

*SPEECH AT THE WADA CONFERENCE 2007*  
*By Cornel Marculescu, FINA Executive Director*

Ladies and Gentlemen,  
Dear Friends,

It is a pleasure and an honour for me to be here today to express FINA's view on the fight against doping, its cooperation with WADA, and the challenges we face for the future.

At the *Fédération Internationale de Natation* we are proud to say that for many years now we have been at the forefront of the fight against cheaters. Our valuable work in this area has been recognised by top international sports organisations and today this is a guarantee that even if we cannot provide a '100% clean sport', the spectrum of doping in our five Olympic aquatic disciplines is minimal.

Reflecting on the situation some years ago, FINA had implemented, even before the adoption of the Code, a very strict anti-doping programme, based on strict liability of its rules and effective implementation of sanctions.

At the FINA level, we have created our Doping Panel, the sole body entitled to determine and deliver sanctions on international cases, and on a national level our increasing co-operation with our Member Federations and respective National Anti-Doping Agencies (NADO's) also gives positive results.

But a worldwide harmonisation and the application of the rules remained necessary and that is why the Code emerged as a vital need for the World Sports Movement.

FINA, whose previous rules inspired the new Code, was naturally enthusiastic with this new situation and even if some aspects in the Code were not as strict as FINA provisions (for instance, the adoption of a two-year sanction for the first offence, while FINA had a four-year ban for this situation), our Extraordinary Congress on this matter unanimously approved the WADA Code.

Since the implementation of the Code in 2003, FINA has conducted 8739 tests, of which 4949 were out-of competition controls. In this period, about 16 proceedings were decided by our Doping Panel and less than 10 went to CAS. In this last case, the FINA decisions were always confirmed and only very few of them were subject to a reduction of the sanction.

Overall, the experience has been very positive. But, there are of course some challenges regarding the implementation of the Code. I'll name some:

- **The need for a better definition of positive cases**, namely in the establishment of criteria for endogenous substances, for the meaning of longitudinal studies and for the definition of clear thresholds;

- **Monitoring of the results management process**, namely with a sharper regulation of the appeal rights and forcing the application by the body I charge against its will, closer control at national level and a simpler procedures concerning the analysis of the case, as presently the delays sometimes affect the possibility of getting, for example, valid B-sample results;
- **Difficulties with the definition of sanctions**, namely the insufficiency of a two-year ban for intentional doping or vagueness in pointing out a 'case of negligence' and corresponding problems in applying a reduced sanction;
- **Complications with national possibilities**, namely the language barriers, the endless legal internal appeals, and the unclear status of cases handled by NADO's rules with no reference to IF's but only to the Code.

Having said this, the perspectives of the new Code are going in the right direction and will give adequate answers to many of the challenges encountered so far. I can summarize these new measures and briefly explain their impact:

- **Definition of positive cases**: the introduction of the concept of 'atypical findings' may help in the process. However, we must see how the procedure to evaluate 'atypical findings' will be clarified in the International Standards as announced;

- **Monitoring of the results management process:** the introduction of an appeal possibility against a decision not considering an 'atypical finding' is also a satisfying measure. On the other hand, the right of appeal against undue delay should not be restricted only to WADA but enlarged also to IF's because of proceedings through NADOs;
- **Sanctions:** the possibility to increase the sanctions to four years in cases of aggravating circumstances should include the use of sophisticated doping methods. The substantial assistance clause may be useful but the reinstatement process remains unclear;
- **National cases:** in this area, positive steps have been made, but some problems will remain. Three examples: the direct appeal rights limited to WADA; the enlargement of the number of proceedings under NADO's jurisdiction; and the increased flexibility in the sanctions, making more room for partial application.

**In conclusion,** the new version of the Code is surely welcome and has taken into account many of the IF's concerns, but we must be attentive to growing complexity regarding the application of sanctions and also to the increasing difficulties involved with managing national cases.

Thanks for your attention on this matter and I wish you all a good Congress.