



ADDITIONAL PROTOCOL TO THE ANTI-DOPING CONVENTION

[Warsaw, 12.IX.2002]

The States parties to this Protocol to the Anti-Doping Convention (ETS No. 135), signed in Strasbourg on 16 November 1989 (hereinafter referred to as "the Convention"),

Considering that a general agreement on the mutual recognition of the anti-doping controls referred to in Articles 4.3.d and 7.3.b of the Convention, would increase the effectiveness of these controls by contributing to the harmonisation, the transparency and the efficiency of existing and future bilateral or multilateral doping agreements reached in this area and by providing the necessary authority for such controls in the absence of any agreement on the matter,

Wishing to enhance and reinforce the application of the provisions of the Convention,

Have agreed as follows:

Article 1 – Mutual recognition of doping controls

- 1 Bearing in mind the provisions of Articles 3.2, 4.3.d and 7.3.b of the Convention, the Parties shall mutually recognise the competence of sports or national anti-doping organisations to conduct doping controls on their territory, in compliance with the national regulations of the host country, on sportsmen and women coming from other Parties to the Convention. The result of such controls shall be communicated simultaneously to the national anti-doping organisation and national sports federation of the sportsman or sportswoman concerned, to the national anti-doping organisation of the host country, and to the international sports federation.
- 2 The Parties shall take such measures as are necessary for the conduct of such controls, which may be in addition to those carried out by virtue of a previous bilateral or other specific agreement. In order to ensure compliance with internationally recognised standards, the sports or national anti-doping organisations shall be certified to the ISO quality standards for doping control recognised by the Monitoring Group, set up by virtue of Article 10 of the Convention.
- 3 The Parties shall similarly recognise the competence of the World Anti-Doping Agency (WADA) and of other doping control organisations operating under its authority to conduct out-of-competition controls on their sportsmen and women, whether on their territory or elsewhere. The results of these tests shall be communicated to the national anti-

doping organisation of the sportsmen and women concerned. Any such controls shall be carried out, in agreement with the sports organisations referred to in Article 4.3.c of the Convention, in accordance with regulations in force and with the provisions of national law of the host country.

Article 2 – Reinforcing the application of the Convention

- 1 The Monitoring Group set up in accordance with Article 10 of the Convention shall supervise the application and implementation of the Convention in respect of each of the Parties thereto. This supervision shall be carried out by an evaluation team whose members shall be appointed for the purpose by the Monitoring Group. Members of the evaluation team shall be chosen on the basis of their recognised competence in the anti-doping field.
- 2 The evaluation team shall examine national reports submitted beforehand by the Parties concerned and shall conduct visits on the spot where necessary. On the basis of its observations on the implementation of the Convention, it shall submit to the Monitoring Group an evaluation report containing its conclusions and possible recommendations. The evaluation reports shall be public. The Party concerned has the right to make observations on the conclusions of the evaluation team, which shall form part of the report.

- 3 The national reports shall be prepared and the evaluation visits carried out according to a schedule adopted by the Monitoring Group, in consultation with the Parties concerned. The Parties shall authorise the visit of the evaluation team and undertake to encourage the national bodies concerned to co-operate fully with it.
- 4 The operating procedures for the evaluations (including an agreed scheme for the evaluation of the implementation of the Convention), visits and follow-up shall be specified in rules adopted by the Monitoring Group.

Article 3 – Reservations

No reservation may be made to the provisions of this Protocol.

Article 4 – Expression of consent to be bound

- 1 This Protocol shall be open for signature by the member States of the Council of Europe and the other States signatories or Parties to the Convention, which may express their consent to be bound by:
 - a signature without reservation as to ratification, acceptance or approval, or
 - b signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval.
- 2 A Signatory to the Convention may not sign this Protocol without reservation as to ratification, acceptance or approval, nor deposit an instrument or ratification, acceptance or approval, unless it has previously or simultaneously expressed its consent to be bound by the Convention.
- 3 Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

Article 5 – Entry into force

- 1 This Protocol shall enter into force on the first day of the month following the expiration of a period of three months after the date on which five States party to the Convention have expressed their consent to be bound by it in accordance with the provisions of Article 4.
- 2 In respect of any State which subsequently expresses its consent to be bound by it, the Protocol shall enter into force on the first day of the month following the expiration of a period of three months after the

date of signature or of the deposit of the instrument of ratification, acceptance or approval.

Article 6 – Accession

- 1 After the opening for signature of this Protocol, any State which will accede to the Convention may also accede to this Protocol.
- 2 Accession shall be effected by the deposit of an instrument of accession with the Secretary General of the Council of Europe, which shall take effect on the first day of the month following the expiration of a period of three months after the date of its deposit.

Article 7 – Territorial application

- 1 Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories to which this Protocol shall apply.
- 2 Any State may, at any later date, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this Protocol to any other territory specified in the declaration. In respect of such territory the Protocol shall enter into force on the first day of the month following the expiration of a period of three months after the date of receipt of such declaration by the Secretary General.
- 3 Any declaration made under the two preceding paragraphs may, in respect of any territory mentioned in such declaration, be withdrawn by a notification addressed to the Secretary General of the Council of Europe. Such withdrawal shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of the notification by the Secretary General.

Article 8 – Denunciation

- 1 Any Party may at any time denounce this Protocol by means of a notification addressed to the Secretary General of the Council of Europe.
- 2 Such denunciation shall become effective on the first day of the month following the expiration of a period of six months after the date of receipt of the notification by the Secretary General.

Article 9 – Notifications

The Secretary General of the Council of Europe shall notify the member States of the Council of Europe, the other States signatories or Parties to the Convention and any State which has been invited to accede to it of:

- a any signature;
- b the deposit of any instrument of ratification, acceptance, approval or accession;
- c any date of entry into force of this Protocol in accordance with its Articles 5, 6 and 7;
- d any denunciation;

e any other act, notification or communication relating to this Protocol.

In witness whereof the undersigned, being duly authorised thereto, have signed this Protocol.

Done at [...], this [...] day of [..... 2002], in English and in French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe, to the other States signatories or Parties to the Convention, and to any State invited to accede to the Convention.