NATIONAL ANTI-DOPING GOVERNANCE OBSERVER

Final report

Report / June 2021

Arnout Geeraert (ed.)

National Anti-Doping Governance Observer
Play the Game

Co-funded by the Erasmus+ Programme of the European Union

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FINAL REPORT

Titel
National Anti-Doping Governance Observer. Final report

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Reference
Geeraert, A. (ed.) (2021). *National Anti-Doping Governance Observer. Final report*. Aarhus: Play the Game / Danish Institute for Sports Studies.

Cover photo
Getty Images/Alan Thornton

Layout
Play the Game

Edition
1. edition, Aarhus, June 2021

ISBN
978-87-93784-51-2 (pdf)

Published by
Play the Game
c/o Danish Institute for Sports Studies
Frederiksgade 78B, 2. sal
DK-8000 Aarhus C
E: info@playthegame.org
W: www.playthegame.org

Quoting from this report is allowed with proper acknowledgements.

Co-funded by the Erasmus+ Programme of the European Union

The National Anti-Doping Governance Observer has received funding from the European Commission under the programme Erasmus+. The Commission is not responsible for any communication and publication by the project or any use that may be made from information contained therein.

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INTRODUCING THE NATIONAL ANTI-DOPING GOVERNANCE OBSERVER

By Arnout Geeraert[1]

Introduction

Few notions are referred to so frequently within the context of sports governance as 'good governance' (Geeraert & van Eekeren, 2021). In recent years, corruption scandals have galvanised scrutiny of the governance structures of international sports federations. This attention for good governance in sport at the international level has trickled down to the national and local levels.

As a result, an increasing number of public and sports authorities at all levels are adopting and promoting principles of good governance in sports federations. To inspire and support these efforts, Play the Game has issued the benchmarking tools Sports Governance Observer 2015 and 2018 (Geeraert 2015, 2018a) and the National Sports Governance Observer (Geeraert, 2018b). These instruments allow for measuring and comparing good governance in international and national sports federations, respectively.

This report introduces the National Anti-Doping Governance Observer (NADGO), a benchmarking tool for good governance in national anti-doping organisations (NADOs). To any observer of anti-doping governance, the present focus on NADO governance should come as no surprise. The highly mediatised Russian doping scandal has indeed underscored the need for better governance in the anti-doping regime and, thus, incited institutional reform.

At the international level, the World Anti-Doping Agency (WADA) has responded to criticism by implementing institutional arrangements that are aimed at improving independence, ethical conduct, and transparency. These reforms took effect in November 2018, when the WADA Foundation Board approved a series of recommendations by the WADA Governance Working Group (WADA Working Group on Governance Matters, 2018). A Working Group on the Review of WADA Governance Reforms has recently been established to review WADA's governance (reforms) on a continuous basis (Working Group on the review of WADA Governance reforms, 2021).

In parallel to these international developments, there are also serious discussions about how anti-doping governance can be improved at the national level. They focus mostly on NADOs, which are defined by WADA as "the entities designated by each country as possessing the primary authority and responsibility, at the national level, for the anti-doping programs in a country" (WADA, 2021).

That NADOs play a pivotal role in the fight against doping is underscored by the scope of their activities, which include adopting and implementing anti-doping rules and education policies, conducting investigations, directing the collection of samples, and managing test results at the national level. There is an increasing realisation that enhancing the

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effectiveness and trustworthiness of NADOs implies enhancing the quality of their institutional design and practices.

The Russian doping scandal, for instance, demonstrated both the importance of operational independence in the fight against doping and the difficulties involved in actually achieving it. Other aspects of NADO governance are also put into question. Notably, Tomczyk & Palmer (2017) empirically demonstrated a general lack of transparency in European NADOs.

Two important knowledge gaps hinder ongoing efforts to improve NADOs' governance. The first one relates to the uncertainty about the current state of affairs. Simply put, a clear and holistic overview of where NADOs' governance is lacking in quality is missing. Without a solid diagnosis of (the severity of) existing governance deficits, it is difficult to achieve better governance.

The second, related, knowledge gap concerns the lack of a commonly accepted standard of good governance in NADOs. 'Good governance' is an elusive concept for which there exists no single definition or operationalisation (Geeraert & van Eekeren, 2021). Without a clear understanding of what elements of good governance are important and why, NADOs that are *willing* to improve their governance may thus very well be *unable* to do so. By contrast, those that are *unwilling* to enhance the quality of their institutional practices cannot be held to account when there is no (common) benchmark against which those practices can be evaluated.

The aim of the NADGO project is to take the first step to remedy these gaps. It does so in two ways. First, it introduces the NADGO, a set of indicators that provide a comprehensive evaluation of the quality of governance in NADOs. The latter is done by means of 50 principles dispersed over six dimensions of good governance.

Second, it presents an evaluation of 11 NADOs on the basis of the NADGO. Five of these NADOs (from Denmark, Germany, Ireland, Poland, Slovakia) were partners of the project from the start and have had an opportunity to review their evaluation. The other six (Brazil, Bulgaria, India, Kenya, Norway, Portugal) were selected when the evaluation tool was ready, and the research was covered by a special Danish parliamentary grant given to Play the Game. Anti-Doping Norway contributed 1,300 Euro to its own evaluation.

Consequently, this report presents itself in two parts. The first part lays out the methodology underpinning the NADGO. The NADGO indicators, meta-data sheets, and implementation instructions are presented in a separate report, which can be downloaded from the official project website[2] (Geeraert, 2021a).

The second part presents the findings resulting from the application of the NADGO by the research partners.

[2] www.playthegame.org/theme-pages/national-anti-doping-governance-observer/

One chapter *(to be added by September 2021)* will describe the overall trends that can be derived from comparing the studies of the individual NADO's across different cultural and political realities.

The individual NADOs are evaluated in separate chapters The chapters not only zoom in on data collection but also give an overview of the country's sports system, and governance-related policies and regulations. The reports covering the original five NADOs in the project are more comprehensive than those covering the added countries

The impact of these contextual factors on good governance in the NADO and the resulting policy implications are explored. The country chapters also guide the reader through the main common strengths and weaknesses of the analysed NADOs. Where relevant, indicator scores are highlighted, and risks are explored.

This introductory chapter continues as follows. The next section provides a detailed overview of the project partners and objectives. The final section explains how the NADGO indicators are constructed, and how the scores are aggregated and presented.

As explained in more detail in that section, the NADGO tool is not intended to serve as a single rigid template for governance reforms. NADGO benchmarking is a first avenue to an analysis of governance, as a way to understand the situation and inspire further discussion about appropriate institutional arrangements.

The NADGO partners hope that many stakeholders in anti-doping will be inspired to use the new tool to evaluate their own anti-doping system, in order to qualify the ongoing discussion about how the international anti-doping efforts can best contribute to a level playing field in sport and to protect the athletes against abuse and cheating.

Project background

The NADGO project received a 216,664 Euro grant from the Erasmus+ programme of the European Union. Play the Game/Danish Institute for Sports Studies (Idan) acted as the coordinator of the project, which brought together academics and anti-doping leaders from Belgium, Denmark, Germany, Ireland, the Netherlands, Poland, and Slovakia. Arnout Geeraert acted as the research coordinator of the project.

The *full project partners* conducted the academic research and produced national reports in their respective countries.

- German Sport University Cologne
- KU Leuven
- University of Warsaw
- Danish Institute for Sports Studies/Play the Game

The *associate partners* gave advice and assisted with the development and implementation of the indicators. They also disseminated the research findings.

- European Elite Athletes Association (EU Athletes)
- Fair Sport (eventually represented by Global Athlete)
- Institute of National Anti-Doping Organisations (iNADO)
- Anti Doping Denmark (ADD)
- Sport Ireland – Anti-Doping Unit
- National Anti-Doping Agency (NADA Germany)
- Polish Anti-Doping Agency (POLADA)
- Slovak Anti-Doping Agency (SADA)

In addition, thanks to earmarked subsidies from the Danish Parliament to support the work of Play the Game in the field of good governance, the following partners voluntarily joined the project and engaged with the research process.

- University of Lisbon
- Anti-Doping Norway
- Bulgarian Anti-Doping Centre
- Brazilian Authority of Doping Control
- Anti-Doping Authority of Portugal
- Anti-Doping Agency of Kenya
- India Anti-Doping Agency

The main aim of the NADGO project was to assist and inspire national anti-doping organisations (NADOs) to raise the quality of their governance and promote independent practices free from conflicts of interests. The project focused on achieving the following specific objectives:

- to generate evidence-based knowledge regarding current governance practices with a particular focus on measurement of operational independence of NADOs

- to collect athletes' perspectives on anti-doping governance in NADOs

- to generate evidence-based knowledge regarding current organisational structures of national anti-doping organisations with a particular focus on relations to governments and sports organisations (to evaluate organisational independence)

- to develop a code of good governance in NADOs

- to develop a benchmarking tool 'National Anti-Doping Governance Observer' which can be used to measure the quality of the governance of NADOs to identify strengths and weaknesses, hereby enabling NADO leaders and outside stakeholders to evaluate, discuss, benchmark, and amend the governance standards and practices of NADOs

- to test the benchmarking tool by application in a pilot study on the NADO project partners selected during the project period and to deliver a ready-to-use tool by the end of the project

- to establish networks between athletes, practitioners, and other key stakeholders with a common interest in good governance in anti-doping through seminars and training workshops and the Play the Game conference

- to educate and train anti-doping leaders and stakeholders to understand, evaluate, and sustain good governance standards and practices in their respective organisations

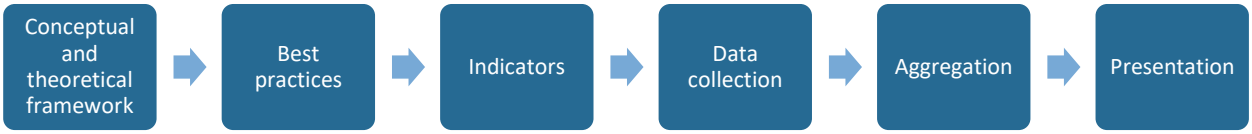
- to provide government officials and WADA with knowledge and tools that enable them to engage in dialogue with the anti-doping movement with a view to inspiring better governance in national anti-doping organisations and create a robust framework for the use of public grants.

Methodology

This section focuses on outlining the six methodological steps underpinning the construction of the NADGO (see Figure 1). These steps build on the guidelines for constructing (composite) indicators as advanced by Nardo et al. (2005). The process benefited from the experiences gained in the construction of the Sports Governance Observer 2018 (Geeraert, 2018a) and National Sports Governance Observer (Geeraert, 2018b), which used similar methodologies.

Focus here does not dwell on explaining the relevance of the methodological steps. Indeed, this has been done elsewhere (see Geeraert, 2018b; 2021). Rather, the following outlines the choices that were made in each of these steps.

Figure 1: The methodology underpinning the NADGO benchmarking instrument



Theoretical and conceptual framework

It is commonly accepted that governance indicators should be based on a sound theoretical and conceptual framework (Nardo et al., 2005). Governance is approached here from a narrow, institutional perspective as a relatively stable set of rules and bureaucratic practices that shape behaviour (cf. Keohane 1988). 'Good' governance is defined as the embedding of transparency, democratic processes, internal accountability and control, and societal responsibility in the system of rules and practices that governs NADOs. Consequently, good governance is broken down in the following six dimensions.

1. **Operational transparency:** The reporting of the organisation's general internal workings, which allows others to monitor these workings. This reporting is subject to applicable data protection and privacy laws.

2. **Anti-doping transparency:** The reporting of the organisation's anti-doping activities, which allows others to monitor these activities.

3. **Democratic processes:** Clear and objective procedures for the (re-)appointment of oversight body members; actors' involvement in decision-making processes that affect them; and fair and open internal debates.

4. **Internal accountability and control:** The separation of powers in the organisation's governance structure as well as a system of rules and procedures that ensures that staff and officials comply with internal rules and norms.

5. **Operational independence:** The freedom to make decisions and carry out activities without being governed, controlled or instructed by other persons or organisations.

6. **Anti-doping responsibility:** Implementing anti-doping policies beyond the World Anti-Doping Code requirements.

Following Gisselquist (2014, pp. 517-518), these six dimensions were chosen because they are recognizable to both academic and lay audiences, they are interrelated yet conceptually distinct, and they have theoretical utility. The operational definitions allow translating the six abstract dimensions into observable institutional components.

The theoretical assumptions advanced by relevant (rational choice) literature lead to the expectation that implementing these dimensions of good governance maximises legitimacy and effectiveness and minimises unethical practices, at least in an abstract setting. An in-depth exploration (and critique) of the theoretical assumptions about human behaviour that inspire these expectations lies beyond the scope of this report (see, for instance, Geeraert, 2021c).

Best practices

In order to measure the six abstract dimensions of good governance, they need to be replaced with 'intermediate objectives whose achievement can be observed and measured' (Nardo et al. 2005, p. 5). Following a deductive approach, 50 general practices, rules and procedures of good governance (hereafter: 'principles') were selected that best fit or express the six dimensions of good governance (see Table 1). They were selected following a review of sets of good governance principles and recommendations issued by national governments, international organisations, and sports organisations as well as by the non-profit, corporate and cultural sectors. NADO-specific principles of good governance were derived from:

- a review of NADO best practices
- input from a focus group discussion with NADO officials from Denmark, Ireland, Slovakia, the Netherlands, Japan, South Africa, Poland conducted in Lausanne, Switzerland, on 12 March 2019
- input from the NADO project partners, including comments on draft indicators
- a review of academic literature on athlete perceptions (Efverström et al., 2016ab; Gleaves & Christensen, 2019), international anti-doping policies (Miller, 2011), and national anti-doping policies (Gilberg et al., 2006; Möller & DiMeo, 2014; Tygart, 2003; Kamber, 2011; Houlihan & Preece, 2007; Ritchie & Jackson, 2014; Batt, 2011)
- WADA guidelines and recommendations.

Table 1: The 50 NADGO principles of good governance

Dimension 1: Operational transparency

[Principle 1]

The organisation publishes its statutes/ constitution, internal regulations, and organisation chart on its website.

[Principle 2]

The organisation publishes the rules that govern the appointment of the oversight body members.

[Principle 3]

The organisation publishes the rules that govern the appointment of the members of the hearing panel.

[Principle 4]

The organisation publishes oversight body and standing committee decisions on its website.

[Principle 5]

The organisation publishes the agendas of its oversight body meetings on its website.

[Principle 6]

The organisation publishes information about its oversight body members on its website.

[Principle 7]

The organisation publishes on its website financial statements that are externally audited according to recognised international standards.

[Principle 8]

The organisation publishes regulations and reports on the remuneration, including compensation and bonuses, of its oversight body members and of management on its website.

[Principle 9]

The organisation reports on conflicts of interest.

[Principle 10]

The organisation reports on all its sources of income.

Dimension 2: Anti-doping transparency

[Principle 11]

The organisation publishes annual general activity reports on its website.

[Principle 12]

The organisation publishes a multi-annual policy plan on its website.

[Principle 13]

The organisation publishes its budget and long-term financial planning.

[Principle 14]

The organisation publishes information about the planning of its testing activities.

[Principle 15]

The organisation publishes a detailed account of its testing activities.

[Principle 16]

The organisation publishes a detailed account of its long-term storage programme.

[Principle 17]

The organisation publishes a detailed account of whereabout failures.

[Principle 18]

The organisation reports on test results and how they were managed.

[Principle 19]

The organisation reports on its policies in the areas of anti-doping education, cooperation, and research.

Dimension 3: Democratic processes

[Principle 20]

Oversight body members are (re-)appointed according to clear procedures.

[Principle 21]

Term limits have been established for oversight body members.

[Principle 22]

Formal procedures stimulate a differentiated and balanced composition of the oversight body.

[Principle 23]

The organisation ensures the participation of athletes in its policy processes.

[Principle 24]

The organisation ensures the participation of athlete support personnel in its policy processes.

[Principle 25]

The organisation implements a gender equality policy.

[Principle 26]

The organisation establishes a quorum (a minimum number of attendees required to conduct business and to cast votes) in its statutes or internal regulations for the oversight body.

[Principle 27]

The oversight body meets regularly to discuss relevant issues according to established procedures.

Dimension 4: Internal accountability and control

[Principle 28]

The oversight body establishes procedures regarding the premature resignation of its members.

[Principle 29]

The organisation applies a clear governance structure according to the principle of separation of powers according to which the oversight body supervises management appropriately.

[Principle 30]

The organisation has implemented an internal audit function.

[Principle 31]

The organisation employs open tenders for major commercial and procurement contracts.

[Principle 32]

The organisation is externally audited by an independent auditor.

[Principle 33]

The organisation implements a financial control system.

[Principle 34]

The organisation has or recognises a code of conduct applicable to the members of the oversight body, management, and personnel.

[Principle 35]

The organisation establishes procedures for the processing of complaints about violations of applicable rules of conduct.

Dimension 5: Operational independence

[Principle 36]

Acting national politicians and high-level government officials cannot be employed by the organisation, nor serve as oversight body members.

[Principle 37]

People who are involved in the decision-making, management, or operations of a national or international sport governing body or major event organisation are formally ineligible to serve as members of the oversight body.

[Principle 38]

The organisation's government funding is provided separately from other government funding lines and awarded on a multi-annual basis.

[Principle 39]

The organisation has the authority to draft its own budget.

[Principle 40]

The organisation has explicitly been delegated the authority to administer a registered testing pool and to conduct doping tests within the relevant territory by a government act.

[Principle 41]

The anti-doping hearing panel is independent, and its members have appropriate competences.

[Principle 42]

The organisation establishes clear conflict of interest procedures that apply to the members of the oversight body.

Dimension 6: Anti-doping responsibility

[Principle 43]

The organisation implements a policy on educating and prevention that goes beyond the International Standard for Education.

[Principle 44]

The organisation cooperates with other national anti-doping organisations with a view to combating doping in sport.

[Principle 45]

The organisation cooperates with law enforcement with a view to combating doping in sport.

[Principle 46]

The organisation proactively engages in intelligence gathering and investigations in relation to doping in sport.

[Principle 47]

The organisation promotes anti-doping research.

[Principle 48]

Testing activities and anti-doping policies externally audited.

[Principle 49]

The organisation participates in working groups established by WADA, iNADO, UNESCO, and/or the Council of Europe.

[Principle 50]

The organisation establishes a procedure for notifying doping abuse that ensures whistle-blower protection.

Indicators

In order to make these 50 broad principles measurable, (sub-)indicators were constructed. The selection and construction of the indicators was informed by discussions with the academics and NADO representatives that were part of the NADGO project.

For the sake of reliability, dichotomous variables were constructed, which have only two categories or levels (i.e. yes or no). These variables were quantified by giving the 'yes' category a value of 1 and the 'no' category a value of 0. The indicators are both rules-based and outcome-based (Kaufmann & Kraay 2008). Though rules-based indicators are more

straightforward to quantify, outcome indicators are able to capture bureaucratic practices that are not formalised but still relatively stable (Keohane 1988). Finally, a pilot study involving a mixed sample of small and large NADOs ensured that the indicators apply to a broad range of different circumstances in a clear and unambiguous manner.

The NADGO indicators are published in a separate report, available on the project's website[3] (Geeraert, 2021a). To enhance the practicality and usability of the indicators, meta-data sheets were developed which explicitly detail the scoring criteria, possible data sources and the relevance and importance of the principles.

Data collection and scoring

Data must be collected to determine the values of the individual variables. To ensure reliable data on the agencies' governance, independent assessment is necessary. Nonetheless, researchers must engage with NADOs in order to gain access to particular types of data and to ensure that the collected data is valid.

To ensure that the right balance between independent assessment and input from the agencies themselves was struck and in order to maximise the likelihood of cooperation, the NADGO research partners generally followed a standardised data gathering strategy. The strategy comprised a six-phase process that can be summarised as follows.

Phase 1: Selecting and contacting

Contact the NADO and explain the process (outline, time frame, benefits for federations, confidentiality). Establish a contact point, i.e. a NADO representative who can assist you with data gathering. In case of refusal, explain that scoring will take place on the basis of publicly available data and give the opportunity to give feedback on the data gathered (phases 3 and 5).

Phase 2: Data gathering and first preliminary scoring

Conduct desktop research: analyse the NADO's website, statutes, internal regulations, and any other relevant available documents. Apply the indicators and conduct a preliminary scoring to get a clear view of the completeness of the collected data. Fill in the scores: fill in the "evidence" field for every indicator. Briefly mention where the data were found.

Phase 3: Feedback

Send a questionnaire in which you ask to provide missing data. If necessary, conduct an interview and ask for additional evidence (e.g. official documents, emails, newsletters, etc.).

Phase 4: Second preliminary scoring

Conduct a second preliminary scoring on the basis of the feedback received. Be strict so that the burden of proof lies with the NADO. Fill in the scores: fill in the "evidence" field for every indicator. Briefly mention where data was found. In case the data were obtained from the interview/ questionnaire, this should be indicated. Write comments in case of uncertainty so that you (or an external party) can review the scores later.

[3] https://www.playthegame.org/theme-pages/national-anti-doping-governance-observer/

Phase 5: Final feedback

Send the scores to the NADO and ask for feedback and additional evidence in case of disagreement. Conduct a second interview in case of any uncertainties.

Phase 6: Final scoring

Conduct the final scoring and inform the NADO.

Aggregation and weighting of scores

In order to present the data in a meaningful, i.e. comparative way, the individual indicator values must be aggregated into one or more 'composite indicators'. A 'NADGO index' score is calculated as follows.

First, a score is calculated for each of the 50 principles on the basis of the average score of the underlying indicators. Second, each of the six dimensions is assigned a score on the basis of the average scores of the principles that underlie the dimension. Finally, a NADGO index score is calculated on the basis of the average score of the six dimensions.

Like most composite indicators, the NADGO index, dimension scores, and principles score rely on equal weighting. This choice was informed by two considerations. First, the NADGO index scores must be understandable for practitioners. Equal weighting indeed is the simplest weighting option. Second, equal weighting, while inherently subjective in its own right, is arguably the least subjective solution (Nardo et al. 2005, p. 31).

Given that organisations vary in terms of their capacity and the governance-related risks they are confronted with, the same good governance standard cannot apply to all NADOs. The indicators are therefore divided into three categories, namely 'basic', 'intermediate', and 'advanced'. When indicators are not applicable, they are simply not considered in the calculation of scores.

Basic indicators constitute a minimum standard of good governance for all NADOs that is relatively easy to implement. All NADOs can be expected to have sufficient capacity to implement the indicators in this category.

Intermediate indicators are costlier and, thus, more demanding to implement. This category should be implemented by mid-size to large NADOs (more than 10 but less than 30 FTE employees).

Advanced indicators are relevant to the largest NADOs (30 or more FTE employees) or to any federation that is willing and able to implement the highest standards of good governance.

Presentation

Finding a way that communicates indicator and dimension scores in a clear and comprehensible manner to the target audience is of vital importance for getting the

message across. It was therefore sought to use a visualisation technique that is able to communicate the NADGO scores in a clear, accurate, and visually appealing manner (cf. Nardo et al., 2005).

The NADGO index scores and the dimension scores are visualised via a combination of numbers, doughnut charts, and dimension icons. Together with bar charts that break down the scores of the individual federations on the six dimensions, the doughnut charts allow for the construction of dashboards that communicate NADO scores and averages in a clear and appealing manner.

Because the NADGO aims to provide an overview of governance strengths and weaknesses, it is important to use an additional visualisation technique, which communicates a holistic perspective on the indicator scores in a comprehensive manner (Nardo et al., 2005). A (modified) traffic light scoring system fulfils these criteria because it allows for an easily accessible, yet nuanced interpretation of strengths and weaknesses. Figure 2 visualises this system. A label and corresponding traffic light colour are assigned to each of the 50 principles on the basis of the NADO's scores on these principles. The usual traffic light system consisting of three colours is expanded to include five colours to allow for a more nuanced visualisation of the scores.

Figure 2: Scoring labels and the corresponding colours of the NADGO traffic light scoring system

Not fulfilled	Weak	Moderate	Good	Very good
0-19 %	20-39%	40-59%	60-79%	80-100%

On the basis of the information provided by the traffic light scoring system, the reader can decide which strengths or weaknesses need to be explored in detail. More detailed information then can be obtained by consulting the individual indicator scores.

What the NADGO provides – and what not

The key value of the NADGO is that it allows for a holistic and readily understandable diagnosis of potential institutional weaknesses and shortcomings in six dimensions of good governance relevant to NADOs. For practitioners, the traffic light scoring system allows for an easily accessible yet nuanced interpretation of strengths and weaknesses. This may inform policy formulation and decision-making. It can also facilitate advocacy by civil society organisations. Academics may use the NADGO indicators to collect relatively reliable data that can be used for comparative research or for theory-testing purposes.

Measuring governance can be meaningful and useful, but no measurement should be treated as a final step. All governance indicators have important limitations because abstract governance dimensions cannot be measured directly and a fully objective and reliable measurement via proxies or intermediate objectives is impossible. The limitations of the Sports Governance Observer tools and their implications have been discussed at length elsewhere (Geeraert, 2021b). A concise overview of the most important limitations of the NADGO suffices to inspire caution.

- The NADGO only focuses on structural elements of (good) governance. However, governance is exercised by people who hold particular beliefs and ideas and who are influenced by the broader (institutional) environment in which they operate. Consequently, cultural-ideational, personal, or systemic factors are also important determinants of organisational outcomes. Other benchmarking tools could be developed that quantify complementary aspects and dimensions of good governance in NADOs.

- Like most governance indices, the NADGO relies on untested theoretical assumptions about institutional features. Simply put, whether or not implementing the NADGO indicators in NADOs have a positive effect needs to be assessed in real-world circumstances. The NADGO is not a panacea and NADOs may indeed have good reasons for doing things differently and develop their own good practices.

- The NADGO does not provide a (direct) measurement of organisational outcomes such as effectiveness or behaviours like corruption. NADGO scores reflect the proportion of good institutional practices implemented. NADOs that fail to implement a large proportion of the indicators are thus not necessarily corrupt, ineffective or illegitimate. The likelihood that this is (or will be) the case is simply higher. Such NADOs are thus subject to higher risks.

- Because a degree of methodological subjectivity is inescapable in the construction of governance indicators, no measurement of governance is final. The NADGO should therefore not be treated as a dogmatic instrument. It provides *a* measurement of good governance.

In sum, the NADGO is intended to be used as a starting point for discussions about governance deficits and the policies aimed to address these. It should not be used as a single rigid template for governance reforms. Dialogue with and within NADOs is necessary to come to adequate institutional solutions to governance challenges. NADGO benchmarking is but a first step in a longer process towards better governance in NADOs.

What the NADGO provides

- A holistic and readily understandable diagnosis of potential institutional weaknesses and shortcomings of NADOs in six dimensions of good governance.
- Benchmarking that serves as an ideal starting point for a discussion on good governance policies.
- A reliable and clear assessment through dichotomous (yes/no) indicators that use clearly defined minimum criteria.
- An objective external assessment via a standardised data gathering process and clear, detailed measurement instructions.
- A barometer that quickly and accurately communicates strengths and weaknesses through a traffic light scoring system.
- An overview of good practices and why they are important.

- An indication of risks.

What the NADGO does not provide

- A definitive set of good governance principles.
- A definitive measurement of good governance.
- A direct measurement of effectiveness, legitimacy, and (un)ethical conduct.
- A blueprint that NADOs can implement as such.

Acknowledgements

The author wishes to all the NADGO partners for their valuable input to the indicators and the report.

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NADO REPORTS AND REFLECTIONS FROM PROJECT PARTNERS

NADO REPORT:

ANTI DOPING DENMARK

Key results: Anti Doping Denmark (ADD)

Figures 1 and 2 show Anti Doping Denmark's main NADGO scores.

Figure 1: Anti Doping Denmark's overall NADGO index score

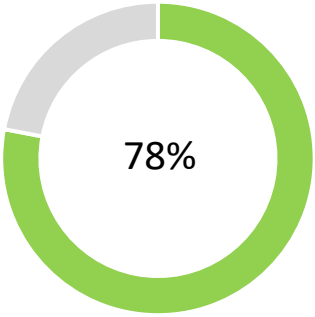
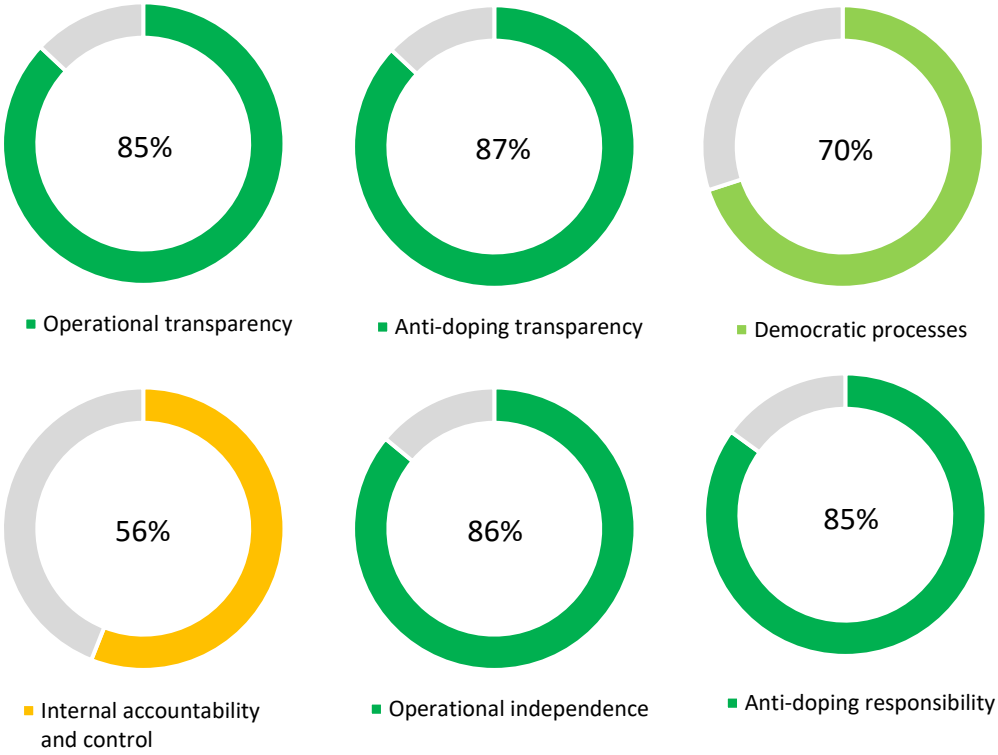


Figure 2: Anti Doping Denmark's scores on the six NADGO dimensions



Not fulfilled	Weak	Moderate	Good	Very good
0-19 %	20-39%	40-59%	60-79%	80-100%

By Christina Friis Johansen, Play the Game

1. Overview

Anti Doping Denmark (ADD) is a public independent (self-governing) institution established in 2004 according to the Danish 'Law on the Promotion of Doping-Free Sport' (KUM, 2004) to serve as the national anti-doping organisation (NADO) in Denmark. ADD refers to the Ministry of Culture and its activities are specified in the law. They include:

- Doping control
- Results management and prosecution of doping cases
- Information and education
- Research and development activities in relation to the fight against doping
- International cooperation in relation to the fight against doping
- Assistance to public authorities in activities related to ADD's area of responsibility.

ADD is governed by a board of directors consisting of six members appointed by the Minister of Culture to represent competencies in management, elite sports, recreational or exercise sports, medical science, politics, law, and economics.

Although ADD's work, objectives, and organisation have traditionally been structured based on the activities described above – as described in the law – the work on integrity in sport has evolved in recent years into a more holistic and integrated approach, which, rather than focusing on 'doping control' and 'prevention', targets the two primary settings: Organised sport and gyms or fitness centres (ADD, 2019).

In addition to the responsibilities concerning the fight against doping, ADD also acts as the secretariat for the National Platform Against Match-Fixing in accordance with 'Ministerial order on the Promotion of Integrity in Sport' (KUM, 2017b).

ADD's revenue base is described in the Danish 'Law on the Distribution of Profits and Proceeds from Lotteries' (KUM, 2017c) (see below) and derives primarily from lottery exceeds, although ADD also receives income from contracts and fees from cooperation agreements with, for example, commercial gyms and fitness centres or international associations that approach ADD to conduct doping control on their behalf.

The Danish NADGO research

The National Anti-Doping Governance Observer research for ADD is based on information found on www.antidoping.dk as well as internal documents and guidelines documenting governance measures and procedures in the organisation.

The data collection for the NADGO project began in July 2020 and the results were presented to ADD in late August 2020. ADD was subsequently given the opportunity to comment on the draft results of the research both in written form via e-mail and a discussion of the results during an online interview held in mid-September 2020. The

research was completed by the end of September 2020 with minor corrections made since then. ADD participated actively throughout the study and contributed positively to the adjustment of several indicators during the research process.

ADD performs well on the NADGO index. ADD's combined average score on the NADGO index is 78%, which constitutes a score in the category 'Good'.

Looking at the various dimensions, ADD performs very well within four out of the six dimensions.

For the dimensions 'operational transparency' (85%), 'anti-doping transparency' (87%), 'operational independence' (86%), and 'anti-doping responsibility' (85%) the scores amount to the label 'Very Good'.

For the dimension 'democratic processes' (70%) the results are in the category 'Good' and for 'internal accountability and control' (56%) results are 'Moderate'. Within these two dimensions, there is a potential for even stronger governance for ADD. The variance between the different dimensions is relatively large: The difference between the highest and the lowest score is 35 percentage points.

For some of the indicators, which were not fulfilled at the time of the initial research, ADD has already initiated measures to secure compliance. This relates especially to 'operational transparency' and 'anti-doping transparency' where relevant information is now published via the annual report to a greater extent and thus the NADGO index scores were improved substantially during the last phases of the research process.

This chapter on the Danish NADGO study will be structured as follows:

Section 2 describes the Danish sporting context, including the structure of the relationship between the government and the sports sector with a mapping of the major actors, the national anti-doping legislation and policies, and key features of ADD's governance. Section 3 deals with the methodology of the Danish study, while section 4 presents the results of the study of ADD for each dimension of the National Anti-Doping Governance Observer. Finally, section 5 briefly discusses the policy implications of the results.

2. Context

The Danish sport system

Sport in Denmark is formally structured under the umbrella of the Ministry of Culture (KUM).

VOCASPORT Research Group (2004) has studied various types of sport governance systems in Europe by looking at the different types of national policy evident in the EU. In this study VOCASPORT Research Group defines four ideal, typical national sports systems of member states based on four parameters (configurations):

1. The role of public authorities
2. The level of coordination of, or engagement by, the various actors involved in the sports system
3. The respective roles of the voluntary, public, and private sectors in the delivery of sporting provision
4. The adaptability of the system to changes in demand.

Based on the analysis of these parameters in the sports sector in EU member states, VOCASPORT Research Group defined four ideal types of sport policy systems: Bureaucratic, entrepreneurial, missionary configurations, and social configurations (VOCASPORT Research Group, 2004). According to this division, the Danish sport system constitutes as a 'missionary configuration', which is characterised by:

> "the dominant presence of a voluntary sports movement with great autonomy to make decisions. The state or regional authorities delegate it much responsibility for orienting the sports policy, even though they may become gradually involved in a contractual logic with it. The social partners have little presence, legitimacy belongs more to the voluntary managers than to employees; users rarely have the chance to adopt the position of consumer, and private entrepreneurs act on the fringes of the dominant system."
>
> VOCASPORT Research Group, 2004, p. 53

The relationship between government and the sports sector in Denmark characterised by great public support, but with autonomy for the sport movement, which is primarily based on voluntarism and non-profit as leading pillars, began to develop with the expansion of the welfare state in the post-war years from 1945 and onwards (KUM, 2009).

One of the key elements changing the structure was the introduction of the Lottery Act (Tipsloven) in 1948. As a result, the national sports organisations were granted annual financial support from the government for the first time. The funding came from the annual profit from the state-owned football pools, lotteries, and betting games. The financing arrangement was set up so that neither the responsible minister nor the parliament had any influence on the annual amount directed to the sports organisations or the usage of the money (Ibsen & Eichberg, 2012). However, there was a possibility to regulate the amounts allocated to sports organisations if the lottery funds were significantly lower or higher than expected.

This is still the case to a large degree for the main sports organisations, the National Olympic Committee and *Sports Confederation of Denmark* (DIF), Danish Gymnastics and Sports Associations (DGI), and Danish Federation for Company Sports (Dansk Firmaidrætsforbund, DFIF). Although the act regulating the financing of sport in Denmark has been revised on several occasions since its introduction in 1948, it has in most cases created better conditions for the national sports organisations without seriously challenging the autonomy of sport (Ibsen & Eichberg, 2012).

Public funding for sports has always been given according to the principle that the government has the responsibility for the overall financial framework for sport, while the organisations and associations account for the activities. Although comparatively large public funds are given to sport, state intervention and regulation is relatively small (Ibsen & Eichberg, 2012) and Danish organised sport is considered as an autonomous movement (Trangbæk, 2011). This corresponds with Henry (2009), who stresses that governments within a missionary configuration to a great degree do not specify the direct outcomes of their funding of sport and that the sports sector is characterised by autonomy and relative independence from direct government pressure. Ibsen and Eichberg (2012) claim that the small political interference in Danish sport is based on institutional and cultural conditions. Although sports organisations receive a major part of their income through public funding, it is the dominant political view that the governance and the management of sport is a task for civil society. This is in line with VOCASPORT Research Group (2004) who stress that the state within the missionary configuration delegates much of the responsibility to frame the sports policy.

However, since the beginning of the 21st century, new legislation and initiatives from the government within the sports policy field mark a greater government involvement in Danish sport – especially in terms of protecting the integrity of sport (see more below), but without interfering with the principle of the autonomy of sport.

Financing of sport

The specific principles for the distribution of funds for sport in Denmark are defined in the 'Law on the Distribution of Profits and Proceeds from Lotteries' (Lov om udlodning af overskud og udbytte fra lotteri LOV 1532) (KUM, 2017c).

As the main contributor of funds to national sports organisations and institutions, the Ministry of Culture holds the essential role within the national sports policy field via this law as it funds the three major sports organisations as well as ten independent (self-governed) public institutions within the area of sport, including Team Denmark, which is the institution responsible for elite (high-performance) sport, and Anti Doping Denmark as the national anti-doping organisation.

A revised act entered into force on 1 January 2018. In relation to earlier legislation, the revised act gives the different beneficiaries a fixed grant from the revenue from Danish lottery games instead of a fixed percentage of the revenue. Moreover, the act divides the recipients into three groups:

Group 1: The main organisations and associations with fixed operating grants (e.g. DIF and DGI, DFIF).

Group 2: Self-governing institutions, horse racing sport, cultural purposes, and pools for sports purposes (e.g. Team Denmark, Anti Doping Denmark, and the Danish Institute for Sports Studies).

Group 3: Project funds to six ministerial remits (e.g. Ministry of Culture, Ministry of Education, and Ministry of Environment and Food) (KUM, 2017c).

The amounts distributed are regulated according to the consumer price index on an annual basis. The financial support for the organisations and institutions belonging to groups 1 and 2 constitute the majority of their annual revenues, although they can also search for other sources of income.

In addition to 'Law on the Distribution of Profits and Proceeds from Lotteries', the 'Order on financial and administrative matters of operating grants from the Ministry of Culture' (Bekendtgørelse om økonomiske og administrative forhold for modtagere af driftstilskud fra Kulturministeriet, BEK nr. 1701) regulates the financial support of sport in Denmark. (KUM, 2010a)

All beneficiaries including ADD are obliged to follow this order, which contains regulations on how the organisations shall prepare a budget, financial statements, and how they are obliged to conduct auditing of financial accounts, etc. In addition, the order includes a common provision on supervision, describing how the Ministry of Culture conducts regular supervision of the grant beneficiaries, and when and how they carry out an intensified supervision.

The largest sports organisation in Denmark is the NOC and Sports Confederation of Denmark (DIF) receiving most of the Ministry of Culture's share of the revenues from Danish lotteries. In 2018 DIF received DKK 298 million (KUM, 2017c). DIF consists today of a membership of 62 independent national sports federations. The organisation governs both sport for all, competitive sport, and is responsible for the Danish participation at the Olympics in its capacity as the Danish National Olympic Committee. Another main organisation in the Danish sports landscape is DGI (receiving DKK 276.7 million in 2018) which exclusively governs sport for all. The third main sports organisation is the Danish Federation for Company Sport, DFIF, which received DKK 41.1 million from the Ministry of Culture in 2018 (KUM, 2017c). The aim of DFIF, founded in 1946, is to spread and support sport and health with the workplace as the natural focal point (DFIF, n.d.).

Among the independent public (self-governed) institutions which are also funded by the law, Team Denmark receives a fixed grant from the Ministry of Culture of DKK 91.2 million per year (2018). Team Denmark is responsible for the development of elite (high-performance) sport according to the Law on Elite Sport (Lov om eliteidræt) (KUM, 2004). Anti Doping Denmark is another of the independent self-governing institutions funded by the same law. ADD received DKK 24.7 million in 2018 to be administered in accordance with the 'Law on the Promotion of Integrity in Sport' and the framework agreement with the ministry (KUM, 2019).

Key national anti-doping legislation and policies

Until 2000, the fight against doping in Denmark was largely a task solely for the sports organisations. However, in 2004 the 'Law on the promotion of doping-free sport' (KUM,

2004) laid down new divisions of the responsibilities between the state and sports organisations for promoting the fight against doping within Danish sport as well as within fitness and exercise centres etc.

In short, ADD's responsibility is, jointly with the Danish government, sports organisations, and other national stakeholders, to combat the use of doping in sport and to strengthen the basic values of elite sport as well as lower-level sports. In collaboration with WADA (the World Anti-Doping Agency) and other international partners, it is also ADD's responsibility to create the best possible framework for international cooperation.

The background for the law is as follows: Regulations to prevent doping in Danish sport were introduced in 1978 when the Sports Confederation of Denmark established the first doping commission. The commission had the power to test for doping during training and competitions held by national federations. When Team Denmark, the organisation with responsibility for elite sports in Denmark, was established in 1985, this organisation took over the responsibility for doping control in elite sports. Forming the Doping Control Commission, the Sports Confederation of Denmark and Team Denmark joined forces in 1988 to combat doping, and the planning of control test was entrusted to Team Denmark (COE, 2007).

With the Minister of Culture as prime mover, the Danish government initiated a White Paper on Doping in Denmark in 1999. Based on the conclusions and recommendations of this White Paper, the government initiated a partnership with sports organisations in spring 2000 via a joint program, which was given general responsibility for doping control and the dissemination of information. The program was named Anti-Doping Denmark, and it was the forerunner for the national anti-doping organisation established by law in 2005.

The program Anti-Doping Denmark was evaluated in 2003. The overall conclusion in the report was that ADD had been successful and showed high standards in doping control and in information and education.

The 'Law on the Promotion of Doping-Free Sport' entered into force on 1 January 2005 (LOV nr 1438 af 22/12/2004) and defined the formation of an autonomous institution with responsibility for all controls, and a clearer division was established between the controlling, investigating, and judicial authorities. ADD changed from an organisation with two boards and two secretariats (control and information) into a single permanent body with one board and one secretariat.

In 2015, the 'Law on the Promotion of Doping-Free Sport' was modified and changed into 'Law on the Promotion of Integrity in Sport' as regulations on the fight against manipulations of sports competitions were added to the law. This law today regulates ADD's activities which include:

- Doping control

- Results management and prosecution of doping cases
- Information and education
- Research and development activities in relation to the fight against doping
- International cooperation in relation to the fight against doping
- Assistance to public authorities in activities related to ADD's area of responsibility.

It is recognised by sports organisations and the government in Denmark that the doping problem is so complex and extensive that the public sector must also be prepared to contribute to combatting doping far into the future. Thus, sports organisations are subject to the law in order to receive funding, as the law prescribes that that Team Denmark, DIF, DGI, and DFIF must introduce and enforce regulation on doping control and sanctions in accordance with the rules established by WADA. Moreover, according to the legislation, the above-mentioned organisations should make it a condition for sports associations or sports federations and individual athletes to comply with the anti-doping regulations in order to receive grants (KUM, 2017b).

In addition to the responsibilities with respect to the fight against doping, ADD also acts as the secretariat for the National Platform Against Match-Fixing in accordance with the ministerial order 'The Promotion of Integrity in Sport' (KUM, 2017b). The establishment of a secretariat was a consequence of the Danish government signing the Council of Europe Convention on the Manipulation of Sports Competitions (CETS No. 215). Among the tasks of the national platform are:

- to serve as an information centre, collecting and disclosing information to relevant organisations and authorities
- to coordinate the national fight against manipulation of sports competitions
- to transfer information on possible violations of both national legislation and disciplinary rules of sport to relevant authorities and organisations (ADD, 2016).

In a wider context, the international cooperation on anti-doping has led to the establishment of four important internationally binding agreements which also regulate the work of ADD (COE, 2007):

1. Denmark signed and ratified the European Council's Anti-Doping Convention (ETS No. 135) on 16 November 1989, and in 1992 the Danish Parliament endorsed the convention, which requires its member countries "to adopt where appropriate legislation, regulations or administrative measures to restrict the availability ... as well as the use in sport of banned doping agents and doping methods".

   On 12 September 2002, Denmark signed and ratified the Additional Protocol to the Anti-Doping Convention ETS No. 188, which came into force on 1 April 2004. Among other things, the Protocol lays down guidelines for evaluating the implementation of the Convention.

2. The World Anti-Doping Code (WADC) was signed by the Sports Confederation of Denmark in September 2003 and by Anti Doping Denmark in April 2004.

3. The Copenhagen Declaration on Anti-Doping in Sport is a political, international, and intergovernmental agreement that was adopted at the World Anti-Doping Conference held in Copenhagen on 3-5 March 2003. More than 150 of the world's governments have since signed. Signatories to the Copenhagen Declaration undertake to recognise WADA and WADC.

4. The UNESCO Convention was later developed in order to bind individual governments to the introduction of active anti-doping policies, which complied with the common established minimum requirements. Denmark adopted the Convention in December 2005.

Key features of NADO governance

As described above, ADD's governance is formally defined in 'Law on the promotion of Integrity in sport', and its main source of funding is described in the Danish 'Law on the distribution of profits and proceeds from lotteries'.

According to the 'Law on the promotion of Integrity in sport,' Anti Doping Denmark is chaired by a board of six members appointed by the Minister of Culture. Four members, including the chairman, are appointed by the Minister of Culture, one member with knowledge about elite sports is jointly appointed by Team Denmark and the NOC and Sports Confederation of Denmark, and one member with knowledge of recreational or exercise sports is jointly appointed by the NOC and Sports Confederation of Denmark, DGI and the Danish Federation for Company Sports. If the organisations cannot reach an agreement on a joint appointment, each of the parties will nominate one candidate for the Board of Directors, and the Minister of Culture decides which candidate is appointed for the Board of Anti Doping Denmark. The members of the Board of Anti Doping Denmark who are appointed by the NOC and Sports Confederation of Denmark, DGI, the Danish Federation for Company Sports or Team Denmark, may not be members of the Executive Boards or employed by the NOC and Sports Confederation of Denmark or its national federations, DGI, Danish Federation for Company Sports, Team Denmark or the Danish Fitness & Health Organisation (KUM, 2021).

Board members are appointed for a four-year period. Re-election can take place once. If a member resigns from the board before the end of his/her term of office, an appointment shall be made for the remainder of the period. The board of directors shall determine its own rules of procedure. It should be noted that the chairman's vote is decisive in terms of voting.

The Minister of Culture approves the articles of association for ADD.

ADD's revenue base is described in the Danish 'Law on the distribution of profits and proceeds from lotteries' (KUM LOV 1532, 19 December 2017). In accordance with the

Danish 'Law on promoting integrity in sport (§ 11)', ADD also receives income from contracts and fees from cooperation agreements with, for example, commercial gyms and fitness centres or international associations that approach ADD to conduct doping control (ADD, Annual report 2019).

Another piece of governance regulation from the Ministry of Culture with importance for ADD governance, is the 'Law on economic and administrative conditions for beneficiaries of operating grants from the Ministry of Culture' (Lov om økonomiske og administrative forhold for modtagere af driftstilskud fra Kulturministeriet), LOV nr. 1531 (KUM, 2010b). This regulation obliges all self-governing public institutions to establish statutes that must include procedures for the development and approval of budgets, financial reporting, etc. The law also prescribes the board's responsibility in relation to the hiring of management and the management's scope of action. Moreover, the law also stipulates that ADD must secure that information about the beneficiary's organisation and activities is easily accessible to the public.

Finally, the law includes provisions on supervision, describing how the Ministry of Culture conducts regular supervision of the grant beneficiaries, and when and how they carry out an intensified supervision.

In this respect, a broad framework agreement (Rammeaftale) is entered between the Ministry of Culture and ADD (KUM, 2019). This agreement works as a governance tool used to ensure that public funds are used as intended. Normally, an agreement extends over a four-year period, broadly defining the tasks that the annual grant is used to realise. ADD must report on the achievements of the agreed goals as a part of the annual report. ADD is managed by a chief executive officer and a general secretary. At the end of 2019, ADD's secretariat consisted of 18 full-time staff including its CEO. ADD also employs 50 additional staff on an hourly basis, including lead doping control officers, doping control officers, and fitness consultants (equivalent to 6.75 full-time staff), to oversee the sample collection process in organised competitive sport and to carry out control and prevention work in fitness centres and gym facilities.

Key anti-doping policy figures

ADD's total income in 2020 was DKK 28.7 million DKK (2019: DKK 28.8 million), which includes an operating grant of DKK 25.4 million (2019: DKK 25.2 million) from the Danish Ministry of Culture. The remaining income consists of project support from the Danish Ministry of Culture and the Danish Ministry of Health, doping control contracts made with event and tournament organisers, and cooperation agreements with gyms and fitness centres.

ADD's total expenditures amounted to DKK 28.4 million and can be broken down into the following expense categories:

- Board of Directors: 0.3 million DKK
- Administration and Management: 4.6 million DKK

- Organised sport: 11.8 million DKK
- Recreational sport: 5.1 million DKK
- Communication and IT: 43.5 million DKK
- Research and Development: 1.1 million DKK
- International Cooperation: 0.1 million DKK
- Investigations and Results Management: 1.2 million DKK
- National Platform Against Match-Fixing: 0.7 million DKK

In 2020, ADD succeeded in completing 85% of the planned test distribution plan despite the challenges of the COVID-19 pandemic. Thus, ADD collected a total of 1,691 blood and urine samples in- and out-of-competition of which 63% were collected out-of-competition and 37% in-competition. For comparison, this was a reduction by 17% compared to 2019 where ADD collected a total of 2,028 blood and urine samples in- and out-of-competition (www.antidoping.dk).

The Danish registered testing pool (RTP) consists of 100 athletes as of January 2021.
In 2020, ADD collected 221 additional samples in correspondence with requests coming primarily from international federations and national sports event organisers (ADD, 2021).

3. Methods

As a project partner ADD was aware of the principles of the National Anti-Doping Governance Observer tool prior to the research phase and the organisation remained committed and prepared to participate and assist throughout the research phase.
In accordance with the project methodology, the study of ADD's governance was conducted based on information published on ADD's website www.antidoping.dk, including statutes, the rules of procedure of the board of directors, and other relevant documents such as the Law on the Promotion of Integrity in Sport etc. (see above)
In the first phase of the research process, a desktop analysis was conducted in which the project researcher scored all indicators in the National Anti-Doping Governance Observer tool as well as the questions posed in the detailed evaluation criteria.

During this process, the underlying documentation for the scores was collected as evidence.

The first draft of the scoring was shared with ADD on 31 August 2020. The director of ADD immediately appointed a staff member as the project contact for the researcher and there were several exchanges where ADD commented on the results and provided additional information for the indicators. For some indicators, ADD referred to internal guidelines and procedures, which were not published on www.antidoping.dk and therefore not available for the researcher during the initial scoring. Several scores were thus qualified and changed during this process.

During an online meeting held in mid-September 2020, the results were discussed and explained to the director of ADD who participated with the secretary-general and the responsible staff member (contact person).

A revised version of the results was presented toad for final feedback, and after a number of iterations, the final scoring was available in spring 2021, as ADD continuously implemented revisions to statutes, internal procedures, and publications over the project period, whereby some of the dimension scores were improved.

4. Results

The combined average score on the NADGO index for ADD is 78%, which constitutes a score in the category 'Good'. Overall, the NADGO indicators are implemented to a high degree in Denmark.

Looking at the various dimensions, ADD performs very well within four out of the six dimensions with scores between 85-87% resulting in the score 'Very Good': 'Operational transparency' (85%), 'anti-doping transparency' (87%), 'operational independence' (86%) and 'anti-doping responsibility' (85%). It is only very few indicators within each of these dimensions that are not implemented.

For the dimension 'democratic processes' (70%) the results are in the category 'Good' and for 'internal accountability and control' (56%) results are 'Moderate'. Thus, within these two dimensions, there is a potential for even stronger governance for ADD.

For some of the indicators which were not fulfilled at the time of the initial research, ADD has already initiated measures to secure compliance. This relates especially to 'operational transparency' and 'anti-doping transparency' where relevant information is now published via the annual report to a greater extent than in the initial phase of the project.

As mentioned above, Anti Doping Denmark is considered a mid-sized NADO with a total of 18 employees. This means that only indicators in the category 'Basic' and 'Intermediate' apply to ADD. Thus, the following indicators in the category 'Advanced' do not apply: 23.5, 24.3, 32.2, 32.3, and 32.4.

Dimension 1: Operational transparency

The score on the NADGO index for the dimension 'operational transparency' is 85%, which constitutes the score 'Very good'.

ADD complies with 21 out of the 24 indicators dispersed across the ten principles in the dimension.

Thus, the results show 100% compliance with all indicators relating to the publication of statutes, internal regulations, and organisational structure (principle 1), publication of rules governing the appointment of board members (principle 2), publication of agenda for

board meetings, and the topics to be decided by a board vote (principle 5), publication of financial statements (principle 7) and publication of all public and private income (principle 10).

It is worth noting, however, that all these indicators are basic indicators – meaning that they constitute a minimum standard for good governance and all NADOs should have the capacity to fulfill these. According to Geeraert (2017), the publication of these key documents allows stakeholders to monitor core aspects of the organisation's governance. It is also worth mentioning that ADD is already obliged to comply with these indicators due to requirements from the Ministry of Culture to ADD (KUM, 2010a).

The lowest score achieved within the dimension 'operational transparency' is for principle 3 where ADD's compliance score is 0 %. This principle only covers one indicator which relates to the publication of rules governing the appointment of the members of the national hearing panel. The hearing panel is independent of ADD and is appointed by DIF (the umbrella sports organisation) and the rules governing the appointment of members are only published on DIF's website as an integrated section of DIF's statures. Although ADD does currently not link to these statutes from its website, the information is available to the public. Reporting on appointment rules is included as an indicator in the NADGO tool as this secures trust and improves external scrutiny of the hearing panel's independence. As described above, the hearing panel is independent of Anti Doping Denmark, and therefore the primary goal of the principle is achieved, although ADD is not credited for compliance with the publication of the appointment rules.

Within principle 4, ADD complies with two out of three indicators resulting in a score of 67%. The only indicator not fulfilled is indicator 4.3 which relates to the publication of minutes of standing committee meetings. ADD has two standing committees, the Research Committee and the committee for granting Therapeutic Use Exemptions (TUE Committee) respectively, and only the minutes of the Research Committee are published. For the TUE Committee, no minutes are published, and this can be partly explained by the fact that the TUE Committee holds no collective meetings as each member assesses the TUE applications within his/her field of expertise. Furthermore, the confidential nature of parts of the meetings – such as health-related issues for specific athletes, which are often discussed – cannot be included in public minutes.

Dimension 2: Anti-doping transparency

ADD's score on the NADGO index for the dimension 'anti-doping transparency' is 87% which corresponds to the score 'Very good'. ADD complies with a total of 29 out of the 33 indicators dispersed across the nine principles in the dimension.

ADD shows a very high degree of transparency relating to its general strategy and its operational goals specified in the framework agreement with the Ministry of Culture for the various areas in the strategic plan. Transparent reporting on goals and activities is also seen to a very high degree.

Thus, ADD complies with 100% of the indicators in principle 11 (reporting on activities), 12 (publication of a multi-annual policy plan), 14 (information about the planning of its testing activities), 15 (publication of testing activities), 16 (reporting on long-term sample storage program), principle 17 (reporting on whereabout failures) and 19 (reporting on policies in the areas of anti-doping education, cooperation, and research).

The weakest results are achieved for principle 13 where ADD's compliance score is 0%. This principle relates to long-term financial planning and the publication of an annual budget. Publishing a budget and long-term financial planning makes an organisation more accountable and increases the likelihood that it will reach its goals. ADD does not publish a long-term budget and the organisation does not have a practice for the publication of annual budgets except retrospectively as part of the financial report where the annual accounts are measured against the original budget.

For principle 18, ADD achieved partial compliance with a score of 80%. This principle relates to the reporting of test results, and here ADD comply with three out of four indicators. Adverse passport findings (indicator 18.2) are currently not published, but as there were no adverse passport findings in 2019, this indicator is scored as 'Not applicable' and thus not included in the calculation of the average score. From 2020 any adverse passport findings will be included in the annual report and ADD will hereby comply with this indicator.

However, due to GDPR restrictions ADD is unable to comply with indicator 18.5 relating to the publication of details of athletes that have been found to have committed anti-doping rule violations, including their sanction, and, where applicable, the end date of their suspension. Sanctions are only publicised in anonymised form at the website of the national hearing panel, which is structured under the NOC and Sports Confederation of Sport (DIF). In addition, the national doping registry 'Dopingregistret' contains information on athletes who have been sanctioned in either organised sport or in recreational sport including commercial fitness centres, but this registry is secured and only accessible for stakeholders with a need-to-know position such as the sports organisations (DIF, DGI and the Danish Federation for Company Sports and their member associations) as well as fitness centres who are cooperating with ADD.

Dimension 3: Democratic processes

The overall score for the dimension 'democratic processes' is 70% which corresponds to the score 'Good'.

In total, ADD complies with 20 out of the 27 indicators dispersed across the eight principles in the dimension. The indicators 23.5 and 24.3 do not apply to ADD as a mid-sized NADO and are not included in the calculated average score.

The lowest scores are seen for principle 24 where ADD's compliance score is 0%. This principle relates to the participation of athlete support personnel in its policy processes. Participatory processes enhance the effectiveness and legitimacy of policies. Through their

inclusion in the policy process, athlete support personnel provide specialised knowledge and they come to see policies as their own so that they are more likely to comply. ADD currently has no formal policy outlining which anti-doping policy fields it allows athlete support personnel (e.g. medical staff, physiotherapists, player agents/managers) to share their views on and how (indicator 24.1). Likewise, there is no multi-annual policy plan adopted in consultation with athlete support personnel (indicator 24.2), and ADD does not undertake specific actions aimed at involving athlete support personnel in its decision-making procedures (indicator 24.3).

For principle 23 relating to the participation of athletes in its policy processes ADD complies with 25% of the indicators. The Law on the Promotion of Integrity in Sport ensures that at least one board member is appointed to voice the point of view of athletes (e.g. former athlete or athlete representative) and thus indicator 23.4 is automatically fulfilled. Yet there is no formal (written) policy that outlines which anti-doping policy fields it allows athletes to share their views on and how this is done (indicator 23.1), and ADD does not institutionalise the involvement of athletes in policy processes as required by indicator 23.2 by either (a) having a representative body for athletes, whose members are elected by athletes for a specified limited term, and which has a term of reference that includes specific expectations around consultation; or (b) a memorandum of understanding with an independent organisation that formally represents a large majority of at least the athletes that are part of the Registered Testing Pool.

For principle 26 relating to the established quorum for the oversight body, ADD complies with one out of two indicators resulting in a score of 50%. Although ADD's statutes do establish a quorum for the board, it is currently 50% whereas the NADGO indicator requires a quorum for the oversight body to be 75% in order to be fulfilled.
For principle 27 ADD complies with six out of seven indicators resulting in a score of 80%. The only indicator which is not fulfilled is 27.3 requiring the organisation's internal regulations to establish the procedures for drawing up the agenda for board meetings.
ADD complies 100% with all indicators relating to the following remaining principles within the dimension 'democratic processes': Principle 20 (appointment of board members), principle 21 (term limits for board members), principle 22 (diversity of the board) and principle 25 (gender equality policy).

Dimension 4: Internal accountability and control

ADD's results for the dimension 'internal accountability and control' correspond to the label 'Moderate', and with a score of 56%, it is the weakest of all the dimension scores in the study.

ADD complies with a total of 21 out of the 37 indicators dispersed across the eight principles in the dimension. The indicators 32.2, 32.3, and 32.4 do not apply to ADD as a mid-sized NADO and are not included in the calculated average score.

The strongest score is achieved for principle 30 covering internal financial audit procedures, and for principle 32 relating to external audit by an independent auditor. For

both principles ADD complies with all indicators (100%) showing strong accountability regarding financial management and accuracy of financial statements. This is supplemented by solid procedures for signing agreements or payments on behalf of the organisation (indicator 33.1) and a clear separation of duties so that the same person cannot both initiate and approve payments (indicator 33.2). Although there is no article in ADD's statutes or internal procedures to formally restrict the use of cash (indicator 33.5), there is no real increased risk of mismanagement of funds by the use of cash as all transactions are done electronically and ADD does not operate with cash transactions.

The lowest scores within the dimension are seen for principle 28 relating to procedures regarding the premature resignation of board members for absenteeism, conflicts, or unethical conduct, and principle 35 covering procedures for the processing of complaints about violations of applicable rules of conduct. For both principles, ADD's compliance scores are 0 %.

For principle 34 relating to the code of conduct applicable to the members of the board, management, and personnel ADD complies with only 20% (two out of ten) of the indicators. Although ADD has implemented a code of conduct that applies to management and staff, there is currently no code of conduct that applies to the board of directors (indicator 34.1). Therefore, ADD automatically fails to comply with all indicators that require various rules to be specified in such a code of conduct for board members. Consequently, ADD has no formal binding obligation specified for board members to act with integrity (indicator 34.4), no internal rules on expenses or acceptance of gifts for board members (indicator 34.5 and 34.6), or conflicts of interest for board members (indicator 34.7). However, it should be mentioned that the appointment letters issued by the Minister of Culture to board members at the time of appointment do include a text obliging each member to act with impartiality and confidentiality.

As no code of conduct for board members has been implemented, ADD naturally does not fulfill indicator 34.9 requiring all board members to have signed the code. The same applies to indicator 34.10 obliging the organisation to take steps to ensure that all stakeholders are notified of the contents of the code and understand it. ADD is currently working to implement procedures in relation to the Code of Conduct and Code of Ethics, possibly by referring to already published material as 'Good governance in the public administration'.

Dimension 5: Operational independence

The NADGO results for the dimension 'operational independence' correspond to the label 'Very Good', and with an index score of 86%, it is the dimension with the strongest score in the Danish NADGO study.

ADD complies with a total of 17 out of the 19 indicators dispersed across the seven principles in the dimension.

In principles 36 and 37, ADD's compliance scores are 50% as only one out of two indicators are fulfilled for these principles.

In principle 36, ADD does not fulfill indicator 36.1 requiring that ADD's statutes and/or establishing act secures that acting national politicians and high-level government officials cannot be employed by the organisation, nor serve as board members/officials. This is relevant as acting politicians and high-level government officials are subject to particularly high risks of conflicts of interest in doping matters.

Similarly, ADD is currently prevented from fulfilling indicator 37.2 requiring that employees or oversight body members cannot be involved in the management or operations of national or international sport governing bodies or major event organisations. This is relevant as people who hold a position in or are employed by sports organisations are subject to particularly high risks of conflicts of interest in doping matters relating to the sport within which they are employed or other sports. Currently, a director of a national sports federation is appointed as a member of the board of directors of ADD, and although it is the Ministry of Culture who is responsible for the appointment of board members, the indicator 37.2 is hereby not fulfilled. It should be mentioned here that the 'Law on the promotion of Integrity in Sport' has recently been amended (April 2021) concerning the appointment of board members to ADD. This amendment will secure that persons appointed to the board of ADD cannot be employed by or be members of an executive board of a national sports federation. Since this will only apply to any future appointments, ADD currently does not comply with indicator 37.2.

ADD's compliance within the other five principles in the dimension is 100%, which shows that ADD has solid operational independence. This is based on ADD's exclusive authority to manage public funds and the authority to draft its own budget without external approval, the delegated authority to administer the national anti-doping programme, strong procedures governing the national hearing panel, and the implementation of procedures concerning conflicts of interest.

Dimension 6: Anti-doping responsibility

With a score of 85%, ADD's results for the dimension 'anti-doping responsibility' correspond to the label 'Very Good'.

ADD complies with a total of 27 out of the 29 indicators dispersed across the eight principles in the dimension leaving only three indicators unfulfilled. Two out of these three indicators are structured under principle 48 relating to the external and independent review of the testing activities (indicator 48.1) and anti-doping policies (indicator 48.2) respectively. ADD does not engage an external auditor in these areas and thus does not comply with the two indicators.

The only other indicator within the dimension 'anti-doping responsibility' which ADD does not fulfill is 43.2, which relates to the implementation of a formal (written) policy that outlines objectives and specific actions aimed at educating athletes on anti-doping governance. ADD does cooperate and interact with the Danish athlete committee on various issues relating to anti-doping governance, but this cooperation is not specified formally or included in a policy.

5. Discussion and policy implications

Overall, the research of ADD shows that the organisation has solid governance practices in place within most of the dimensions in the National Anti-Doping Governance Observer tool.

In part, the strong governance can be explained by applicable laws in Denmark such as the 'Law on the Promotion of Integrity in Sport' (KUM, 2015) and 'Law on Economic and Administrative Conditions for Beneficiaries of Operating Grants from the Ministry of Culture' (KUM, 2010b). Both regulatory instruments include governance prescriptions that ADD is obliged to comply with and which assure that a solid standard is in place. For this reason, ADD also shows strong results in the 'operational transparency' dimension. In addition, ADD's statutes and steering measures, such as the framework agreement with the ministry (KUM, 2019) and the operational goals defined in addition to the framework agreement, secure additional strong steering of the organisation.

ADD already has a long tradition for transparency with the publication of information relevant to the organisation is already in place on the website www.antidoping.dk. Again, this is partly due to the 'Law on Economic and Administrative Conditions for Beneficiaries of Operating Grants from the Ministry of Culture' which stipulates that the organisations, as beneficiaries of grants from the Ministry of Culture, should secure that the activities of the organisations are easily accessible for the public.

Within the 'anti-doping transparency' dimension the development and publication of either a multi-annual budget or at least an annual budget would secure the fulfillment of most of the remaining indicators in the dimension.

ADD's results in the dimension 'internal accountability and control' leave two areas where suggestions for stronger measures appear after the NADGO research. They both involve policies concerning the board of directors.

The first of these involves the implementation of policies around premature resignation of board members for either repeated absenteeism, conflicts (incompatible views), or unethical conduct. The second area involves the implementation of a code of conduct applicable to board members.

And finally, ADD could also consider implementing procedures for the processing of complaints about violations of applicable rules of conduct. By strengthening measures in these areas, ADD's results in the dimension 'internal accountability and control' would be substantially improved.

Finally, and in line with the current international governance debate, ADD should also consider how athletes and athlete support personnel can be better involved in matters of anti-doping relevance. Formal policies on how athletes can be involved in policy processes in a democratically appropriate manner and how they can be heard and consulted on

specific anti-doping policies are currently lacking. Although a board member in ADD is appointed to voice the point of view of athletes, actions to involve athletes in decision-making procedures could also be considered, although this is not expected in terms of the NADGO project from mid-sized NADOs such as ADD.

ADD has informed the project researcher that continuous attention will be paid to improving the governance of the organisation in the near future.

Thus, at the outset of the NADGO project, ADD formulated an operational goal in its contract with the Ministry of Culture which implies that ADD in 2021 – with reference to the recommendations in the NADGO project – will develop a policy on good governance and in 2022 implement this policy and contribute to other NADO's doing the same (KUM, 2019 b). This means that ADD within this period of time intends to consider the principles and indicators that are not currently met and take measures to comply with more of the remaining indicators.

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Reflections from Anti Doping Denmark on the national report

By Michael Ask, CEO, Anti Doping Denmark

Good Governance is essential for all anti-doping organisations. It is paramount if the athletes and other stakeholders shall remain confident with the system. For Anti Doping Denmark the NADGO project has reassured us that overall we are in a good condition. However, it has also revealed certain areas, where we certainly could improve and be more specific in our governance.

On 'anti-doping transparency', we have learned that we could do even more to inform the public about our work and in some cases in a more accessible way. We have also already started to publish the agenda for our board meetings before the meeting, as well as publishing minutes from standing committees.

On 'internal accountability', the result has prompted the drafting of a Code of Conduct and a Code of Ethics for our board members.

Finally, the relatively low score on 'democratic processes' has further added to our ongoing deliberations on how to involve athletes even more in our work.

Overall, the NADGO project has been a very useful tool for us. It is always beneficial to be scrutinised by professional and independent experts. I hope that many other anti-doping organisations will use this tool now available to survey their own governance or even better, let someone independent do it.

I would like to take this opportunity to thank Play the Game and all the researchers for an excellent conducted project.

NADO REPORT:

NATIONAL ANTI-DOPING AGENCY OF GERMANY

Key results: National Anti-Doping Agency of Germany (NADA Germany)

Figures 1 and 2 show NADA Germany's main NADGO scores.

Figure 1: NADA Germany's overall NADGO index score

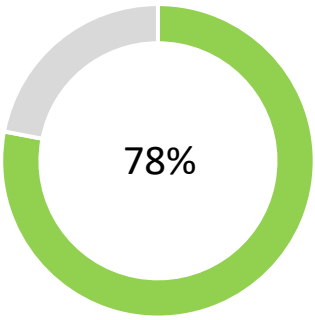
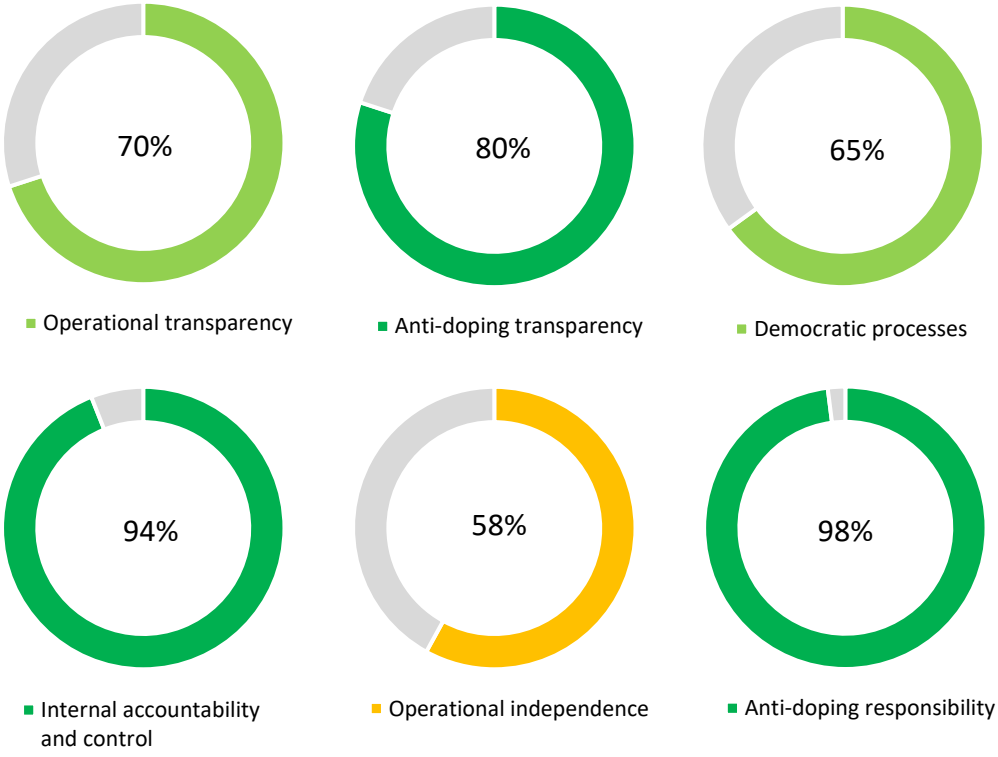


Figure 2: NADA Germany's scores on the six NADGO dimensions



Not fulfilled	Weak	Moderate	Good	Very good
0-19 %	20-39%	40-59%	60-79%	80-100%

By Jürgen Mittag & Lorenz Fiege, German Sport University Cologne

1. Overview: The changing anti-doping system in Germany

The National Anti-Doping Agency of Germany (NADA) is an independent non-profit foundation under civil law. It was founded in Bonn on 15 July 2002 and became operational on 1 January 2003. Since its establishment, NADA's structures as well as its working processes have been subject to continuous change. One of the most important transformations has been the financing of NADA, which has always been a central challenge over the past two decades. The model of joint funding by organised sport, business and the state did not prove sustainable. It was not until the change to institutional funding by the state in 2020 that a more permanent foundation was laid in financial terms.

NADA has a full-time executive board and a voluntary supervisory board. While the executive board manages the operational business of NADA, the supervisory board oversees the activities of the executive board as an independent control body. When it was founded, NADA had five employees. In the meantime, more than 30 permanent employees now work for NADA. NADA's four expert commissions essentially have an advisory function.

Since NADA was founded, the framework for doping control in Germany has also changed fundamentally. In particular, the adoption of the German Anti-Doping Act of 10 December 2015 has significantly expanded the scope and quality of anti-doping measures. The present report essentially recurs to the current structures of NADA as it exists at the beginning of 2021. However, changes are specifically addressed in individual cases.

The results presented below are based mainly on information provided on NADA's website (www.nada.de). In addition, internal documents were addressed, and several interviews were conducted with NADA's executive board and representatives of organised sport. The data was collected in the period between January 2020 and March 2021. NADA's executive board supported the project and all corresponding requests constructively without reservation.

The average NADGO index of NADA Germany is 78%, which corresponds with a 'Good' scoring label. The variance between the different dimensions is relatively large: The difference between the highest and the lowest score is 40 percentage points. NADA's 'anti-doping responsibility' index achieves the highest scores of the six dimensions, namely a 'Very good' label of 98%. It is followed by the index scores on the 'internal accountability and control' (94%) and 'anti-doping transparency' (80%) dimensions which both score a 'Very good' label as well. The dimensions 'operational transparency' (70%) and 'democratic processes' (65%) constitute a 'Good' label, while the index score on the 'operational independence' dimension (58%) is labelled 'Moderate'.

In part 2, the following report briefly illustrates the German sports system and the most important milestones of Germany's anti-doping development. After a short outline of the methodological foundations (chapter 3), the report presents the most important results and characteristics of the six dimensions of the 'National Anti-Doping Governance Observer' in chapter 4. In the concluding fifth chapter, some explanatory approaches are presented and perspectives for the future of NADA and the anti-doping policy in Germany are discussed.

2. Context: Complexity and cooperation at work

The German sports system is characterised by a considerable complexity of actors on both the private (associations) and public (state) side. In light of the Vocasport typology, the German sports system can be classified as a 'missionary configuration'. This is characterised by the fact that the state delegates a considerable part of the responsibility for sports policies to the sports organisations, which consequently possess a great deal of decision-making autonomy. At its core, the German sports system is based on five fundamental principles (Kurscheidt & Deitersen-Wieber 2011; Petry & Hallmann 2013; Breuer et al. 2017; Mittag/Mueller-Schoell/Putzmann 2018).

A key element is, firstly, associational autonomy based on Article 9 of the Basic Law of the Federal Republic of Germany, which guarantees freedom of association. On this basis, gymnastics and sports clubs in Germany organise themselves. In terms of associations, the German sports system is structured both according to types of sport and according to territorial division: At the top of organised sport stands the German Olympic Sports Confederation (DOSB) with its 100 member organisations (2021), which are made up of 16 regional state sports federations, 66 top sports federations and 18 federations with special tasks. These federations in turn comprise more than 27 million members who are largely self-organised in clubs.

Federalism and subsidiarity together form the second principle of German sport (vertical level). In accordance with the federal structure of the Federal Republic, organised sport is represented at all levels. At the local level, the main actors are the individual clubs. There are currently more than 90,000 gymnastics and sports clubs in Germany. The clubs, in turn, are members of the corresponding local, regional and national federations whose sport they practise. The main task of the regional state associations is to organise top-level and mass sports activities. The federations at the national level focus primarily on elite athletes in various disciplines. In addition, they are responsible for tasks such as talent identification and promotion, the organisation of training courses and the establishment and maintenance of performance centres.

The third defining principle is the cooperation between the federations and the state (horizontal level). The state essentially has a framing and promoting role in sport. One of the most important tasks is the financing of sport, which is essentially done through the provision of direct and indirect public funds. At the national level, the Ministry of the Interior is primarily concerned with sport; at the regional level, there are different ministries of the individual federal states. In addition, the municipal governments and

administrations at the local level also play a relevant role. Although no formal institutions have been created in sport in which representatives of organised sport and public administration are formally united, there are various informal forms of cooperation. Volunteering is the fourth principle of German sport. According to the results of the latest survey on volunteering in Germany from 2019, around 28.8 million people are involved in voluntary work – that is 39.7% of the population aged 14 and over in Germany. The highest proportion of volunteers, 13.5%, can be found in the field of sport. Men engage in such activities at a significantly higher rate than women.

The fifth principle of sport in Germany is the coexistence of elite and recreational sport. On the one hand, Germany is characterised by sustained success in competitive sport. In the all-time score of medallists in the Summer Olympic Games, Germany (including the GDR and predecessor states) ranks third, and in the list of Winter Olympic Games, it even tops the list. At the same time, however, the promotion of popular sport has always been an important goal. Accordingly, Germany's population is also characterised by a high level of participation in sport.

In sum, German sport is characterised by its complexity, but also by its cooperation. An example of this is the decision of August 2009 with the aim of initiating stronger cooperation in the fight against doping through preventive measures: The National Doping Prevention Plan (NDPP) was adopted by the Conference of Sports Ministers of the Länder (SMK), the Federal Ministry of the Interior (BMI), the German Olympic Sports Confederation (DOSB) and the National Anti-Doping Agency Germany (NADA).

Key national anti-doping legislation and policies

For a long time, the central feature of anti-doping policy in Germany was based on assigning responsibility for this problem area to organised sport in accordance with the basic principles of sport (Krüger et al. 2014). Against this backdrop, there were initially no anti-doping legislation or legally binding state activities. Politically, however, the German government had as early as 1967 promoted at the level of the Council of Europe that the member states adopt a recommendation that put pressure on the sports federations to prohibit doping by athletes and to punish abuse.

Especially in the 1970s, there was an intense debate in West German media about the use and consequences of doping in sport (Meier/Reinold/Rose 2012; Meier/Rose/ Woborschilm 2012). The first accompanying measures to combat doping were taken by the state during this period. In 1974, for example, the federal government appointed a commissioner for doping analysis at the Federal Institute for Sports Science (BISP). In 1979, the Federal Ministry of the Interior established a remuneration regulation for national coaches, which provided the possibility of terminating the contract with the coach without notice in the case of violations of the doping ban.

Anti-doping policy in Germany was significantly shaped by the end of the Cold War and the reunification of the country, as well as by internationalisation in sport and the impetus provided by the founding of the World Anti-Doping Agency (WADA). Since both state-

sponsored doping in the GDR and unauthorised activities in West Germany became known after the German-German reunification through media coverage and revelations by former athletes (Berendonk 1991), several commissions began to develop perspectives for a future anti-doping policy in Germany.

The training environment was identified as a key area. In order to better control this area, the then German Sports Federation (DSB) set up a 'Permanent Commission for the Supervision of Out-of-Competition Doping Controls' in January 1991, which was later renamed the 'Anti-Doping Commission'. Since February 1993, the Commission has been jointly supported by the DSB and the National Olympic Committee (NOK). It is considered the predecessor organisation of the current NADA (Schmidt 2009; Spitzer 2013; Spitzer/Eggers/Schnell 2013).

At the same time, international organisations initiated further steps towards a transnational fight against doping. The Anti-Doping Convention adopted by the Council of Europe in November 1989, based on the European Charter against Doping, stipulated that the contracting parties coordinate national measures and enact laws or administrative measures. Germany ratified this convention in 1993. The international agreements on combating doping finally led to the founding of WADA in 1999. On the national level, the foundation 'National Anti-Doping Agency of Germany' (NADA) was established in Bonn on 15 July 2002 and started its work on 1 January 2003. One year later, the first National Anti-Doping Code (NADC) was presented, which had to be implemented by the national sports federations.

Since the 1990s, there had been a repeated demand for a public anti-doping law in Germany. However, due to the different positions of parties and other political stakeholders, no consensus was found at either the federal or state level (Haug 2006). The reference to the constitutional autonomy of sport marked the central counter-argument that prevented the introduction of an anti-doping law, which continued to be considered and discussed in Germany. In 2007, however, Article 6 of the Medicinal Products Act was amended to include a ban on the possession of 'not small quantities' of substances suitable for doping. In addition, the Law to Improve the Fight against Doping in Sport (DBVG) was passed in the same year, aiming to combat criminal structures in sport, for which purpose a limited sanction for possession of doping substances was also introduced. In 2009, Germany's first specialised public prosecutor's office (Schwerpunktstaatsanwaltschaft) for doping was established in Munich.

The issue of legal regulation in anti-doping policy was repositioned after the 2013 federal elections when the coalition agreement between the parties CDU/CSU and the SPD included the objective of implementing more far-reaching legal measures. In 2015, following this mandate, a bill for a German Anti-Doping Act (Gesetz zur Bekämpfung von Doping im Sport) was introduced and passed by the governing party groups in the national parliament (Bundestag). On 1 January 2016, this legal act came into force. Until the entry into force of this act, the sanctioning power for offences lay with organised sport. However, the new Act now criminalised the purchase, possession, and use of doping

substances and methods ('self-doping') to gain an advantage in a competition. In the course of a multi-stakeholder evaluation of the Anti-Doping Act held by the Sports Committee of the Bundestag after five years, it was proposed to add specific leniency and a whistle-blower protection programme in the statutory provisions in order to make the identification of anti-doping rule violations more effective. In June 2021, the German Bundestag added a leniency programme to the Anti-Doping Act. This is intended to encourage whistleblowers to provide investigators with information about backers or criminal networks. In return, they can expect a lower penalty (Krause 2021).

The causes for the adoption of an anti-doping law have already been academically analysed (Risse 2017). It cannot be traced back to a specific doping scandal in German sport or another current event but is rather an expression of a general change in German sports policy. Due to a variety of problems in organised sport and an increasingly strong questioning of the integrity of sport, public actors took a different position of responsibility and finally intervened more strongly.

Key features of NADO governance

The initial plan was to establish NADA as a foundation under private law, which would be economically and legally independent and thus act autonomously (cf. Krüger/Nielsen 2013: 65). The sports associations, the federal and regional authorities (Bundesländer) as well as commercial stakeholders were considered as potential donors. In the end, however, the foundation's capital came almost exclusively from public funds, while sport and business only contributed smaller amounts. As a result, the financing of NADA remained a point of contention between the federal government, the federal states and organised sport for several years. Another controversial issue was the responsibility for the two German doping control laboratories.

In view of the unclear structures and a difficult financial situation, a variety of criticisms were levelled at NADA in the first few years and its ability to perform and function was called into question. As a result, NADA was reorganised in 2007, which was reflected, among other things, in new statutes and higher financial contributions from the federal government.

At the beginning of 2011, the foundation's statutes were again revised aiming at a higher level of professionalisation. Among other things, the previously honorary executive board was replaced by a full-time management body with two executive members (NADA's chairpersons) who are appointed for a term of five years. The executive management is appointed and controlled by a supervisory board (Aufsichtsrat), into which the previous board of trustees (Kuratorium) was transformed. According to the foundation's statutes, the supervisory board consists of at least nine persons. Advisory functions, on the other hand, will continue to be performed by four honorary standing committees/expert commissions (NADA Kommissionen) on testing, prevention, medicine, and legal matters that consist of 7-11 experts and meet once or twice a year each. In 2019, a total of around 40 people worked professionally for NADA on a full-time basis.

In 2014, NADA's funding key was distributed as follows: Federal Government 40%, organised sport 29%, business 20%, and federal states 1%. A further 5% of the income was generated through the foundation's capital. However, the financing of NADA according to a 'stakeholder model' remained the subject of controversial negotiations, especially since the new WADA Code (2015) introduced that NADOs have to assume not only the costs for out-of-competition but also for in-competition testing.

After lengthy debates and an ever-increasing decline in funding from business and organised sport (most recently 400,000 Euro from the DOSB), a new funding model was established in 2020 that provides for institutional funding (institutionelle Förderung) from the federal government. Since January 2020, NADA's budget, which amounts to around 10 million Euro, has been institutionally funded in accordance with § 26 (3) Federal Budget Code (Bundeshaushaltsordnung). Recognising NADA's central role in the anti-doping work, the introduction of institutional funding shall provide for multi-annual financial stability and secure the operability of the agency in the medium and long-run, by covering an indefinite share of NADA's operational and administrative expenditures (2021: 6.5 million Euro (82%)) on an ongoing basis.

Even though this type of public grant is regularly approved for (only) one financial year, so that – from a legal point of view – there is no immediate entitlement to a subsequent grant, the German state is in fact obliged to provide funding over a longer period. Apart from the institutional funding, NADA also receives project funding (Projektförderung) from the federal government (2021: 2.3 million Euro), dedicated mainly to anti-doping research and doping analysis in cooperation with WADA-accredited anti-doping laboratories in Germany. In 2021, the share of non-public funding including own resources amounts to only around 1.4 million Euro.

3. Methods: Data collection and interviews

In accordance with the standardised NADGO methodology, data collection started with reviewing the websites and documents of NADA followed by a preliminary scoring (January until May 2020). The second period included communication with NADA by requesting additional internal documents and drafting a second preliminary scoring (September 2020). The third period aimed at direct contacts with NADA and other national sports organisations (October 2020 until January 2021). Several onsite and online interviews with NADA's executive board (Dr. Andrea Gotzmann and Dr. Lars Mortsiefer) and with the executive board of the DOSB (Veronika Rücker) provided the chance to get more detailed information, to discuss preliminary results and to exchange experiences with good governance. The semi-structured qualitative interviews fostered closer insights into the internal structures and processes of NADA. The additional information has been helpful in view of assessment and policy recommendations. This third period ended with a final scoring and the drafting of the report on NADA and the anti-doping policy in Germany. The entire research process was conducted jointly by the two authors of this national report.

4. Results: Good scores and large variance

Dimension 1: Operational transparency

The average index score on the dimension 'operational transparency' is 70% ('Good' label). NADA publishes comprehensive information on the rules and procedures that establish the composition, internal workings, and interaction of/between its main bodies. It furthermore discloses large parts of its financial activities to deter corruptive practices whereas information on specific points of discussion, deliberation, and decision-making in NADA's supervisory board[4] and expert commissions, as well as possible conflicts of interest, are less transparently documented.

While NADA publishes its constitution and organisational chart on its website, it does not publish a document that details the internal regulations (rules of procedure) of its board, executive management, and expert commissions. A detailed set of principles that define the governance procedures of/between these bodies is, however, integrated in NADA's constitution.

NADA publishes the rules that govern the appointment of its board members and refers to such for the members of the hearing panel, providing comprehensive information on the German Court of Arbitration for Sport (Deutsches Sportschiedsgericht) and its jurisdiction on anti-doping matters.

NADA's website does not provide reference to the decisions adopted by its board and expert commissions. Public versions of the minutes of all the board and expert commission meetings do not exist. Information on internal debates and the rationale behind certain (key) decisions of the board is not retrievable. NADA does also not publish the agenda of board meetings.

Information about its board members is however retrievable, including the names and basic biographical information of the current members as well as the duration and number of their previous mandates. Board members' affiliations with governmental bodies and sports organisations are specified on NADA's website and within its constitution. A general email address (info@nada.de) to contact the board is publicly available on its website, however, a specific address dedicated solely to contacting board members does not yet exist.

NADA's three most recent financial statements, including its annual budget and all its sources of income, are disclosed as part of its annual reports. The agency furthermore provides information on the remuneration of (senior) management staff and board members. The latest annual report contains solely general figures on the remuneration of NADA's management, stating that overall staff expenses amounted to around 2.4 million Euro (23,5%) in 2019. As a beneficiary of public grants from the state's annual household

[4] In the following, the term 'board' is used for 'supervisory board'.

budget, in effect, NADA must submit an annual budget and establishment plan[5] that is published by the German government, including information on expected revenues, expenses, and detailed remuneration schemes which apply to its management staff. Information on the remuneration – including compensation and bonuses – of NADA's chairpersons is however provided in an annual external audit report that is currently not accessible to the wider public. In terms of having a clear distinction between voluntary/honorary and full-time (paid) staff as outlined in NADA's organisational chart, board members are generally not remunerated. The agency furthermore does not pay any fringe benefits (e.g. travel expenses) to its board members, though some exemptions may occur according to NADA's chairpersons.

NADA does not report on conflicts of interest to generate trust and increased external scrutiny and provides an overview of neither declarations of conflicts of interest nor decisions in which conflicts of interest were involved.

Dimension 2: Anti-doping transparency

For the dimension of 'anti-doping transparency', a 'Very good' index score of 80% was calculated. NADA is very transparent in publishing information on its general activities, particularly on the planning and conduct of its testing activities. It discloses less information on its future strategic development since it does not publish a multi-annual policy plan and long-term financial planning.

General activity reports are integrated into NADA's annual reports, outlining the agency's key objectives and concrete actions on how to achieve these with reference to the tasks and responsibilities of its different management departments[6] (Ressorts). The reports furthermore contain specific chapters on the agency's performance in the areas of anti-doping education, cooperation with other entities, and research, for example on athlete perspectives, biochemical and medical issues. They, however, lack precise statements on the activities of NADA's expert commissions.

NADA's chairpersons, management staff of its departments, and board members jointly develop a multi-annual policy plan (five years) as part of its quality management processes at the beginning of each legislative period, comprising key objectives, concrete operational goals, and envisioned actions that are presented to the board, externally audited[7], and partly integrated into the agency's annual report and National Anti-Doping Code. However, the plan is not made accessible to the wider public. This decision can be explained by the legal conditions and ancillary provisions of the institutional funding scheme. NADA is currently subject to the state-administered annual budget cycle and state financial planning. These do not require the preparation or publication of detailed multi-

[5] The plan is integrated in the draft law on the adoption of the federal budget for the financial year 2021 (Federal Budget Act 2021), cf. Deutscher Bundestag (2020, 25 September), pp. 28 and 354.
[6] NADA's six management departments on (1) legal matters, (2) testing, (3) medicine, (4) prevention, (5) HR, finance and controlling department, and (6) communication and marketing are called *Ressorts.*
[7] External audits are for example conducted by the TÜV Hessen (cf. chapter "Dimension 4: internal accountability and control").

year policy and budget plans for two or more years. In turn, the agency does not publish a long-term financial plan that goes beyond the relevant reporting requirements, since this could possibly be at odds with key conditions of the state's annual cycle as reported by NADA's chairpersons.

Comprehensive information about the planning of NADA's testing activities is published on its website and within its most recent annual report (2019), including information on the criteria for athletes to be included in the Registered Testing Pool (RTP), terms for the latest considered risk assessment,[8] figures on the number of Therapeutic Use Exemptions (TUE) requested (70) and granted (66), and information about the Athlete Biological Passport programme. NADA's chairpersons further explained that adverse passport findings did not occur in 2019. Though about 600 German athletes are listed in the RTP as displayed by NADA's brochure[9] 'Anti-Doping Basics', the number of athletes per sport discipline is not specified in public documents.

The agency provides a very detailed account of its annual testing activities and fulfils the principles 15 to 19, reporting the total number of tests carried out per sport discipline (12.910), the total number of in-competition (7.182; 66%) and out-of-competition (5.728; 34%) tests and the total number of blood (12.863; 74%) and urine samples (4.635; 26%) over a period of 12 months. Moreover, it details the number of samples analysed for the entire set of prohibited substances and provides information on the number of anonymous tips regarding potential violations and whether they resulted in a sporting sanction and/or criminal charges. Apart from 44 reports that were submitted to NADA's whistleblowing platform 'SPEAK UP', it received and followed up on 87 other notifications. Information on NADA's long-term storage programme is published as well, indicating that 3.000 samples are placed in long-term storage annually and that approximately 200 samples were re-analysed in 2019. Providing a detailed account of whereabouts failures, NADA reported 46 missed tests and 327 filing failures for the year 2019. Its most recent annual report furthermore lays down the test results, types, and follow-up management of anti-doping rule violations. Accordingly, 507 cases were forwarded to the hearing panel and 82 results management procedures were initiated due to possible anti-doping rule violations of which 74 can be considered Adverse Analytical Findings (AAF). In 24 cases, NADA initiated disciplinary proceedings before an arbitration court, of which eight led to a sanction. In addition, it filed a report with the responsible public prosecution office on these 24 cases and seven informational notices.

Data protection represents one of the main challenges for NADA's operational work. Due to an investigation by the responsible State Commissioner for Data Protection and Freedom of Information, the 'NADAjus' database that provided an overview of the concluded disciplinary proceedings in Germany, including the names and suspensions of athletes

[8] Risk assessments are conducted in accordance with WADA's 'Technical Document for Sport Specific Analysis' (TDSSA)

[9] In the framework of its doping prevention programme 'TOGETHER AGAINST DOPING', NADA publishes a variety of online brochures with comprehensive information on anti-doping policies and prevention/education activities for specific target groups (e.g. athletes, athlete support personnel, doping control personnel).

who were found to have committed anti-doping rule violations, has been closed temporarily.

Dimension 3: Democratic processes

NADA's index score of 65% for the dimension 'democratic processes' reveals a good performance. The agency implements core democratic principles with regards to the composition, (re-)appointment, and internal procedures of its board members and meetings. In general, NADA pursues a rather informal and pragmatic approach to stakeholder participation. Yet, other policies such as on gender equality rely on clear and formalised conditions and procedural rules set by the federal government. Principles such as term limits for board members have not been implemented by NADA.

The appointment of NADA's nine board members is defined by clear procedures and statutory provisions in § 8 of NADA's constitution. The statutes establish that board members have diverse backgrounds and fields of expertise across the following areas, among others: legal/justice, medical/scientific, sports policy, athlete perspectives, and economy. Six board members are appointed by virtue of the professional position they hold ('ex officio'), comprising high-ranking representatives from the fields of politics, sport, and society. Three more members who shall preferably hold positions in the areas of economy and sciences are selected (gekorene Mitglieder) by the six 'ex offcio' members (geborene Mitglieder). Besides, the current board members can appoint new members themselves in the case of premature resignation and/or rejection to stand for office among designated members. Term limits that prevent members to stay in office for longer than twelve consecutive or non-consecutive years are not endorsed, neither for the six 'ex officio' nor for the three selected members. It is specified solely that the mandate of the chairperson of the board and three selected members generally last five years and that their re-appointment for one or more additional term(s) is possible.

NADA's chairpersons emphasised their cooperation with representatives of Athleten Deutschland e.V.[10] and underlined their advocacy for the ideas and reform proposals for more athlete participation and representation in anti-doping governance put forward by the independent athlete association. With the entry into force of the new National Anti-Doping Code in 2021, NADA adopted the so-called 'Athlete Protection Rights' (Athletenschutzrechte) that acknowledge the importance of athletes' participation in anti-doping governance. Though NADA's public documents do not yet include a separate overview of the anti-doping policy fields on which it allows athletes to share their views, its website and annual reports illustrate how athletes may contribute to specific anti-doping policy fields, for example to education/prevention, anti-doping testing, and intelligence and investigations. Athletes have for instance the possibility to share their ideas and perspectives on NADA's prevention activities via dedicated online applications

[10] Athleten Deutschland e. V. is an independent athlete association that represents the interests and viewpoints of German elite/squad athletes.

(e.g. 'BISP-App'[11]), and the agency has recently involved RTP athletes' perspectives in the development of innovative sample collection procedures (e.g. Dried Blood Spot[12]). A distinct representative body for athletes has not yet been founded within NADA's internal structures, while athletes are represented on NADA's expert commissions on testing, medicine, and prevention. Its constitution (§ 8 (2)) furthermore establishes that a representative of the DOSB Athletes' Commission forms part of the board. A Memorandum of Understanding (MoU) with independent athlete/player associations such as Athleten Deutschland e.V. does not exist. According to NADA's chairpersons, informal and policy-specific cooperation with athletes and athlete representatives currently prevails. As an example, NADA's current multi-annual policy plan was only drafted in informal consultation with athletes, although the vote of the athlete representative of the DOSB is counted for its final adoption by the board.

The involvement of athlete support personnel[13] in NADA's governance relies mainly on informal mechanisms as well. Anti-doping policy fields on which members of this stakeholder group may share their views are not yet specified. Neither were athlete entourage members formally invited to contribute to the multi-annual policy plan. They can, however, put forward their perspectives and concerns in phone consulting hours offered by NADA's medicine department. Doctors are furthermore represented on NADA's expert commission on medicine.

NADA's chairpersons illustrated that gender-sensitive procedures for the appointment of board members and identification of candidates for management positions as part of human resources policies are implemented by virtue of the Ministry's grant decision[14]. Gender-sensitive procedures for the three selected board members are however not undertaken. Following consultations between NADA's management and work council, the agency initiated specific actions (e.g. teleworking conditions) aimed at reconciling family responsibilities and professional obligations for its staff. Due to the COVID-19 pandemic, these most recent activities have not yet been fully implemented.

NADA's constitution (§ 9) establishes a quorum for board members to prevent that decision-making is monopolised by a small group. According to the quorum, more than 50% of the members must be present to cast votes. Depending on the item put to the vote, the decision-making processes of NADA' s board rely on the principle of either simple majority or unanimity.

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[11] NADA, BISP, and Athleten Deutschland e. V. together established a specific web application aimed at involving athletes in matters of doping prevention by giving them the chance to demand more knowledge on selected topics, to contribute their viewpoints, and to put specific topics on the agenda in a digital way.
[12] The Dried Blood Spot is a minimal invasive procedure to collect relatively small volumes of blood (drops of blood) aimed at detecting prohibited substances/methods.
[13] Athlete support personnel are coaches, parents, teachers, doctors, managers, among others.
[14] The legal conditions and ancillary provisions of the Ministry's grant decision refer to the Federal Equality Act (Bundesgleichstellungsgesetz) and include various actions and measures aimed at achieving gender equity and equality for example in staff recruitment processes (Maßnahmen zur Geschlechtergleichheit). Indeed, NADA currently establishes 44 positions, having 26 female and 14 male members as well as five vacant positions.

The board's internal regulations (§ 2) define that it should in general meet three times per year, specifying how the agenda of the different meetings shall be developed, and how the meeting proceedings shall be designed (e.g. voting, minutes, presiding).

Dimension 4: Internal accountability and control

NADA achieves a 'Very good' average index score (94%) for the principles on the 'internal accountability and control' dimension. Room for improvement was identified mainly in NADA's code of conduct (Verhaltensgrundsätze). Applying principles to establish a clear separation of powers and multiple internal audit functions in its governance structure, NADA's supervisory board has been provided with exclusive responsibilities and oversight instruments to hold the activities and projects of the executive management accountable.

NADA's two chairpersons do not have any voting rights on the supervisory board. Foremost, board members appoint/dismiss NADA's chairpersons who are tasked with the design of the operational policy, including the responsibility to draft the annual budget plan, to develop human resources policies, and to conduct and report on anti-doping testing activities. Board members' functions, tasks and specific responsibilities are outlined in § 8 of NADA's constitution and section 1 of its internal regulations and comprise the mandate to elaborate on the agency's general policy and strategic development. Ensuring that an internal entity is responsible for checking whether financial control procedures have been complied with and whether funds are allocated efficiently and as budgeted, the board furthermore has final authority over NADA's annual budget and establishment plan and approves the financial activities/reports of the executive management. To foster compliance with internal rules and ethical behaviour among board members themselves, procedures regarding premature resignation are laid down in NADA's constitution and code of conduct. Procedural rules on premature resignation specified in the code of conduct apply solely to possible breaches of NADA's confidentiality declaration.

The composition, tasks, and delegated competences of NADA's four expert commissions are described in more detail in section 3 of its internal regulations. The advisory commissions are commonly composed of experts from science and practice, both with a state and association background, as well as athlete representatives who encourage action and contribute their topic-specific expertise to NADA's chairpersons, management departments, and board. While the commissions' chairpersons are appointed by NADA's board members upon proposal by its chairpersons, the latter may directly appoint the 'regular' members of the commissions. Commission members are not involved in NADA's operational conduct and the board may call in the commissions' chairpersons as advisory/consultative members without voting rights.

The legal requirements pursuant to the grant decision by the German state determine the agency's tender and procurement specifications in accordance with national and EU law[15]. NADA thus employs open tender processes for major commercial and procurement

[15] Directives 2014/23/EU on the award of concession contracts and 2014/24/EU on Public Procurement.

contracts which require that at least two individuals evaluate tenders and formally approve the award of the contract.

The agency's financial reports and accounting records are also annually reviewed by an independent external auditor[16] who is approved by an official party and does not have a formal affiliation with the organisation. Although external auditing is not compulsory according to the relevant German foundation law,[17] it becomes increasingly important due to NADA's new funding principles and, in some parts, makes additional internal audit mechanisms obsolete as stated by NADA's chairpersons. NADA's work and financial activities are furthermore audited by the German Bundestag and the Federal Ministry of the Interior, given that its budget has been integrated into the state's annual household budget since 2020. In addition, NADA was for the first time certified in accordance with the 'DIN EN ISO 9001' specifications in 2018. For the award of certification[18], all of NADA's internal work, communication, decision-making/governance processes, and risk assessment procedures were transparently documented and compiled in a handbook.

Although neither NADA's statutes nor internal regulations explicitly foresee the establishment of a financial control system to prevent fraud, embezzlement and the misallocation of funds, a regularly audited budget and accounting system was put into place in 2012. The system is coordinated in consultation with the Federal Ministry of the Interior and the Federal Office of Administration as well as approved by the Federal Court of Auditors, specifying comprehensive budgetary and cash management regulations[19].

In 2013, NADA's board members established a code of conduct that applies to the executive management and the supervisory board itself. Some of the provisions (e.g. confidentiality declarations) have been extended to regular staff members as well. NADA undertakes concrete steps to ensure that all the board members and NADA's chairpersons are notified of the contents of the code by distributing it upon their appointment. It is stipulated in the code (II (2)) that any executive management and board member is obliged to act without damaging the public perception and reputation of NADA Germany and to prevent any possible conflicts of interests related to her/his mandate. Yet, it does not contain rules on expenses and the acceptance of gifts. Obligations to notify breaches of the code of conduct to appropriate internal individuals or entities are defined with respect to conflicts of interest procedures only. Overall, the code exerts a relatively low degree of regulation, lacking a more precise conception of key terms such as 'unethical conduct' and 'integrity' as well as clearly defined standardised procedures (e.g. sanctions/disciplinary consequences) in case of relevant breaches (e.g. conflicts of interests).

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[16] The external auditor is appointed by the board members and commonly replaced after three years of operation. The audit report is currently conducted by the company *Ebner Stolz* and must be approved by NADA's supervisory board before submitting it to the responsible foundation supervisory authorities (District Government of Cologne; Ministry of the Interior of the federal state North-Rhine-Westphalia).
[17] Foundation law of the federal state of North Rhine-Westphalia.
[18] Annual surveillance audits which are currently conducted by 'TÜV Hessen' are a binding prerequisite of sustaining the certification.
[19] Relevant regulations such as dual control (Vier-Augen-Prinzip) and financial thresholds for contracts with external parties, are for example laid down in § 3 'Zahlungsverkehr, Buchhaltung und Rechnungsführung' of the Ministry's grant decision in the framework of the institutional funding.

Dimension 5: Operational independence

NADA's score for the dimension of 'operational independence' is 58% ('Moderate' label). Apart from the non-fulfilled principles (36 and 37) on the composition of NADA's supervisory board, it achieves 'Good' and 'Very good' scores for all other principles on this dimension due to increased financial independence and stability as well as consolidated operational freedom in the implementation of anti-doping activities within relevant national law.

NADA sustains a relatively high degree of organisational autonomy, whilst being increasingly recognised, supported, and supervised by governmental authorities as well. Further limitations can however be found with regards to the composition of the anti-doping hearing panel and NADA's approach to conflicts of interest procedures.

Acting national politicians and high-level government officials are not formally ineligible to serve as members of NADA's board. NADA's constitution (§ 8 (2)) clearly defines that the Federal Minister of the Interior and the chairperson of the Sports Committee of the Bundestag are part of NADA's supervisory board. Equivalent provisions are made referring to people who are involved in the management of sport governing bodies, specifying that the chairperson of the DOSB shall be represented on the board. NADA's chairpersons pointed out that these statutes were in fact integrated exactly for the purpose of ensuring effective checks and balances through multiple levels of expertise on the board. Fostering independent operational conduct, none of the members of NADA's management staff is involved in the operation of sport governing bodies/event organisers and high-level government affairs according to NADA's chairpersons.

NADA's funding by the German state is provided separately from other funding lines, allocations are made directly by the federal government. The agency's constitution (§ 7 (7)) specifies that NADA's executive management has the authority to draft its own budget, though its annual budget ultimately relies on the total amount of funding granted by the Federal Ministry of the Interior.

NADA has explicitly been delegated the authority to establish an effective anti-doping system and to act as the designated national anti-doping organisation by a government act, including the responsibility to administer a registered testing pool and to conduct doping tests within the relevant territory. The agency's recognition by the German state has been increasing gradually during the past years, not least in view of the Anti-Doping Act in 2015 and the initiation of the institutional funding scheme in 2020.

In accordance with its mission statement,[20] NADA ensures that its disciplinary proceedings are conducted by an independent institution that is responsible for all anti-doping rule violations in Germany. Operating based on the Sports Arbitration Rules[21] and the National

[20] NADA (2011), Foundation Constitution, § 2 (2), 6.
[21] The German Court of Arbitration for Sport at the DIS (Deutsche Institution für Schiedsgerichtsbarkeit e.V.) defines a specific set of statutes and procedural rules dedicated to sport jurisdiction on anti-doping

Anti-Doping Code, the German Court of Arbitration for Sport establishes an independent anti-doping hearing panel whose members are impartial. Detailed procedures for the (re-)appointment of all the members of the hearing panel that foresee an active involvement of the parties concerned have been established. Depending on the parties' mutual consensus and/or the value in dispute, the panel consists of either a single arbitrator or three arbitrators, including one arbitrator appointed by the two parties each and a chairperson of the panel upon whom the two parties must agree as well. The single arbitrator or chair of the panel must in any case be a lawyer and fulfil pre-determined eligibility criteria that are approved in advance by a dedicated task force consisting of persons with various levels of expertise. Arbitrators qualified for anti-doping hearing processes can be added and removed from a publicly available list of eligible arbitrators at any time. The defendant is entitled to request the replacement of a member of the hearing panel, and to present her/his case in a process that is held as either a written procedure or hearing.

While generic rules on the immediate notification of possible conflicts of interest are laid down both in NADA's internal regulations and its code of conduct, a listing and recording of possible conflicts of interest in the board's minutes or a dedicated registry is not conducted. Also, NADA does not specify rules that prohibit its board members to vote and/or participate in discussions in clearly defined situations in which conflicts of interest exist.

Dimension 6: Anti-doping responsibility

'Anti-doping responsibility' is the dimension with the highest index score (98%). While NADA scores 100% for seven out of eight principles, the score for principle 43 is 80%. Deviations from the evaluation criteria can be found solely in relation to education on anti-doping governance.

Education and information activities can be considered a core element of NADA's prevention programme 'Together Against Doping'. The agency conducts a variety of prevention events (e.g. info booth, workshops, training courses) to promote multi-stakeholder discussion and exchange on different anti-doping related topics as well as to inform athletes about the risks and consequences of doping, especially at (junior) national sports events and in schools. NADA's education and prevention measures are broadly disseminated, for example in terms of practical guidelines, brochures, e-learning/participation platforms, and information databases. A written policy with explicit information on actions aimed at educating athletes on anti-doping governance and their opportunities to participate does not yet exist. NADA cooperates closely with other organisations on matters of education and prevention, including other NADOs, sport event organisers, public authorities, schools, gyms, athlete support personnel, doping control personnel, and bodies of organised sport (e.g. DOSB). The impact of its main actions is for example analysed in cooperation with research institutes of the German Sport University Cologne and Leipzig University.

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matters, ensuring the fair and independent application of arbitration proceedings based on relevant anti-doping regulations, sports law, and standardised sanctioning mechanisms.

NADA regularly participates in meetings of anti-doping working groups established by WADA, iNADO, UNESCO, and the Council of Europe and cooperates with other NADOs with a view to develop and exchange best practices (e.g. USADA Science Symposium). Forming an integral part of iNADO's network, for example through representation on iNADO's governing board, NADA's two chairpersons are also represented on Advisory Groups[22] of the CoE. Cooperation and partnerships are integrated into a separate budget line and commonly initiated by NADA's chairpersons and communication department, establishing working groups with other NADOs on the level of selected policy fields. Apart from formal partnerships (e.g. iNADO, Erasmus+ programme), the agency furthermore sustains a variety of long-term informal partnerships with other NADOs (e.g. NADO Leaders Group).[23]

It puts into place various intelligence and investigations measures to complement conventional forms of sample collection and anti-doping testing. Information is collected systematically from specific internal (e.g. ADAMS, 'SPEAK UP') and external sources (e.g. law enforcement agencies, customs authorities, Federal Criminal Police Office). The contact details of a staff member who is charged specifically with matters of intelligence and investigations are publicly available on NADA's website. In 2009, NADA signed a MoU with the specialised Munich Public Prosecution Office. The German Anti-Doping Act provides the agency with a legal basis for cooperation with national and international law enforcement agencies, laying down the terms of the exchange of information between NADA, law enforcement bodies, and public courts for the first time[24]. NADA hosts thematic workshops on a regular and/or case-by-case basis for investigation officials from the Federal Crime Police Office, INTERPOL, individual departments, public prosecution offices, customs authorities, and WADA-accredited laboratories.[25] Impact evaluations of related activities are conducted regularly by the German state and experts from the company Sportradar.[26]

NADA cooperates with various universities, research institutes, anti-doping laboratories, and non-governmental/civil society actors on organisational, legal, ethical, and biochemical/medical issues as well as athlete perspectives. The agency establishes several contact persons among its management staff, including NADA's chairpersons and heads of department, who become involved in anti-doping research depending on the policy field

[22] NADA's chairpersons form part of the 'Advisory Group on Science' and 'Advisory Group on Legal Issues' of the Monitoring Group in the Council of Europe. The Monitoring Group is monitoring the implementation of the 'Council of Europe Anti-Doping Convention' (ETS 135) that was established in 1989.
[23] The 'NADO Leaders Group' comprises the leaders of a group of iNADO members who by hold meetings and conferences that put forth concluding statements, open letters, and press releases on issues such as anti-doping governance (e.g. 'Copenhagen Reform Proposals').
[24] Detailed terms of exchange of information are stipulated in § 8 (1) and (2) on 'information sharing' (Informationsaustausch) of the Act.
[25] More than 30 investigations officials – also from Austria and Switzerland – participate in the workshops (cf. NADA (2020), p. 10).
[26] Sportradar is a multinational corporation that gathers and analyses sports data, providing services to accountants, national and international sports federations, and media companies.

concerned. Research initiatives based on project funding by the German state are subject to impact evaluations by foreign experts and the responsible public authorities.[27]

NADA's testing activities and related anti-doping policies have been audited as part of its ISO-certification, namely in the scope of the "promotion, implementation and coordination of anti-doping work in Germany by means of suitable sports science, educational, social, medical and legal measures".[28]

Launching the anonymous whistleblowing platform 'SPEAK UP' in 2015, NADA gives athletes and athlete support personnel the opportunity to confess (anonymous) information about possible anti-doping rule violations. The certified BKMS® system[29] provides the legal basis for the platform on which individuals may file a report in a simple and fast way, by establishing clearly defined rules and procedures for reporting and notifying doping abuse that ensures whistle-blower protection.

5. Discussion and policy implications: National impacts and transnational cooperation

Both in a national comparison with other sports organisations in Germany (see Mittag/Putzmann/Mueller-Schoell 2018) and in an international comparison with other national anti-doping agencies, NADA performs very well with regard to good governance standards. Strongly developed internal accountability and control mechanisms, a relatively high degree of organisational autonomy, and a high level of societal responsibility can be noted. Limitations can be identified above all in operational independence and democratic processes. In this context, however, it remains to be discussed whether a problem area such as anti-doping would benefit from being measured with other operational transparency criteria considering the need for anti-doping policy to also be effective?

How can these results and NADA's good governance performance be explained? In the following, five central explanatory approaches are presented:

1. *The national background matters:* Though considerable interactions can be discerned in sports, especially in Europe, through transnational cooperation, the nation-state continues to play a central role as a normative framework. Both the national political system with its legal and administrative guidelines and the national political culture play central roles in shaping governance structures. Against this background, it should not come as a surprise that – unlike in the Scandinavian countries – certain financial details such as salaries are not disclosed, but remain confidential in order to protect individuals or collectives.
2. *Funding matters:* A look at the development of NADA in particular illustrates the central role of adequate funding for successful anti-doping activities. The lack of

[27] Federal Ministry of the Interior; Federal Office of Administration.
[28] NADA (2020), p. 16.
[29] BKMS® System (Business Keeper Monitoring System) is a web-based secure whistleblowing system that is data protection certified for the GDPR.

funding in the 2000s not only tied up resources to a considerable extent, but also set limits to the operational capacity. Conversely, it can be concluded that with an improvement in financial resources, a higher degree of professionalism and ultimately better performance in the fight against doping can be observed.

3. *Public authorities matter:* The fact that NADA has developed more professional structures in recent years is also due to the role of the public authorities. They have taken on an increasingly active role in the fight against doping, whether through the Anti-Doping Act or through the institutional funding of NADA. This positioning of the state has allowed NADA to become increasingly emancipated and to gain a higher degree of autonomy from organised sport. In a constitutional entity like the Federal Republic of Germany with its checks and balances, this development seems to be beneficial for the performance of national anti-doping agencies.

4. *Cooperation matters:* A key observation is the high level of cooperation and networking at the national (law enforcement agencies, customs authorities, Federal Criminal Police Office) and international level (WADA, iNADO, UNESCO, Council of Europe) in which NADA is involved. Although these interactions have led to only limited institutional adjustments, cooperation and networking have a significant impact on performance. The increased attention to doping issues is a common feature of national sport systems, but it does not lead to uniform patterns of response in terms of institutional structures.

5. *Institutional learning matters:* Anti-doping is a field that is subject to ongoing changes. Against this background, it seems not only inevitable but also indispensable that anti-doping agencies, as learning institutions, are open to ongoing changes. These changes may not only consider an ever-increasing complexity of doping practices but also changed social conditions. Particularly, due to the changing ideals and norms in recent years and the present, NADA must also be open to considering underlying societal dynamics, which then also impact its future perspectives. Moreover, NADA's chairpersons point out that anti-doping should be conceived as a 'societal challenge' (cf. 'Give Everything, Take Nothing') and, beyond issues of anti-doping, as a chance to transmit core values by having a particular institution responsible for action in this field (inspired by 'human-centred' approaches to doping prevention in Scandinavian countries).

In view of the findings of this report, five future tasks and perspectives of NADA's activities are briefly outlined below:

1. *Multi-level stakeholder dialogue*: In the first years of operation, NADA has focussed on the standardisation of rules and procedures to lay the foundation for a stable national anti-doping system that is coherent with international anti-doping regulations. Yet, now more than ever before, the involvement of stakeholders – for example medical and legal experts, public authorities, and athletes – based on an

adequate balance between practicable ad hoc policy solutions and more institutionalised forms of representation and interaction, is elementary for the effectiveness and legitimacy of the anti-doping work. In line with the policy already initiated by NADA's management, it would seem appropriate to deepen the multi-stakeholder dialogue, including the development and sharing of practices and experiences in order to advance the international anti-doping system and achieve NADA's core objective of providing pragmatic and targeted policy approaches and activities to the parties involved.

2. *Athlete participation:* NADA's chairpersons' goal of cooperating with athletes and being perceived by them more as a 'partner' and 'service provider' for the protection of clean athletes should be further pursued. It makes sense to be generally open to promoting more democratic and institutional forms of athlete participation within the framework of the international rules and regulations. The implementation of more formal partnerships (MoU) and possible adjustments to the internal regulations, which aim, for example, at creating a permanent seat for athletes in NADA's expert commissions and democratic elections of athlete representatives could be envisaged. At the same time, however, more initiative is also required from the athletes. So far, athletes do not always make use of the existing opportunities to contribute their views for various reasons.[30]

3. *Intelligence and investigations:* In view of intelligence and investigations, the identification of possible anti-doping rule violations must be attributed an increasing role. An important basis for this is national and international cooperation with state investigative authorities (e.g. law enforcement agencies), sports organisations and specialised private companies (e.g. Sportradar) as well as the establishment of anonymous whistleblower systems as key points of more effective anti-doping work. In the past few years, hardly any cases from high-performance sports have been tried because it was difficult to get hold of informants. This is also due to the fact that athletes who come forward exclude themselves from the scene. Investigators should thus provide athletes with greater incentives. The exchange of information between authorities and NADA Germany within the German Anti-Doping Act has led to increased investigative capacities, as evidenced, for example, by the criminal structures uncovered in 'Operation Bloodletting' (Operation Aderlass). Without help from Switzerland and Munich, NADA would not have had the necessary information for the investigation procedure.

4. *Communication and (public) media policies:* The 'polarisation' in the field of anti-doping is growing in the German public, affecting decision-makers on the political level and NADA's activities (Meinberg/Körner 2013). Due to media pressure, public awareness is increasing, for example in relation to the low effectiveness of anti-doping testing. According to NADA's chairpersons, a holistic evaluation and

[30] A separate analysis of the role of athlete participation in NADA's governance is being conducted.

reporting by media is not always guaranteed. NADA is sometimes criticised for the ineffectiveness of its testing activities and reports on positive cases at the same time. It is important that all cases of anti-doping rule violations – regardless of the level of performance – are treated equally considering the obligation to comply with anti-doping rules. The importance of social media monitoring/reviews (e.g. online forums, social networks) and fact checks thus increases to sustain NADA's interpretative authority/prerogative in national anti-doping matters.

5. *International harmonisation and WADA governance*: NADO Leaders Group and iNADO should overcome the increasing fragmentation and isolation of national anti-doping systems, especially in times of COVID-19 when meetings are held only rarely. A lack of exchange across countries constitutes a persisting issue. This seems all the more important because in some countries the efforts invested in anti-doping activities do not match the sporting success and the available resources. Furthermore, WADA – despite all justified criticism (regarding e.g. governance, athlete participation) – should be strengthened as an independent umbrella organisation responsible for an internationally coherent set of anti-doping rules. The existing parity between members of the 'Olympic Movement' and state/public bodies in WADA's bodies should be reconsidered. At the same time, it should be reflected that at least one third of the representatives should consist of athletes, independent experts and specific experts from the anti-doping field such as NADOs.

In summary, it can be concluded that the German Anti-Doping Agency, NADA – after difficult beginnings – has developed into an important and acknowledged fighter against doping. Funding has been secured, anti-doping measures and doping controls have been expanded and the Anti-Doping Act has made new investigative possibilities possible. In this process, NADA has increasingly emancipated itself and established itself as an independent player. The NADA board does not hesitate to be critical of the International Olympic Committee (IOC) and is increasingly taking on a pioneering role internationally. This track record of the German NADA contrasts with the still comparatively low proportion of detected in-competition and, above all, out-of-competition tests. Taking into consideration data from surveys, some experts cautiously assume a ratio of top athletes engaging in doping of at least 4-6% while other experts – in view of **randomised-response** surveys – even calculate a proportion of at least 40-60% (Ulrich et al. 2018). Against the backdrop of these numbers, the detection of possible violations of anti-doping regulations and corresponding sanctions remains a central task for the near future.

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Reflections from NADA Germany on the national report

By Dr. Andrea Gotzmann, chairperson of the executive board, NADA Germany

For two and a half years, we have dealt with the project of governance structures in National Anti-Doping Organisations (NADOs). It was an exciting and, above all, educational time. We can summarise that a one-size-fits-all model in good governance does not exist, but there are different ways for good governance in anti-doping.

We realised that proven and tested good governance principles in business, that have been practised for a long time cannot simply be transferred to sport. In particular, the definition of conflicts of interest and independence are controversially discussed and questioned in many areas.

The specific conditions of sports organisations, which combine voluntary work and professionalism in a unique way, do not make it easy to find the right path. In the context of national and international sport, the National Anti-Doping Organisations (NADOs) play a special role, as the independence of action is of elementary importance here.

The implementation of the NADO Governance Observer project was of great importance for NADA Germany. The working group managed to apply a comprehensive questionnaire – in large parts – taking into account the individual national circumstances. In fruitful discussions with the scientists, we were able to present the daily work of NADA Germany. We have taken many impulses with us.

The NADGO tool will help NADOs to further strengthen their governance structures in the future by applying the variables and considering individual structures to make sure we all work in the best way for our goal: clean sport.

Thanks to all colleagues involved for the constructive cooperation over the past two and a half years.

NADO REPORT:

SPORT IRELAND ANTI-DOPING

Key results: Sport Ireland Anti-Doping

Figures 1 and 2 show Sport Ireland Anti-Doping's main NADGO scores.

Figure 1: Sport Ireland Anti-Doping's overall NADGO index score

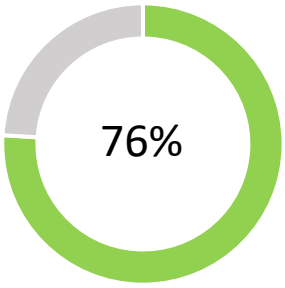
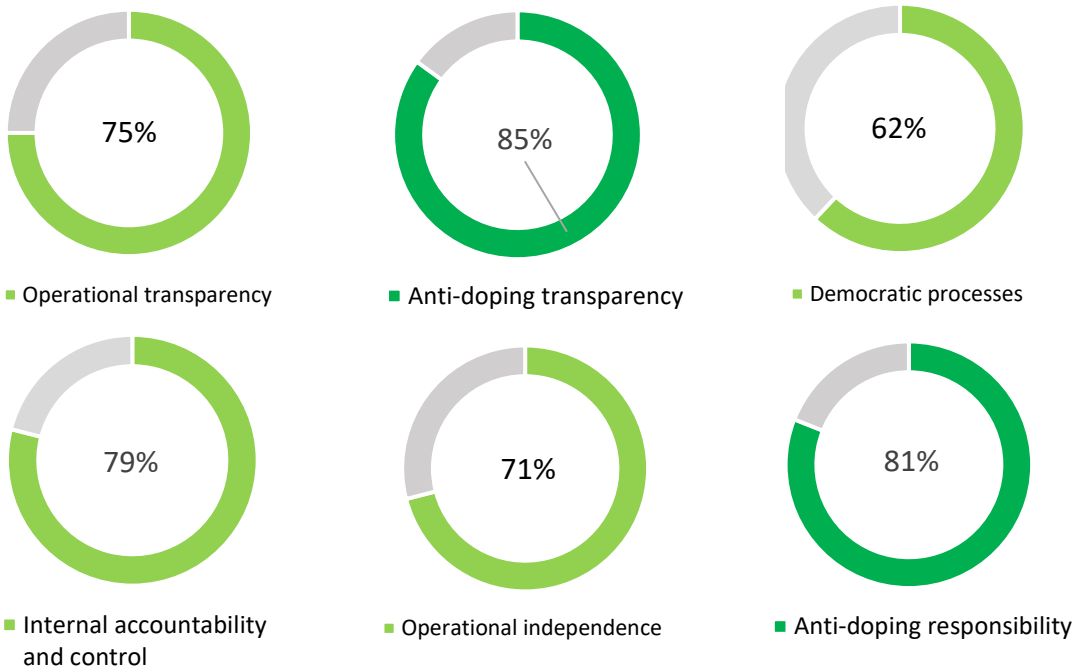


Figure 2: Sport Ireland Anti-Doping's scores on the six NADGO dimensions



Not fulfilled	Weak	Moderate	Good	Very good
0-19 %	20-39%	40-59%	60-79%	80-100%

By Daniel Hayman, Play the Game

1. Overview

Sport Ireland Anti-Doping is the National Anti-Doping Organisation in Ireland. The unit is a department under Sport Ireland, which is the authority tasked with the development of sport in Ireland. This includes participation in sport, high-performance sport, coaching, and the development of the Sport Ireland National Sports Campus and Anti-Doping. Sport Ireland was established on October 1, 2015, and is an agency of the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media.

Sport Ireland Anti-Doping's functions include the implementation of guidelines, codes of practice, standards of good conduct, fair play, and the elimination of doping in sport. As well as planning, implementing, and evaluating education and information programmes. Since Sport Ireland Anti-Doping is not an independent organisation, but a part of the main organisation Sport Ireland, this study will de facto benchmark Sport Ireland in some principles.

The Irish NADGO research

The National Anti-Doping Governance Observer research for Sport Ireland Anti-Doping is based on information found on www.sportireland.ie and www.legislation.ie (mainly the SPORT IRELAND ACT 2015).

The data collection for the NADGO project began in November 2020 with the first results presented to Sport Ireland Anti-Doping in start December 2020. In late January, after the first draft, the organisation provided further details and documentation (links) for the research. Sport Ireland Anti-Doping was dealing heavily with Covid-19 related tasks in that period but participated actively throughout the study.

The Irish NADO scores a combined average of 76% on the NADGO index, which constitutes a score in the category 'Good'. The fact that the NADO is a department under Sport Ireland means that it can benefit from being a part of a larger organisation with a solid governance structure.

The NADO excels in the dimensions 'anti-doping transparency' and 'anti-doping responsibility' where it receives the score 'Very good' showing that it, in some areas, implements anti-doping policies beyond the World Anti-Doping Code requirements.

Looking at the dimension 'democratic processes', which is where the NADO complies with fewest indicators, there is a potential for improving the governance structure.

This chapter on the Irish NADGO study will be structured as follows:

Section 2 describes the Irish sporting context, including the structure of the relationship between the government and the sports sector with a mapping of the major actors, the national anti-doping legislation, and the basic governance structure of the Irish NADO. The methodology is dealt with in section 3, while section 4 presents the results of the benchmark of the Irish NADO for each dimension of the National Ant-Doping Governance Observer. Finally, section 5 briefly discusses the policy implications of the results.

2. Context

National sport system

The Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media has the overall responsibility for sport in the Irish Government.

Sport Ireland (the Irish NADO) is the statutory agency that is funded by the government. Sport Ireland was established by the Sport Ireland Act 2015. Sport Ireland is the authority tasked with the development of sport in Ireland. This includes participation in sport, high-performance sport, anti-doping, coaching, and the development of the Sport Ireland National Sports Campus.

The National Sports Policy and National Physical Activity Plan are policies that have been developed with input from the government and the sports sector.

VOCASPORT Research Group (2004) has studied various types of sport governance systems in Europe by looking at the different types of national policies evident in the EU. In this study VOCASPORT Research Group defines four ideal, typical national sports systems of member states based on four parameters (configurations): 1) the role of public authorities, 2) level of coordination of, or engagement by, the various actors involved in the sports system, 3) the respective roles of the voluntary, public, and private sectors in the delivery of sporting provision and 4) the adaptability of the system to changes in demand.

Based on the analysis of these parameters in the sports sector in EU member states, VOCASPORT Research Group defined four ideal types of sport policy systems: Bureaucratic, entrepreneurial, missionary, and social configurations (VOCASPORT Research Group, 2004). According to this division, the Irish sport system constitutes an 'entrepreneurial configuration', which is characterised by:

> "the regulation of the system arising from the social or economic 'demand' for sport. There is little to prevent the supply/demand relationship being directly regulated by the market. The public authorities' role consists essentially in setting a framework to enable this market logic to express itself. The voluntary sports movement must adapt to its requirements which correspond to the tendencies of private entrepreneurs and to attempt to maintain its positions, in this context."
>
> (VOCASPORT Research Group, 2004, p. 53).

Henry (2009), however, notes that there is a slight movement away from the entrepreneurial model, where the core concern is to secure efficiency in terms of cost per unit of output:

> "There have been significant attempts over the last three years in particular to develop 'joined up policy', linking sports policy activity with that of other stakeholders in communities such as education, and health services, environment, public safety and security, social cohesion, and the engagement of public, voluntary and public sector actors, as well as citizens' groups per se (Henry, Downward, Harwood, & Robinson, 2008). This in effect is a move towards a focus on the development of capacity in local communities to participate in the setting of, and contributing to the achievement of, local policy goals."

Sport Ireland is funded by the government and the major actors in the Irish sports system are listed as:

- Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media
- Sport Ireland
- Olympic Federation of Ireland
- Paralympics Ireland
- Federation of Irish Sport
- National Governing Bodies of Sport
- Local Sport Partnerships

Key national anti-doping legislation and policies

The significant priority given to anti-doping work by Sport Ireland is recognised through a full section in the Sport Ireland Act 2015, Section 4, where it is dedicated to strengthening the anti-doping programme. Sport Ireland has been clearly designated as the National Anti-Doping Organisation in Ireland and the Irish anti-doping rules have also been enshrined in this legislation. Data sharing powers have been enhanced between key state regulatory authorities and other appropriate anti-doping organisations.

The main legislation and (public) policies specifically aimed at combating doping can be listed into these:

- Sport Ireland Act 2015 Part 4 Clauses 40 to 45.[31] Under the Sport Ireland Act (2015), Sport Ireland's functions in relation to anti-doping include:
    - to facilitate, through the promulgation of guidelines and codes of practice, standards of good conduct, fair play, and the elimination of doping in sport.
    - to take such action as Sport Ireland considers appropriate, including testing, to combat doping in sport.

[31] http://www.irishstatutebook.ie/eli/2015/act/15/enacted/en/html

    - to plan, implement, evaluate, and monitor education and information programmes for good conduct, fair play, and the elimination of doping in sport.
    - in its capacity as the national anti-doping organisation in the State, to direct the collection of samples, to manage the testing, and test results of samples and attend hearings, as required.

- Irish Sports Council Act 1999 (the Irish Sports Council was dissolved in 2015 and replaced with Sport Ireland).[32]

- Irish Anti-Doping Rules: First developed in 2004 and continuously updated to reflect World Anti-Doping Codes in 2009, 2015, and 2021.

- Memorandums of Understanding (data sharing):
    - Health Products Regulatory Agency (Medicines) signed in 2011.
    - Pharmaceutical Society of Ireland (Pharmacists) signed in 2020.

- National Governing Body Terms and Conditions of Funding (NGBs): NGBs cannot be funded unless they are signed up to the Irish Sport Anti-Doping Programme or if they are non-compliant with the Irish Sport Anti-Doping Programme.

- Elite Athlete Funding (Carding Scheme) Term and Conditions of Funding: Athletes on the carding scheme cannot receive funding if they are currently serving a sanction, and quarterly funding may be cut if they do not return their quarterly whereabouts filing.

Furthermore, there are a couple of data sharing agreements that are pending/under negotiation at the moment:

- An Garda Síochána (Police Force)
- Medical Council
- Revenue and Customs

Key features of NADO governance

The Anti-Doping Unit was established in 1999 with the Irish Sports Council and then as part of Sport Ireland in 2015. The legal status of the NADO is enshrined in the Sport Ireland Act 2015. The Act clearly states that Sport Ireland is the NADO, and also embeds the Irish anti-doping rules and data sharing in legislation.

Sport Ireland liaises with the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media (DTCAGSM). Sport Ireland has an oversight agreement in place with DTCAGSM which states that the Department acknowledges the full operational independence and autonomy granted to Sport Ireland as Ireland's NADO.

[32] http://www.irishstatutebook.ie/eli/1999/act/6/enacted/en/html

Sport Ireland funds national governing bodies of sport (the sport movement). The terms and conditions of funding to the national governing bodies of sport clearly sets out that each funded national governing body must adopt the Irish anti-doping rules and be compliant with the Irish Sport Anti-Doping Programme (e.g. provide competition details, anti-doping education plans, etc) before they receive funding. If they are not compliant, funding can be cut or suspended.

Sport Ireland also collaborates with the Olympic Federation of Ireland and Paralympics Ireland on a number of programmes including anti-doping education for all athletes, and athlete support personnel attending major Games under their jurisdiction.

The board of Sport Ireland is the decision-making body, and the Anti-Doping Committee (ADC) advises the board of Sport Ireland.

The ADC is referred to in the Sport Ireland Act, and the ADC (a) assists and advises Sport Ireland in relation to the performance of its functions under section 8(1)(d) to (g), and (b) exercises such powers and carries out such duties relating to that function as Sport Ireland may from time-to-time delegate to the committee.

The board of Sport Ireland and the Anti-Doping Committee are governed by the Code of Governance and Business Conduct.[33]

There are 6.5 full-time equivalent (FTE) employees within the Anti-Doping Unit.

Key anti-doping policy figures

The registered testing pool size for 2020 was 141.

In 2020 in the context of the COVID-19 pandemic, 1,045 blood and urine samples were collected. 172 (16%) in competition and 872 (84%) were taken out of competition. Samples were collected from 27 different sports.

The Anti-Doping Programme costs in 2019 were €1,944,100 and €1,904,381 in 2020 according to the Anti-Doping Annual Report from 2019 and 2020. There is no budget or financial report only for the Anti-Doping unit. The summary costs of the Anti-Doping Programme figures are contained in the Anti-Doping Annual Report and more detailed costs are contained in Sport Ireland's annual report.[34]

[33] https://www.sportireland.ie/about-us/code-of-governance-and-business-conduct
[34] https://www.sportireland.ie/about-us/publications/annual-reports/annual-reports

3. Methods

As a project partner, the Irish NADO was aware of the principles of the National Anti-Doping Governance Observer tool prior to the research phase and the organisation remained prepared to participate and assist throughout the research phase.
In accordance with the project methodology, the research for Sport Ireland Anti-Doping is based on information found on www.sportireland.ie and www.legislation.ie (mainly the SPORT IRELAND ACT 2015).

In the first phase of the research process, a desktop analysis was conducted in which the project researcher scored all indicators in the National Anti-Doping Governance Observer tool as well as the questions posed in the detailed evaluation criteria. During this process, the underlying documentation for the scores was collected as evidence.

The first draft of the scoring was shared with the Irish NADO on 30 November 2020, however, the first feedback came in late January 2021 as Sport Ireland was dealing heavily with COVID-19 related tasks in that period.

The Irish NADO provided documentation and additional information for some indicators, which lead to a different score.

A revised version of the study was presented to the NADO for final feedback, and after a few iterations, the final scoring was available in mid-April 2021.

As the Irish NADO is a Unit under Sport Ireland, it qualifies as a large organisation (30 or more FTE employees).

4. Results

The combined average score of the Irish NADO on the NADGO index is 76%, which constitutes a score in the category 'Good'.

Overall, the scores do not go below 62% (Good) in any of the dimensions. The NADO performs best in the dimensions 'anti-doping transparency' and 'anti-doping responsibility' where the scores amount to the label 'Very Good'. The dimensions 'democratic processes' and 'operational independence' provide the lowest scores, but still achieves the label 'Good'.

Dimension 1: Operational transparency

The score on the NADGO index for the dimension 'operational transparency' is 75%, which constitutes the score 'Good'.

The NADO complies with 17 of the 24 indicators dispersed across the ten principles in the dimension. Furthermore, it complies 100% with six of the ten principles. Appointment of board members (principle 2), publication of the rules that govern the appointment of the

members of the hearing panel (principle 3), publication of financial statements (principle 7), publications of regulations and reports on the remuneration, including compensation and bonuses, of its oversight body members and of management (principle 8), reporting on conflicts of interest (principle 9), and publication of all public and private income (principle 10).

These indicators are basic indicators – meaning that they constitute a minimum standard for good governance and all NADOs should have the capacity to fulfill these. According to Geeraert (2017), the publication of these key documents allows stakeholders to monitor core aspects of the organisation's governance. It also generates trust and increases external scrutiny.

On two principles the scores are 0%. This includes publishing minutes (principle 4) and agendas (principle 5) of the board meetings. Regularly publishing minutes of meetings can help justify decisions and motivate the board to make decisions in the general interest of the organisation.

Within principle 1 relating to the publication of statutes/constitution, internal regulations, and organisation chart the NADO complies with two out of three indicators. The organisation does not publish its organisational chart. The anti-doping staff is listed in the Anti-Doping Unit Reports and all staff for Sport Ireland is listed in Sport Ireland's annual report.

For principle 6, which looks at the publication of information about its oversight body (board) members on its website, the NADO complies with five out of six indicators. The website for Sport Ireland includes no contact information for the board and thus indicator 6.6. is not fulfilled.

Dimension 2: Anti-doping transparency

As mentioned earlier the structure of the Irish NADO means that this study is, in some indicators, scoring the main organisation, Sport Ireland. When it comes to the dimension 'anti-doping transparency' the case is a bit different. Most of the indicators relate directly to the anti-doping unit. Therefore, it is also worth noting that the overall score for this dimension is 85% which gives it the label 'Very good'.

The NADO complies with 28 out of the 33 indicators dispersed across the nine principles in the dimension. They comply 100% with five of the principles: Publication of planned testing activities (principle 14), reporting on the long-term storage of the national doping control programme (principle 16), publication of whereabout failures (principle 17), reporting of test results (principle 18) and reporting on policies in the areas of anti-doping education, cooperation, and research (principle 19). Reporting on all these subjects helps generate trust and improves external scrutiny. It also provides stakeholders with an overview of the organisation's performance in the various areas.

Principle 13 achieves the weakest result with a score of 33%. Principle 13 relates to long-term financial planning and publication of an annual budget. Publishing a budget and long-term financial planning makes an organisation more accountable and increases the likelihood that it will reach its goals. Sport Ireland does not publish a long-term budget, this is an internal matter. The long-term financial plan is approved by the board of Sport Ireland and circulated to relevant directors. They do however publish an annual budget together with the annual report.

For the following principles, the NADO complies with all indicators except one; 11 (reporting on activities), 12 (publication of a multi-annual policy plan), and 15 (publication of testing activities). The NADO provides information on general activity and the multi-annual policy plan, which give stakeholders an overview of the organisation's general performance, demonstrating if and how objectives have been accomplished. The organisation publishes a detailed account of its testing activities; however, they do not publish the number of anonymous tips regarding potential violations and whether they resulted in a sporting sanction and/or criminal charges over a period of 12 months.

Dimension 3: Democratic processes

With a score of 62% the dimension 'democratic processes' has the lowest score of the six dimensions. It still achieves the label 'Good', but there is a potential for improving the democratic processes.

In total the Irish NADO complies with 18 out of the 29 indicators dispersed across the eight principles in the dimension. Of the eight principles, it complies 100% with principle 20 (appointment of board members), principle 21 (term limits for board members), and principle 27 (regularly meetings to discuss issues according to established procedures). Having clear and open procedures including term limits has several benefits like preventing the monopolisation of power and encouraging the emergence of new ideas for solving problems. Regular open debates can also lead to more effective policy solutions.

The lowest scores are seen for principles 23 and 24 where the NADO's compliance score is 0%.

Principle 23 relates to the participation of athletes in its policy processes. There are no formal (written) policies that outline which anti-doping policy fields the NADO allows athletes to share their views on and how this is done (indicator 23.1) and the NADO does not institutionalise the involvement of athletes in policy processes as required by indicator 23.2 by either (a) having a representative body for athletes, whose members are elected by athletes for a specified limited term, and which has a term of reference that includes specific expectations around consultation; or (b) a memorandum of understanding with an independent organisation that formally represents a large majority of at least the athletes that are part of the registered testing pool.

Principle 24 relates to the participation of athlete support personnel in policy processes. Participatory processes enhance the effectiveness and legitimacy of policies. Through their

inclusion in the policy process, athlete support personnel provide specialised knowledge and they come to see policies as their own, so that they are more likely to comply.

The NADO currently has no formal policy outlining which anti-doping policy fields it allows athlete support personnel (e.g. medical staff, physiotherapists, player agents/ managers) to share their views on and how (indicator 24.1). Likewise, there is no multi-annual policy plan adopted in consultation with athlete support personnel (indicator 24.2) and the NADO does not undertake specific actions aimed at involving athlete support personnel in its decision-making procedures (indicator 24.3).

Consultation is conducted by Sport Ireland Anti-Doping with various stakeholders including athletes and athlete support personnel, but there is no formal written policy in place. Sport Ireland Anti-Doping collaborates with the Olympic Federation of Ireland's Athlete Commission and works closely with Sport Ireland Institute, which works closely with athlete support personnel.

The Irish NADO complies with all indicators except one for the following principles: Diversity of the board (principle 22), gender equality policy (principle 25), and establishing a quorum for the oversight body (principle 26).

Dimension 4: Internal accountability and control

The score on the NADGO index for the dimension 'internal accountability and control' is 79%, which gives it the label 'Good' at the high end of the score.

The NADO complies with a total of 34 out of the 40 indicators dispersed across the eight principles in the dimension. In five principles it complies with all underlying indicators including principle 30, covering internal financial audit procedures, and principle 32, relating to external audits completed by an independent auditor. This leads to high accountability for financial management and accuracy of financial statements. Furthermore, it also has a solid financial control system, which principle 33 is related to. Here, the NADO also complies with all indicators, which contributes to preventing fraud, embezzlement, and the misallocation of funds. The NADO also complies with principle 34, which relates to the code of conduct applicable to the members of the board, management, and personnel.

For principles 28, which relates to procedures regarding the premature resignation of board members for absenteeism, conflicts, or unethical conduct the NADO complies with two out of three indicators – those relating to conflict (such as incompatible views) and unethical conduct.

For principle 35 (establishing procedures for the processing of complaints about violations of applicable rules of conduct), the NADO does not have these procedures for board members, management, and staff members. Therefore it does not comply with any of the underlying indicators.

Dimension 5: Operational independence

With a score of 71%, the dimension 'operational independence' has the second-lowest score of the six dimensions. It still achieves the label 'Good', but there is also a potential for improvement in this area.

The NADO complies with a total of 16 out of the 19 indicators dispersed across the seven principles in the dimension. In five principles it complies with all underlying indicators. All indications in principle 40, which require that the organisation has explicitly been delegated the authority to administer a registered testing pool and to conduct doping tests within the relevant territory by a government are fulfilled by the NADO. Having the authority to administer a registered testing pool and conduct doping tests is fundamental for ensuring operational independence.

Principle 41 regarding an independent hearing panel is also 100% fulfilled and increases the likelihood that adjudication is fair and free from conflicts of interest.

For principles 37 and 39, the NADO does not comply with any of the underlying indicators. Principles 37, which states that people who are involved in the decision-making, management, or operations of a national or international sport governing body or major event organisation are formally ineligible to serve as members of the oversight body, cannot be fulfilled because the NADO is a unit under the organisation Sport Ireland.

Dimension 6: Anti-doping responsibility

The score on the NADGO index for the dimension 'anti-doping responsibility' is 81%, which gives it the label 'Very good' and is one of the dimensions, where the Irish NADO performs best.

The NADO complies with a total of 22 out of the 29 indicators dispersed across the eight principles in the dimension. For three principles it complies 100%.

The NADO cooperates with other national anti-doping organisations with a view to combating doping in sport (principle 44). This can increase mutual understanding, lead to joint solutions, and improve information exchange.

Testing activities and anti-doping policies are being externally audited (principle 48). For example, the sample collection procedures are being audited by an external ISO auditor. Within the remaining principles the NADO miss complying with one or two underlying indicators, but overall, it achieves a solid score within anti-doping responsibility.

5. Discussion and policy implications

The Irish NADO achieves a combined average score of 76% on the NADGO index, which constitutes an overall score in the category 'Good'. The NADO performs solidly throughout all six dimensions, with the lowest score being 62% (which still gives it the label 'Good'). This can be a consequence of the structure of the Irish NADO. The fact that

the NADO is a department under Sport Ireland means that it can benefit from being a part of a larger organisation with a solid governance structure – even though the NADGO index has special indicators for large NADOs (with 30 or more employees).

It is worth noticing, that the NADO scores very well in the dimensions specifically related to anti-doping. This shows that it has solid good governance procedures for anti-doping matters in place.

The NADO excels in the dimensions 'anti-doping transparency' and 'anti-doping responsibility', with a score of 85% and 81%, respectively, which corresponds to the label 'Very good'. This shows that it, in some areas, implement anti-doping policies beyond the World Anti-Doping Code requirements.

The NADO could consider implementing procedures for processing complaints about violations of applicable rules of conduct. By strengthening measures in this area, the Irish NADO's results in the dimension 'internal accountability and control' would substantially improve.

Looking at the dimension 'democratic processes', which is where the NADO complies with the fewest indicators, there is a potential for improving the governance structure. In line with the current international governance debate, the NADO should also consider how athletes and athlete support personnel can be more formally involved in matters of anti-doping relevance. Formal policies on how athletes can be involved in policy processes in a democratically appropriate manner, and how they can be heard and consulted on specific anti-doping policies are currently lacking.

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Reflections from Sport Ireland on the national report

By Una May, director of participation and ethics, Sport Ireland

Sport Ireland participated in the NADGO Erasmus+ programme in recognition of what a challenging area governance in Anti-Doping had become.

Sport Ireland has been vocal in its commentary on issues surrounding conflicts of interest within anti-doping and yet is very conscious of the unusual model of governance within Sport Ireland as the Irish NADO.

It was felt that participation in this project would assist in ensuring that the governance of the Irish NADO could be recognised as being at a high level. It was also a learning opportunity in addition to being an opportunity to support and influence the definitions of good governance within anti-doping.

Sport Ireland is heavily committed to good governance and is the driver of a National Sports Governance Code in Ireland across the entire sports sector.

Our experience as a participant in the NADGO project has been very positive and allowed us to participate in strong discussions leading to mutually accepted identification of key areas of importance in relation to good governance in anti-doping.

Working with an expanded group of NADOs also facilitated a strong sense of the impact of cultural differences in the interpretation of priorities within good governance.

The process of evaluating performance under the various indicators identified was an extremely comprehensive and rigorous process, which challenged us as an organisation. We were confident in some areas of our governance only to realise that we had not formally documented some of our good practices. This has left us with opportunities for improvement which can easily be rectified to strengthen our processes.

NADO REPORT:

THE POLISH ANTI-DOPING AGENCY

Key results: The Polish Anti-Doping Agency (POLADA)

Figures 1 and 2 show the Polish Anti-Doping Agency's main NADGO scores.

Figure 1: POLADA's overall NADGO index score

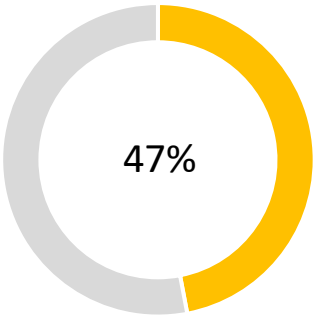
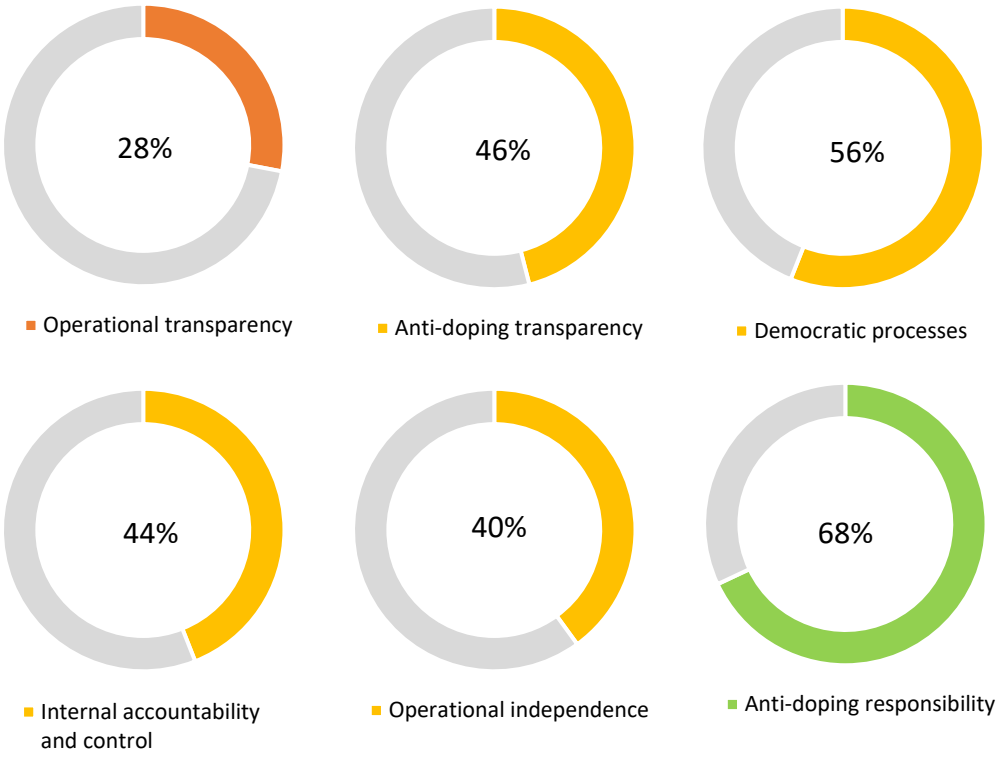


Figure 2: POLADA's scores on the six NADGO dimensions



Not fulfilled	Weak	Moderate	Good	Very good
0-19 %	20-39%	40-59%	60-79%	80-100%

By Pawel Zembura, University of Warsaw

1. Overview

This chapter describes the benchmarking of good governance in the Polish Anti-Doping Agency (POLADA). POLADA was a partner in the National Anti-Doping Governance Observer project. The organisation was established in 2017 and replaced the Commission Against Doping in Sport, which up until that time had been responsible for anti-doping activities in Poland. According to the NADGO criteria, with its 13 full-time employees (in the second quarter of 2021) POLADA was classified as a medium-sized NADO. In 2019, it collected 4117 samples within the anti-doping programme and had an annual budget of approximately 1.72 million Euro.

The benchmarking of POLADA followed the uniform procedure of the NADGO project. The analysis of POLADA took place between October and December 2020. Benchmarking was based on the NADGO index – a tool developed specifically to analyse good governance in NADOs, comprising six dimensions of governance. The preliminary scores were gathered using publicly available reports and documents. Data collection involved feedback on preliminary results from a POLADA representative, which led the researcher to access additional documents relevant to the organisation's internal workings.

POLADA has an average score of 47% on the NADGO index. The organisation scored higher in the dimensions of 'anti-doping responsibility' (68%) and 'democratic processes' (56%), lower on 'operational accountability' (40%) and 'operational transparency' (28%) and moderately on 'anti-doping transparency' (46%) and 'internal accountability' (44%).

'Anti-doping responsibility' appears to be the dimension most dependent on the internal decisions of POLADA, while 'operational accountability' refers primarily to the role of the anti-doping organisation within the Polish sports system. Some of the major factors affecting POLADA's governance scores refer to having a board tasked with advising on plans and reports (leading to a lack of separation of power within the organisation) and dependence on the ministry with regard to budgetary planning and approving long-term policies. POLADA's cooperation with stakeholders seems a promising context for improving some areas of governance, including engagement with external partners in the field of anti-doping policies, encouragement of new groups of stakeholders in policy development, and development of educational programmes.

The following context section explores the structure of the national sports system in Poland, with a particular focus on the governmental role. In the section, national laws and policies on anti-doping are presented, and POLADA is also introduced. Next, the methods used to benchmark the organisation in the NADGO project are introduced. In the results section, POLADA's detailed scores are presented, divided into the six dimensions of good governance. The presentation of the results focuses on principles with the highest and the lowest scores. The final section comprises a discussion of results and their policy implications. In addition, some of the results are explained in reference to existing policies and documents and, finally, a potential way forward for POLADA is offered.

2. Context

The national sports system

The Polish sports system's configuration is described as 'bureaucratic' (Camy et al., 2004), which refers primarily to the state as an active regulator of the sector. This is a description echoed in other comparative studies of the European elite sport management systems, in which the Polish system has been termed as interventionist, centralised and bureaucratic (Chaker, 2004). As a former Soviet-bloc country, Poland had a state-led sports sector that still prevails in many areas. This bureaucratic nature is visible in the Ministry of Culture, National Heritage and Sport as the dominant entity in the sector.

In 2019, the Ministry of Sport and Tourism became the Ministry of Sport, and since 2020, physical culture is managed by the Minister of Culture, National Heritage and Sport. This agglomeration of sports into this 'megaministry' was finalised in March 2021. Some of the other qualities of 'bureaucratic' sports systems are having a Sports Act as the main regulatory document, and the lack of negotiation with, and more general inclusiveness of, partners involved in policy development processes (Henry, 2009; Żyśko, 2008).

The Ministry of Culture, National Heritage and Sport supervises sports organisations, which, according to the Sports Act, are required to recognise and respect anti-doping rules consistent with the Act on combating doping in sport. POLADA is the entity with the exclusive rights to implement these rules.

Mechanisms to control national sports federations by the Ministry of Culture, National Heritage and Sport have been extended due to a revision of the Sports Act made in 2017 (Chancellery of the Sejm, 2017). Just prior to this, additional soft regulations establishing greater control over the financing of sports federations were introduced by the ministry, which aimed to play a mediating role between federations and state-owned companies about sponsorships.

The Ministry of Culture, National Heritage and Sport focuses on elite Olympic sports, organised through cooperation with sports federations and other entities directly supporting elite sport, and sport for all for children and youth supported through the network of non-profit clubs. It is also responsible for the sports infrastructure, especially strategic investments.

In the last five years, the issue of anti-doping has been high on the Ministerial agenda in Poland. This was in part due to the establishment of POLADA and in part due to the high interest paid to anti-doping by the then Minister of Sport – Witold Bańka, who later became WADA president. Anti-doping, and in particular changes in the Polish anti-doping system played an important part in the Ministry of Sport and Tourism's plans between 2015-2020. One of the proclaimed successes of the Ministry was that after these reforms, Poland became one of the countries leading the creation of the international anti-doping policy (Ministry of Sport and Tourism, 2019).

Polish sports federations organise and control their respective sports. The most successful federations in Olympic sports competitions are athletics, rowing, kayaking and skiing (ski jumping), all of which focus primarily on elite competition and are highly dependent on public financing. Some federations cooperate with the Polish Anti-Doping Agency on a regular basis, supporting its promotional campaigns and encouraging POLADA's educational efforts. The requirement to cooperate with POLADA on education on anti-doping information sharing was been inscribed in a Good Governance Code for Sports Federations, a non-legislative code introduced in 2017 by the Ministry of Sport and Tourism (Ministry of Sport and Tourism, 2018). In addition, the document states that individual sports federations are responsible for doping rules violations by their national-level athletes and those who participate in their pre-competition preparations.

Another sports actor, active at a national level, is the Sports Institute – a state-funded research institute providing expertise to the sports sector. It is supervised and closely tied to the ministry responsible for physical culture, and runs some of the Ministry's programmes such as the Academy of Good Management – a compulsory programme aimed at improving the managerial qualifications of Olympic sports federation staff in Poland. One of the topics touched upon during the academy training is doping.

The Polish Olympic Committee (POC) follows the aims and carries out the tasks of the Olympic Movement, as well as activities related to the development of Polish sport. These tasks include developing elite sports, promoting sport for all, supervising the participation of the Polish national team in the Olympic Games, combating doping, conducting education and promoting fair play. The Polish Paralympic Committee performs the same functions for people with disabilities. However, the real influence of the POC on sports development is in many areas limited mostly to promotional activities, for example, organising a single, large-scale event annually that promotes sport for all. In the area of anti-doping, the POC cooperates with POLADA on some of its promotional activities. One example of such cooperation is the signing of a memorandum of cooperation between the POC, POLADA and the Office for Registration of Medicinal Products, Medical Devices and Biocidal Products, with the aim to promote information on medical products and prohibited substances among athletes and their entourage (Polish Olympic Committee, 2020).

NGOs currently play a limited role in sports development in Poland. The most recognisable organisations are national sports associations (organisations constituting at least three clubs): The Polish University Sports Association, the Rural Sports Clubs Association, the School Sports Associations and the Society for the Promotion of Physical Culture (TKKF). Each focus on delivering or developing sports to a specific population or in a specific environment.

More recently, a handful of organisations involved in athletes' rights have been set up in Poland, devoted to particular commercialised sports (football, basketball, ice hockey).

Key national anti-doping legislation and policies

The main document regulating the sports sector in Poland is the Sports Act. It is a specific law regulating multiple subjects related to sport and sports organisations. The legislation came into force in 2010 and replaced the Physical Culture Act. Since the revisions made in 2017, the document has a limited number of references to doping.

Specific legislation on anti-doping in Poland is found in the Act on Combating Doping in Sport, which came to force in 2017. The Act regulates the functioning and scope of activities of a newly established body in the field of anti-doping, POLADA. It defines POLADA's tasks as well as its financial management procedures, the tasks of a director, board, disciplinary panel, recruitment of its members, and responsibilities of the parties. The law provides a legal definition of doping in sport, as well as regulations for doping control officers, the methods of training them, and their rights and responsibilities. It also grants them special protection as public functionaries under the Polish Criminal Code. The document further describes anti-doping control procedures. In the Act, regulations regarding national cooperation between POLADA and other public agencies such as customs control and police forces are described. The Act also defines the functioning, financial management, and operations of the Polish Anti-Doping Laboratory.

The document provides criminal sanctions for some instances of doping. The Act does not criminalise the use of prohibited methods. It does, however, criminalise giving a prohibited substance to a minor or giving it to an unknowing athlete. Other criminal provisions refer to the Pharmaceutical Law. According to Potulski (2019), sporting regulations may in this case be considered a *lex specialis* provision in relation to general regulations concerning trade in pharmaceuticals.

Key features of NADO governance

POLADA was established in 2017 based on the Act on Combating Doping in Sport. It replaced the Commission to Fight Against Doping, which had been established in 1988. POLADA was developed in order to increase the professionalisation and effectiveness in pursuing organisational goals. The Polish NADO is a state legal person, supervised by the minister responsible for physical culture. It is guaranteed in the law that POLADA shall be independent and impartial in performing its tasks.

The tasks of the Polish Anti-Doping Agency are doping control, education, information and outreach, international cooperation, and legal actions. The Agency's two main programmes are anti-doping control and education and information, complemented by analytical and investigation programmes.

The Polish NADO focuses on doping in sports, particularly on an elite level. With education and promotional campaigns, it aims, however, for a much broader reach, particularly young and amateur athletes. As an example, in some of its promotional campaigns – #notodoping and PlayFair – POLADA cooperated with popular Polish athletes outside Olympic sports, such as MMA. It does not get directly involved in doping

in the amateur fitness industry or the use of prohibited substances in the general public, which is the responsibilities of the Main Sanitary Inspectorate.

The two organs of POLADA are the director and the board. The board has an advisory role and its tasks are to advise on the annual budget, annual financial report, multi-year and annual plans, and annual reports on activities. The board's role might be considered supervisory, as it plays the role of 'a second pair of eyes' on POLADA for the relevant ministry. The board consists of seven members, four of whom are representatives of institutions such as the ministry responsible for health, physical culture and public finances and the Polish Olympic Committee. The remaining three members are experts working in the area of medicine, sport, ethics, biology, or law, although the process of their recruitment is not described. Board members are appointed by the minister responsible for physical culture.

A director is responsible for managing the Agency, which includes representing the Agency, formulating an annual budget, writing proposals to the minister regarding subsidies from the state budget on operational activities, preparing the Agency's multi-year and annual activity, and writing annual financial and activity reports to the ministry. The director is chosen on a competitive basis for a five-year term and is appointed by the minister responsible for physical culture. According to the Act on Combating Doping in Sport, a director can be dismissed only when particular objective situations occur. Thus, the Agency director shall be dismissed in the case of his or her:

1. resignation from the position.
2. illness lasting for at least six months, making it impossible to perform his/her duties as the Agency director.
3. ceasing to meet any of the requirements set out in paragraph 1 (2) through (4) or in paragraph 1 (7) through (8).
4. activity that is against the law, or against the principles of fairness and cost-effectiveness.
5. non-approval of the annual financial statement of the Agency or failure to submit such a statement within the prescribed period.

There are two commissions within POLADA: Therapeutic Use Exemptions (TUE) and Athletes' Commission. The Athletes' Commission was established in 2019, and its role is not elaborated in the Agency's documents.

POLADA has the following departments: Secretariat, information and education, administration and finance, anti-doping control and results management, analytics, and an investigations team.

A disciplinary panel was created alongside POLADA. It consists of no more than 20 members, and no less than five in Hearing and Appeal Panels. The minister responsible for physical culture appoints and dismisses members of the panel. The term length for panel members is three years. The Agency is responsible for the administration of the panel.

The Anti-Doping Laboratory is also a public legal entity established in 2017 and supervised by the minister responsible for physical culture. It has a similar organisational structure to POLADA in reference to responsibilities and tasks belonging to a director and a board.

According to the Act on Combating Doping in Sport, the Athlete Passport Management Unit may work next to the Anti-Doping Laboratory. The Unit consists of steroid and haematology sub-units, managed by unit heads, who (as well as experts involved in working of the units) are chosen by the director of the Anti-Doping Laboratory.

Key anti-doping policy figures

In 2019, POLADA had an annual budget of 7.4 million zlotys (approximately 1.7 million Euro). It is financed by specific government grants. It can also use other funds such as grants from the EU budget, funds from project or research budgets or commercial activities, amongst others. To this point, POLADA is involved in commercial activities, gathering 546 samples as a part 69 testing activities in 2019 (POLADA, 2020).

The current registered testing pool consists of 78 athletes at the beginning of 2021. POLADA gathered 4117 urine and blood samples in 2019. 1810 were in-competition tests and 2307 were out-of-competition.

3. Methods

A single researcher from Poland was involved in the research process. The data collection followed the uniform procedure of the NADGO project. From the beginning of the NADGO project, POLADA was a project partner and the director of POLADA followed the project, participating in some of the meetings, as well as receiving updates regarding the project's development. The analysis consisted of six steps.

The initial data collection was conducted by the researcher and was based on publicly available information. This took place in September-December 2020. The research tool used in the project was the NADGO index, a tool created specifically to account for various dimensions and principles of good governance in national anti-doping agencies. In its structure, the NADGO index was rooted in similar tools used to benchmark good governance in two previous projects led by Play the Game: Sports Governance Observer and National Sports Governance Observer.

The index was developed in the form of a questionnaire, covering 50 principles of good governance in NADOs, collected within six dimensions of good governance. Each principle had between one to ten specific indicators, articulated in the form of binary questions. Questions were categorised as basic, intermediary and advanced. While basic questions were applicable to all NADOs, intermediary questions were only applicable to medium (10-29 employees) and large (30+ employees) NADOs, while advanced questions applied only to large NADOs. Some questions could be further considered non-applicable to some NADOs, especially due to their structure (such as not having a board or any committees).

The index with the preliminary scores was sent to POLADA in the middle of November 2020, and feedback was received at the end of the same month. Based on the feedback, another version of the scoring was developed and sent to POLADA, followed by an additional interview with the POLADA director in order to expand on some of the responses. As an outcome of the interview, the POLADA director provided additional evidence, which led to further changes in the scoring. That evidence included POLADA's internal regulations – such as a code of ethics – which at that point were not published on the website. Afterwards, some minor corrections to the research tool were made by the project leader and based on this, the final scoring was completed at the end of March 2021.

In the NADGO project, POLADA qualified as a medium-sized NADO and at the time of the analysis, it had 12 full-time employees.

4. Results

The NADGO index consisted of six dimensions of good governance: 'Operational transparency', 'anti-doping transparency', 'democratic processes', 'internal accountability and control', 'operational independence', and 'anti-doping responsibility'.

'Operational transparency' refers to reporting of the organisation's general internal workings and allowing stakeholders to monitor these workings by publishing information about decisions of an oversight body and standing committees or presenting information about its oversight body members on a website.

'Anti-doping transparency' applies to the detailed reporting of the organisation's anti-doping activities, which allows others to monitor these activities. The principles within the index refer to specific areas of doping control, such as whereabouts failures or missed tests.

'Democratic processes' includes clear and objective procedures for the appointment and reappointment of oversight body members, ensuring varied composition of this body, stakeholders' involvement in decision-making processes that affect them, and fair and open internal debates.

'Internal accountability and control' refers to a clear separation of powers in the organisation's governance structure, as well as a system of rules and procedures that ensures that staff and officials comply with internal rules and norms. The principles refer, amongst others, to internal and external financial control mechanisms, control over management, and applying a code of conduct.

'Operational independence' is the freedom to make decisions and carry out activities by ensuring that these are not being governed, controlled, or instructed by other persons or organisations. This dimension includes an organisation drafting its own budget or the authority delegated by a state to conduct doping testing within the relevant territory.

'Anti-doping responsibility' is defined as implementing anti-doping policies beyond the World Anti-Doping Code requirements. Principles include an organisation's policies within the field of education, research and cooperation with other entities in the field of anti-doping.

Dimension 1: Operational transparency

POLADA reached an overall index score of 28% on the 'operational transparency' dimension.

Within this dimension, POLADA achieved high scores by publishing rules that govern the appointment of all the board members on its website (100%). The organisation also publishes the rules that govern the appointment of the members of a hearing panel on its website (100%). In addition, POLADA's statutes and multiple other internal regulations are likewise published on the website (67%). However, several other principles regarding operational transparency have not been fulfilled. Firstly, the organisation publishes little information on its board or standing committees meetings:

- POLADA does not publish the oversight body and standing committee decisions on its website (0%)
- POLADA does not publish the agendas of its oversight body meetings on its website (0%)

The POLADA board passes opinion on policies and reports, which are not published. The decisions made by the TUE and Athletes' Committees are not published. The limited amount of information about internal workings might restrict scrutiny of the organisation. Regarding financial reports, the following principles from the 'operational transparency' dimension are not fulfilled by POLADA:

- Principle 7: The organisation publishes financial statements on its website that are externally audited according to recognised international standards (0%)
- Principle 8: The organisation publishes regulations and reports on the remuneration, including compensation and bonuses, of its oversight body members and of management on its website (0%)
- Principle 10: The organisation reports on all its sources of income (0%)

The organisation publishes general information about its budget in the annual report. However, detailed financial information is not accessible through the website. The annual reports do not include specific information about remuneration nor the organisation's sources of income. POLADA does, on the other hand, publish information about external organisations that made use of POLADA's services regarding doping control (in the annual report).

POLADA does not report on conflicts of interest (0%). Lack of reporting might influence trust in the NADO, especially given staff or board members' associations with sports movements.

Dimension 2: Anti-doping transparency

POLADA received an overall NADGO index score of 46% on the 'anti-doping transparency' dimension.

The NADO shares a broad range of information about testing:

- It reports on test results and how they are managed (100%)
- It publishes a detailed account of its testing activities (80%)

Information on testing results and management of these results increases trust and external scrutiny of the control activities. Some detailed information about its testing programme is missing, as the organisation:

- does not publish a detailed account of its long-term storage programme (0%)
- does not publish a detailed account of whereabout failures (0%)

POLADA also shares less information about the planning of its testing activities (20%). On a more general level, the organisation publishes its most recent general activity reports on its website (75%). The report is extensive and provides stakeholders with an overview of the organisation's general performance, demonstrating if and how objectives have been accomplished. POLADA also has a multi-year policy plan (75%). Publishing a plan increases accountability and the likelihood to reach an organisation's goal.

POLADA does not publish information about its budget and long-term financial planning (0%). Publishing a budget and sharing long-term financial plans makes an organisation more accountable and increases the likelihood that it will reach its goals. However, long-term financial planning would require the government to award financing on a multi-year basis, which is not the case in Poland.

Dimension 3: Democratic processes

POLADA achieved an overall score of 56% on the 'democratic processes' dimension.

The organisation has established procedures regarding the appointment of board members:

- Oversight body members are (re-)appointed according to clear procedures (100%)
- Formal procedures stimulate a differentiated and balanced composition of the oversight body (100%)

Most of the board members are appointed as representatives of public institutions such as the ministries responsible for internal affairs, public finances or health and the Polish Olympic Association, but there is also a place for three members, who are experts on medicine, sport, ethics, biology, or law, which ensure a diverse board. Having a diverse board should help the organisation to better achieve its objectives. On the negative side, the organisation does not have a gender equality policy (0%).

Term limits have been established for oversight body members (100%). Term limits prevent the monopolisation of power and encourage the emergence of new ideas for solving problems.

POLADA has formalised participation of different stakeholders in its policy process only to a very limited degree:

- Principle 23: The organisation ensures the participation of athletes in its policy processes (25%)
- Principle 24: The organisation ensures the participation of athlete support personnel in its policy processes (0%)

The recently established Athlete Committee working alongside POLADA has an advisory role, although its participation in policy processes has yet to be inscribed in the organisation's regulations. Athlete Committee members, who have been appointed by the POLADA director, participated in consultations on some of the new policies such as the multi-year policy plan. Participation of athletes and athlete support personnel in policy processes enhances its effectiveness and legitimacy, increasing the likelihood of compliance and ensures specialised input to the policies.

Dimension 4: Internal accountability and control

POLADA received an overall NADGO index score of 44% on the 'internal accountability and control' dimension.

The organisation is externally audited by an independent auditor (100%). POLADA has further implemented an internal audit function (100%). The external auditor verifies the accuracy and completeness of financial statements, whilst the internal audit ensures compliance with financial control and the allocation of funds.

The dimension scores for 'internal accountability and control' are lower on principles regarding the separation of powers. The organisation does not apply a clear governance structure according to the principle of separation of powers, in which the oversight body supervises management appropriately (0%). In fact, the POLADA board does not define the organisation's mission, vision, or strategy, and the preparation of multi-year plans fall within the director's scope of responsibilities. A clear separation of powers prevents a single person or entity from monopolising power and ensures that different entities keep each other in check.

Based on the criteria in the NADGO index, the oversight body also does not establish procedures regarding the premature resignation of each of its members (0%). POLADA recently established its own code of conduct that applies to board members (60%). A code of conduct raises awareness of unacceptable behaviour. However, the organisation does not have procedures for the processing of complaints about violations of applicable rules of conduct (0%).

Dimension 5: Operational independence

POLADA achieved an overall score of 40% on the 'operational independence' dimension, which corresponds to the label 'moderate'. On a positive note, no acting national politicians and high-level government officials are employed by the organisation, nor serve as oversight body members. However, there are no explicit regulations that would prohibit national politicians or high-level government officials from being employed by the organisation, nor serve as oversight body members. In fact, in Poland, government officials might be a part of the board by the very rules of their appointment.

Similarly in POLADA, people who are involved in the decision-making, management, or operations of a national or international sports governing body or major event organisation are not formally ineligible to be employed by the organisation or serve as members of the oversight body. This could possibly affect an organisation's independence as people that hold a position in or are employed by sports organisations, or who are acting politicians and high-level government officials, are subject to particularly high risks of conflicts of interest in doping matters.

POLADA has established conflict of interest procedures that apply to the members of the oversight body and employees (33%). Having a clear conflict of interest procedure enhances trust in the decisions of employees or people holding positions in the organisation, ensuring that they are free from improper influence.

The organisation achieved moderate scores regarding hearing panel independence and the appropriate competences of its members (50%). Having an independent and competent hearing panel increases the likelihood that adjudication is fair and free from conflicts of interest.

POLADA's funding from the government is provided separately from other government funding streams, yet it is not awarded on a multi-year basis (50% score for the principle). A separate multi-year funding stream would allow the organisation to plan its activities several years ahead without external interference. On the other hand, there is a four-year forecast of public funding on anti-doping and a maximum amount of public funds for anti-doping till 2028, presented in the Act on Combating Doping in Sport. The organisation does draft its own budget, which is later a subject of external approval.

The organisation has been delegated the authority to administer a registered testing pool and to conduct doping tests within the relevant territory by a government act (100%), which is another matter that can affect operational independence.

Dimension 6: Anti-doping responsibility

POLADA reached an overall score index of 68% on the 'anti-doping responsibility' dimension. In this dimension, POLADA's strengths are found in its international partnerships:

- It cooperates with other national anti-doping organisations with a view to combating doping in sport (100%)
- It participates in working groups established by WADA, iNADO, UNESCO, and/or the Council of Europe (100%)

Cooperation with other NADOs enables the exchange of views, leads to joint solutions, and provides up-to-date information and opportunities to share good practices.

POLADA's testing activities and anti-doping policies are externally audited (100%). An external audit of testing activities and anti-doping policies allows the organisation to improve its anti-doping activities, and it also increases external trust.

The organisation has also established a procedure for reporting on doping abuse that ensures whistleblower protection (71%). New regulations regarding cooperation with whistleblowers were only recently established. Whistleblower protection allows the relevant actors to report on potential anti-doping violations without fear of reprisals.

POLADA achieved lower scores on principles regarding cooperation with law enforcement agencies. The organisation cooperates with law enforcement with a view to combating doping in sport (25%). One of the premises of establishing POLADA was to cooperate efficiently in the field of anti-doping with the police, prosecutors, The Customs and Fiscal Service, the Military Gendarmerie and the Border Guard, and the organisation has made steps to further strengthen such cooperation (POLADA, 2017). However, based on the scores, such cooperation might require further formalisation and impact assessment.

Similarly, POLADA scored low in reference to promoting anti-doping research (25%). While the organisation engages in and supports research projects, it does not have a formal policy on the subject. Research on (the use of) doping provides knowledge that is essential for establishing effective anti-doping policies.

More generally, in the dimension of 'anti-doping responsibility', POLADA does not measure the impact of its relevant actions in reference to intelligence gathering and investigation, cooperation with law enforcement, education and prevention, and research. Impact analyses might provide feedback on an organisation's actions, increasing the chance to reach its goals.

5. Discussion and policy implications

The NADGO project aims to benchmark good governance in national anti-doping agencies. POLADA has been a partner of the project. The organisation received an average score of 47% on the NADGO index, which is considered 'Moderate'. The scores on particular dimensions varied, with the highest scores on the 'anti-doping responsibility' (68%) and 'democratic processes' (56%) dimension, and the lowest on the 'operational independence' (40%) and 'operational transparency' (28%) dimensions.

With regard to transparency, POLADA publicly shares a limited number of regulations determining its working on its website. The Act on Combating Doping in Sport contains detailed information about the organisation's structure and responsibilities. Regulations on the workings of the committees are not published. Reporting does not contain much information about the board. Financial reporting is limited and does not include information about remuneration.

One factor that broadly influenced POLADA's results on the 'operational transparency' dimension and in the NADGO project in general, is having a board whose sole function is to give advice. In reference to transparency, POLADA does not share much information about its meetings or decisions etc., as the body is not a decision-making one in its essence. Thus, reporting about the body might be somehow undermined and little information about board members and their affiliations is available.

In terms of 'anti-doping transparency', POLADA publishes considerable information in its annual reports, such as data on adverse analytical findings and anti-doping rule violations. The reports, however, do not include specific information on the registered testing pool, missed tests, or long-term storage programmes. The organisation shares only general information about its budget and financial situation.

In reference to democracy, POLADA received acceptable scores thanks to having clear procedures on the appointment of board members, number of terms in office, having a quorum, and having rules promoting a diverse composition of the board. On the other hand, the engagement of a broader range of internal stakeholders in the workings of the organisation still requires formalisation. It is worth mentioning that such attempts, including the establishment of the Athletes Committee working alongside POLADA, have recently been made.

'Internal accountability and control' at POLADA meets the NADGO index's principles by having internal control over finances and external audits. Internal control functions are the responsibility of the organisation's director. The organisation lacks specific procedures on separation of power, as the board does not have authority over budget and finances, and does not determine the organisation's general policy. By design, the POLADA director is responsible for some of the functions usually attached to a board, however, plans developed by the director (including multi-year plans and annual plans) are subject to external approval from the ministry responsible for physical culture. The minister supervises a director who, in turn, supervises staff and operations, but is not directly controlled within the agency.

'Operational independence' received one of the lowest scores among the dimensions of good governance. POLADA does not have regulations to make high-level public officers ineligible to serve as board members, and while such regulations apply to board members of sports federations, they may still work at POLADA as employees. POLADA is not awarded funding on a multi-year basis nor does it have the authority to draft its own budget without it being subject to external approval.

The dimension of 'anti-doping responsibility' still seems to be developing in POLADA, given its involvement in international cooperation and increasing activities within the field of education. POLADA further strengthens its investigations by collaboration with external entities on intelligence gathering and investigation and formalising whistleblower protection.

The main factor that seems to affect POLADA's governance is the role of the organisation laid down in the Act on Combating Doping in Sport, which affects its structure and the responsibilities of its organs. According to the document, the director is responsible for preparing annual and multi-year plans for the agency, as well as submitting proposals on subsidy to the ministry. The minister in charge of physical culture is responsible for approving long term policy plans and financial plans. Thus, the minister holds the final decisions on how doping is fought against on a national level.

In fact, POLADA's structure is similar to the other NADOs from the former Soviet Bloc included in the NADGO project, such as Slovakia and Bulgaria. These two NADOs do not, however, have a supervisory or advisory organ, similar to the board in POLADA. While the POLADA board does not directly supervise the director, it advises on reports and plans that might enhance internal control within the organisation.

If the governance weaknesses of POLADA is judged based on its NADGO index results, 'operational transparency' and 'operational independence' would definitely require enhancing. Enhancing operational transparency seems less challenging as the organisation has already informed about its attempts to increase the amount of information on its website. However, improvements in the area of operational independence would require a move towards more independence of the NADO itself (and at the same time, less control from the ministry), granting funding on a multi-year basis, and giving it the ability to draft its own budget without external approval. Such actions could be supported by an increased role of the POLADA board, rethinking its composition and appointment process, which are other pertinent issues affecting operational independence as defined in the NADGO index. However, given the bureaucratic sports system in Poland, with a strong focus on control and little room for negotiations in the policy process, increasing the operational independence of POLADA might not be a planned way forward.

Some of the weaker scores within other dimensions of good governance could be addressed by the organisation internally, though. POLADA already appears to be undertaking activities to improve its dialogue with stakeholders (democracy dimension) and extending anti-doping responsibility beyond the Code. However, according to the NADGO index, these require further formalisation. As an example, the impact of POLADA's activities in the highly promoted area of education has not been analysed. Some recent policy developments require further reflection. The Athletes' Committee has been established alongside POLADA, yet its members are appointed by the POLADA director and chosen without input from bodies representing athletes that have been developing recently. Another step towards improving democratic processes could be to refine the appointment procedures, so that members would also represent athletes,

especially given the recent rise of organisations willing to represent athletes' interests in Poland and the EU.

POLADA governance reforms might be limited in scope given the realities of the Polish sports system, yet despite this, it seems that there is room for improvement in following good governance principles within the organisation itself.

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Reflections from POLADA on the national report

By Michal Rynkowski, director, POLADA

We consider this project as a step forward in improving the governance of NADOs around the world.

The creation of a universal good governance model is not an easy task, but it does not mean that we should not try to look for new solutions. We are sure that the outcomes of this project study will help in the development of efficient and comprehensive anti-doping programmes and will lead to a reflection on further improvement of governance.

Participation in the project gave us the possibility to critically approach our own internal policies and led us to develop the Polish Anti-Doping System. This is all about that, reaching the highest possible standards in the anti-doping field.

NADO REPORT:

SLOVAK ANTI-DOPING AGENCY

Key results: Slovak Anti-Doping Agency (SADA)

Figures 1 and 2 show the Slovak Anti-Doping Agency's main NADGO scores.

Figure 1: Slovak Anti-Doping Agency's overall NADGO index score

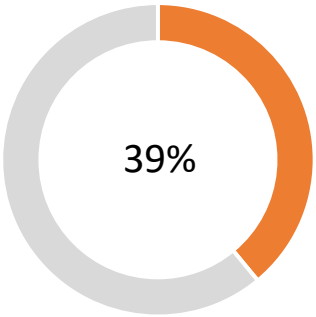
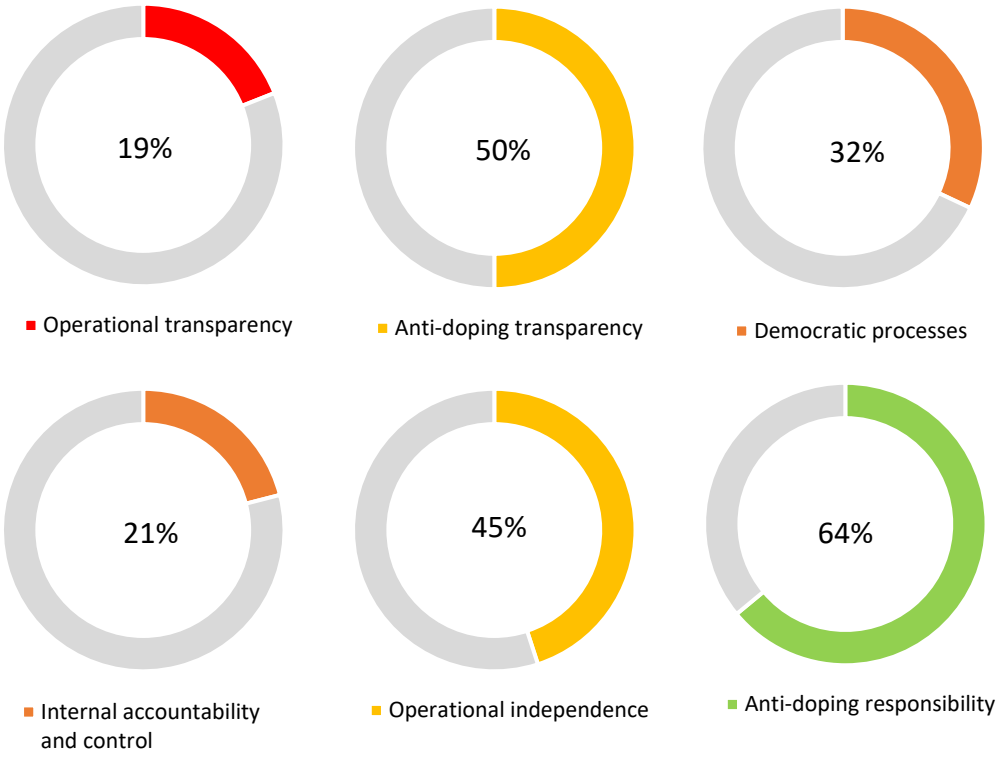


Figure 2: Slovak Anti-Doping Agency's scores on the six NADGO dimensions



Not fulfilled	Weak	Moderate	Good	Very good
0-19 %	20-39%	40-59%	60-79%	80-100%

By Pawel Zembura, University of Warsaw

1. Overview

This report benchmarks the Slovak Anti-Doping Agency (SADA). SADA was established in 2009 by the Ministry of Education of the Slovak Republic as a state-subsidised organisation. The SADA team consists of nine full-time employees, which places it, in the context of this study, into the category of small NADOs (no more than 10 FTE employees).

The data collection for the NADGO project's analyses of SADA took place from November 2020 - March 2021.

The results of this study show, that the SADA has reached an overall score on the NADGO index of 39%. SADA had higher scores on the 'anti-doping responsibility' (64%), 'anti-doping transparency' (50%) and 'operational independence' (45%) dimensions and weaker scores on the dimensions 'operational transparency' (19%), 'internal accountability and control' (21%) and 'democratic processes' (32%).

One of the important factors affecting SADA's scores is related to the organisation's structure, in particular the lack of an oversight body such as a board. Having an oversight body or a standing body within the organisation that has a general advisory function in the structure would, among others, affect the organisation's operational independence and democratic processes.

In the context section, the national sports system is explained, followed by information on anti-doping organisations and valid legislation on the national level. In the methods section, the six steps of research are described as well as a timeline of the research. In the results section, the individual scores on the six dimensions and the overall score on the NADGO index are presented, as calculated by using the project methodology. Based on the results, the potential for improvement in connection to the Slovak Anti-Doping Agency is discussed in the final section.

2. Context

The national sports system

The national sports system in Slovakia can be categorised as 'bureaucratic' (Henry, 2009), which means that the state is the main force behind the regulation of the sector. This is a common configuration in the post-communist countries in Eastern Europe (Henry, 2009). The Ministry of Education, Science, Research and Sport of the Slovak Republic (the Ministry) is the key policy player in the sports system, setting out the legislative, regulatory, coordination, educational, and criminal liability framework. It is also the main source of finance for the national sports federations. The Ministry also issues and manages accreditations for sports-related educational facilities and is responsible for fulfilment of

the duties stemming from Slovakia's membership of the EU and other international organisations regarding sport.

The main national institutions, through which the Ministry executes its influence in the field of professional sport, are the National Sports Centre, the Slovak Anti-Doping Agency, the Sport Support Fund, and the Chief Sports Controller. The National Sports Centre is aimed at providing athletes with general support and education to increase their sports performance and ability to perform well at the highest level of national and international events, as well as continuous education of trainers, referees, medical and support teams, and sports officials. The Sports Support Fund was established as an independent public institution whose mission is to support sport and its development, in particular by setting up financial support mechanisms in the form of contributions to sports-related projects. The Chief Sports Controller is an independent control body, with the main focus on providing methodological guidance for sports, education of controllers of individual sports organisations, and financial control of the efficient and for-purpose use of public funds for sport (Grexa, 2018).

The Slovak Anti-Doping Agency was preceded by the Anti-Doping Committee of the Slovak Republic, established on 29 September 1992, bringing together national sports associations under a Charter against doping. It was superseded with the Anti-Doping Agency of the Slovak Republic on 1 January 2009[35], which transformed into the Slovak Anti-Doping Agency on 2 February 2016.

The competence in the field of public sports (such as tourists organisations) has been transferred from the Ministry to territorial self-government bodies in 2001. The Ministry of Interior of the SR and the Ministry of Defence of the SR are the founders and managers of training centres, in which they provide conditions for the training of the best athletes in individual sports.

Sports federations represent the sports associations, and they are the only ones representing their sports in their international federations. They are partners of the state administration in the fields of sports representations and the development of sports branches.

The Slovak Olympic Committee, the Slovak Paralympic Committee, and the Slovak University Sports Association are sports organisations with a special mission. They are responsible for the representation of Slovakia at the Olympic Games, the Paralympic Games and at the World Universiade and Academic World Championships. Similar to sports associations, they are the only organisations in Slovakia to be members of their international counterpart organisations – the International Olympic Committee, the International Paralympic Committee, and the International Federation of University Sports. They are partners of the state administration in the field of representation of Slovakia at official international Olympic, Paralympic and university events.[36]

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[35] https://www.24hod.sk/zanikol-antidopingovy-vybor-sr-cl79256.html
[36] https://www.minedu.sk/dokumenty-apredpisy/

In addition to sports associations and non-governmental sports organisations with a special mission, there are several non-governmental sports organisations operating in Slovakia that develop their professional and umbrella organisations with a nationwide scope. These organisations predominantly serve their own members, are established and terminate their activities according to their own needs. Due to their mutual competition and lobbying mission, they are not a partner of the state administration with a privileged position.

An NGO 'Sport against drugs' is active in the field of anti-doping education among the youth, with its projects supported by various state organisations.

Key national anti-doping legislation and policies

The Anti-Doping Committee of the Slovak Republic, a civil society organisation, was established on 29 September 1992 and brought together national sports associations under a Charter against doping. It operated until it transformed with the implementation of new legislation into the Anti-Doping Agency of the Slovak Republic (ADA SR), which was established by three basic documents:

The first was the Act no. 300/2008 Coll. on organisation and support of sport, listing the ADA SR's roles as:

1. Execution of preventive measures in the fight against doping in sport.
2. Cooperation with the World Anti-doping Agency and international anti-doping organisations.
3. Cooperation with national and international sports federations in the fight against doping in sport.
4. Organisation of doping controls and decision-making in the matters related to doping controls.
5. Managing exemptions for therapeutic use for athletes.
6. Education of experts in the field of the fight against doping in sport.

The second was the establishing charter (no. CD-2008- 18516/53411-9:10) and the third the Statutes of ADA SR. All of these documents were issued by the Ministry of Education of the SR, taking legal effect on 1 January 2009. Among the main aims of the Agency at the time was, besides the aforementioned tasks, initiation of changes in the doping-related legislation, namely novelisation of Act no. 300/2008 Coll. on organisation and support of sport, and Regulation no. 542/2008 Coll. on the procedure for the organisation of doping controls. The Agency was also involved in the process of integration of the fight against doping into the Criminal Code, in particular the introduction of criminal sanctions for production, distribution, and administration of prohibited substances to athletes.

In 2016, two basic documents re-defined the role and tasks of the Slovak Anti-Doping Agency (SADA) on the national and international level. Due to the need to increase the level of its independence (based on the World Anti-Doping Code), it acquired the status of a contributory organisation established by law, as an independent organisation that

performs the tasks of prevention and control in the field of doping in the Slovak Republic. The personal scope of the Agency is also regulated in accordance with the model rules of the World Anti-Doping Organisation.

The first document is Act no. 440/2015 Coll. on sport, which took legal effect on 1 January 2016. The roles are defined as (selection):

- Fulfilling the tasks of the World Anti-Doping Programme
- Executing, organising, planning and managing doping controls.
- Granting an exemption to a non-international athlete for the therapeutic use of banned substances or methods, and keeping a register of athletes for testing.
- Cooperating in the field of the fight against doping in sport, in particular with the Ministry of Education, the World Anti-Doping Agency, anti-doping agencies in other countries, international sports organisations, national sports federations, and national sports organisations.
- Recognising and implementing the procedures for doping control and testing of anti-doping organisations in other countries that are consistent with the World Anti-Doping Programme and the sporting sanctions that result from them.
- Supporting research, providing anti-doping training and collaborating with authorities on criminal proceedings.

The Ministry of Education, Science, Research and Sport of the Slovak Republic has also published the second basic document, the statutes of SADA, taking legal effect on 1 February 2016. Pursuant to the statutes, SADA is a legal entity that acts in legal relations on its own behalf, acquires rights, undertakes and has liability arising from these relations.

In addition to the legislative regulation of its status, the Agency must meet certain qualitative parameters of its activities. These are based on the organisational structure of the organisation, i.e., the organisational working and registration rules and plans. In the field of doping control processes and granting therapeutic exemptions, SADA is governed by a quality certificate according to the standard STN EN ISO 9001: 2015.

Key features of NADO governance

SADA is a state-subsidised organisation, with the main source of its funding being the Ministry of Education, Science, Research and Sport of the Slovak Republic.

The governance structure of SADA consists of the managing director, under whom there are three positions: deputy managing director/internal control person, testing and prevention department manager/education expert, and the administration department.

The statutory body of SADA is the director, who is appointed and removed by the Minister of Education based on a competitive selection procedure. The selection procedure is carried out publicly, except for the vote of the Ministry of Education's selection board. The term of office of the director is five years and reappointment is allowed.

The deputy managing director/internal control person is in charge of the economic and support activities department. The testing and prevention department manager/education expert is in charge of two departments, the prevention department and the testing department. The number of FTE employees is nine, and there are 28 external doping control officers.

The organisation has no directly appointed board. Board functions are executed via ministerial jurisdiction. The organisation is currently not implementing a long-term strategy, and its operational mode is based on the approval of a yearly plan of operations by the Ministry of Education. While its vision and mission are not explicitly mentioned in the published documents, they are defined by the relevant legislation. There are no standing committees in SADA.

Key anti-doping policy figures

The total budget in 2019 was 671,835 Euro. It consisted of a single government grant from the Ministry of Education of the Slovak Republic (552,013 Euro) and other sources (119,822 Euro).

The registered testing pool in 2019 consisted of 36 athletes from 18 sports federations, of which 20 athletes were placed within the national registered testing pool and 16 athletes within the international registered testing pool.

The number of in-competition tests in national programmes in 2019 was 218 urine analyses. The number of out-of-competition tests in 2019 was 113 urine analyses.

In 2019, SADA also performed 93 ESA analyses, 69 GHRFs analyses, and eight additional SPC analyses. Regarding blood tests, SADA performed 56 ABP analyses and 76 GH analyses in 2019. No distinction between in- or out-of-competition was defined regarding the blood tests.

3. Methods

The research phase took place between November 2020 and March 2021. A single researcher was responsible for the data collection and he consulted his work at each stage with the other researcher in the project.

From the beginning of the NADGO project in 2019, SADA was a project partner and the benchmarking of the agency was planned ahead of time. The director of SADA participated in several meeting in the project and was regularly updated about its developments. The director took part in the meeting discussing the research procedure and provided inputs on some of the principles later included in the research instrument.

The data gathering process was based on the NADGO index – an instrument developed specifically in the project with an aim to benchmark good governance in national anti-

doping organisations. The researcher analysed SADA's website for information necessary for establishing scores in the scoring sheets. All publicly available data from the SADA website was collected: Statutes, organisational chart, annual reports and others. Also, the relevant legislation accessed from the official government website was analysed. Based on these, a first draft of the scores for the indicators was completed and sent to the other researchers for checking. There was also a need for clarification of some of the indicators, which was done via consultations with the project coordinator.

The first draft of the scoring sheet was after necessary clarifications from the project coordinator sent to SADA in November 2020, with two weeks to provide feedback. The initial feedback was provided via a virtual meeting, in which SADA representatives and two researchers participated. During this meeting, the indicators that were assigned a low score were discussed. SADA provided additional clarifications and pointed to other documents that were in their opinion relevant to the evaluation of the indicators.

Based on the feedback from SADA, the scores for some of the indicators were amended to reflect the provided additional information. The material was again reviewed by a second researcher in the project due to the need for additional clarifications from SADA.

The amended evaluation has raised some additional questions, and it was sent to SADA flagging the specific issues and requesting clarification for final scoring. SADA responded promptly providing additional documents and comments on those questions.

After finishing the data gathering process at the end of December 2020, questions emerging from the work of other researchers in the project led to another refinement of the NADGO index, which was finalised in March 2021. The SADA scores were updated and the final scores were once again checked.

The SADA team consists of nine employees, which places it, in the context of this study, into the category of small NADOs (no more than ten FTE employees).

4. Results

The NADGO index consists of six dimensions of good governance relevant to NADOs: 'Operational transparency', 'anti-doping transparency', 'democratic processes', 'internal accountability and control', 'operational independence' index, and 'anti-doping responsibility'.

'Operational transparency' is based on reporting on the organisation's general internal workings and allowing stakeholders to monitor these workings. 'Anti-doping transparency' refers specifically to the reporting of the NADO's anti-doping activities, enabling stakeholders to monitor these works.

'Democratic processes' refers to having a clear and objective procedure for the (re-)appointment of oversight body members and ensuring a varied composition of this body.

In this dimension, stakeholders' involvement in decision-making processes and fair and open internal debates is also analysed. 'Internal accountability and control' is based on a clear separation of powers in the organisation's governance structure complemented with rules and procedures ensuring that staff and officials comply with internal rules and norms.

'Operational independence' is defined as freedom to make decisions and carry out activities by ensuring that these are not being governed, controlled or instructed by other persons or organisations. Finally, 'anti-doping responsibility' looks at the implementation of anti-doping policies beyond the World Anti-Doping Code requirements. These referred in particular to NADO policies in the field of education, research, and cooperation within the field of antidoping.

Dimension 1: Operational transparency

SADA achieved an overall index score of 19% on the 'operational transparency' dimension. This score corresponds to the label 'Not fulfilled, however, some principles within the dimension were met.

First of all, SADA publishes the rules that govern the appointment of the members of the hearing panel (100%). This principle is based on a single indicator and represents a positive impact, enabling public scrutiny of the rules in this specific topic. Secondly, SADA received a score of 67% on the principle about publishing the statutes/constitution, internal regulations, and organisational chart on its website. The score is based on the evaluation of three indicators – one of which received a score of 0% as SADA does not publish its internal regulations.

SADA does not comply (0%) with the following principles on the 'operational transparency' dimension:

- Principle 2: The organisation publishes the rules that govern the appointment of the oversight body members.
- Principle 4: The organisation publishes oversight body and standing committee decisions on its website.
- Principle 5: The organisation publishes the agendas of its oversight body meetings on its website.
- Principle 7: The organisation publishes on its website financial statements that are externally audited according to recognised international standards.
- Principle 8: The organisation publishes regulations and reports on the remuneration, including compensation and bonuses, of its oversight body members and of management on its website.
- Principle 9: The organisation reports on conflicts of interest.
- Principle 10: The organisation reports on all its sources of income.

All these principles have all been awarded a score of 0%. Regarding principle 2, SADA does not have an oversight body or its equivalent within the organisation. This fact affects scores in the other principles, as SADA thus does not publish the agenda for oversight body meetings. Consequently, it does not publish its decision on its website, nor all the decision made by the executive body (director) either.

SADA does not comply with the principles on financial reporting. Its financial reports, although published in the annual reports, are not externally audited, and information about oversight body members or management remuneration is not available. Exact sources of income other than the ministerial grant are unspecified. In general, reporting such specific financial information about an organisation might improve trust and deter corruption.

As SADA does not have an oversight body, principle 6 (The organisation publishes information about its oversight body members on its website) is considered non-applicable.

Dimension 2: Anti-doping transparency

On the dimension of 'anti-doping transparency' SADA has achieved an overall index score of 50%, primarily a result of its detailed reporting on testing activities.

The highest score of 100% was awarded on the principle regarding the publishing of a detailed account on whereabout failures. In the annual report, SADA reports on missing tests and filling failures.

The second-highest score of 80% was awarded on two principles. First, for the principle on information about the planning of testing activities (The organisation publishes information about the planning of its testing activities). SADA reports on the number of athletes per sports discipline included in the registered testing pool and the number of requested and granted TUE. The only indicator SADA does not comply with within this principle concerns the information about the athletes' biological passport.

The second principle with a score of 80% concerns the publishing of a detailed account of its testing activities. This relates to specifying the number of blood and urine tests and in- and out-of-competition testing. The only indicator SADA does not comply with within this principle refers to information detailing the number of anonymous tips on potential violations, and whether they resulted in a sporting sanction and/or criminal charge. SADA has informed the researcher, that it is not planning to publish this information.

Regarding the testing activities, SADA received a score of 60% for the principle 'The organisation reports on test results and how they were managed.' Here, SADA did not comply with two indicators. The first is indicator 18.2 regarding the publication of adverse passport findings. SADA is considering whether to publish this information. The second indicator is 18.4 regarding the number of cases forwarded to the independent hearing panel. The organisation states that it is not planning to do so, even though this information

would provide additional transparency to the hearing process and overall credibility of the organisation.

Some of the principles regarding reporting on broader organisational activities received decent scores. The principle 'The organisation publishes annual general activity reports on its website' received a score of 67%. The single indicator with a 0% score was 11.3 regarding whether the most recent activity report set out the organisation's objectives and how they have been accomplished through concrete actions. The SADA annual report is straightforwardly written, yet without explicitly mentioning the objectives and accomplishments. Within this principle, the indicator regarding reporting on activities of all standing committees was not applicable as the organisation has no standing committees.

The second principle with a score of 67% was 'The organisation reports on its policies in the areas of anti-doping education, cooperation, and research." The indicator SADA did not comply with was indicator 19.3 regarding the report on activities in the area of research. The organisation has explained that it at that point was not involved in research activities due to budgetary and personnel constraints.

In comparison to the principles on reporting on doping activities, SADA received much lower scores on the principles regarding long term planning. SADA achieved a 0% score on three principles. The first one – 'the organisation publishes a multi-annual policy plan on its website' – scored 0% as the organisation does not have such a plan. The second principle with a 0% score was 'the organisation publishes its budget and long-term financial planning' as the organisation only has a one-year financial plan. The final principle with a 0% score was 'the organisation publishes a detailed account of its long-term storage programme.' During discussions, SADA informed the researcher that it has only been developing these activities lately, and there are currently no samples in the storage.

Dimension 3: Democratic processes

SADA achieved an overall index score of 32% on the 'democratic processes' dimension.

The principle with the highest score of 60% was principle 23 (The organisation ensures the participation of athletes in its policy processes). It has been acknowledged that SADA has a policy that details athletes' involvement in the policy process and the process is democratically institutionalised. On the other hand, athletes have not been consulted on the multi-annual policy plan, nor do they have somebody who can credibly voice their opinions in the SADA oversight body. The two points are a result of overarching issues regarding governance – not having a multi-annual plan and an oversight body. Principle 24 (The organisation ensures the participation of athlete support personnel in its policy processes) received a moderate score of 50%.

Principle 25 (The organisation implements a gender equality policy) received a score of 50%. While SADA does not have a gender equality policy it does undertake actions aimed at the reconciliation of family responsibilities and professional obligations for its staff.

The rest of the principles in the dimension scored 0%. These were:

- Principle 22: Formal procedures stimulate a differentiated and balanced composition of the oversight body.
- Principle 27: The oversight body meets regularly to discuss relevant issues according to established procedures.

In reference to most of the principles, not having an oversight body nor an alternative such as a standing body that has a general advisory function led to low scores.

In addition, some of the principles that referred to an oversight body were deemed irrelevant to SADA:

- Principle 20: Oversight body members are (re-)appointed according to clear procedures.
- Principle 21: Term limits have been established for oversight body members;
- Principle 26: The organisation establishes a quorum (a minimum number of attendees required to conduct business and to cast votes) in its statutes or internal regulations for the oversight body.

Dimension 4: Internal accountability and control

SADA achieved an overall score of 21% on the 'internal accountability and control' dimension.

The principle with the highest score is principle 33 (The organisation implements a financial control system) (71%). Within this principle, SADA complied with a number of indicators by having policies restricting the use of cash and having a regulation that establishes a requirement for accurate and clear payment categorisations and descriptions in the financial accounts. Further, the same person cannot initiate and approve payments, nor can the same person receive, record, and deposit funds.

SADA does not, however, have regulations that establish a system in which agreements or payments on behalf of the organisation must be signed by at least two individuals, or legislation that would establish a financial threshold for contracts with external parties which determines whether management or the oversight body must make the decision.

Two other principles received a score of 50% score:

- Principle 30: The organisation has implemented an internal audit function (50%).
- Principle 32: The organisation is externally audited by an independent auditor (50%).

An internal audit is the responsibility of a director. SADA also implements a quality management system (ISO 9001).

The rest of the indicators have achieved a value of 0%:

- Principle 28: The oversight body establishes procedures regarding the premature resignation of its members.
- Principle 29: The organisation applies a clear governance structure according to the principle of separation of powers according to which the oversight body supervises management appropriately.

The above principles require an oversight body or its alternative in form of a committee with a general advisory function, which is not a case in SADA.

Finally, the organisation received 0% for the principles on codes of conduct:

- Principle 34: The organisation has or recognises a code of conduct applicable to the members of the oversight body, management, and personnel.
- Principle 35: The organisation establishes procedures for the processing of complaints about violations of applicable rules of conduct.

The organisation does not have its own code of conduct nor directly refers to any external code in its regulations. Codes of conduct were defined as self-imposed, internal norms that define and, thus, increase awareness of unacceptable behaviour.

Dimension 5: Operational independence

SADA achieved an overall score of 45% on the 'operational independence' dimension.

The highest score of 100% was reached for principle 40 (The organisation has explicitly been delegated the authority to administer a registered testing pool and to conduct doping tests within the relevant territory by a government act). A NADO's authority to administer a registered testing pool and conduct doping tests might be considered the core of its operational independence.

The second-highest score of 63% was awarded for principle 41 (The anti-doping hearing panel is independent and its members have appropriate competences). SADA's procedures on appointment and reappointment of the hearing panel members are clear, and the requirements of the panel expertise are met (the chair has a legal background and the entire panel has collective expertise in relevant fields like science, medicine, or sport). However, there are no procedures stating that the hearing panel should be composed of at least a chair and two members.

Some principles in the 'operational independence' dimension have average scores:

- Principle 36: Acting national politicians and high-level government officials cannot be employed by the organisation, nor serve as oversight body members (50%).

- Principle 37: People who are involved in the decision-making, management or operations of a national or international sport governing body or major event organisation are formally ineligible to serve as members of the oversight body (50%).
- Principle 38: The organisation's government funding is provided separately from other government funding lines and awarded on a multi-annual basis (50%).

In reference to principles 36 and 37, there is no information in SADA's statutes or establishing act that states that acting politicians or people involved in the management or operations of national or international sports governing bodies or major event organisations are illegible to serve as oversight body members or employees at SADA. However, people like this are not employed by the organisation. Regarding principle 38, the funding is not awarded on a multi-annual basis, but the government funding is provided separately from other government funding lines.

Principles 39 (The organisation has the authority to draft its own budget) and 42 (The organisation establishes clear conflict of interest procedures that apply to the members of the oversight body) both reached a score of 0%. The final decision on the budget belongs to the relevant ministry and as the organisation does not have an oversight body, it did not score in this principle.

Dimension 6: Anti-doping responsibility

SADA achieved an overall NADGO index score of 64% on the 'anti-doping responsibility' dimension, with four principles reaching 100%:

- Principle 44: The organisation cooperates with other national anti-doping organisations with a view to combating doping in sport.
- Principle 48: Testing activities and anti-doping policies externally audited.
- Principle 49: The organisation participates in working groups established by WADA, iNADO, UNESCO, and/or the Council of Europe.
- Principle 50: The organisation establishes a procedure for notifying doping abuse that ensures whistle-blower protection.

SADA testing activities and TUE procedures are subjects of external audit. The organisation cooperates in the field of anti-doping with other NADOs and its representatives participate in international forums on matters related to doping. The organisation has also engaged in formal partnerships with other national anti-doping organisations during the past 24 months. However, the principles were considered not relevant to SADA as a small organisation. Whistle-blower protection policies are a recent development in SADA. These policies might reduce the fear that reporting on potential anti-doping violations would lead to reprisals.

SADA has a good score of 80% on educational activities analysed within principle 43 (The organisation implements a policy on educating and prevention that goes beyond the

International Standard for Education). A single indicator in this principle awarded a 0% score as SADA does not carry out an evaluation of the impact of its relevant actions. In fact, SADA does not analyse nor publish reports on the impact of its actions in the area of anti-doping responsibility.

The rest of the principles in this dimension reached a score of 0%. These are:

- Principle 45: The organisation cooperates with law enforcement with a view to combating doping in sport.
- Principle 46: The organisation proactively engages in intelligence gathering and investigations in relation to doping in sport.

In reference to the aforementioned principles, SADA has yet to define exact policies. As an example, cooperation with law enforcement does take place and the organisation does in fact gathers intelligence for the purpose of investigating doping, yet according to the indicator, formalisation of such activities is required.

Similarly, promoting anti-doping research is one of the tasks of SADA defined in its establishing act, but no policy document that that outlines objectives and specific actions relating to promoting anti-doping research exist. On the other hand, the organisation does cooperate with other research institutions on anti-doping research.

- Principle 47: The organisation promotes anti-doping research (33%).

The overall NADGO index score for SADA was calculated to be 30%, which is on the low side.

5. Discussion and policy implications

As for the individual dimensions, the highest score of 64% was achieved for 'anti-doping responsibility', followed by a score of 50% for 'anti-doping transparency'. The lowest scores were awarded for 'operational transparency' (19%) and 'internal accountability' (21%). It seems that dimensions of good governance describing external actions of SADA scored better than the ones defining its internal procedures.

The main findings based on the research done by studying the related documentation, consultations with the project coordinator, feedback consultations with the organisation in question, and evaluations according to the project methodology, can be summarised as:

- the lack of oversight body or its alternative.
- the lack of publication of selected documentation.
- low level of detail in the legally published financial documentation.
- absence of formalisation of certain processes or procedures – some of these in the starting phase.

Based on the scores of the NADGO index, SADA governance is particularly limited by not having a body other than a director. Lack of an oversight body such as a board or a standing body within the organisation that has a general advisory function affects not only internal accountability but also operational transparency, democratic processes and operational independence. Furthermore, the lack of a board might be associated with not having long term policy plans, long term financial plans and the ability to draw its own budget, which are all considered to be signs of an organisation's independence. At this point, SADA does not have a clear governance structure according to the principle of the separation of powers, where the oversight body supervises management appropriately. The director of SADA is not controlled within the organisation, as he is supervised by the relevant ministry.

Changes in the organisational structure might therefore be required in order to improve multiple areas of governance as defined in the NADGO index. One of the possible limitations is the current size of the organisation. The second limitation refers to the sports system in general, as it has been found that similar structures of national anti-doping organisations iare common in Central and Eastern European countries.

The size and scope of activities seem to be a factor affecting scores in SADA, as the organisation was the smallest national anti-doping agency in the NADGO project. SADA seems to establish and publish new policies regarding various fields of anti-doping programmes, with whistle-blowers protection being one of the examples, yet this formalisation is not common. Within the 'anti-doping responsibility' dimension, SADA undertakes various actions in the field of anti-doping education and cooperation in the field of anti-doping. Yet, according to the NADGO index, such actions require formalisation, a policy with defined objectives and actions to achieve them. Specific policies might be the first step towards more advanced actions such as measuring the impact of relevant actions, as the organisation at this point does not analyse its impact.

As for key areas of improvement, it is recommended to:

- consider publishing a broader spectrum of documentation related to the organisation.
- reflect on the legally valid implications related to the organisation in its documents such as its statutes (code of conduct as an example)

The proposed recommendations should be relatively easy to implement since these are dependant mostly on administration efforts, and their realisation would have an immediately positive effect on the overall NADGO score. It can be noted that during the consultation process, the organisation was actively cooperating, positively engaging and taking a deeper look at what can be done in order to become more transparent and reflect the values represented by the NADGO index.

In reference to strategic steps beyond SADA itself, establishing a body to supervise management and take responsibility for the strategic planning and defining budget seems a point worthy of consideration. There are still other areas for improvement (such as

internal gender policies and independent auditing), but it is also important to acknowledge that some of these are dependent on the organisation's budgetary and personnel possibilities.

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Reflections from the SADA on the national report

By Žaneta Csáderová, director, SADA

Thanks to the participation in this project, I was capable of understanding everything that affects the independence of the anti-doping system not only here in Slovakia, but also in a much bigger context.

The base of an independent anti-doping organisation is the legislation. It is crucial for the legislation to be independent on the national level, as well as to be related with transparent publishing of as much data mirroring the credibility of the whole system as possible.

However, independence is not only affected by the paperwork management and set-up of processes. The anti-doping system is more likely about people possessing the right personal and moral values.

Despite all the processes and management, funding is one big problem common for all organisations. There are many types of anti-doping agencies. Either agencies under the state jurisdiction or private companies. As we all know, the one granting the money is the one making the decisions. So, it is quite common that they will also intervene with the management of the mentioned organisation.

The base of good governance is anti-doping and operational transparency, democracy, internal responsibility, control, operational independence, and responsibility. The evaluation comprised 50 principles and 173 indicators overall.

SADA is a state contributory organisation connected with its financial relationships to the budget of the Ministry of Education, Science, Research and Sport of the Slovak Republic. It is established by the Act. No. 440/2015 on Sport.

The state is the main tool in the fight against doping. The cooperation with the sports movement in the development of anti-doping policy is still very weak. Long term strategy plans are missing. SADA has nine full-time employees, therefore is classified as a small NADO.

SADA is primarily focused on registered athletes and elite sport. There is no board responsible for the long-term planning of athletes to be tested, nor for SADA's financial plan involving the whole sports strategy in Slovakia. Therefore, the director of SADA, working under the sports section of the Ministry of Education, Science, Research and Sport of the Slovak Republic, is responsible for creating the annual testing plan according to the budget.

SADA must be compliant with Slovak legislation and the World Anti-doping Programme.

National and international cooperation is crucial for good governance. It intensifies the transparent communication of SADA with the sports movement, the government, and academics at the national and international level.

Based on the cooperation with stakeholders, SADA established an Education Committee collaborating with sports universities and an Athletes Committee representing the Slovak Olympic and Sports Committee, Slovak Paralympic Committee, and League protecting Slovak Athletes.

Internationally, SADA is a member of CEADO and iNADO, which strongly enhances the cooperation between other NADOs.

The main success is a 50% score in anti-doping transparency and anti-doping responsibility. These dimensions can be directly improved by the director and employees of SADA.

Other dimensions are related to external partners, such as the government, the ministry, and the sports movement's decisions, and therefore cannot be solved by SADA within its own rules of governance. These are the main differences that require more work.

OTHER NADO REPORTS

NADO REPORT:

BRAZILIAN DOPING CONTROL AUTHORITY

Key results: Brazilian Doping Control Authority (ABCD)

Figures 1 and 2 show the Brazilian Doping Control Authority's main NADGO scores.

Figure 1: The Brazilian Doping Control Authority's overall NADGO index score

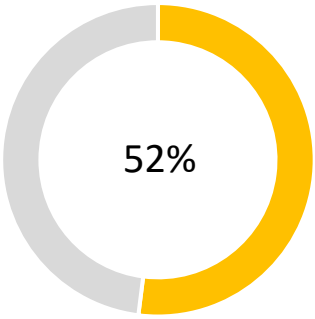
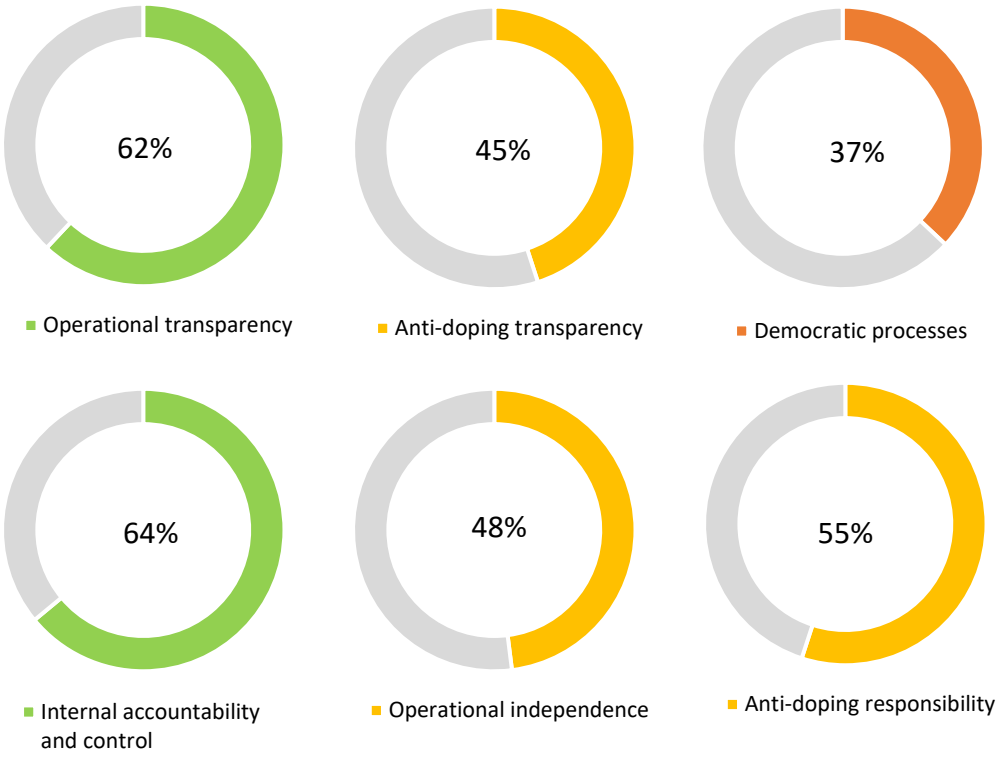


Figure 2: The Brazilian Doping Control Authority's scores on the six NADGO dimensions



Not fulfilled	Weak	Moderate	Good	Very good
0-19 %	20-39%	40-59%	60-79%	80-100%

By Luiz Haas, University of Lisbon

1. Context

The history of combating doping in Brazil has its starting date on 23 April 1964. On this date, the first doping control was carried out in an official football game between Grêmio and Internacional teams. In 1972, the first national legislation for doping control was approved which presented a list of prohibited substances and the punishment in positive cases, and attributed the responsibility for controlling the athletes to the national federations.

In 1989, the Doping Control Laboratory (LADETEC) was created. This laboratory was responsible for doping control during the Copa América de Futebol held in Brazil the same year. In 2002, LADETEC was accredited by the International Olympic Committee, becoming the first accredited laboratory in Latin America. Also in 2002, the Commission to Combat Doping, linked to the National Sports Council, was created and could be considered the first phase for the constitution of the Brazilian Doping Control Authority (Autoridade Brasileira de Controle de Dopagem (ABCD)), which is currently the organisation responsible for controlling doping in Brazil.

After signing the International Convention Against Doping in Sport proposed by UNESCO on 19 October 2005, the country undertook some actions to align itself with international determinations to combat doping. This process began in 2007 and was boosted after the IOC chose Rio de Janeiro to host the 2016 Olympic Games. Doping control became an important issue on the Rio 2016 agenda, and at the end of 2011, the Brazilian Doping Control Authority was created. In 2016, as a result of these pre-Olympic initiatives, the Brazilian National Congress approved the Brazilian Anti-Doping Code and created an independent Anti-Doping National Court.

ABCD is a public organisation linked to the National Sports Secretariat located within the structure of the Ministry of Citizenship. The Agency has autonomy over sports entities since the regulatory policy for doping control must be in charge of the State. ABCD has 28 employees led by the national secretary of the Brazilian Doping Control Authority, a position that the federal government appoints. The Agency has two main areas in its organisational structure, the executive and technical. The first deals with administrative and financial matters as well as management of results, and the second with questions related to the scientific and educational areas.

The Brazilian Anti-Doping Forum is a permanent committee composed of 11 members representing different interest groups: the Agency itself, the National Health Surveillance Agency, the Federal Police, the National Athletes Commission, the Olympic Committee of Brazil, the Society of Exercise and Sports Medicine, among other representative organisations.

In 2020, ABCD had an annual budget of approximately 9 million Reais (1.5 million Euro) with approximately 70% of this resource coming from the federal government. A total of

2992 tests were performed in 2020; 2876 for urine and 116 for blood. Of this total, 2735 were in-competition tests and 257 out-of-competition.

2. Methods

Data collection was conducted in accordance with the standardised NADGO data gathering process from January to March 2021. A single researcher conducted all phases. During phase one, which started in January 2021, the researcher contacted the organisation to explain the research's general objective and establish a contact point. There was positive feedback, and the researcher started phase two that consisted of data collection and the first preliminary scoring. The official website was where most of the data was found. It is possible to see all the legislation that deals with doping control in Brazil and all the reports of the Brazilian Agency. In phase three, the questionnaire was sent to the contact point to get missing data and help with answers that were not entirely clear in the documents analysed in the previous phase. Phase four and phase five were conducted in March 2021. After the scores were definitively assigned, the researcher informed ABCD of the final result.

3. Results

ABCD's overall score on the NADGO index is 52%, which correspond with a 'Moderate' label. ABCD's score on the 'internal accountability and control' dimension was 64%, the highest of all dimensions. ABCD also received a high score of 62% on the 'operational transparency' dimension. The dimensions receiving the lowest scores were 'anti-doping transparency' (45%) and 'democratic processes' (37%).

Dimension 1: Operational transparency

The ABCD's overall NADGO index score on the 'operational transparency' dimension is 62%, which corresponds to the label 'Good'. In this dimension, ABCD complies 100% with the indicators relating to the publication of critical internal documents as statutes/constitution, organisational chart and the rules that govern (principle 1 and 3). The organisation also scored 100% on principle 7 regarding the publication of financial statements on its websites and principle 10 regarding the report on sources of income of the organisation. The user-friendly website is one reason for these high scores in the principles related to operational transparency. The ABCD website has well-formatted content that helps users scan through the information and access what is essential to their needs.

The organisation scored 33% on principle 4 regarding the publication of the decisions of the oversight body and standing committee. ABCD publishes the minutes of the Brazilian Anti-Doping Forum meetings on the website. Still, there is no evidence of public versions of the minutes of the meetings of the oversight body (in ABCD's case, the secretariat and the executive director and technical director). All public minutes must contain an explanation behind the critical decisions to allow the stakeholders to track the reasons behind the decisions.

ABCD did not score on principle 8, which means that there is no information on the website relating to management remuneration. Indicators related to the processes for reporting conflicts of interest (principle 9) were also not scored in the analysis of the organisational transparency dimension. In this matter, ABCD managers informed the researcher during the interviews that there are declarations of conflicts of interest. However, these documents are not published on the website.

ABCD did not score on principles 2, 5 and 6 because these principles do not apply to an organisation without a board.

Dimension 2: Anti-doping transparency

ABCD's overall index score on the 'anti-doping transparency' dimension is 45%, which is labelled as 'Moderate'. In this dimension, the organisation performed well in the principles that deal with the publication of testing activities and the organisation's internal activities, such as educational activities. This positive score is the result of the publication of annual reports and monthly newsletters.

The organisation achieved a 100% score on principle 11 regarding the publishing of an activity report on the website. The publication of these documents assured ABCD partial compliance (80%) on principle 14, 15 and 16 related to information about the planning of testing activities, the publication of testing activities, and the reports of the results. The ABCD's annual report gives the number of athletes per sport discipline included in the Registered Testing Pool, the number of in-competition and out-of-competition tests, and the total blood and urine tests.

ABCD scored 67% on principle 19, which means that the organisation reports on activities in anti-doping education and cooperation with other entities, but miss information regarding activities in the research area (e.g. legal, ethical, scientific/medical issues).

Some principles received a 0% score and therefore call for more attention from those responsible at ABCD. The organisation did not score on principles 12 (publish multi-annual policy plan) and 13 (publish budget and long-term financial planning). It means that the organisation has not published information about plans, objectives, and indicators to evaluate the results. The same applies to budgets and long term financial plans.

Dimension 3: Democratic processes

ABCD's results for the 'democratic processes' dimension are the weakest of all dimensions with a score of 37%. This result corresponds to the label 'Weak' and denotes that the organisation has some principles that it should pay attention to in order to increase the participation of some stakeholders or make internal debates more open.

Three of the eight principles on the 'democratic processes' dimension are not applicable. These are principle 20 (Oversight body member are appointed according to clear procedures), principle 21 (Term limits for oversight body members), and principle 26

(Quorum for the oversight body). These principles are not applicable because of the non-existence of a board in the organisational structure of ABCD.

The organisation scored 100% on principle 22 regarding the composition of the Brazilian Anti-Doping Forum. Despite not having executive functions, this standing committee is competent to propose strategic recommendations to ABCD and monitor the execution of anti-doping legislation. This group is made up of representatives from various organisations: National Health Surveillance Agency; Therapeutic Use Authorization Committee of the Brazilian Doping Control Authority, National Athletes Commission, Olympic Committee of Brazil, Brazilian Paralympic Committee, Brazilian Institute of Sports Law, Anti-Doping Sports Justice, Brazilian Laboratory for Doping Control, Federal Police, and Brazilian Society of Exercise and Sports Medicine.

The organisation complied with 33% of principle 27, which deals with the functioning of the Brazilian Anti-Doping Forum. However, in this matter, the organisation did not comply with the indicators requiring at least three annual meetings and the establishment of formal processes for the preparation of the meeting agenda and the meeting schedule.

Two principles scored 25% in the 'democratic processes' dimension. These are principle 23 on ensuring the participation of athletes in political processes and principle 25, which deals with the implementation of gender equality policies. Regarding the first, it is recommended that ABCD draw up formal (written) policies on the participation of athletes in the organisation's processes. In this way, these important stakeholders will know how they can officially share their views. Regarding the second principle, the organisation could propose formal policies to address the issue of gender equality. Procedures such as the implementation of processes in the nominations of members of the Brazilian Anti-Doping Forum or to other commissions that may exist in the organisational structure of ABCD.

Last but not least, the organisation has not complied with any indicator on principle 24 regarding the participation of athlete support personnel in political processes. This means that there is no formal policy that outlines how athlete support personnel (e.g. medical staff, physiotherapists, player agents/ managers) can share their views. There are no specific actions aimed at involving this group in the decision-making procedures.

Dimension 4: Internal accountability and control

ABCD has a 64% score on the 'internal accountability and control' dimension, which correspond to the label 'Good' and is the best score on all the studied dimensions. The organisation achieved maximum scores (100%) on four principles in the 'internal accountability and control' dimension. The main reason for these results is that ABCD is a public organisation and is inserted in the context of social control mechanisms existing in the federal public administration.

ABCD scored 100% on principle 32 regarding external audits by an independent auditor and 33 concerning a financial control system. As a public organisation, ABCD is included in the control processes of the federal government. This condition places ABCD under the

control of the Court of Auditors of the Union. The inspection activity of this court is called external and independent control as opposed to the internal control carried out by the Agency itself over its expenses. In the same way, ABCD also has its financial activities under the control of federal legislation that regulates the use of public resources in public organisations.

As a public organisation, ABCD employs open tenders for major commercial and procurement contracts. In the context of Brazilian legislation, all public organisations follow the Law on Public Tenders and Administrative Contracts (Law No. 14,133 of April 1, 2021). This regulation strongly affects the acquisitions of goods and services in these organisations. In this sense, they are obliged to open a public tender with at least three competitors and have controlled systems to approve contracts.

Principles 34 and 35 relate to the existence of a code of conduct that applies to managers and members of internal bodies. ABCD fully complies with the indicators in principle 34 and therefore received a 'Very good' label. On principle 35, the organisation partially met the indicators and received a 'Moderate' label. ABCD's members and managers are regulated by Decree No. 1,171, of June 22, 1994, that established the Code of Professional Ethics for Civil Servants of the Federal Executive Branch. They are also regulated by Decree No. 6.029, of February 1, 2007, which institutes the Federal Ethics Management System.

For principle 29 on applying clear governance structures, ABCD gets a 'Moderate' score (43%). On this principle, the positive results are linked to the existence of documents that define the purposes and tasks of the standing committees (in the case of ABCD, the Brazilian Anti-Doping Forum). There is also a document that describes the components of this committee and its regulation.

ABCD did not score on principle 28, which deals with the establishment of procedures for the resignation or dismissal of members who are constantly absent from meetings, who have conflicts of interest, or who have acted out of ethical conduct. The organisation also did not fulfill the indicators of principle 30, which means that ABCD did not implement an internal audit function.

Dimension 5: Operational independence

The NADGO index score on the dimension 'operational independence' is 48%, constituting the label 'Moderate'.

ABCD scored 50% on principle 36 that deals with whether acting national politicians and high-level government officials are allowed to be employed by the organisation. ABCD received the same score on principle 37, which means that no acting national politicians or high-level government officials officially act in the organisation. However, the legislation that regulates ABCD does not make this condition official to serve as members of the internal committees. In both principles, only one of two indicators is fulfiled.

The organisation complies fully with principle 40 concerning the explicit delegation of the authority to administer a registered testing pool and to conduct doping tests within the relevant territory by a government act. This condition is essential because the legislation provides security for ABCD to function as an organisation responsible for anti-doping control in the national territory.

ABCD had a very good result (88%) in principle 41, which means that the hearing panel is independent and its members have adequate competencies. This result brings some security in cases that require independent judgment.

ABCD did not score on principles 39 and 42. The first deals with the possibility of the organisation having the authority to prepare its own budget. As ABCD is part of the structure of the Ministry of Citizenship, its budget depends on the definition of the federal government's budget. The second principle deals with the existence of clear conflict of interest procedures that apply to the advisory body members.

Dimension 6: Anti-doping responsibility

ABCD's result for the dimension 'anti-doping responsibility' is 55%, which correspond to the 'Moderate' label. This dimension assesses whether the organisation implements anti-doping policies in addition to the requirements of the World Anti-Doping Code. The results show paths that ABCD can follow to develop better projects to fight against doping.

The best results in this dimension are in principle 43, 44 and 49. In all these principles ABCD received the maximum score. There is a formal policy on education and prevention with clear objectives and specific actions to educate athletes (principle 43). ABCD is engaged in a formal partnership with the Portuguese Anti-doping Authority, working closely on different issues (principle 44). Finally, ABCD has participated in meetings and working groups established by WADA, iNADO and UNESCO over the past 24 months (Principle 49).

The organisation received a good result (71%) on principle 50, which deals with the protection of whistleblowers in notifications of doping abuse.

Some principles can be improved and bring better results for this dimension. The results show that it is crucial to draw up formal plans for intelligence and investigation issues (principle 46) and the area of research (principle 47). The preparation of these plans involves clearly defining and making public the indicators for assessing the impacts of these plans. Another indicator that can be quickly corrected is the definition of a staff member to be the point of contact for these matters. Contact information (e.g. direct email) for these professionals must be available on the website.

Finally, we strongly suggest that the organisation pay attention to principle 48, which indicates whether testing activities and anti-doping policies are externally audited as ABCD has not fulfilled this principle's indicators.

NADO REPORT:

ANTI-DOPING CENTER (BULGARIA)

Key results: Bulgarian Anti-Doping Center (ADC)

Figures 1 and 2 show the Bulgarian Anti-Doping Center's main NADGO scores.

Figure 1: Anti-Doping Center's overall NADGO index score

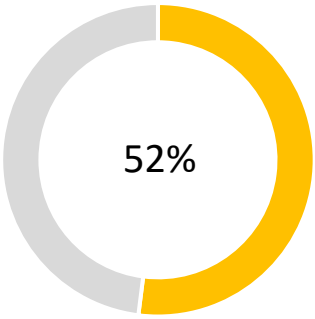
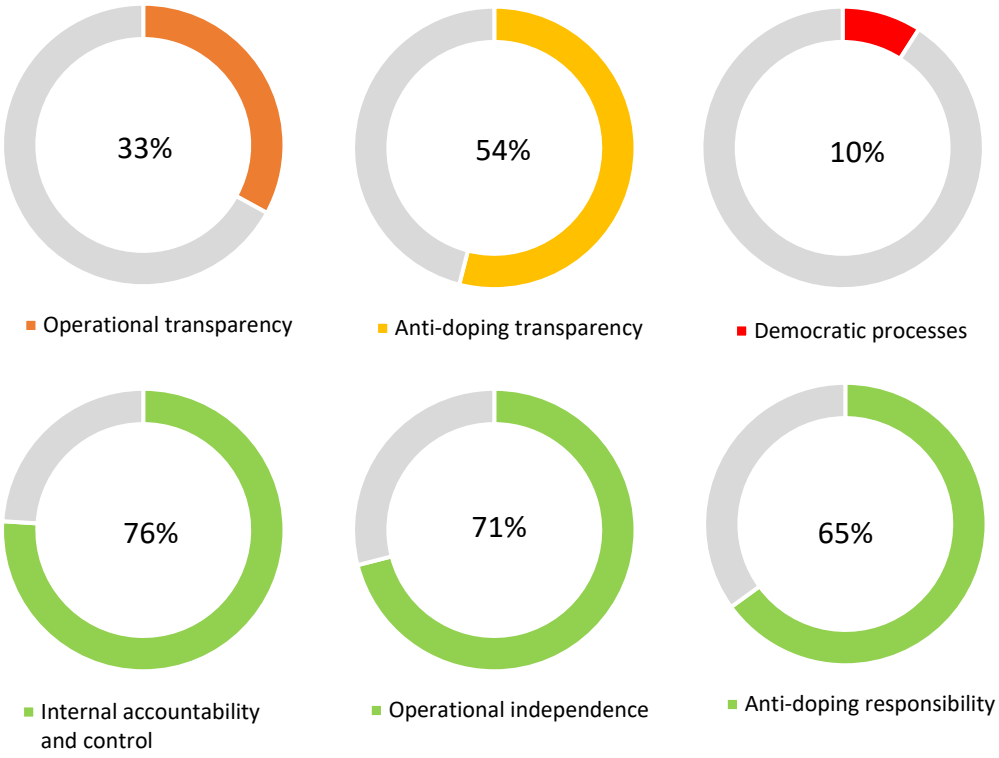


Figure 2: Anti-Doping Center's scores on the six NADGO dimensions



Not fulfilled	Weak	Moderate	Good	Very good
0-19 %	20-39%	40-59%	60-79%	80-100%

By Pawel Zembura, University of Warsaw

1. Context

Key features of NADO governance

The Bulgarian Council of Ministers established the Anti-Doping Center (ADC) in 2010. The Anti-Doping Center is the national anti-doping organisation that owns exclusive competence with regard to anti-doping activities in the Republic of Bulgaria. It is managed and represented by an executive director who is a secondary administrator with appropriations to the Minister of Youth and Sports (Council of Ministers, 2010).

General national provisions on anti-doping are written in a separate chapter of the Physical Education and Sports Act named 'Anti-doping activity'. The Act includes, among others, the role of the state in the anti-doping policy, a definition of violations of anti-doping rules, the role of the Anti-Doping Center and some of its characteristics (*The Law on Physical Education and Sports*, 2018). ADC's workings are primarily regulated in 'Rules for the structure and activity of the Anti-Doping Center' which discusses the role of ADC, responsibilities of the bodies within the organisation, the structure and organisation of its work, and particular divisions (Council of Ministers, 2010).

ADC is a budget-supported organisation and as such is subject to financial control under the Public Financial Inspection Act by the Public Financial Inspection Agency. While the activities of ADC might be financed by its own revenues, the main source of financing is subsidies from the republican budget through the budget of the Ministry of Youth and Sports.

The Anti-Doping Center is managed and represented by an executive director, who is appointed by the Minister of Youth and Sports on the basis of a competition conducted in accordance with the Labour Code. The employment relations with the executive director of ADC are concluded, amended, and terminated by the Minister of Youth and Sports. There is no board or body with similar functions in ADC.

The executive director is a budget authoriser by sub-delegation from the Minister of Youth and Sports (The Law on Physical Education and Sports, 2018). Some of the other functions of the director are (Council of Ministers, 2010):

- Managing and controlling the activities of the Center.
- Being responsible for the lawful and expedient spending of the funds and implementation.
- Financial management and control in accordance with the principles and requirements of the Financial Act management and control in the public sector.
- Representing the Center before third parties.
- Conducting the information policy of the Center.
- Submitting an annual report on the activities of the Center to the Minister of Youth and Sports.

- Making proposals to the Minister of Youth and Sports for imposing sanctions on sports organisations in connection with anti-doping rule violations from athletes and sports technicians.
- Issuing or refusing TUE.

The role of secretary-general is to carry out the administrative management of the Anti-Doping Center, which, in general, entails managing, organising, coordinating, and controlling the activity of the organisational units of ADC.

The structure of ADC used to include a laboratory for doping control and three departments: Anti-doping programmes, legal and administrative services, and financial and accounting services. Since 1 January 2021, the laboratory for doping control is not part of the administrative structure of the Anti-Doping Center anymore. The functions and activities of the laboratory were transferred to the Research and Testing Laboratory in Sports at Sofia University (St. Kliment Ohridski) (Anti-Doping Center, 2021).

There is a TUE committee and results management expert group and a commission for investigation of signals for ADRV within ADC.

The number of full-time employees of the Anti-Doping Center at the end of 2020 was ten.

Key anti-doping policy figures

ADC had a planned budget of 1.3 million levs for 2020 (Anti-Doping Center, 2020), which is approximately 0.665 million EUR.

In 2020, ADC took 811 doping samples in the Anti-Doping Programme – according to its annual plan. In comparison, 750 doping samples had been collected by ADC in 2019. In 2020, 454 were out-of-competition samples and 366 samples were in-competition samples.

From 811 samples collected as per the TDP of ADC for 2020, 90 are blood samples (66 blood samples for GH and 24 ABP blood samples) and 721 were urine samples.

ADC qualifies as a small NADO in the NADGO project.

2. Results

ADC received an average score of 52% on the NADGO index, a score that is within the category 'Moderate'. The organisation has good scores on 'internal accountability and control' (76%), 'operational independence' (71%), and 'anti-doping responsibility' (65%) dimensions, and much lower scores on 'democratic processes' (10% - 'Not fulfilled') and 'operational transparency' (33% - 'Weak').

Dimension 1: Operational transparency

The overall index score on the 'operational transparency' dimension is 33%.

The Anti-Doping Center publishes all main documents regulating its workings, including rules on appointment of the members of the hearing panel:

- Principle 1: The organisation publishes its statutes/constitution, internal regulations, and organisation chart on its website (100%)
- Principle 3: The organisation publishes the rules that govern the appointment of the members of the hearing panel (100%)

However, the organisation does not publish the rules that govern the appointment of the oversight body members (0%), as there is no oversight body in ADC.

For the same reason, ADC received 'Not fulfilled'-scores in principle 4 and 5:

- Principle 4: The organisation publishes oversight body and standing committee decisions on its website (0%)
- Principle 5: The organisation publishes the agendas of its oversight body meetings on its website (0%)

Principle 6 named 'The organisation publishes information about its oversight body members on its website' was considered non-applicable, as the organisation does not have an oversight body.

Some principles on financial reporting received 'Not fulfilled' scores:

- Principle 7: The organisation publishes on its website financial statements that are externally audited according to recognised international standards (0%)
- Principle 8: The organisation publishes regulations and reports on the remuneration, including compensation and bonuses, of its oversight body members and of management on its website (0%)

As explained by ADC employees, the organisation is a budget-supported organisation and as such is subject to financial control under the Public Financial Inspection Act by the Public Financial Inspection Agency, though it has not been audited in recent years. In the annual financial reports, there is general information about ADC employees' remuneration, but this information does not go into detail.

On the other hand, another principle on financial reporting received very good scores:

- Principle 10: The organisation reports on all its sources of income (100%)

Dimension 2: Anti-doping transparency

ADC has a score of 54% on the 'anti-doping transparency' dimension, which is considered 'Moderate'.

Firstly, the organisation publishes annual general activity reports that discuss organisational policies:

- Principle 11: The organisation publishes annual general activity reports on its website (100%)
- Principle 19: The organisation reports on its policies in the areas of anti-doping education, cooperation, and research (67%)

A single indicator with a 0% score in principle 19 referred to not having a report on the activities of the organisation in the area of research. While the organisation conducts such activities, these have not been discussed in the annual report.

ADC publishes its multi-annual policy plans and annual action plans. Less information is available on financial planning.

- Principle 12: The organisation publishes a multi-annual policy plan on its website (75%)
- Principle 13: The organisation publishes its budget and long-term financial planning (33%)

A single indicator with a 0% score in principle 12 is due to not having key performance indicators that establish concrete operational goals in the multi-annual policy plan. Such indicators are available only in annual plans. In terms of principle 13 there is no multi-annual financial plan, as the government funding is awarded on annual basis (although based on three-year forecast). On the other hand, the organisation has published an annual budget in the preceding twelve months (available on the Ministry of Youth and Sport website).

ADC has 'Moderate' and 'Good' scores on principles regarding testing activities plan:

- Principle 14: The organisation publishes information about the planning of its testing activities (40%)
- Principle 15: The organisation publishes a detailed account of its testing activities (60%)

In reference to principle 14, 0% scores are caused by the organisation not giving the (approximate) number of athletes per sports discipline included in the Registered Testing Pool (RTP), the number of TUE requests, or information about the Athlete Biological Passport programme. ADC details the criteria for athletes to be included in the RTP and publishes information regarding which prohibited substances and/or prohibited methods that are most likely to be abused.

In terms of testing, ADC reports on the number of tests per discipline, the total number of in-competition and out-of-competition tests, and urine and blood tests. It does not go into detail by stating the total number of samples analysed for the entire set of prohibited

substances detailed in WADA's 'Technical Document for Sport Specific Analysis', and does not go into detail regarding the number of anonymous tips on potential violations, and whether they resulted in a sporting sanctions and/or criminal charges over a period of 12 months.

A single principle in the 'anti-doping transparency' dimension, which was considered 'Not fulfilled' refers to reporting on whereabout failures:

- Principle 17: The organisation publishes a detailed account of whereabout failures (0%)

The annual report mentions the total number of missed tests established by both ADC and the IFs. According to the organisation, these were the only non-analytical failures, yet it has not been mentioned in the report.

Dimension 3: Democratic processes

ADC received its lowest score on the 'democratic processes' dimension, and the average score of 10% gives it the label 'Not fulfilled'.

First, most of the principles in the subdimension named 'clear and objective procedures for the (re-)appointment of oversight body members' were considered non-applicable as ADC has no oversight body within the organisation.

- Principle 20: Oversight body members are (re-)appointed according to clear procedures (N/A)
- Principle 21: Term limits have been established for oversight body members (N/A)

Another principle within this subdimension was considered 'Not fulfilled'.

- Principle 22: Formal procedures stimulate a differentiated and balanced composition of the oversight body (0%).

The reason why the lack of an oversight body marks some principles as 'not applicable' while other principles receive a 0% score is due to an agreement at the development stage of the NADGO tool that, in reference to some principles, an oversight body is required to ensure democracy within an organisation.

ADC also had a very low score in a subdimension named 'Actors' involvement in decision-making processes that affect them':

- Principle 23: The organisation ensures the participation of athletes in its policy processes (0%)
- Principle 24: The organisation ensures the participation of athlete support personnel in its policy processes (0%)

- Principle 25: The organisation implements a gender equality policy (50%)

The organisation does not involve athletes and support personnel in the policy process in any formalised manner. A single indicator with a 100% score on principle 25 refers to actions aimed at the reconciliation of family responsibilities and professional obligations for its staff. ADC does have internal policies giving some flexibility of work, such as telework of flexible working hours.

ADC's scores regarding the principles in the subdimension named 'democratic decision-making' are affected by not having an oversight body or a standing committee that has a general advisory function:

- Principle 26: The organisation establishes a quorum (a minimum number of attendees required to conduct business and to cast votes) in its statutes or internal regulations for the oversight body (N/A)
- Principle 27: The oversight body meets regularly to discuss relevant issues according to established procedures (0%)

Dimension 4: Internal accountability and control

ADC has a 'Good' score (76%) on the 'internal accountability and control' dimension.

However, the organisation had low scores on principles 28 and 29. The organisational structure without a board or a standing committee with a similar function affects the separation of power within an organisation.

- Principle 28: The oversight body establishes procedures regarding the premature resignation of its members (0%)
- Principle 29: The organisation applies a clear governance structure according to the principle of separation of powers according to which the oversight body supervises management appropriately (29%)

In reference to principle 29, there are internal regulations that define the purpose, delegated tasks, and composition of the TUE standing committee and Results Management Expert Group.

ADC has strong audit procedures:

- Principle 30: The organisation has implemented an internal audit function (100%)
- Principle 32: The organisation is externally audited by an independent auditor (100%)
- Principle 33: The organisation implements a financial control system (100%)

According to the rules on the structure and activity of the Anti-Doping Center, the financial management and control is carried out in accordance with the requirements of the

Financial Management and Control in the Public Sector Act. ADC is audited by the Public Financial Inspection Agency and also by the National Audit Office.

Regulations on open tenders stem from national regulations. The organisation has internal rules under the Public Procurement Act.

- Principle 31: The organisation employs open tenders for major commercial and procurement contracts (100%)

Finally, ADC has high scores on policies on code of conduct:

- Principle 34: The organisation has or recognises a code of conduct applicable to the members of the oversight body, management, and personnel (100%)
- Principle 35: The organisation establishes procedures for the processing of complaints about violations of applicable rules of conduct (75%)

The organisation has an ethic code for ADC's employees and a client's charter. Furthermore, all employees are obliged to comply with the code of conduct of employees in the public administration.

Dimension 5: Operational independence

ADC has an overall index score of 71% on the 'operational independence' dimension, which gives it the label 'Good'.

The organisation has some procedures on who is ineligible to be an employee:

- Principle 36: Acting national politicians and high-level government officials cannot be employed by the organisation, nor serve as oversight body members (100%)
- Principle 37: People who are involved in the decision-making, management or operations of a national or international sport governing body or major event organisation are formally ineligible to serve as members of the oversight body (50%)

ADC has moderate and very good scores on principles measuring operational independence in reference to its financial planning:

- Principle 38: The organisation's government funding is provided separately from other government funding lines and awarded on a multi-annual basis (50%)
- Principle 39: The organisation has the authority to draft its own budget (100%)

As explained by the organisation, the only line of funding for the organisation is the national budget, and the funds are received through the Ministry of Youth and Sports. The subsidies are received annually on the basis of a three-year financial forecast. The executive director of the Anti-Doping Center is a budget authoriser by sub-delegation of the Minister

of Youth and Sports.

- Principle 40: The organisation has explicitly been delegated the authority to administer a registered testing pool and to conduct doping tests within the relevant territory by a government act (100%)

ADC is the national anti-doping organisation with exclusive competence with regard to anti-doping activities.

ADC complies fully with the principle regarding the independence of the hearing panel.

- Principle 41: The anti-doping hearing panel is independent, and its members have appropriate competences (100%)

The organisation scored 0% on the principle requiring the organisation to have clear conflict of interest procedures that apply to members of the oversight body. The score is an outcome of not having an oversight body.

- Principle 42: The organisation establishes clear conflict of interest procedures that apply to the members of the oversight body (0%)

Dimension 6: Anti-doping responsibility

ADC achieved a score of 65% on the 'anti-doping responsibility' dimension.

The organisation complies fully with principles regarding international cooperation within the field of anti-doping:

- Principle 44: The organisation cooperates with other national anti-doping organisations with a view to combating doping in sport (100%)
- Principle 49: The organisation participates in working groups established by WADA, iNADO, UNESCO, and/or the Council of Europe (100%)

The scores are lower when it comes to policies in the field of education and prevention and anti-doping research:

- Principle 43: The organisation implements a policy on educating and prevention that goes beyond the International Standard for Education (50%)
- Principle 47: The organisation promotes anti-doping research (33%)

The organisation cooperates with research institutions (Medical University in Plovdiv) on anti-doping research, but at this point, there is no formal policy that outlines objectives and specific actions related to promoting anti-doping research. While such a document exists in reference to anti-doping education, it does not include educating athletes on anti-doping governance. The organisation does cooperate with other institutions with a view to educate

and inform about anti-doping policies. It has not published an evaluation of its impact within this field even though according to the project's contact within ADC, feedback from the participants of educational initiatives has been gathered.

Results are mixed in reference to formal cooperation with national bodies on anti-doping activities:

- Principle 45: The organisation cooperates with law enforcement with a view to combating doping in sport (67%)
- Principle 46: The organisation proactively engages in intelligence gathering and investigations in relation to doping in sport (25%)

ADC engages in a formal partnership with law enforcement and customs authorities (memorandum of cooperation is signed with the Customs Agency and the Bulgarian Food Safety Agency), although it does not evaluate the impact of its relevant actions. It did produce intelligence reports in the past 24 months regarding the situation in particular sports, but it does not have a formal policy for collecting information on doping from different sources.

Testing activities have been audited as a part of ISO certification:

- Principle 48: Testing activities and anti-doping policies are externally audited (100%)

ADC received a moderate score regarding whistle-blower protection:

- Principle 50: The organisation establishes a procedure for notifying doping abuse that ensures whistle-blower protection (43%)

There are clear rules for investigating reports about potential anti-doping violations and making reports and related investigations are confidential to the widest extent possible.

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NADO REPORT:

NATIONAL ANTI DOPING AGENCY (NADA INDIA)

Key results: National Anti Doping Agency (NADA India)

Figures 1 and 2 show NADA India's main NADGO scores.

Figure 1: NADA India's overall NADGO index score

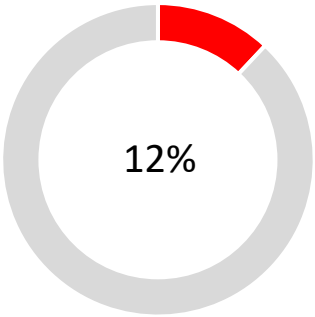
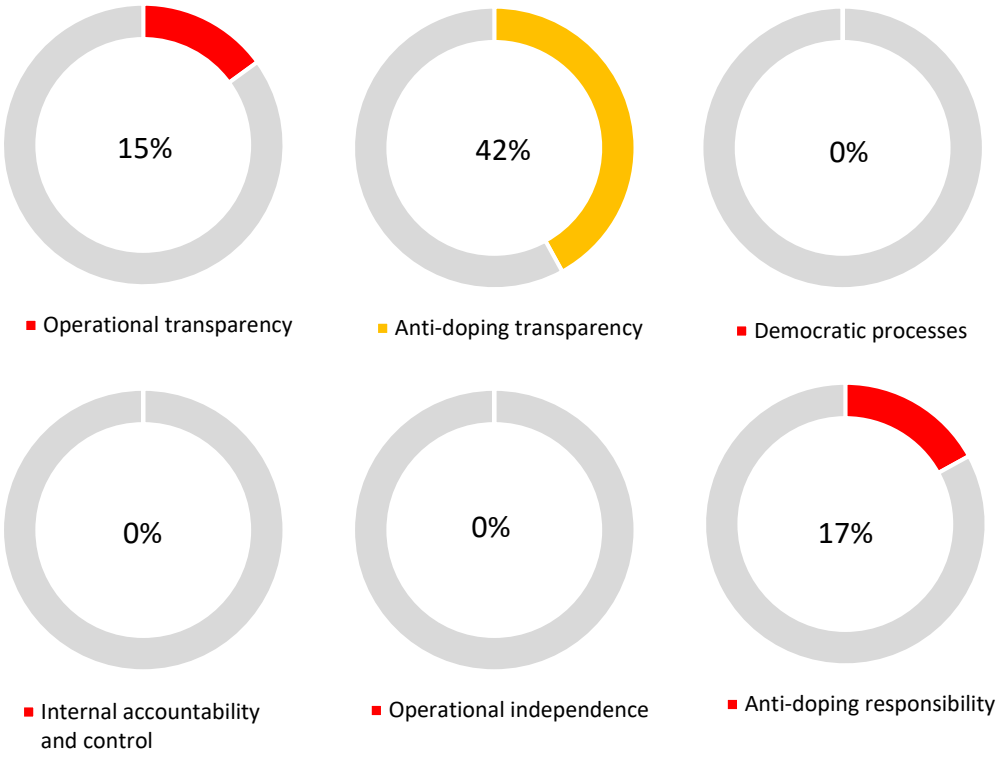


Figure 2: NADA India's scores on the six NADGO dimensions



Not fulfilled	Weak	Moderate	Good	Very good
0-19 %	20-39%	40-59%	60-79%	80-100%

By Pawel Zembura, University of Warsaw

1. Context

Key features of NADO governance

The National Anti Doping Agency (NADA) was established by the Government of India starting on 24 November 2005, with the objective of acting as the independent anti-doping organisation for India. NADA has the necessary authority and responsibility for[37]:

- planning, coordinating, implementing, monitoring and advocating improvements in doping control.
- cooperating with other relevant national organisations, agencies and other anti-doping organisations.
- encouraging reciprocal testing between national anti-doping organisations.
- promoting anti-doping research.
- where funding is provided, withholding some or all funding, during any period of his or her ineligibility, to any athlete or athlete support personnel who has violated anti-doping rules.
- vigorously pursuing all potential anti-doping rule violations within its jurisdiction including investigating whether athlete support personnel or other persons may have been involved in each case of doping.
- planning, implementing and monitoring anti-doping information and education programmes. NADA thereby is a distinct body, independent from the disciplinary authorities (the Anti-Doping Disciplinary Panel and Anti-Doping Appeal Panel).

It is a fully state-subsidised organisation funded by the Ministry of Youth Affairs and Sports.

The governance structure of NADA consists of the governing body with general, governing, and executive body members.

The work team at the agency consists of the director general, followed by a senior project officer, project officer, two assistant project officers, administrative and account officer, panel assistant and account assistant.

As for standing committees, there is the Therapeutic Use Exemption Committee, Anti Doping Disciplinary Panel, and Anti Doping Appeal Panel.

Regarding the Therapeutic Use Exemptions, based on the annual report there were 26 requests and 14 rejections in 2019-2020.

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37 https://web.archive.org/web/20130517054915/http://www.nada.nic.in/writereaddata/mainlinkfile/File1575.pdf

Key anti-doping policy figures

The total budget estimate for 2019-2020, based on the annual report, was 850 lakhs (935,000 Euro), with received funds of 554.3 lakhs (610,000 Euro) (until 31/3/2020).

There was no information provided with regards to the registered testing pool.

The overall number of in-competition tests in 2019-2020 was 1,981 tests (unspecified). The number of out-of-competition tests in 2019-2020 was 1,877. Out of the total of 3,858 tests, 107 were positive.

A relatively large amount of anti-doping awareness training was conducted – in total 82 such events, as well as numerous other meetings, training, and symposiums aimed at the fight against doping in sport.

The research phase took place between 15 January and 28 February 2021, with a single researcher working on the analysis. Importantly, NADA was the only NADO that has not responded to our call for feedback. Due to little information available on the Agency website and documents, the scores are based on a very limited amount of data.

Information about the exact number of full-time employees was unavailable, thus the agency was considered a large NADO (over 30 FTE) for the purpose of the research.

Results

Dimension 1: Operational transparency

NADA has reached a score of 15% on the 'operational transparency' dimension.

The highest score of 100% was reached for principle 10: 'The organisation reports on all its sources of income'. This is a single-question indicator.

The second-highest score of 33% was reached for principle 1: 'The organisation publishes its statutes constitution, internal regulations, and organisation chart on its website'. The score is based on the evaluation of three indicators, of which one (1.3) – related to whether the organisation publishes its organisational chart – received a positive score.

The third highest value of 17% was reached for principle 6: 'The organisation publishes information about its oversight body members on its website'. Out of six indicators, number 6.6 was awarded a 100% score ('Does the organisation's website provide information on any affiliations with sports organisations or government for each individual oversight body member?').

The rest of the principles reached a score of 0%:

- Principle 2: The organisation publishes the rules that govern the appointment of the oversight body members.

- Principle 3: The organisation publishes the rules that govern the appointment of the members of the hearing panel. (This is based on a single indicator and represents a positive impact, enabling public scrutiny of the rules in this specific topic.)
- Principle 4: The organisation publishes oversight body and standing committee decisions on its website.
- Principle 5: The organisation publishes the agendas of its oversight body meetings on its website.
- Principle 7: The organisation publishes on its website financial statements that are externally audited according to recognised international standards.
- Principle 8: Reporting on both the remuneration of senior officials and management, and on the pay-setting process generates trust and generates a powerful deterrence effect for self-dealing.
- Principle 9: Reporting on conflicts of interest stimulates reflection, generates trust, and increases external scrutiny.

Dimension 2: Anti-doping transparency

NADA achieved an overall index score of 42% on the 'anti-doping transparency' dimension.

The highest score was awarded to principle 11 (The organisation publishes annual general activity reports on its website). The second-highest score of 80% was awarded in principle 18 (The organisation reports on test results and how they were managed). The only indicator with a negative score (out of five) in this principle was 18.2 (Did the organisation publish a statement in the past 12 months that details the number of adverse passport findings?).

Principle 19 (The organisation reports on its policies in the areas of anti-doping education, cooperation, and research) reached a score of 67% with only indicator 19.3 getting a negative score (out of three) (Does the most recent general activity report contain a report on the activities of the organisation in the area of research (e.g. on athlete perspectives or on sociological, behavioural, legal, ethical, scientific/medical issues)?).

Principle 14 (The organisation publishes information about the planning of its testing activities) reached 60%, and out of five, two indicators were awarded negative scores: 14.2 (Did the organisation publish a statement in the past 12 months that details the criteria for athletes to be included in the Registered Testing Pool?) and 14.5 (Did the organisation publish a statement in the past 12 months that provides information about the Athlete Biological Passport programme and details the number of Athlete Biological Passports of which it has the responsibility to manage results and share information with other Anti-Doping Organisations (i.e. as passport custodian)?).

Principle 15 (The organisation publishes a detailed account of its testing activities), reached 40%, with two out of five indicators reaching positive scores: 15.1 (Did the organisation publish a statement in the past 12 months that details the total number of tests carried out per sport discipline over a period of 12 months?) and 15.2 (Did the organisation publish a

statement in the past 12 months that details the total number of in-competition and out-of-competition tests carried out over a period of 12 months?).

Principle 13 (The organisation publishes its budget and long-term financial planning) reached a score of 33%. The only positively awarded indicator out of three was nr. 13.2 (Has the organisation published an annual budget in the preceding twelve months?).

The remaining principles of dimension 2 have got a 0% score:

- Principle 12: The organisation publishes a multi-annual policy plan on its website (0%).
- Principle 16: The organisation publishes a detailed account of its long-term storage programme (0%).
- Principle 17: The organisation publishes a detailed account of whereabout failures (0%)

Dimension 3, 4 and 5

Dimensions 3, 4 and 5 – 'democratic processes', 'internal accountability and control' and 'operational independence', respectively – have all received a score of 0%.

Dimension 6: Anti-doping responsibility

NADA achieved an overall score of 17% on the 'anti-doping responsibility' dimension, which corresponds to the label 'not fulfilled'.

A single principle with a very good score (100%) was principle 49 (The organisation participates in working groups established by WADA, iNADO, UNESCO, and/or the Council of Europe).

Another principle with an average score above 0% was principle 43 (The organisation implements a policy on education and prevention that goes beyond the International Standard for Education) (20%). A single indicator – regarding cooperation with other organisations with a view to educating and informing relevant actors on anti-doping policies and the risks of doping – received a positive score within this principle.

NADA's overall NADGO index score was calculated to be 12%, which is on the low side and corresponds to the label 'not fulfilled'.

NADO REPORT:

ANTI-DOPING AGENCY OF KENYA

Key results: Anti-Doping Agency of Kenya (ADAK)

Figures 1 and 2 show the Anti-Doping Agency of Kenya's main NADGO scores.

Figure 1: Anti-Doping Agency of Kenya's overall NADGO index score

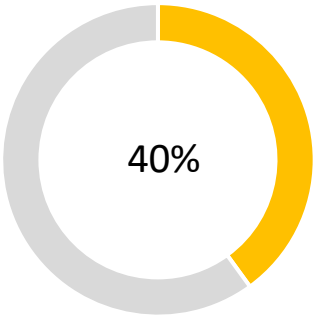
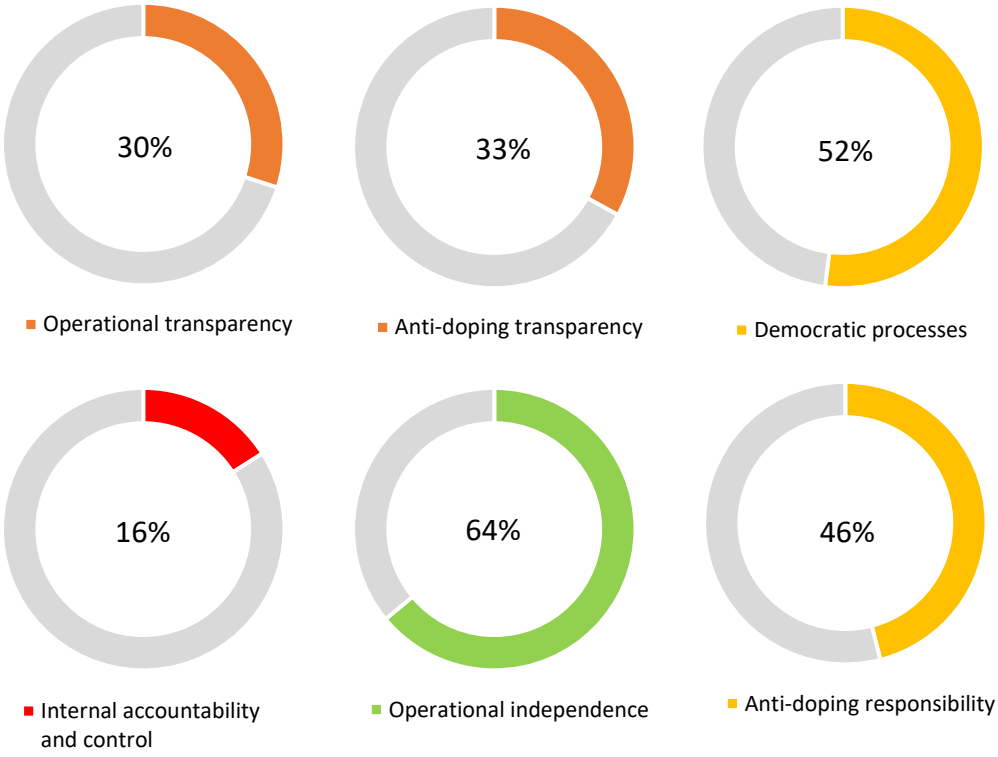


Figure 2: Anti-Doping Agency of Kenya' scores on the six NADGO dimensions



Not fulfilled	Weak	Moderate	Good	Very good
0-19 %	20-39%	40-59%	60-79%	80-100%

By Pawel Zembura, University of Warsaw

1. Context

Key features of NADO governance

The government of Kenya established the Anti-Doping Agency of Kenya (ADAK) with Anti-Doping Act No. 5 of 2016 as a State Corporation. Based on the Act, the Agency shall be the only organisation permitted to carry out anti-doping activities in Kenya and its authority to enforce this Act and shall be recognised by all national and international sports federations and national and international sports organisations. The Act regulates, among others, ADAK functions, powers and responsibilities of its organs, dispute resolutions, or general and financial provisions.

The main goal for establishing the Agency is to protect athletes' fundamental rights to participate in doping-free sport and thus to good health, fairness, and equality for athletes in Kenya. The Agency commits to implement programs in line with its core mandate of Testing, Results Management and Anti-Doping Education. Funds of the Agency consist primarily of grants from the National Assembly.

The Anti-Doping Act establishes functions of a board with powers to oversight the proper performance of the functions of the Agency under the Act. The functions of the board include among others controlling, supervising, and administering the Agency assets, determining financial policy, approving strategic plan or enter into associations with other bodies or organisations within and outside Kenya. The board consist of between five and ten members: Chairperson appointed by the President, members representing public bodies (National Treasury, Attorney General, principal secretary for matters related to sport and Chief Executive Officer as a secretary to the board), and no more than five experts appointed by virtue of their knowledge and experience in sports appointed by the Cabinet Secretary.

Chief Executive Officer is another body disclosed in the Act. It is a function competitively recruited and appointed by the board. He is, among others, responsible for the implementation of the decisions of the board, day to day management of the affairs of the Agency, such as the implementation of the Agency programmes and management of the staff. He is also responsible for the formulation, development and implementation of the Agency's strategic plan and any other plans in order to carry out the mandate of the Agency.

The ADAK organisational structure under the Chief Executive Officer consists of the following units: Compliance and Testing Department, Education and Research Department, Manager, finance, and administration unit and finally Corporation secretary. The internal Audit Division in the structure is directly linked with the board.

The Therapeutic Use Exemption Committee is a single committee established in the Act. Chief Executive Officer is responsible for ensuring administrative support of the committee. According to the Act, the TUE committee shall consist of experienced medical doctors and pharmacist with experience in sport, retired international level athlete and sports administrator.

The Adjudication Process for National level athletes in both instances is handled by the Sports Disputes Tribunal. The Sports Disputes Tribunal is established in the Sports Act and has to establish its own procedures. For international level athletes, the first instance process is handled by the Sports Disputes Tribunal while the appeal is handled by the Court of Arbitration for Sport (CAS).

Institutional strengthening has been identified as one of the seven strategic themes of anti-doing issues and challenges in Kenya in the previous and the most recent ADAK Strategic Plans(Anti-Doping Agency of Kenya, 2017, 2019). According to the document, the functions of the Anti-Doping Agency of Kenya are performed by the Office of the Chief Executive Officer and technical and support officers deployed from the parent Ministry of Sports, Culture and the Arts (Anti-Doping Agency of Kenya, 2019). This situation dates at least from 2017 (Anti-Doping Agency of Kenya, 2017). In the document, the Agency has proposed a new organisational structure, which attempts to address structural challenges and enhance the capacity of the organisation. The changes refer to the organisation of departments, especially the proposed division of the section responsible for the administration. It also refers to high under-resourced 'Standards and Compliance' and 'Education and Research' departments.

Key anti-doping policy figures

ADAK had revenues of 333 million KSHS for the financial year 2017/2018, which, based on the average exchange rate in 2017, is about 2.85 million EUR.

ADAK conducted 1028 tests between 7/1/2019 and 6/9/2020. 616 of those tests were conducted in the first two quarters of this period (between 7/1/2019 and 12/17/2019).

The number of full-time employees in ADAK at the beginning of 2021 was 36. The number grew significantly in the last years, as in 2017 the number of full-time employees was just 13 (Anti-Doping Agency of Kenya, 2017).

2. Results

Dimension 1: Operational transparency

ADAK had a weak score of 30% on the 'operational transparency' dimension. The organisation publishes its statute, some additional internal regulations, and its organisation chart on its website (100%). It does also publish the rules that govern the appointment of the oversight body members (100%).

Little information is available about the board itself and its workings:

- Principle 4: The organisation publishes oversight body and standing committee decisions on its website (0%)
- Principle 5: The organisation publishes the agendas of its oversight body meetings on its website (0%)
- Principle 6: The organisation publishes information about its oversight body members on its website (17%)

Minutes from board meetings are confidential (although might be availed in reference to a specific item), and decisions of the board are not published. Some general information about board members is available.

Publishing information on board meetings would open up for scrutiny of the internal workings. Disclosing more information on current activities of board members in other organisations, their official functions, and political posts could on the other hand disclose potential conflicts of interest.

Further, the organisation does not report on conflicts of interest (0%). It has been mentioned that the organisation has such a document, only it is not publicly available. Reporting on conflicts of interest might generate trust and increase external scrutiny.

The Sports Disputes Tribunal has jurisdiction to hear and determine cases on anti-doping. Information on the rules that govern the appointment of the members of the hearing panel are not available on the ADAK website (0%).

ADAK scores are mixed in reference to financial reporting:

- Principle 7: The organisation publishes on its website financial statements that are externally audited according to recognised international standards (50%)
- Principle 8: The organisation publishes regulations and reports on the remuneration, including compensation and bonuses, of its oversight body members and of management on its website (33%)
- Principle 10: The organisation reports on all its sources of income (0%)

The organisation publishes basic financial information in the most recent annual report, but information about the three most recent financial statements (as well as the reports) are not available. Apart from general annual reports, audited financial statements of ADAK are available on the website. The most recent financial statement applies to 2017/2018. In the financial statements, the organisation reports on the remuneration of the board providing general figures. Finally, only general information on sources of income is available in the annual report.

Dimension 2: Anti-doping transparency

ADAK scored 33% on the 'anti-doping transparency' dimension.

The organisation publishes an annual general activity report:

- Principle 11: The organisation publishes annual general activity reports on its website (75%)
- Principle 19: The organisation reports on its policies in the areas of anti-doping education, cooperation, and research (67%)

The document, however, does not include information on the activities of all standing committees. While information about the education and cooperation activities of ADAK is included in the report, data on activities within the field of research is missing.

The level of detail of information in the annual reports is low:

- Principle 15: The organisation publishes a detailed account of its testing activities (0%)
- Principle 16: The organisation publishes a detailed account of its long-term storage programme (0%)
- Principle 17: The organisation publishes a detailed account of whereabout failures (0%)
- Principle 18: The organisation reports on test results and how they were managed (40%)

In reference to principle 15, the total number of tests carried out per sport discipline over a period of 12 months is not clear based on the annual report, as the tests are only presented in reference to particular testing activities. Urine and blood tests are not presented separately, and the number of in- and out-of-competition tests is not clear. Information about missed tests and filling failures is unavailable.

In principle 18, ADAK reports on the number of adverse analytical findings and which athletes were found to have committed anti-doping rule violations, including their sanction. Reporting on testing increases external scrutiny of the organisation doping control activities and generates trust in the organisation and the anti-doping system.

ADAK publishes a multi-annual policy plan, but not a multi-annual financial plan:

- Principle 12: The organisation publishes a multi-annual policy plan on its website (75%)
- Principle 13: The organisation publishes its budget and long-term financial planning (0%)

The plan sets objectives and concrete actions to achieve them and defines concrete operational goals. ADAK does not publish annual policy plans that would be based on the multi-annual policy plan. It does not publish its budget or long-term financial plan, although in the most recent multi-annual policy plan information on the budget required to meet envisioned actions is presented.

Dimension 3: Democratic processes

ADAK achieved a moderate score of 52% on the 'democratic processes' dimension. The scores differ between the distinguished sub-dimensions of democratic processes.

Firstly, ADAK has clear and objective procedures for the (re-)appointment of oversight body members:

- Principle 20: Oversight body members are (re-)appointed according to clear procedures (100%)
- Principle 21: Term limits have been established for oversight body members (100%)
- Principle 22: Formal procedures stimulate a differentiated and balanced composition of the oversight body (67%)

The procedures on the appointment of board members are clear. Board members may hold office for a term of three years and are eligible for a single reappointment. Balance composition of the oversight body might be an outcome of representation-based systems of appointment. In addition, five additional board members might be appointed by the virtue of their knowledge and experience in sports. However, there are no detailed procedures that would ensure that board members have expertise in the different areas relevant to anti-doping policy.

The scores are much lower on the subdimension named 'Actors' involvement in decision-making processes that affect them':

- Principle 23: The organisation ensures the participation of athletes in its policy processes (25%)
- Principle 24: The organisation ensures the participation of athlete support personnel in its policy processes (0%)
- Principle 25: The organisation implements a gender equality policy (25%)

While ADAK representatives stated that the multi-annual policy plan was adopted in consultation with athletes, the organisation does not have a formal (written) policy that outlines which anti-doping policy fields it allows athletes or athlete support personnel to share their views on and how they can do so.

ADAK does not have a body that would institutionalise the involvement of athletes in the policy process. It does not have procedures that would ensure that somebody might

credibly voice their point of view on the board, and athletes have not been targeted by ADAK in initiatives to get involved in policy-making.

There are no gender equality policies regarding the appointment of board members or employees, although ADAK does undertake actions aimed at the reconciliation of family responsibilities and professional obligations for its staff. Participatory processes could enhance the effectiveness and legitimacy of policies. By involving athletes and athlete personnel in the policy process they come to see policies as their own, increasing the chance that they will comply with those policies.

ADAK scores are moderate on the principles belonging to the subdimension named 'democratic decision-making':

- Principle 26: The organisation establishes a quorum (a minimum number of attendees required to conduct business and to cast votes) in its statutes or internal regulations for the oversight body (50%)
- Principle 27: The oversight body meets regularly to discuss relevant issues according to established procedures (57%)

The organisation establishes a quorum, as regulated in MWONGOZO, The Code of Governance for State Corporation. The quorum is not of at least 75% for the oversight body. The minimum number of board meetings is four times in every financial year, and the board met more than three times in 2020. Neither the internal regulations that establish drawing up the agenda of board meetings nor a document outlining an annual meeting schedule were found. On the other hand, ADAK has regulations that establish the procedures for the adoption of board decisions.

Dimension 4: Internal accountability and control

ADAK scored 16% ('Not fulfilled') on the 'internal accountability and control' dimension. The organisation regulates some cases of premature resignation of board members.

- Principle 28: The oversight body establishes procedures regarding the premature resignation of its members (33%)

There are procedures regarding the repeated absenteeism, but not in cases of conflict (such as incompatible views) and unethical behaviour as established in the code of ethics.

ADAK's structure is consistent with a principle on separation of power:

- Principle 29: The organisation applies a clear governance structure according to the principle of separation of powers according to which the oversight body supervises management appropriately (57%)

The board is responsible for determining general policy while management is tasked with defining the organisation's operational policy. Further, two key positions of the board are defined. On the other hand, the composition and reporting requirements of each of the standing committees have not been defined.
ADAK has limited procedures on audits:

- Principle 30: The organisation has implemented an internal audit function (0%)
- Principle 32: The organisation is externally audited by an independent auditor (25%)
- Principle 33: The organisation implements a financial control system (0%)

While according to the recent multi-annual policy internal audit division is a part of a current organisational structure, rules on its workings had at that point not been published. The organisation's annual financial statements are externally audited by the Auditor General. ADAK does not implement a quality management system (such as ISO 9001). The organisation's governance (compliance programme, governance structure, internal processes, etc.) has not been reviewed by an independent auditor. The documents detailing the financial control system of ADAK have not been accessed.

ADAK has limited procedures on codes of conduct:

- Principle 34: The organisation has or recognises a code of conduct applicable to the members of the oversight body, management, and personnel (10%)
- Principle 35: The organisation establishes procedures for the processing of complaints about violations of applicable rules of conduct (0%)

The organisation does not have a code of conduct. A single indicator with a positive score is on having rules for accepting gifts. Codes of conduct increase awareness of unacceptable behaviour and having complaint procedures allow stakeholders to call to account those that violate those rules.

Dimension 5: Operational independence

Among the different dimensions of good governance, ADAK scored the highest on the 'operational independence' dimension – 64%. That is a 'Good' score according to the labels in the NADGO project.

Firstly, ADAK has some procedures on the ineligibility of board members that could ensure the independence of board members:

- Principle 36: Acting national politicians and high-level government officials cannot be employed by the organisation, nor serve as oversight body members (50%)
- Principle 37: People who are involved in the decision-making, management, or operations of a national or international sport governing body or major event organisation are formally ineligible to serve as members of the oversight body (100%)

The organisation does have rules that make members or officials in national sports federations, an athlete, athlete support personnel or an official of a sports organisation, sports club, or sports federation ineligible to serve as a board member. The same does not apply to government officials. High-level government or sports organisation officials were not appointed to the board at the time of this study.

ADAK has less independence based on its financial planning:

- Principle 38: The organisation's government funding is provided separately from other government funding lines and awarded on a multi-annual basis (50%)
- Principle 39: The organisation has the authority to draft its own budget (0%)

The main government funding is provided separately from other government funding lines, however, it is not provided on a multi-annual basis. The organisation's budget is subject to external approval. Being funded on an annual basis limits the organisation's ability to plan its long-term activities while having the authority to draft the budget is considered a crucial element of organisational autonomy. On the other hand, the authority to act as the sole national anti-doping organisation and to administer a registered testing pool has been explicitly delegated to ADAK in the Act on Doping.

- Principle 40: The organisation has explicitly been delegated the authority to administer a registered testing pool and to conduct doping tests within the relevant territory by a government act (100%)

The principles of independence have been also applied to the hearing panel:

- Principle 41: The anti-doping hearing panel is independent, and its members have appropriate competences (50%)

The rules on conflict of interest are described in the Act on Doping:

- Principle 42: The organisation establishes clear conflict of interest procedures that apply to the members of the oversight body (100%)

Act on Doping establishes procedures regarding conflict of interest. It also regulates that disclosure of conflicts of interests must be recorded in the minutes of the meeting and that board members may not participate in the vote about certain decisions for which a conflict of interest exists.

Dimension 6: Anti-doping responsibility

ADAK achieved an overall score of 46% on the 'anti-doping responsibility' dimension.

The organisation received very good scores on principles regarding international cooperation within the field of anti-doping:

- Principle 44: The organisation cooperates with other national anti-doping organisations with a view to combating doping in sport (100%)
- Principle 49: The organisation participates in working groups established by WADA, iNADO, UNESCO, and/or the Council of Europe (100%)

Participation in international cooperation might build a mutual understanding between the national anti-doping organisations and lead to joint solutions.

ADAK received lower scores on its policies in the field of education and prevention and anti-doping research:

- Principle 43: The organisation implements a policy on educating and prevention that goes beyond the International Standard for Education (40%)
- Principle 47: The organisation promotes anti-doping research (50%)

While the organisation has formal (written) policies outlining objectives and specific actions aimed at educating and informing relevant actors on anti-doping policies, conducting anti-doping research, and cooperating with research institutions on these matters, it does not measure the impact of its actions.

The scores were much lower regarding formal cooperation with national bodies on anti-doping activities:

- Principle 45: The organisation cooperates with law enforcement with a view to combating doping in sport (25%)
- Principle 46: The organisation proactively engages in intelligence gathering and investigations in relation to doping in sport (20%)
- Principle 48: Testing activities and anti-doping policies externally audited (0%)

The organisation does engage in a formal partnership with law enforcement, although it does not have a single point of contact for such cooperation. ADAK does not have a written plan for collecting information on doping from different sources, even though it does identify relevant partners and engage with a view to gather intelligence. The impact on partnership with law enforcement, intelligence gathering, and investigation are not measured.

Building formal partnerships with law enforcement might promote information exchange regarding (potential) anti-doping violations and related illegal activities. Similarly, having a policy on data gathering and investigation could help organisations efficiently invest resources in fighting doping activities.

The testing activities have not been reviewed by an independent and officially approved auditor. An external audit of testing activities and anti-doping policies could allow the organisation to improve its anti-doping actions and increase external trust.

ADAK received a low score in the principle regarding whistle-blower protection:

- Principle 50: The organisation establishes a procedure for notifying doping abuse that ensures whistle-blower protection (29%)

The organisation establishes a system enabling individuals to file a report in a fast way and has procedures that establish that reports on potential anti-doping rules violations and related investigations must be kept confidential to the widest extent possible. However, clearly defined rules for investigating reports about potential anti-doping rule violations as well as on reporting doping violations are not available and there is no single point of contact in reference to cooperation with whistle-blowers.

References

Anti-Doping Agency of Kenya. (2017). Strategic Plan 2016/17-2019/20. Anti-Doping Agency of Kenya.

Anti-Doping Agency of Kenya. (2019). Strategic Plan 2020/21-2023/24. Anti-Doping Agency of Kenya.

NADO REPORT: ANTI-DOPING NORWAY

Key results: Anti-Doping Norway (ADNO)

Figures 1 and 2 show Anti-Doping Norway's main NADGO scores.

Figure 1: Anti-Doping Norway's overall NADGO index score

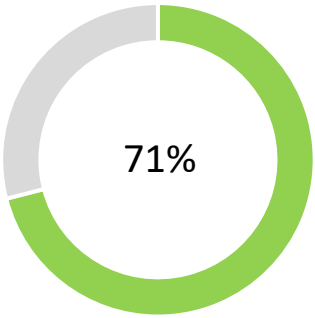
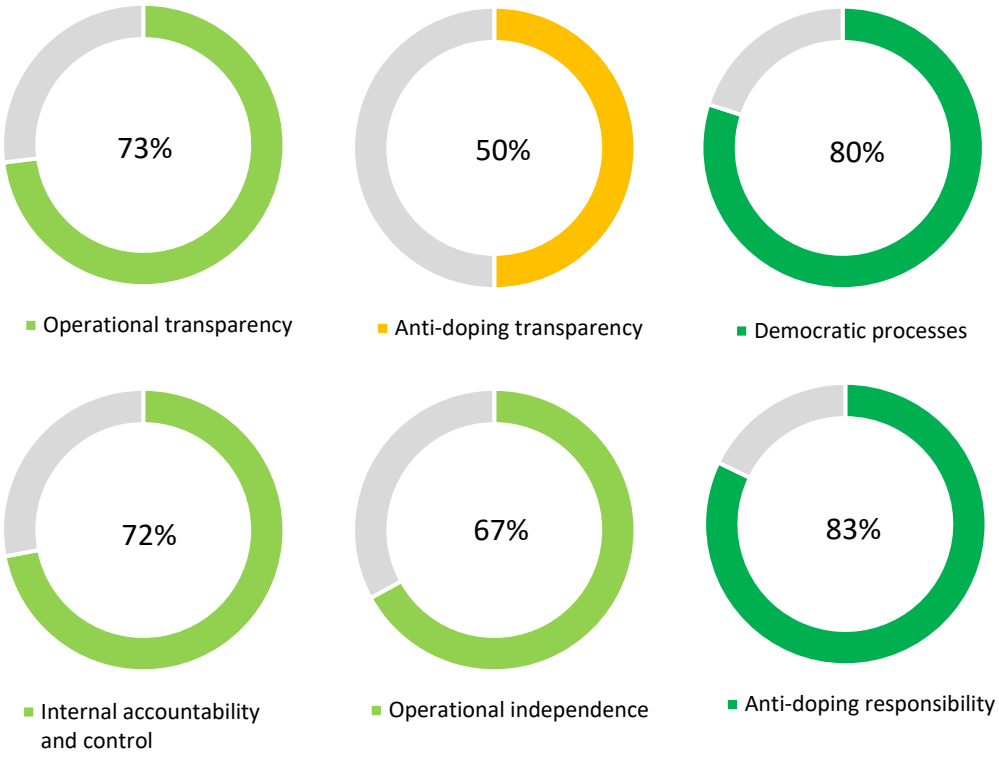


Figure 2: Anti-Doping Norway's scores on the six NADGO dimensions



Not fulfilled	Weak	Moderate	Good	Very good
0-19 %	20-39%	40-59%	60-79%	80-100%

By Pawel Zembura, University of Warsaw

1. Context

Key features of NADO governance

Anti-Doping Norway (ADNO) was established as a foundation in 2003. The two founding parties were the Ministry of Culture and the Norwegian Olympic and Paralympic Committee and Confederation of Sports (NIF).

The anti-doping rules applicable to the general public in Norway are found in the Civil Penal Laws established by the Norwegian Parliament. The anti-doping rules in sport are established by the General Assembly of the NIF.

Division of responsibilities between the parties involved in anti-doping in Norway aims to ensure independence of the processes (Anti-Doping Norway, 2017).

Firstly, the control and prosecuting authority in doping cases is assigned to ADNO. Control authority means that eligible persons are obligated to accept doping control as determined by ADNO. ADNO may delegate testing authority to a delegated third party. Prosecuting authority means that ADNO has the authority to make prosecutory decisions pursuant to the doping provisions, including the right to investigate possible rule violations and to act as a party in doping cases. ADNO has a dedicated prosecution committee that conducts prosecutions (Anti-Doping Norway, 2017). The authority to charge anti-doping rule violations cannot be delegated to a third party.

Secondly, NIF is responsible for appointing an independent hearing entity and for enforcing sanctions. The NIF general assembly appoints members to NIF's Adjudication Committee whose competence is to assess and decide whether an athlete or other person subject to these anti-doping rules has committed an anti-doping rule violation and to impose applicable consequences (Anti-Doping Norway, 2017).

The foundation board of Anti-Doping Norway consists of six board members. Three are appointed by the NIF and three are appointed by the Ministry of Culture. The members of the foundation board are appointed for a period of maximum eight years. According to the Articles of Association for Anti-Doping Norway, the board members shall not hold positions as a member of the board of NIF or a national sports federation, nor shall be an employee of the relevant Ministry in the Norwegian government, NIF or a national sports federation. Further within the Act, there is a general obligation to that the members of the board shall be independent in relation to the foundation's activities (Articles of Association for Anti-Doping Norway, 2010).

The chief executive officer is responsible for the day-to-day management of the organisation. The following departments and structures are part of the organisation: Operations & quality management system, communications, science, testing, investigation

and legal, international relations, prevention, and public health (Anti-Doping Norway, 2020).
There are four core committees appointed by ADNO: TUE Committee, Whereabouts (WA) Committee, Complaint Committees, and Prosecution Committee. The committees are independent of ADNO and cannot be instructed on their decisions (Anti-Doping Norway, 2017).

The TUE Committee reviews and decides on TUE applications. Members of the committee are physicians and experts in their fields. Within their mandate, they must advise the management in medical questions. The WA Committee reviews and decides on WA failures. Members are lawyers and retired top-level athletes. Complaints about the decisions of the two committees are handled by separate Complaint Committees.

The Prosecution Committee is given the authority to review and decide on possible rule violations. The members of the Prosecution Committee are appointed by the board of ADNO. The members of the Prosecution Committee possess legal, medical and pharmaceutical competence. The Prosecution Committee has, among its powers, the responsibility to dismiss or prosecute a case and to determine if a case should be appealed or not.

The members of the Adjudication Committee and Appeal Committee are active judges in the Norwegian district courts or the Norwegian courts of appeal. Decisions from the NIF Adjudication Committee can be appealed to the NIF Appeal Committee. Top-level athletes can appeal directly to the Court of Arbitration for Sports (CAS) (Anti-Doping Norway, 2017).

The Athlete Biological Passport programme is administered by the Nordic Athlete Passport Management Unit. ADNO deals with doping issues from a broad perspective. It is actively working on anti-doping initiatives aimed at society at large. As an example, 500 Norwegian fitness centres are working towards becoming or remaining a 'Clean Centre', a certification programme led by ADNO.

Key anti-doping policy figures

The annual income in 2019 for ADNO was 55.5 million NOK which is approximately 5.63 million Euro. The main source of funding is governmental grants that summed up to 46.8 million NOK. Several different ministries fund ADNO. The Ministry of Culture funds the anti-doping activities directed towards organised sports, the Ministry of Health and Care Services funds the activities directed towards society at large, and the Ministry of Foreign Affairs finance international projects aiming to assist other countries with the establishment of independent NADOs compliant with the World Anti-Doping Code. Some of the other sources of income highlighted in the annual report come from providing anti-doping services to other national and international organisations (3.4 million NOK), other grants (1.5 million NOK), and income from lectures and educational initiatives (0.3 million NOK) (Anti-Doping Norway, 2020).

Around 130 of the best Norwegian athletes in sports that require strength and endurance are on ADNO's list of duty-to-report (Anti-Doping Norway, 2020). Starting from 1 October 2020, the list of top athletes (national level athletes in WADA definition) was expanded to approximately 4700 athletes, compared to approximately 2000 athletes previously, which is a result of broadening the term of a top athlete.

A total of 3033 doping samples were taken from the national programme in 2019. These samples are divided into 2300 urine samples, 181 blood samples, and 552 blood profile samples. Slightly below 60% of the samples were gathered out-of-competition (Anti-Doping Norway, 2020). ADNO was classified as a large NADO in the NADGO project, as it has more than 30 full-time employees (Anti-Doping Norway, 2017).

2. Results

Dimension 1: Operational transparency

ADNO received a 'Good' overall score on the 'operational transparency' dimension of 73%. The organisation publishes comprehensive information on its statutes, appointment of board and hearing panel members:

- Principle 1: The organisation publishes its statutes/constitution, internal regulations, and organisation chart on its website (100%)
- Principle 2: The organisation publishes the rules that govern the appointment of the oversight body members (100%)
- Principle 3: The organisation publishes the rules that govern the appointment of the members of the hearing panel (100%)

Less information is available about the workings of the board and board members:

- Principle 5: The organisation publishes the agendas of its oversight body meetings on its website (0%)
- Principle 6: The organisation publishes information about its oversight body members on its website (33%)

The agendas are not published on the website before the meetings. While the website lists the names of all the current members of the board, information about the start and end date of the term of each member of the oversight body, the members' professional experience, or the education of the members is not available.

- Principle 4: The organisation publishes oversight body and standing committee decisions on its website (100%)

The organisation publishes minutes of board meetings. It does not publish standing committee decisions on its website, however, due to the specificity of the committees in

ADNO, that makes them deal mainly with individual cases. Therefore, this particular indicator was considered 'not applicable'.

ADNO publishes detailed information on its finances including remuneration of the board and management:

- Principle 7: The organisation publishes on its website financial statements that are externally audited according to recognised international standards (100%)
- Principle 8: The organisation publishes regulations and reports on the remuneration, including compensation and bonuses, of its oversight body members and of management on its website (100%)
- Principle 10: The organisation reports on all its sources of income (100%)

Dimension 2: Anti-doping transparency

ADNO achieved an index score of 50% on the 'anti-doping transparency' dimension, which corresponds with the label 'Moderate'.

The organisation publishes a comprehensive annual general activity report:

- Principle 11: The organisation publishes annual general activity reports on its website (75%)
- Principle 19: The organisation reports on its policies in the areas of anti-doping education, cooperation, and research (100%)

In principle 11, a single 0% score on one indicator was a result of not explicitly linking concrete actions to specific objectives set by the organisation. While the organisation publishes multi-annual plans, it lacks the formulation of specific objectives.

- Principle 12: The organisation publishes a multi-annual policy plan on its website (75%)

ADNO does not publish multi-annual financial plans:

- Principle 13: The organisation publishes its budget and long-term financial planning (0%)

Other principles that are considered 'not fulfilled' refer to reporting on storage programmes and whereabout failures.

- Principle 16: The organisation publishes a detailed account of its long-term storage programme (0%)
- Principle 17: The organisation publishes a detailed account of whereabout failures (0%)

In reference to long-term storage, ADNO has not published a statement giving the (approximate) number of samples that have been placed in storage in the past year and has not published the number of stored samples that have been re-analysed in the past year. Regarding whereabout failures, missing tests and filling failures have not been published separately in the annual report. Other than that, the testing activities of the organisation have been presented in detail:

- Principle 15: The organisation publishes a detailed account of its testing activities (80%)
- Principle 18: The organisation reports on test results and how they were managed (80%)

A single indicator that achieved a 0% score in principle 15 refers to publishing the number of anonymous tips regarding potential violations and whether they resulted in a sporting sanction and/or criminal charges. While the approximate number of anonymous tips is presented, information on the outcomes of these tips was lacking.

Dimension 3: Democratic processes

ADNO achieved an overall score of 80% on the 'democratic processes' dimension, which corresponds to the label 'Very good'.

The scores are particularly good in the subdimension 'Clear and objective procedures for the (re-)appointment of oversight body members':

- Principle 20: Oversight body members are (re-)appointed according to clear procedures (100%)
- Principle 21: Term limits have been established for oversight body members (100%)
- Principle 22: Formal procedures stimulate a differentiated and balanced composition of the oversight body (100%)

The scores are slightly lower in the subdimension 'Actors' involvement in decision-making processes that affect them':

- Principle 23: The organisation ensures the participation of athletes in its policy processes (60%)
- Principle 24: The organisation ensures the participation of athlete support personnel in its policy processes (67%)
- Principle 25: The organisation implements a gender equality policy (75%)

The organisation has multiple mechanisms to ensure the participation of athletes in the workings of ADNO: Former athletes are members of the Whereabouts Committee, there is a signed memorandum of understanding with the organisation representing athletes (NISO), and there is an employee responsible for cooperation with athletes. Further, athletes have been consulted with regards to the recent multi-annual policy plan. However,

there is no document that outlines in which anti-doping policy fields ADNO allows athletes to share their views and how. Moreover, statutes and the establishing act does not ensure that at least one board member is able to credibly voice the point of view of athletes.

Athlete support personnel is involved in stakeholder consultation although there is no policy that states which anti-doping policy fields it allows athlete support personnel to share their views on and how.

ADNO's scores are 'Good' on the principles belonging to the subdimension 'Democratic decision-making':

- Principle 26: The organisation establishes a quorum (a minimum number of attendees required to conduct business and to cast votes) in its statutes or internal regulations for the oversight body (50%)
- Principle 27: The oversight body meets regularly to discuss relevant issues according to established procedures (86%)

A single 0% score on one indicator in principle 27 is caused by ADNO not having internal regulations that establish the board meeting proceedings.

Dimension 4: Internal accountability and control

ADNO has achieved an overall score of 72% on the 'internal accountability and control' dimension, corresponding to the label 'Good'.

A single non-compliant score has been assigned to the principle on the premature resignation of board members:

- Principle 28: The oversight body establishes procedures regarding the premature resignation of its members (0%)

The Act on Foundations states that the Foundation Authority might dismiss body members who neglect their duties in the execution of their Office. However, issues of repeated absenteeism, cases of conflict (such as incompatible views), and unethical behaviour are not explicitly regulated.

ADNO's structure is consistent with the principle of the separation of powers.

- Principle 29: The organisation applies a clear governance structure according to the principle of separation of powers according to which the oversight body supervises management appropriately (86%)

A single indicator that received a score of 0% referred to not having regulations defining the reporting requirements for each of the standing committees.

ADNO has strong procedures on audits:

- Principle 30: The organisation has implemented an internal audit function (100%)
- Principle 31: The organisation employs open tenders for major commercial and procurement contracts (100%)
- Principle 32: The organisation is externally audited by an independent auditor (100%)
- Principle 33: The organisation implements a financial control system (86%)

On the other hand, ADNO has limited procedures on codes of conduct:

- Principle 34: The organisation has or recognises a code of conduct applicable to the members of the oversight body, management, and personnel (40%)
- Principle 35: The organisation establishes procedures for the processing of complaints about violations of applicable rules of conduct (100%)

ADNO does not have a comprehensive code of conduct that would apply to board members. One of the other indicators that received a score of 0% in principle 34 was due to not taking steps in the previous 12 months to ensure that all the relevant stakeholders are notified of the contents of the code and that they understand it.

Dimension 5: Operational independence

ADNO received an overall score of 67% on the 'operational independence' dimension.

ADNO has strong procedures regarding the ineligibility of board members that ensure the independence of board members.

- Principle 36: Acting national politicians and high-level government officials cannot be employed by the organisation, nor serve as oversight body members (100%)
- Principle 37: People who are involved in the decision-making, management or operations of a national or international sport governing body or major event organisation are formally ineligible to serve as members of the oversight body (100%)

While half of the board members are nominated by the NOC and the second half by the Government, they must be independent and not hold position or be employed with either the government (relevant Ministries) or the sports sector (NOC and national sports federations). Further, ADNO has an internal conflict of interest policy, which prohibits affiliation with government and sports organisations.

Two other principles refer to financial planning:

- Principle 38: The organisation's government funding is provided separately from other government funding lines and awarded on a multi-annual basis (50%)

- Principle 39: The organisation has the authority to draft its own budget (100%)

The lower score on principle 38 is because ADNO is awarded governmental funding on annual basis.

ADNO received a score of 0% on principle 40:

- Principle 40: The organisation has explicitly been delegated the authority to administer a registered testing pool and to conduct doping tests within the relevant territory by a government act (0%)

While it has been recognised that one of the founding bodies of ADNO is the Ministry of Culture and that the government funding follows from annual governmental decisions, it has not been explicitly stated that ADNO has been delegated the authority to act as the sole national anti-doping organisation and to administer a registered testing pool and conduct doping tests within the relevant territory by a government act.

The principle of independence has also been applied to the hearing panel:

- Principle 41: The anti-doping hearing panel is independent, and its members have appropriate competencies (50%)

One of the indicators in principle 41 that received a 0% score inquired whether the hearing panel is composed of at least a chair and two members. However, with simple cases such as written admissions, it is up to the chair of ADNO's hearing panel to decide on the number of members. On the other hand, conflict of interest procedures in the case of members of the hearing panel are detailed.

Dimension 6: Anti-doping responsibility

ADNO has a score of 83% on the 'anti-doping responsibility' dimension, which is categorised as 'Very good'.

The organisation received scores in the category 'Very good' on principles regarding international cooperation within the field of anti-doping:

- Principle 44: The organisation cooperates with other national anti-doping organisations with a view to combating doping in sport (100%)
- Principle 49: The organisation participates in working groups established by WADA, iNADO, UNESCO, and/or the Council of Europe (100%)

Within international cooperation, ADNO supports other NADOs in their aspiration to improve governance.

Scores on ADNO policies in the field of education and prevention and anti-doping research are good:

- Principle 43: The organisation implements a policy on educating and prevention that goes beyond the International Standard for Education (80%)
- Principle 47: The organisation promotes anti-doping research (75%)

ADNO has developed and refined advanced programmes in the field of education on doping aimed at various stakeholders. It does not, however, have a formal policy that outlines objectives and specific actions aimed at educating athletes on anti-doping governance.

The organisation is involved in formal cooperation with the other national bodies on anti-doping activities:

- Principle 45: The organisation cooperates with law enforcement with a view to combating doping in sport (75%)
- Principle 46: The organisation proactively engages in intelligence gathering and investigations in relation to doping in sport (60%)
- Principle 48: Testing activities and anti-doping policies externally audited (100%)

In reference to principle 46, ADNO has yet to develop a formal (written) plan for collecting information on doping from different sources.

ADNO received a good score on whistle-blower protection:

- Principle 50: The organisation establishes a procedure for notifying doping abuse that ensures whistle-blower protection (71%)

A single indicator with a negative score refers to having procedures that enable individuals to file an anonymous report of potential anti-doping violations. On the other hand, there is a specific system that enables filling in anonymous reports on the website.

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Articles of Association for Anti-Doping Norway. (2010).

NADO REPORT:

ANTI-DOPING AUTHORITY OF PORTUGAL

Key results: Anti Doping Authority of Portugal (ADoP)

Figures 1 and 2 show the Anti-Doping Authority of Portugal's main NADGO scores.

Figure 1: The Anti-Doping Authority of Portugal's overall NADGO index score

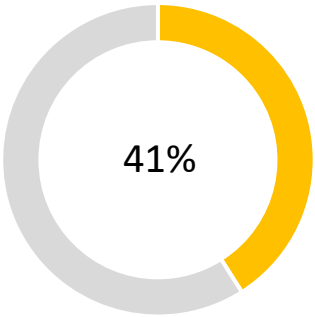
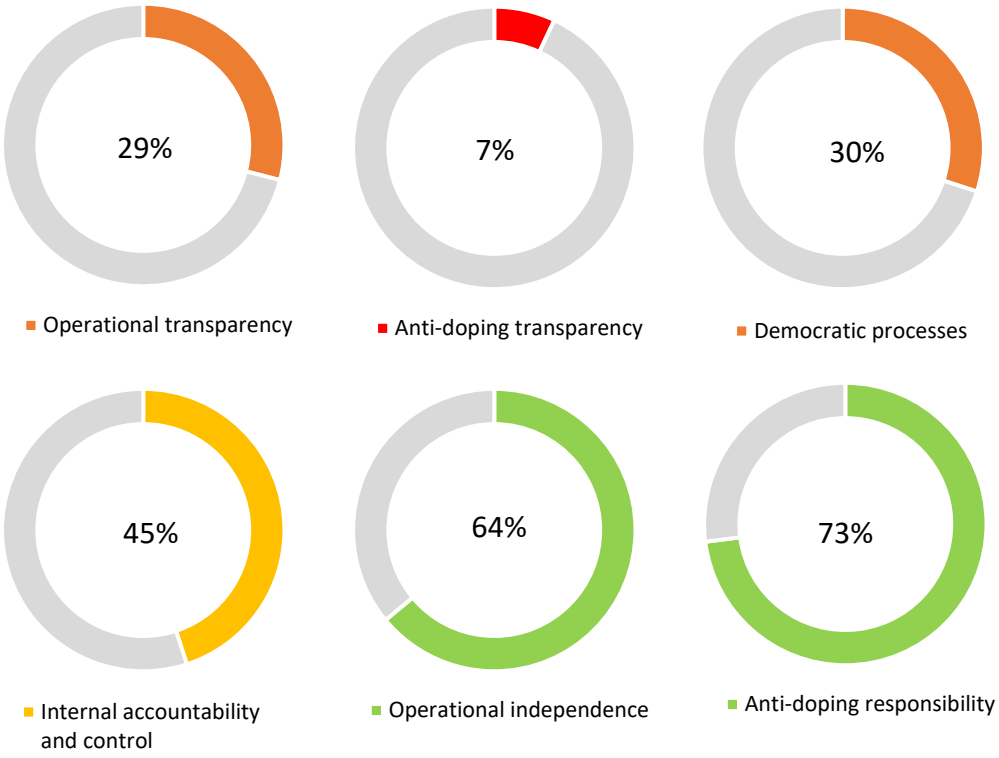


Figure 2: The Anti-Doping Authority of Portugal's scores on the six NADGO dimensions



Not fulfilled	Weak	Moderate	Good	Very good
0-19 %	20-39%	40-59%	60-79%	80-100%

By Luiz Haas, University of Lisbon

1. Context

The starting point of doping control in Portugal happened at the end of the 1960s when the first tests were performed on athletes, especially in cycling. In 1977, the government decided to create the Doping Control Regulation Commission. This group worked for the development of the first specific doping legislation published in 1979.

During the 1980s and 1990s, there was an increase in the number of sports being monitored, and consequently an increase in the number of controlled athletes. In 1990, Portugal signed the Convention against Doping proposed by the Council of Europe. After this initiative, Portuguese legislation was updated and the National Anti-Doping Council was officially created and became the body responsible for the national doping control policy and education.

In 2007, Portugal ratified the International Convention against Doping in Sport proposed by UNESCO, and two years later new legislation was published. This new law proposed specific regulations that were closer to those defined by WADA. One of the main advances that this new legislation introduced was the creation of the Anti-Doping Authority of Portugal (ADoP).

This new organisation took responsibility for coordinating all policies regarding the control and fight against doping. After 2009, three changes were made to the Portuguese legislation dealing with doping, and in 2019 the latest update took place. This latest update has made some changes in the ADoP's organisational structure in order for it to fall under the rules established by the World Anti-Doping Code 2015.

The ADoP is a public organisation with administrative autonomy belonging to the Secretary of State for Youth and Sports that is part of the Ministry of Education. The organisation has the administrative autonomy to prepare and apply the National Anti-Doping Plan and, thus, carries out its activities in the national territory. Its internal structure has leadership roles in the form of the president and executive director, with the latter being responsible for administrative services, quality management, management of the National Anti-Doping Programme and management of results. The organisation has no elected or appointed board, but in order to support the activities, it has an Advisory Council formed by 17 members representing different sectors, among them: The General Health Directorate, the Judiciary Police, the main sports organisations, the Olympic and Paralympic Athletes Commission, doctors, and other professionals in the health area.

The organisation has a team of 12 full-time employees and is classified in this project as a mid-sized NADO. Its financing consists of resources coming entirely from the government, with the annual budget of 2020 amounting to 650,000 Euro.

In 2018 (last published annual report), the ADoP collected 3364 samples. There was no indicated distinction between in- or out-of-competition and blood and urine tests.

2. Methods

Data collection was conducted in accordance with the standardised NADGO data gathering process from January to March 2021. A single researcher conducted all phases. During phase one, which started in January 2021, the researcher contacted the Portuguese NADO to explain the general objective of the research and to establish a point of contact. After receiving positive feedback the researcher started phase two, which consisted of data collection and the first preliminary scoring. The official website was the main source of data for the second phase, where documents such as national legislation, annual reports, news and other important documents were available. In phase three, which started at the end of February, the questionnaires were sent to the contact person within the ADoP to get missing data and to help with some answers that were not entirely clear in the documents analysed in the previous phase. Phase four and phase five were conducted in March 2021 after the scores were definitively assigned.

As previously reported for the NADGO project, the ADoP is considered a mid-sized organisation. This means that only indicators in the category 'Basic' and 'Intermediate' apply to the ADoP.

3. Results

The ADoP's overall score on the NADGO index is 41%, which correspond with a 'Moderate' label. The ADoP's score on the 'anti-doping responsibility' dimension is 73% – the highest score of all dimensions. The ADoP's 'operational independence' dimension also received a high score of 64%. At the other end of the scale, the scores on the 'operational transparency' dimension (29%) and the 'anti-doping transparency' dimension (7%) are the lowest.

Dimension 1: Operational transparency

With regard to the 'operational transparency' dimension, the ADoP achieved an overall index score of 29%, which can be considered a 'Weak' result.

The ADoP received the maximum score (100%) in principles 1 and 3. This means that the organisation publishes information about its internal regulations, such as the legislation that govern its internal functioning and the organisation chart, on its official website. However, the organisation did not score (0%) on the other principles of this dimension. Thus, the ADoP does not make available on its website agendas and minutes of the meetings of internal bodies, financial statements, remuneration reports, or reports on conflicts of interest that may exist.

During data collection, the ADoP manager who was the point of contact in this project informed the researcher that the official website of the organisation will undergo a restructuring and updating. The new website is expected to have more space for publishing documents regarding the internal functioning of the ADoP.

Dimension 2: Anti-doping transparency

The 'anti-doping transparency' dimension is the weakest dimension with a score of 7%, which corresponds to the label 'Not fulfilled'. Because of the issues with the ADoP's official website, the organisation only scored on principle 19 (66%). All others principles in this dimension were not fulfilled. The reason for this is that the researcher was unable to find the ADoP annual reports for the years 2019 and 2020 and was therefore unable to assess principles 14, 15, 17 and 18. It was also not possible to find the long-term policy plan and the long-term financial plan and therefore not possible to evaluate principles 12 and 13. It is important to mention that during data collection, we found annual reports from 2003 to 2018 on the ADoP's official website, however, these documents do not comply with the information that is requested in the indicators of these principles. The low score on this dimension leaves the ADoP with a great opportunity for new initiatives on the organisation's new website. There is enough space for new strategies that allow the ADoP to make its results more open to society.

Dimension 3: Democratic processes

The ADoP achieved a better score on the 'democratic processes' dimension than on the previous dimensions. The ADoP's score on this dimension is 30%, which still leaves ample opportunity to develop a more democratic environment in the organisation.

The ADoP is part of the structure of the government of Portugal, and therefore the majority of employees are civil servants or appointed by the government. The organisation does not have an oversight body in the organisational structure and consequently, the principles 20, 21, and 26 are not applicable.

The positive aspect of the 'democratic processes' dimension is that the ADoP has a balanced composition of the standing committee responsible for the advisory functions. This body has representatives from different areas, such as health (Directorate-General for Health; Order of Nurses, Order of Doctors), justice (Judiciary Police), sport (Olympic Committee of Portugal and Paralympic Committee of Portugal), athletes, and government.

Within this dimension, it is important to note that the ADoP has no gender policy or procedure to encourage equal access to leadership positions. However, during the interview, the ADoP representative stressed that the working hours at the organisation are flexible due to the need for work on the weekend, allowing the reconciliation of family responsibilities and professional obligation for its staff.

Last but not least, the results demonstrated the importance for ADoP to improve the Advisory committee operating procedures. For this, it is suggested that the organisation creates procedures to clarify some processes, for example, the preparation of agendas and minutes of the meetings, the quorum to start the meetings, the decision-making process, the need or lack thereof of specific quorums for some matters. It is also important to ensure the elaboration of an annual schedule of meetings to clarify the functioning of this important body.

Dimension 4: Internal accountability and control

The ADoP's overall score on the NADGO index' 'internal accountability and control' dimension is 45%, which represents a 'Moderate' score.

A large reason for the positive results in this dimension is the Portuguese legislation that regulates the functioning of public organisations. Thus, there is a legal requirement that the entity is externally audited and has a strict financial control system. For this reason, the ADoP scored 100% in principles 31 and 32, and also scored 83% in principle 33. Portuguese law also establishes rules for the functioning of the ADoP, for example, its purpose, the tasks, and the composition of each standing committee. Thus, the organisation also had a good score (57%) on principle 29.

The ADoP did not score on principles 34 and 35 that deal with the existence of a code of conduct that applies to members of the organisation. This document clearly defines unacceptable behaviour in the organisation and ensures that control and punishment act when someone acts unethically on behalf of the organisation.

Another issue that should be carefully observed is the lack of processes related to the premature resignation of the members of the advisory board (principle 28). In this principle, the organisation did not score, however, this type of control is important to ensure that the members of this board, who have a low performance (constant absences) or unethical behaviour, can be removed from the board.

Dimension 5: Operational independence

The overall score on the 'operational independence' dimension is 64% which corresponds to the label 'Good'. This was the second-best result for ADoP in all dimensions.

ADoP received top scores (100%) on principles 37, 38 and 39, which means that the organisation has the authority to draft its own budget, has the authority to administer a registered testing pool and to conduct doping tests within the Portuguese territory. It also means that the anti-doping hearing panel is independent and its members have the appropriate skills. These three conditions allow the organisation to have adequate levels of operational independence.

Regarding principles 36 and 37, the ADoP scored 50%. On principle 36, the ADoP does not dictate in its establishing act that acting national politicians and high-level government officials cannot be employed by the organisation. Likewise, on principle 37, the establishing act that establishes the functioning of the ADoP does not dictate that employees or oversight body members cannot be involved in the management or operations of a national or international sports governing body or the organisation of major events.

The organisation did not score on principle 42, which means that the ADoP needs to establish a rigorous process regarding conflicts of interest that may exist between the members of the advisory committee.

Dimension 6: Anti-doping responsibility

The ADoP achieved its highest score of 73% on the last dimension 'anti-doping responsibility', which corresponds to the label 'Good'.

To achieve this result, the ADoP scored fully on the principles that deal with cooperation with other national anti-doping organisations (principle 44), on carrying out external audits on anti-doping tests and policies (principle 48), and on the active participation of working groups established by WADA, iNADO, UNESCO, and/or the Council of Europe (principle 49).

The organisation also received a high score (85%) on principle 50, which ensures that the ADoP establishes a procedure for notifying doping abuse that ensures whistle-blower protection. In the same way, the ADoP also received a high score (80%) on principle 43 for implementing a well-structured doping prevention and education system that goes beyond the International Standard for Education and Informing.

In this dimension, some principles need to be developed further by the organisation. In principle 45, which assesses whether the organisation cooperates with law enforcement with a view to combating doping in sport, the ADoP scored 50%. In this regard, it is important that the organisation establishes a separate formal partnership with the customs authorities and carries out an evaluation of the impact of its actions in partnership with the police authorities.

Two other principles that need special attention are principles 46 (The organisation proactively engages in intelligence gathering and investigations in relation to doping in sport) and 47 (The organisation promotes anti-doping research). In these principles, the ADoP scored 20% and 25%, respectively. This demonstrates that the organisation must prioritise partnerships to contribute in the area of anti-doping research and intelligence gathering and investigations.

ANNEX

ANNEX: The roots of anti-doping governance. How WADA became a hybrid organisation

The NADGO project inspired Arnout Geeraert and Edith Drieskens to explore the creation of WADA as a hybrid organisation, i.e. an organisation with mixed membership in its governing bodies. Understanding why anti-doping governance was not left in private hands was not only important for academic reasons, i.e. the illumination of the perfect storm idea that emerges from the literature. It was also relevant from a policy point of view given the suggestion that WADA-like entities should be created in order to deal with good governance failures in general and match-fixing specifically. The first ideas were discussed at the Copenhagen workshop in February 2019; the final result published in Public Administration was presented at the concluding seminar in May 2021.

Their full article on WADA's foundation can be accessed for free here:
https://onlinelibrary.wiley.com/doi/full/10.1111/padm.12668

Play the Game

iNADO
INSTITUTE OF NATIONAL ANTI-DOPING ORGANISATIONS

Deutsche Sporthochschule Köln
German Sport University Cologne

SADV

KU LEUVEN

FAIRSPORT

UNIVERSITY OF WARSAW

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FÜR SAUBERE LEISTUNG

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