

Number 7(III)/2009
RATIFYING LAW OF THE INTERNATIONAL (UNESCO) CONVENTION
AGAINST DOPING IN SPORTS

The Cyprus Parliament votes as below:

Short title **1.** This Law shall be referred to as the 2009 (Ratifying) Law of the International (UNESCO) Convention against Doping in Sports

Interpretation **2.** In this Law, unless a different intendment results from the text:

“Athlete” shall have the meaning, which is attributed to this term by the Convention

“Decree” shall mean the decree by virtue of this Law, which is published in the Official Journal of the Republic

“World Anti-Doping Agency” known as “WADA” (World Anti-Doping Agency) shall mean the Agency bearing this name, which has established in compliance with the Swiss Law on the 10th November 1999, by virtue of the Lausanne Declaration on Doping in Sport, adopted by the World Conference on Doping in Sport on the 4th of February 1999

“Appendices” shall mean the Convention’s following appendices, which are not part of it:

a) Appendix 1

The World Anti-Doping Code enforced on the 1st January 2009, which has been adopted by the World Anti-Doping Agency in Madrid on the 17th November 2007

b) Appendix 2

The International Standards for Laboratories enforced on the 1st January 2009, and

c) Appendix 3

The International Standards for Testing, enforced on the 1st January 2009

“Annexes” shall mean the two further Annexes to the Convention, which are part of it:

a) Annex 1

The 2009 Prohibited List International Standard, enforced on the 1st January 2009

b) Annex 2

The International Standards for Therapeutic Use Exemption, enforced on the 1st January 2009 in relation to the 2009

“Convention” shall mean the International Convention against Doping in Sport, which has unanimously been adopted in Paris on the 19th October 2005, at the 33rd UNESCO General Conference

“Minister” shall mean the Minister of Education and Culture

Ratification of the
Convention
First Table
Part I
Part II

3. (1) The Convention with its Annexes, of which the genuine texts in English are stated in Part I of the First Table and the translation in Greek in Part II of the said Table, is ratified by this Law.

It is implied that should be there any conflict between the texts included in Part I and those in Part II of the above-mentioned Table, the texts stated in Part I shall prevail.

Second Table
Part I
Part II

(2) In order that the Convention and its Annexes may be better implemented, the Appendices to the Convention, of which the genuine text in English is stated in Part I of the Second Table and the translation in Greek in Part II of the said Table, shall be adopted as part of this Law.

It is implied that should be there any conflict between the texts included in Part I and those in Part II of the above-mentioned Table, the texts stated in Part I shall prevail.

(3) The Second Table is amended or replaced by Decree, which is issued by virtue of the article 4.

Minister's
Authority to
issue
Decrees

4 (1) The Minister has the authority to issue Decrees, which are published in the Official Journal of the Republic, to regulate or determine any issue susceptible to regulation or determination to the Convention, its Appendices and Annexes, as well as this Law being implemented.

(2) More specifically, the decrees issued by virtue of the para (1) can regulate or determine any of the following issues:

Second
Table

(a) To include in the Second Table new or revised International Standards or Code, with a view to replace or bring additional elements to those already comprised in the said Table and any other International Standards which are issued from time to time by the World Anti-Doping Agency.

(b) To appoint a competent Authority in order to enforce implementation of the provisions of the Convention and its Appendices and Annexes, this Law and the Decrees.

(c) To regulate the competent Authority's operation and staffing with inspectors and other necessary human resources in order to enforce implementation of the Convention and its Appendices and Annexes and any International Standards, or Decrees, which could be adopted.

(d) To set up a (National) Disciplinary Anti-Doping Board in order to judge cases and impose sanctions on athletes and any other person held disciplinarily liable for violating the provisions of the World Anti-Doping Code, in force each time.

(e) To set up a (National) Anti-Doping Appeal Board in order to judge appeals against judgements pronounced by the Disciplinary Anti-Doping Board.

(f) To regulate the operation of the (National) Anti-Doping Disciplinary Board as well as the (National) Anti-Doping Appeal Board.

Official
Journal,
Third
Annex (I)
30/04/2004

(g) The confirmation of quality assurance of food substitutes and nutritional supplements for which the manufacturers or the retailers shall adopt good practices while promoting these substitutes or supplements, including their obligation to provide detailed information in relation to their analytical composition in compliance with the provisions of the 2004 Regulations on Food Supplements in force each time.

(h) To adopt a List of Prohibited Substances and Methods, which it is prohibited to administer or apply respectively to animals, which are used in sport, to adopt the appropriate relevant testing procedures and to adopt a list of relevant accredited laboratories in order to analyze samples, and

(i) To restrict the production, trafficking, import, distribution, sale or supply of prohibited substances or methods in compliance with the provisions of the Convention or its Appendices or its Annexes or the Decrees.

(3) Not inducing of the power of the Minister under article (b) of para (2), the Minister appoints the competent Authority which consists of seven (7) to eleven (11) members, who shall:

(a) be well established, and of known professional and ethical status

(b) not having to gain from their participation to the competent Authority, and

(c) have no conflict of interest

Offences and sanctions

5. (1) An offence is committed by whoever:-

- (a) in his/her sample, as defined in the applicable anti-doping rules, a prohibited substance or prohibited method, or its metabolites or its markers is present, or
- (b) uses or applies for oneself any prohibited substance or method in sport, respectively, violating, therefore, the provisions of the Convention or its Appendages or its Annexes or the Decrees, or
- (c) refusing or failing without compelling justification to submit to Sample collection after notification as authorised in applicable anti-doping rules, or otherwise evading sample collection, or
- (d) violates applicable requirements regarding Athlete availability for out-of-competition testing, including failure to file required whereabouts information and missed tests which are declared based on rules which comply with International Standard for Testing, or
- (e) has in one's possession or ensures the movement or supplies or administers to an athlete any prohibited substance or bestows on an athlete any prohibited method in sport, violating, therefore, the provisions of the Convention or its Appendages or its Annexes or the Decrees, or
- (f) being staff supporting athletes, has in one's possession or ensures the movement or issues prescriptions or supplies or administers to an athlete any prohibited substance or bestows on an athlete any prohibited method in sport, violating, therefore, the provisions of the Convention or its Appendages or its Annexes or the Decrees, or
- (g) assists or encourages or incites or covers up a person in order to use or have in this person's possession or ensures the movement of a prohibited substance or applies any prohibited method, violating, therefore, the provisions of the Convention or its Appendages or its Annexes or the Decrees or contributes, by any other means, in violating the aforementioned provisions, or

1994 46 (I)

(h) without inducing the 1994 to 2002 Animals Protection

1997 94 (l)
2000 75 (l)
2002 43 (l)

and Welfare Law in force each time, has in one's possession or ensures the movement or issues prescriptions or supplies or administers to an animal used in sport any prohibited substance by virtue of Decree or applies to such an animal any prohibited method by virtue of Decree or assists or encourages or incites or covers up another person to commit any of the aforementioned acts, violating, therefore, the provisions of the Convention or its Appendages or its Annexes or the Decree, or

(i) interferes with the procedure or with the samples, which are obtained in the context of an anti-doping test, or

(j) makes an attempt to proceed with committing any act or action as provided in the articles (a) to (i), included, of this para, or

(k) allows or tolerates the use of the estate under one's own possession or of the estate under one's business possession in order to commit any of the acts or actions or make an attempt to commit acts or actions as provided in the articles (a), (e), (f), (g), (h) and (j) of this para or

(l) produces or ensures the movement or imports or distributes or sells or supplies food substitutes or supplements, without confirming the quality as required by the Decree.

(2) Whoever commits an offence, violating, therefore,

(a) the article (a) or article (b) or article (c) or article (d) of the para (1), should one be condemned, one shall be subject to imprisonment not exceeding two (2) years or to a fine, which shall not exceed ten thousand euro (€10.000,00) or to both sanctions, or

(b) the article (e) of the para (1), should one be condemned, one shall be subject to imprisonment for a period not exceeding five (5) years, or to a fine not exceeding fifty thousand euro (€50.000,00) or to both sanctions, or

(c) the article (f) or the article (g) of the para (1), should

one be condemned, one shall be subject to imprisonment for a period not exceeding seven (7) years or to a fine not exceeding seventy five thousand (€75.000,00) or to both sanctions, or

(d) the article (h) or the article (i) of the para (1), should one be condemned, one shall be subject to imprisonment for a period not exceeding five (5) years or to a fine not exceeding fifty thousand (€50.000,00) or to both sanctions,

or

(e) the article (j) of the para (1), should one be condemned, one shall be subject to the same sanctions as provided for having committed the offence, which one has made an attempt to commit or

(f) the article (k) of the para (1), should one be condemned, one shall be subject to imprisonment for a period not exceeding seven (7) years or to a fine not exceeding seventy five thousand (€75.000,00) or to both sanctions and furthermore, the Court judging the case, can order the estate, where the offence was committed or where the attempt to commit the offence was made, to be closed down for a period not exceeding one (1) year or

(g) the article (l) of the para (1), should one be condemned, one shall be subject to imprisonment for a period not exceeding two (2) years or to a fine not exceeding ten thousand (€10.000,00) or to both sanctions.

It is implied that, should any of the offences provided in the articles (e), (f), (g), (i) and (j) of the para (1) be committed against an athlete not older than eighteen (18) years, then the sanctions, which can be imposed by virtue of the articles b) to (f) included, of this para, double.

Further to the aforementioned, it is implied that, in all the cases of this para, the use or supply or application of a prohibited in compliance with the provisions of the Convention or its Appendages or its Annexes or the Decrees, substance or method, depending on the case, which has occurred on the basis of a permitted exception approved by international standards for

therapeutic purposes as provide by the Appendage II of this Law, shall be the defendant's defense element.

1993 37 (II)
2004 6 (III)

(3) The provisions of this article regarding athletes are also valid in the case of athletes in the sense of the Anti-Doping Convention of the Council of Europe, which has been ratified by the 1993 and 2004 Anti-Doping Convention (Ratifying) Laws, in force each time,

(4) The Court, before of which the offence is judged, in compliance with the provisions of this article, can order further to any sanction by virtue of this article, the confiscation of any prohibited substances and or any devices or instruments or auxiliaries, which have been used in order to apply any such prohibited method.

Supervising
the
implementation
of this Law

6. The Minister shall be supervising the implementation by the competent Authority, of the Convention, its Appendices and its Annexes, of this Law and the Decrees.

Annual report

7. The competent Authority submits to the Council of Ministers by the Minister, an annual report, which comprises:-

- (a) all the activities of the competent Authority during the year,
- (b) the number and the nature of any offence as per the Convention, its Appendages or its Annexes, of this Law and the Decrees
- (c) the way the said offences have been dealt with by the competent Authority and
- (d) recommendations with a view to bring an improvement to the whole situation.

Contribution in
achieving the
tasks of the
competent
Authority

8. The competent Authority can seek and obtain from any public service, including the police, its contribution in achieving its tasks when circumstances require so.

FIRST TABLE

[article 3 (1)]

Part I

(The Convention and its Appendices I and II genuine texts in English)

Part II

(The Greek translation of the aforementioned)

SECOND TABLE

[article 3 (2)]

Part I

(The Convention's Annexes 1, 2 and 3 genuine texts in English)

Part II

(The Greek translation of the aforementioned)