

Intervention for 2007 World Conference on Doping in Sport  
proposed by the Korean government

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It is my pleasure to provide this submission to the final draft version of 2007 World Anti-Doping Code amendments on behalf of the Korean government. I would also like to extend my appreciation to WADA for its extensive consultation processes and immense efforts to improve this code revision.

Overall, we support the current final draft version of the Code. However, we have some concerns with several issues in the Code.

First, according to the Article 2.4, only three filing failures or missed tests within an 18 month period constitute an anti-doping violation. The first or second filing failure does not constitute an anti-doping violation or have any other influence on the athlete's status. Therefore, there is a high possibility that an athlete who intends to use a prohibited substance or method would not provide their whereabouts information and intentionally miss the Out-of-Competition test until they commit two filing failures within an 18 months period. We are of the opinion that the relevant Anti-Doping Organization has to give prior notice of the date when a designated 18 months period starts and the consequence of the violation of the Article 24. Once the athlete receives prior notice, it is fair that a sanction is imposed on both the first and second filing failure to prevent the intentional use of a prohibited substance or method. It is my suggestion that the first filing failure or missed test leads to a reprimand and second one leads to 6 month ineligibility.

Secondly, it would be appropriate to assign additional duties to WADA concerning its educational commitment on "Article 18.4 Coordination and Cooperation". Considering WADA's function as a central clearinghouse for informational and educational resources, I would like to add one new sentence to Article 18.4, which is "WADA shall assist the relevant signatories in the development of national anti-doping programs and provide advice to increase their expertise.

Thirdly, I would like to change the latter half of the second sentence of article 23.4.1 into " Compliance with the commitments reflected in the UNESCO Convention will be monitored by the Conference of Parties as determined in the UNESCO Convention with the appropriate assistance from WADA". Since the UNESCO Convention is an international legal instrument which binds governments, the monitoring compliance with the Convention by WADA which is a non-governmental institution is inappropriate.

Fourthly, according to the article 23.4.4, all WADA compliance reports shall be approved by the WADA foundation board. But, given that each WADA foundation board member represents its respective Anti-Doping Organization, I would like to add a sentence on the article 23.4.4 to increase the fairness of this process. The added sentences is as follows : "where members of the WADA foundation board have an interest in the particular signatory, they are excluded from considering and approving the Code compliance of that signatory".

Lastly, I would like to comment on the article 25.1. In order to apply this revised code fully, operation of ADAMS program is mandatory. However, as far as I know, there are not many signatories which completely operate the ADAMS program. In particular, Korea established its National Anti-Doping Agency just one year ago. We need a sufficient period of time to completely utilize the ADAMS program. Therefore, I suggest that the 2007 Code Amendments shall be applied in full after January 1, 2010.

Thank you for this opportunity to contribute to the final version of the 2007 Code.

Sincerely yours,  
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