

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2009 Nr. 26

A. TITEL

*Internationaal Verdrag tegen doping in de sport;
(met Bijlagen en Aanhangsels)
Parijs, 19 oktober 2005*

B. TEKST

De Engelse tekst van het Verdrag, met Bijlage II, is geplaatst in *Trb.* 2006, 194.

Zie voor de Engelse en de Franse tekst van Bijlage I bij het Verdrag, de Lijst van verboden stoffen en methoden – 2005, *Trb.* 2005, 67.

Zie voor de Engelse en de Franse tekst van de gewijzigde Bijlage I bij het Verdrag, de Lijst van verboden stoffen en methoden – 2006 *Trb.* 2006, 33.

Zie voor de Engelse en de Franse tekst van de gewijzigde Bijlage I bij het Verdrag, de Lijst van verboden stoffen en methoden – 2008 *Trb.* 2008, 83.

Zie voor de Engelse en de Franse tekst van de gewijzigde Bijlage I bij het Verdrag, de Lijst van verboden stoffen en methoden – 2009 *Trb.* 2009, 24.

De Conferentie van Partijen heeft op grond van artikel 34, tweede lid, van het Verdrag, de op 10 mei en 20 september 2008 door het Uitvoerende Comité van het Mondiaal Antidopingagentschap aangenomen wijzigingen van Bijlage II bij het Verdrag goedgekeurd. De Engelse tekst¹⁾ van deze wijzigingen luiden als volgt:

¹⁾ De bijlagen bij Bijlage II liggen ter inzage bij de Afdeling Verdragen van het Ministerie van Buitenlandse Zaken en zijn te vinden op <http://www.wada-ama.org>.

ANNEX II

Standards for Granting Therapeutic use Exemptions

**Extract from “INTERNATIONAL STANDARD FOR
THERAPEUTIC USE EXEMPTIONS” of the World Anti-doping
Agency (WADA);
in force 1 January 2009***4.0 Criteria for Granting a Therapeutic Use Exemption*

A therapeutic use exemption (TUE) may be granted to an *Athlete* permitting the *Use* of a *Prohibited Substance* or *Prohibited Method* contained in the *Prohibited List*. An application for a TUE will be reviewed by a Therapeutic Use Exemption Committee (TUEC). The TUEC will be appointed by an *Anti-Doping Organization*. An exemption will be granted only in strict accordance with the following criteria:

[Comment: This Standard can apply to all Athletes as defined by and subject to the Code, i.e. able-bodied Athletes and Athletes with disabilities. This Standard will be applied according to an individual's circumstances. For example, an exemption that is appropriate for an Athlete with a disability may be inappropriate for other Athletes.]

4.1 The *Athlete* should submit an application for a TUE no less than twenty-one (21) days before he/she needs the approval for instance an *Event*).

4.2 The *Athlete* would experience a significant impairment to health if the *Prohibited Substance* or *Prohibited Method* were to be withheld in the course of treating an acute or chronic medical condition.

4.3 The *therapeutic Use* of the *Prohibited Substance* or *Prohibited Method* would produce no additional enhancement of performance other than that which might be anticipated by a return to a state of normal health following the treatment of a legitimate medical condition. The *Use* of any *Prohibited Substance* or *Prohibited Method* to increase “low-normal” levels of any endogenous hormone is not considered an acceptable therapeutic intervention.

4.4 There is no reasonable *therapeutic* alternative to the *Use* of the otherwise *Prohibited Substance* or *Prohibited Method*.

4.5 The necessity for the *Use* of the otherwise *Prohibited Substance* or *Prohibited Method* cannot be a consequence, wholly or in part, of prior nontherapeutic *Use* of any substance from the *Prohibited List*.

4.6 The TUE will be cancelled by the granting body, if:

- a. The *Athlete* does not promptly comply with any requirements or conditions imposed by the *Anti-Doping Organization* granting the exemption.

- b. The term for which the TUE was granted has expired.
- c. The *Athlete* is advised that the TUE has been withdrawn by the *Anti-Doping Organization*.

[Comment: Each TUE will have a specified duration as decided upon by the TUEC. There may be cases when a TUE has expired or has been withdrawn and the Prohibited Substance subject to the TUE is still present in the Athlete's body. In such cases, the Anti-Doping Organization conducting the initial review of an adverse analytical finding will consider whether the finding is consistent with expiry or withdrawal of the TUE.]

4.7 An application for a TUE will not be considered for retroactive approval except in cases where:

- a. Emergency treatment or treatment of an acute medical condition was necessary, or
- b. due to exceptional circumstances, there was insufficient time or opportunity for an applicant to submit, or a TUEC to consider, an application prior to *Doping Control*, or
- c. the conditions set forth under 7.13 apply.

[Comment: Medical emergencies or acute medical situations requiring administration of an otherwise Prohibited Substance or Prohibited Method before an application for a TUE can be made, are uncommon. Similarly, circumstances requiring expedited consideration of an application for a TUE due to imminent competition are infrequent. Anti-Doping Organizations granting TUEs should have internal procedures which permit such situations to be addressed.]

5.0. Confidentiality of Information

5.1 The applicant must provide written consent for the transmission of all information pertaining to the application to members of the TUEC and, as required, other independent medical or scientific experts, or to all necessary staff involved in the management, review or appeal of TUEs .

Should the assistance of external, independent experts be required, all details of the application will be circulated without identifying the *Athlete* concerned. The applicant must also provide written consent for the decisions of the TUEC to be distributed to other relevant *Anti-Doping Organizations* under the provisions of the *Code*.

5.2 The members of the TUECs and the administration of the *Anti-Doping Organization* involved will conduct all of their activities in strict confidence. All members of a TUEC and all staff involved will sign confidentiality agreements. In particular they will keep the following information confidential:

- a. All medical information and data provided by the *Athlete* and physician(s) involved in the *Athlete's* care.
- b. All details of the application including the name of the physician(s) involved in the process.

Should the *Athlete* wish to revoke the right of the TUEC or the WADA TUEC to obtain any health information on his/her behalf, the *Athlete* must notify his/her medical practitioner in writing of the fact. As a consequence of such a decision, the *Athlete* will not receive approval for a TUE or renewal of an existing TUE.

6.0 Therapeutic Use Exemption Committees (TUECs)

TUECs shall be constituted and act in accordance with the following guidelines:

6.1 TUECs should include at least three (3) physicians with experience in the care and treatment of *Athletes* and a sound knowledge of clinical, sports and exercise medicine. In order to ensure a level of independence of decisions, the majority of the members of any TUEC should be free of conflicts of interest or political responsibility in the *Anti-Doping Organization*.

All members of a TUEC will sign a conflict of interest agreement. In applications involving *Athletes* with disabilities, at least one TUEC member must possess specific experience with the care and treatment of *Athletes* with disabilities.

6.2 TUECs may seek whatever medical or scientific expertise they deem appropriate in reviewing the circumstances of any application for a TUE.

6.3 The WADA TUEC shall be composed following the criteria set out in Article 6.1. The WADA TUEC is established to review on its own initiative TUE decisions granted by *Anti-Doping Organizations*. As specified in Article 4.4 of the *Code*, the WADA TUEC, upon request by *Athletes* who have been denied TUEs by an *Anti-Doping Organization*, will review such decisions with the power to reverse them.

7.0 Therapeutic Use Exemption (TUE) Application Process

7.1 A TUE will only be considered following the receipt of a completed application form that must include all relevant documents (see Annex 2 – TUE form). The application process must be dealt with in accordance with the principles of strict medical confidentiality.

7.2 The TUE application form(s), as set out in Annex 2, can be modified by *Anti-Doping Organizations* to include additional requests for information, but no sections or items shall be removed.

7.3 The TUE application form(s) may be translated into other language(s) by *Anti-Doping Organizations*, but English or French must remain on the application form(s).

7.4 An *Athlete* may not apply to more than one *Anti-Doping Organization* for a TUE. The application must identify the *Athlete's* sport and, where appropriate, discipline and specific position or role.

7.5 The application must list any previous and/or current requests for permission to use an otherwise *Prohibited Substance* or *Prohibited Method*, the body to whom that request was made, and the decision of that body.

7.6 The application must include a comprehensive medical history and the results of all examinations, laboratory investigations and imaging studies relevant to the application. The arguments related to the diagnosis and treatment, as well as duration of validity, should follow the WADA "Medical Information to Support the Decisions of TUECs". For asthma, the specific requirement(s) set out in Annex 1 must be fulfilled.

7.7 Any additional relevant investigations, examinations or imaging studies requested by the TUEC of the *Anti-Doping Organization* before approval will be undertaken at the expense of the applicant or his/her national sport governing body.

7.8 The application must include a statement by an appropriately qualified physician attesting to the necessity of the otherwise *Prohibited Substance* or *Prohibited Method* in the treatment of the *Athlete* and describing why an alternative, permitted medication cannot, or could not, be used in the treatment of this condition.

7.9 The dose, frequency, route and duration of administration of the otherwise *Prohibited Substance* or *Prohibited Method* in question must be specified. In case of change, a new application should be submitted.

7.10 In normal circumstances, decisions of the TUEC should be completed within thirty (30) days of receipt of all relevant documentation and will be conveyed in writing to the *Athlete* by the relevant *Anti-Doping Organization*.

In case of a TUE application made in a reasonable time limit prior to an *Event* the TUEC should use its best endeavors to complete the TUE process before the start of the *Event*. Where a TUE has been granted to an *Athlete* in the *Anti-Doping Organization Registered Testing Pool*, the *Athlete* and WADA will be provided promptly with an approval which includes information pertaining to the duration of the exemption and any conditions associated with the TUE.

7.11 a. Upon receiving a request by an *Athlete* for review, the WADA TUEC will, as specified in Article 4.4 of the *Code*, be able to reverse a decision on a TUE denied by an *Anti-Doping Organization*. The *Athlete* shall provide to the WADA TUEC all the information for a TUE as submitted initially to the *Anti-Doping Organization* accompanied by an application fee. Until the review process has been completed, the original decision remains in effect. The process should not take longer than thirty (30) days following receipt of all the information by WADA.

b. WADA can, on its own initiative, undertake a review at any time.

7.12 If the decision regarding the granting of a TUE is reversed by WADA upon review, the reversal shall not apply retroactively and shall not disqualify the *Athlete's* results during the period that the TUE had been granted and shall take effect no later than fourteen (14) days following notification of the decision to the *Athlete*.

7.13 The *Use* of inhaled Beta-2 Agonists:

- The *Use* of inhaled formoterol, salbutamol, salmeterol, terbutaline reflects current clinical practice. The *Use* of these substances should be declared on ADAMS where reasonably feasible and in accordance with the *Code* as soon as the product is used and must as well be declared on the *Doping Control* form at the time of *Testing*. Failure to declare will be taken into account in the result management process in particular in case of application for a Retroactive TUE.

- *Athletes* using the substances listed above by inhalation must have a medical file justifying this *Use* and meeting the minimum requirements outlined in Annex 1.

Depending upon the category of the Athlete, the medical file will be evaluated as follows:

- For all *Athletes* included in an International Federation *Registered Testing Pool* a regular TUE approved before the *Use* of the substance.

- For *Athletes* participating in an *International Event* but who are not included in an International Federation *Registered Testing Pool* either a TUE, or a Retroactive TUE in the case of an *Adverse Analytical Finding*, in accordance with the rule of the International Federation or of the *Major Event Organization*.

- For national-level *Athletes* who are not included in an International Federation *Registered Testing Pool*, whether or not they are part of a national *Registered Testing Pool*, either a TUE, or a Retroactive TUE in the case of an *Adverse Analytical Finding*, in accordance with the rules of the *National Anti-Doping Organization*.

- No Retroactive TUE will be granted if the requirements of Annex 1 are not met meaning that any *Adverse Analytical Finding* reported by laboratory in these circumstances will result in an anti-doping rule violation.

- Any *Athlete* may apply for a TUE at any time if they wish.

- Any *Athlete* who has applied for a TUE or a Retroactive TUE and who was denied such TUE may not use the substance without the prior granting of a TUE (no Retroactive TUE will be permitted).

8.0 Declaration of Use Process

8.1 It is acknowledged that some substances included on the List of *Prohibited Substances* are used to treat medical conditions frequently encountered in the athlete population. For monitoring purposes, these substances, for which the route of administration is not prohibited, will

require a simple declaration of use. These are strictly limited to:

Glucocorticosteroids used by non systemic routes, namely intraarticular, periarticular, peritendinous, epidural, intradermal injections and inhaled route.

8.2 For the mentioned substances, the declaration of *Use* should be done through *ADAMS* where reasonably feasible and in accordance with the *Code* by the *Athlete* at the same time as the *Use* starts. This declaration should mention the diagnosis, the name of the substance, the dose undertaken, the name and the contact details of the physician.

In addition, the *Athlete* must declare the *Use* of the substance in question on the *Doping Control* form.

9.0 Clearinghouse

9.1 *Anti-Doping Organisations* are required to provide WADA with all TUEs approved for *Athletes* who are part of a national or international *Registered Testing Pool*, and all supporting documentation, in accordance with section 7.

9.2 The declarations of use should be available to WADA (*ADAMS*).

9.3 The clearinghouse shall guarantee strict confidentiality of all the medical information.

10.0 Transitional provision

Abbreviated Therapeutic Use Exemptions (ATUEs) delivered prior to December 31, 2008 shall remain governed by the 2005 TUE Standard.

These ATUEs shall remain valid after January 1, 2009 until the earliest of:

- (i) The date on which they are cancelled by the competent TUEC following review in accordance with art. 8.6 of the 2005 TUE Standard;
- (ii) Their expiry date as mentioned on the ATUE;
- (iii) December 31, 2009.

C. VERTALING

Zie *Trb.* 2006, 194.

Voor een correctie in de vertaling zie *Trb.* 2007, 5.

D. PARLEMENT

Zie *Trb.* 2007, 5.

E. PARTIJGEGEVENS

Zie *Trb.* 2006, 194.

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Albanië		31-12-06	T	01-02-07		
Algerije		29-12-06	R	01-02-07		
Argentinië		29-12-06	R	01-02-07		
Australië		17-01-06	R	01-02-07		
Azerbeidzjan		23-07-07	T	01-09-07		
Bahama's		12-10-06	R	01-02-07		
Bangladesh		22-10-07	R	01-12-07		
Barbados		21-12-06	R	01-02-07		
België		19-06-08	R	01-08-08		
Bolivia		15-11-06	R	01-02-07		
Brazilië		18-12-07	R	01-02-08		
Brunei		31-03-08	R	01-05-08		
Bulgarije		12-01-07	R	01-03-07		
Burkina Faso		12-11-08	R	01-01-09		
Burundi		05-09-07	R	01-11-07		
Cambodja		09-04-08	T	01-06-08		
Canada		29-11-05	R	01-02-07		
China		09-10-06	T	01-02-07		
Cook-eilanden		15-02-06	T	01-02-07		
Cuba		28-07-08	T	01-09-08		
Denemarken		15-12-05	R	01-02-07		
Duitsland		31-05-07	R	01-07-07		
Ecuador		22-03-07	T	01-05-07		
Egypte		23-05-07	R	01-07-07		
El Salvador		05-09-08	T	01-11-08		

Partij	Onder-tekening	Ratificatie	Type*	In werking	Opzeg-ging	Buiten werking
Eritrea		19-08-08	R	01-10-08		
Estland		17-08-07	R	01-10-07		
Ethiopië		30-07-08	R	01-09-08		
Finland		22-12-06	R	01-02-07		
Frankrijk		05-02-07	R	01-04-07		
Gabon		27-11-07	R	01-01-08		
Ghana		31-12-06	R	01-02-07		
Griekenland		31-12-06	R	01-02-07		
Guatemala		17-03-08	R	01-05-08		
Hongarije		29-08-07	R	01-10-07		
Ierland		18-07-08	R	01-09-08		
IJsland		10-02-06	T	01-02-07		
India		07-11-07	R	01-01-08		
Indonesië		30-01-08	R	01-03-08		
Italië		27-02-08	R	01-04-08		
Ivoorkust		29-07-08	R	01-09-08		
Jamaica		02-08-06	R	01-02-07		
Japan		26-12-06	R	01-02-07		
Kaapverdië		05-06-08	R	01-08-08		
Kameroen		15-10-07	T	01-12-07		
Koeweit		13-07-07	T	01-09-07		
Kroatië		03-10-07	R	01-12-07		
Letland		10-04-06	T	01-02-07		
Libië		30-05-07	R	01-07-07		
Litouwen		02-08-06	R	01-02-07		
Luxemburg		11-12-06	R	01-02-07		

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Macedonië, Voormalige Joe- goslavische Republiek		09-10-08	R	01-12-08		
Maleisië		20-12-06	R	01-02-07		
Mali		30-05-07	R	01-07-07		
Mauritius		06-07-06	R	01-02-07		
Mexico		11-04-07	R	01-06-07		
Moldavië		19-02-08	R	01-04-08		
Monaco		30-01-06	R	01-02-07		
Mongolië		15-10-07	T	01-12-07		
Mozambique		23-10-06	R	01-02-07		
Namibië		29-11-06	R	01-02-07		
Nauru		04-05-06	R	01-02-07		
Nederlanden, het Koninkrijk der – Nederland – Ned. Antillen – Aruba		17-11-06 – 11-07-08	R R	01-02-07 – 01-09-08		
Nieuw-Zeeland		23-12-05	R	01-02-07		
Niger		26-10-06	R	01-02-07		
Nigeria		24-02-06	R	01-02-07		
Noorwegen		13-01-06	R	01-02-07		
Oekraïne		08-11-06	R	01-02-07		
Oman		09-07-07	R	01-09-07		
Oostenrijk		19-07-07	R	01-09-07		
Pakistan		04-02-08	R	01-04-08		
Palau		23-09-08	T	01-11-08		
Panama		27-11-07	R	01-01-08		
Paraguay		13-10-08	R	01-12-08		

Partij	Onder-tekening	Ratificatie	Type*	In werking	Opzeg-ging	Buiten werking
Peru		16-10-06	R	01-02-07		
Polen		17-01-07	T	01-03-07		
Portugal		30-04-07	R	01-06-07		
Qatar		24-08-07	R	01-10-07		
Roemenië		23-10-06	R	01-02-07		
Russische Fede-ratie		29-12-06	R	01-02-07		
Samoa		08-08-07	R	01-10-07		
Saudi-Arabië		22-05-08	T	01-07-08		
Senegal		29-04-08	R	01-06-08		
Seychellen, de		05-07-06	R	01-02-07		
Singapore		05-11-07	T	01-01-08		
Sint Kitts en Nevis		14-04-08	R	01-06-08		
Sint Lucia		07-12-07	R	01-02-08		
Slovenië		18-09-08	T	01-11-08		
Slowakije		26-01-07	R	01-03-07		
Spanje		25-10-06	R	01-02-07		
Thailand		15-01-07	R	01-03-07		
Trinidad en Tobago		09-03-07	T	01-05-07		
Tsjaad		10-10-08	R	01-12-08		
Tsjechië		30-04-07	R	01-06-07		
Tunesië		26-12-06	R	01-02-07		
Uganda		27-10-08	R	01-12-08		
Uruguay		28-04-08	R	01-06-08		
Verenigd Koninkrijk, het		25-04-06	R	01-02-07		
Verenigde Staten van Amerika, de		25-08-08	R	01-10-08		

Partij	Ondertekening	Ratificatie	Type*	In werking	Opzegging	Buiten werking
Zuid-Afrika		30-11-06	R	01-02-07		
Zuid-Korea		05-02-07	R	01-04-07		
Zweden		09-11-05	R	01-02-07		
Zwitserland		23-10-08	T	01-12-08		

* O=Ondertekening zonder voorbehoud of vereiste van ratificatie, R= Bekrchtiging, aanvaarding, goedkeuring of kennisgeving, T=Toetreding, VG=Voortgezette gebondenheid, NB=Niet bekend

Uitbreidingen

China

Uitgebreid tot	In werking	Buiten werking
Hong Kong SAR	01-02-2007	
Macau SAR	01-02-2007	

Verenigd Koninkrijk, het

Uitgebreid tot	In werking	Buiten werking
Alderney	01-02-2007	
Bermuda	01-02-2007	
Cayman-eilanden	01-02-2007	
Falkland-eilanden	01-02-2007	
Guernsey	01-02-2007	
Jersey	01-02-2007	
Man	01-02-2007	

Verklaringen, voorbehouden en bezwaren

Argentinië, 29 december 2006

The Argentine Republic rejects the claim to extend to the Falkland Islands the application of the International Convention against Doping in Sport, adopted in Paris on 19 October 2005 by the General Conference of UNESCO, notified to the Director-General of UNESCO by the United Kingdom of Great Britain and Northern Ireland on 25 April 2006, and reaffirms its rights of sovereignty over the integral part of its national territory and, being illegally occupied by the United Kingdom of

Great Britain and Northern Ireland, are the subject of a sovereignty dispute between the two countries, which has been recognized by several international organizations.

In this regard, the General Assembly of the United Nations, adopted resolutions 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12, 39/6, 40/21, 41/40, 42/19 and 43/25, in which it recognized the existence of a dispute over sovereignty in relation to the question of the Falkland Islands and urged the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland to initiate negotiations with a view to finding a peaceful and lasting solution to the sovereignty dispute as soon as possible. For its part, the Special Committee on Decolonisation of the United Nations had repeatedly made similar appeals, most recently in the resolution adopted on 15 June 2006. Similarly, the General Assembly of the Organization of American States adopted a new resolution on the subject on 6 June 2006.

Denemarken, 15 december 2005

Unless so decided at a later date the Convention shall not apply to the Faroe Islands and Greenland.

Nieuw-Zeeland, 23 december 2005

AND DECLARES that, consistent with the constitutional status of Tokelau and taking into account the commitment of the Government of New Zealand to the development of self-government for Tokelau through an act of self-determination under the Charter of the United Nations, this acceptance shall not extend to Tokelau unless and until a Declaration to this effect is lodged by the Government of New Zealand with the Depositary on the basis of appropriate consultation with that territory.

Verenigde Staten van Amerika, de, 25 augustus 2008

The Senate of the United States of America by its resolution of July 21, 2008, two-thirds of the Senators present concurring therein, gave its advice and consent to ratification of the Convention subject to the following understanding:

It is the understanding of the United States of America that nothing in this Convention obligates the United States to provide funding to the World Anti-Doping Agency.

The Senate's advice and consent is subject to the following declaration: Pursuant to Article 2 (4), which defines "Athlete" for purposes of doping control as "any person who participates in sport at the international or national level as defined by each national anti-doping organization and accepted by States Parties and any additional person who participates in a sport or event at a lower level accepted by States Parties", the United States of America declares that "Athlete" for purposes of doping control means any athlete determined by the U.S. Anti-Doping Agency to be subject to or to have accepted the World Anti-Doping Code.

G. INWERKINGTREDING

Zie *Trb.* 2007, 5 en *Trb.* 2008, 176.

De wijzigingen van Bijlage I (zie *Trb.* 2009, 24) en van Bijlage II bij het Verdrag zijn ingevolge artikel 34, derde lid, op 1 januari 2009 in werking getreden.

J. VERWIJZINGEN

Zie *Trb.* 2006, 194, *Trb.* 2007, 5 en *Trb.* 2008, 176.

Titel : Overeenkomst ter bestrijding van doping;
Straatsburg, 16 november 1989
Laatste *Trb.* : *Trb.* 2009, 24

In overeenstemming met artikel 19, tweede lid, van de Rijkswet goedkeuring en bekendmaking verdragen heeft de Minister van Buitenlandse Zaken bepaald dat de wijzigingen van Bijlage II van 10 mei 2008 en 20 september 2008 zullen zijn bekendgemaakt in Nederland en Aruba op de dag na de datum van uitgifte van dit Tractatenblad.

Uitgegeven de *zevenentwintigste* februari 2009.

De Minister van Buitenlandse Zaken,

M. J. M. VERHAGEN