

## **Statement AUSTRIA**

### **Secretary of State for Sport Dr. Reinhold Lopatka World Anti-Doping Conference**

Honourable representatives of WADA,

Dear colleagues,

Dear Delegates,

Thank you very much for the possibility to submit some important issues on the future development of the WADA Code as an important part in the fight against doping in sport.

As we have argued several times in the interest of legal security, in our view it is not appropriate that there are different levels of international law for States parties following the international Convention against Doping in Sport from UNESCO, where *Article 4* has stated, that the Convention and the two annexes, the Prohibited List and the Standards for granting Therapeutic Use Exemptions, create binding obligations, while the International Standard for Laboratories and the International Standard for the Testing only are reproduced for information purposes and are not an integral part of the UNESCO Convention.

On the other hand, WADA remains also in the final draft in the position that in the World Anti-Doping Program the Code is *level 1*, all International Standards are *level 2* and only the Models of Best Practice will not be mandatory.

Unfortunately, until now we haven't received a final draft for the WADA International Standard for Laboratories. Especially in the Laboratory Code of Ethics (Annex B), in the last version from April 2007 (version 4.7) we still miss the possibility for governments and testing authorities to request analyses of dietary supplements by the WADA accredited laboratories, as Austria has provided in its new national Anti-Doping Act with the intention of protecting the athletes, as mentioned in the introduction of the Code.

Finally, we would like to draw your attention to the fact that in the final draft of the Code there is still pointed out that the Executive Committee may make amendments of the international standards though the UNESCO Convention requires for amendments of annexes the decision of the General Assembly.

Thank you for your attention!