ljungqvist was part of

the Council Swedish Sports Confederation (1975-1989). From 1973 to 1981 he was appointed President of the Swedish Amateur Athletic Association. Moreover, he was member of the Council of the Swedish Athletic Association from 1971-1973. It is also necessary to mention he own great competitive sports career. He was a Top class Swedish High Jumper (1952), Swedish Senior Champion – High Jump (1952) and Swedish Junior Champion – High Jump (1951).

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Born in Berlin in 1940. 1959-1967 studied Theology, German and Philosophy in Freiburg, Trier, Munich and Würzburg, state examinations there in 1967, doctorate in Theology 1968. 1967-1974 Academic Assistant at Tübingen University in the Chair for Moral Theology/Theological Ethics, post-doctoral lecturing post in Theological Ethics 1974. 1974-1981 Professor for Moral Theology and Director of the Moral Theological Institute at Fribourg University, Switzerland. 1977-1981 Founder and first publisher of the series "Studies on Theological Ethics". 1981-2008 Professor for Theological Ethics with special attention to Social Sciences at Tübingen University, while still deputising this Chair (Dean 1984/85, 1996-1998, 2007-2008); Commissioner for Studium Generale; guest professorships in Fribourg, Switzerland (Moral Theology 1986), Zürich (Theological Ethics 1993) and Nijmegen (Philosophy 1995). 1994-2000 Appointed German member of the interdisciplinary group of advisors (9-12 members) of the European Commission, Brussels: "Ethics in the Sciences and the New Technologies" (European Group on Ethics, EGE). 2000-2003 Seconded German member of the Council of Europe Working Group of the "Bioethics" Steering Committee for the Protocol on Embryo Protection of the "Human Rights Conventions on Biomedicine". 2003-2005 Member of the Inquiry Commission "Ethik und Recht der modernen Medizin" of the German Bundestag. Since 2005, member and chair of the Science Advisory Board of the Catholic Theological Faculty of Vienna University.

Doris Pack MEP

EPP group, Chairwoman of the Committee on Culture and Education at the European Parliament

Doris Pack was born on 18 March 1942 in Schiffweiler/Saar. She has been MEP since July 1989 and member of the Group of the European People's Party (Christian Democrats).

She graduated university in 1965 and taught in primary schools between 1965 and 1974. From 1983 until 1985 she worked at the Saarland Ministry of Education. Doris Pack is member of the CDU and the Konrad-Adenauer-Stiftung. Moreover, she was President of 'Women in the EPP'. In addition, she became Executive Member of the European People's Party (EPP). From 1967 to 1974, she was member of Bùbingen council and from 1974 to 1976, she was member of the Bundestag, and again from 1985 to 1989. She was a member of the Parliamentary Assembly of the Council of Europe and of the WEU Assembly (1981-1983 and 1985-1989). Moreover, she was chair of the Franco-German Foundation for Cultural Cooperation. She was President at the European Children's Book Fair Association and the Saar Adult Education Association. In addition to this, she was President of the European Movement on the Saar, the board of Otzenhausen European Academy and the German Association of the European Foundation for Cultural Cooperation in Europe. Also, she is a member of the ZDF Television Council. Doris Pack is member of the Conference of Committee Chairs and the Delegation for relations with Albania, Bosnia and Herzegovina, Serbia, Montenegro and Kosovo.

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Born in Kaarst on 11 March 1945; one son. University entrance qualifications in 1966. 2-years voluntary military service in the 261 Paratroopers Battalion in Lebach/Saar; major in the reserves. Studied law at Bonn University. 1. State exams in law 1972, 2nd state exams in law 1975. From 1 April 1976 to 30 April 1990 with Düsseldorf local government, most recently as Senior Director Water & Waste. 1977 to 1978 one year in the NRW Ministry of the Interior. From 1 May 1990 to 30 September 1999 Council Chief Executive of Kleve. Since 1 October 1999 lawyer, licensed at the Local and Regional Courts of Kleve. Member of the CDU since 1982. Member of the Kleve Municipal CDU Association since 1999,

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Professor Dr Wilhelm Schänzer

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Professor Wilhelm Schänzer was born in Spellen am Rhein in 1951. In 1973, he completed his sports studies at the German Sport University Cologne (DSHS). He went on to read chemistry at the University of Cologne. In 1979 he received his Diploma in Sports Science and passed both his state chemistry exam and his secondary-school teacher training. After graduating in 1980, he worked as a research associate at the Institute for Biochemistry at the DSHS. In 1984, Professor Schänzer, under the supervision of Professor Manfred Donike, gained his PhD with a thesis entitled "Investigations in the determination and metabolism of doping substances and steroid hormones, with emphasis on the use of high performance liquid chromatography". In 1986, he conducted research into anabolic-androgenic steroid hormones (metabolism of synthetic anabolic steroids in humans, identification, synthesis and gas chromatographic/mass spectrometric detection). At the DSHS, he completed his habilitation in biochemistry in 1994. Since 1996 he has had IOC laboratory accreditation and now organises the annual International Cologne Workshop on Doping Analysis (Manfred Donike Workshop). He also edits *Recent Advances in Doping Analysis*, the written proceedings of the annual workshop. Since 1997, Professor Schänzer has been Head of the Institute of Biochemistry at the DSHS Cologne, and in 2004, he was awarded laboratory accreditation by the World Anti-Doping Agency (WADA).

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From 1970 to 1983, Andreas Schwab was both a competitive athlete and a student of sports science and geography at the University of Salzburg. Following his studies, he became head of the Austrian sports foundation "Sporthilfe" (until 1997). He also spent nine years in charge of the ski areas Schladming-Planai and Hauser Kaibling. In addition, he served as Sports Director of the Austrian Golf Association from 2006 to 2008 and has been in charge of NADA Austria since 2008.

Dr Marco Steiner

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Dr Marco Steiner was born in Sion (Switzerland) in 1978. He studied law at the universities of Lausanne and Ottawa from 1998 to 2003. He also completed a one-year postgraduate course in European law at the universities of Lausanne, Neuchâtel, Geneva and Freiburg. Between 2004 and 2005 he worked as a lawyer for the legal department of Providentia, a Swiss life insurance company in Nyon, and spent two years as an assistant in comparative law while studying for a PhD in sports law at the University of Lausanne. From 2007 to 2008 he was a practising lawyer for the then "Fachkommission für Dopingbekämpfung" (Expert Committee for the Fight against Doping) at Swiss Olympic. Since 2008, he has been Deputy Director and Head of the Legal Department for the independent foundation Antidoping Switzerland. In 2009 he completed his PhD with a thesis entitled "La soumission des athlètes aux sanctions sportives – Etude d'une problématique négligée par le monde juridico-sportif" (Submitting athletes to sporting sanctions - Study of an issue neglected by the legal-sporting world). Since then, Dr Steiner has been a member of the Court of Arbitration of the International Canoe Federation.

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Sports Physician, EPP Group

Dr. Thomas Ulmer was born on 25 July 1956 in Karlsruhe. He studied medicine in Heidelberg, Mannheim and Freiburg (1976-1982) and wrote his doctorate in 1982. Three years later he was qualified as a doctor and started working as a general practitioner in 1986. In 1984 he was

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