



## **FIBA Intervention at the WADA World Conference on Doping in Sport in Madrid, made by FIBA Secretary General, Patrick Baumann**

### **1. General Comments**

FIBA is satisfied with the process and the response to many of the concerns we have raised.

FIBA appreciates in particular the flexibility in the sanctioning of doping offences in the interest of individual case management.

FIBA is of the opinion that WADA should maintain responsibilities for Out of Competition Testing (article. 20.7).

FIBA agrees with the proposal made by other speakers that reporting on the Code compliance of the Sports Movement goes with a simultaneously report on Government compliance.

### **2. Specific comments on WADC**

FIBA would like to support points raised by other speakers:

- Articles 20.3.10, 20.6.6, 22.5 & 23.5 (Sport events in countries not having signed the UNESCO Convention)  
We do not agree that sport organisations and athletes should be sanctioned for inaction of their governments. Each organisation shall be free to decide to apply this or not and the article should be amended accordingly.
- Article 24.6  
For an Athlete, the rules of the body owning and sanctioning the Events must apply and prevail. It is not possible to expect from an Athlete to refer to the rules of the IF and at the same time to those of the WADA Code. This article should be either changed accordingly or deleted altogether.
- Article 7.5  
FIBA supports a wording of this article to the effect that a provisional suspension is only mandatory after a positive B sample so as to avoid any liability problems for IFs.

### 3. Team specific comments

a. Article 5.1.1 (Registered Testing Pool)

For practical reasons, the definition of the Registered Testing Pool for Team Sports should be based on teams and not on individual athletes. The article should reflect this need more precisely.

b. Article 10.10.1 (Training of suspended Athletes)

To prohibit training of suspended Athletes in team sports is against the principle of harmonization the Code attempts to achieve because it amounts to a double penalty for a suspended Athlete who – unlike an athlete in individual sports – is unable to train and progress on his own and in a not federated structure. His career would be compromised beyond the period of ineligibility. This provision must be removed.

### 4. Basketball specificities

a. Article 10.10.1

The reference to the ULEB is wrong. Its institutional relationship with FIBA is not the same as with the NBA. ULEB by virtue of its agreement with FIBA-Europe agrees to submit itself to the FIBA doping rules and therefore indirectly via FIBA to the WADA Code.

b. Article 23.1.2.

We understand and appreciate that WADA would like to have all sports bodies, beyond the IFs, as signatories to the WADA Code but if this is done for entities in a specific sport, this can only be done with the approval and participation of International Federations, in line with the International Olympic Charter and the IFs role and responsibilities.

The article does not provide for the involvement of International Federations in such cases and should be amended to take care of this.