

MINISTRY OF EDUCATION OF FINLAND

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Intervention of *Mr Stefan Johansson*, State Secretary, Ministry of Education of Finland, in the World Conference on Doping in Sport

It is my pleasant task, on behalf of the Finnish Government and our delegation, to thank our Spanish hosts for the untiring work you have done together with WADA in order to make this huge event such a success. I am very much taken by the magnificent setting in which this important congress is held.

I also wish to thank the World Antidoping Agency WADA for so widely accommodating all the stakeholders – from public authorities to the international sports movement – in amending the WADA Code. I am very happy with the consultative and transparent nature of the preparation process. The process has plainly fulfilled the important principles underpinning the WADA administration that are crucial for safeguarding and promoting mutual trust.

In the course of the preparation process, Finland has drawn special attention to some aspects of the definition of 'athlete' and to the sanctions. As regards the definition of athlete, the danger is that the codes of international-level sports are harmonised, but at the national level the harmonisation will no longer extend to sports below the championship level. Looking at it from the perspective of WADA, an organisation concentrating on control at the international level, this approach is easy to understand. However, it is important to be aware that at the national level we may be faced with situations in which the emphasis may vary from country to country and sport to sport.

For example, in matters relating to therapeutic use exemptions, the line drawn in the definition of athlete may cause problems to international sports federations and national federations or anti-doping organisations. This may happen if the athlete is a so-called borderline case, being in some contexts an International-Level Athlete and in others a National-Level Athlete.

As to consequences and sanctions, Finland considers the amendments to the Code for the most part successful. Even with the challenges they may bring, the introduction of a more individual-oriented handling and the increased discretion is a clear improvement in the imposition of sanctions.

A wider discretion does, however, involve some risks as regards equal treatment of athletes, if the body deciding on the sanctions is not sufficiently responsible, knowledgeable and competent in the legal aspects. The danger is that wider discretion will possibly lead to dissimilarities between sports and also States. It goes without saying that this would undermine the equal treatment of athletes.

As we see it in Finland, the increased discretion regarding sanctions begs the question of whether the national federations have sufficient expertise in applying the new scale of sanctions.

In this respect, it is fair to expect that WADA and the international federations actively monitor, advise and supervise activities right from the start after the Code has been adopted. It is also important that they have the possibility to change sanctions in cases where differences between sports or States exist.

Another alternative would be to set up a specific body to handle doping violations, which would impose sanctions on athletes in all forms of sport – a solution we are currently considering in Finland.

In conclusion, I should like to express our warmest thanks to the working group responsible for the preparation of the amended WADA Code and for WADA for their excellent work and cooperation in developing the Code. When in force, the WADA Code will take us one further step towards our common goal, global combat against doping. Finland hopes that the States will also recognise their global responsibility and strive to implement the Code through the UNESCO International Convention against Doping in Sport as speedily and efficiently as possible, but no later than the first of January 2010. To end with, we should like to encourage countries still hesitating to ratify the UNESCO Convention without delay. Anti-doping work is a global challenge we all share, as this important Congress has once again shown.