

---

# FEDERATION INTERNATIONALE DE GYMNASTIQUE



---

**INFORMATION MÉDICALE**

**MEDICAL INFORMATION**



---

**SANTÉ, LUTTE ANTIDOPAGE ET RESPONSABILITÉ  
JURIDIQUE DES FÉDÉRATIONS NATIONALES**

**HEALTH, ANTIDOPING AND LEGAL  
RESPONSIBILITY OF NATIONAL FEDERATIONS**

*FIG Juin/June 2009 ©*

Par le / By  
Dr. Michel LEGLISE (FRA)

---



## **HEALTH, ANTIDOPING AND LEGAL RESPONSIBILITY** **OF NATIONAL FEDERATIONS**

---

### **EXTRACT OF THE LEGAL SYMPOSIUM - MONTREUX 2009**

On several occasions, our President has addressed the issues of gymnast health and child protection, reoccurring themes that demonstrates how seriously the FIG takes its responsibilities. We work closely alongside our Technical Committees in this regard. We have worked hard to find mechanical, human and growth solutions for adapted Youth Olympic Games programmes. Health is a key issue at any one of our meetings, even at times when medical issues or injuries do not come into play.

#### **RESPONSIBILITY OF THE NATIONAL FEDERATIONS (NFs) IN THE PROTECTION OF HEALTH**

The NF has the duty to protect the physical, psychological, and moral health of its gymnasts. (As we know, the FIG commitment to protect the health of gymnasts and to fight against all forms of doping is expressed in its statutes).

Duties and obligations may be defined by laws, national and international regulations, or may be equivalent to "moral and ethical principles" that are just as important and might require priority.

National Federations therefore have legal as well as moral responsibilities.

Let us examine a few actual requirements that routinely involve the responsibility of the NF in the medical area:

- Constantly assess the physiological and psychological readiness of the athlete to practice gymnastics at the training level or in competition;
- Prevent and ensure that all chronic pathologies and accidents, in particular where organ growth is concerned, are evaluated and treated before the athlete returns to his/her practice of gymnastics;
- Ensure the safety of the areas of training and competition;
- Organize sporting life in an environment that is conducive to health, health hygiene, healthy nutrition, sleep, travel, etc. but above all remain extremely vigilant to prevent inappropriate and unhealthy eating disorders and diets;
- Offer technical programs that fit the physical and psychological ability of the gymnast;
- Protect gymnasts, in particular children and adolescents, against moral affront or abuse;
- Organize anti-doping programs;
- Any other measures that can reasonably protect the health and welfare of the gymnast.

As we have said, **responsibility** is a commitment governed by laws and regulations as well as by moral and ethical obligations. Ignoring the law or failing to comply with moral and ethical obligations may have legal consequences. Written text or a contract is not always needed to accept responsibility, establish a duty and its legal consequences.

We know that responsibility is a concept of our time, in which resorting to the court of law is increasingly more frequent, often leading to serious legal and financial consequences.

The responsibility of the NF is generally assumed by its president through the initiatives and regulations that he validates, and also through the actions or procedures undertaken by his/her colleagues (coaches, doctors, paramedical staff, etc.), even though the latter are also personally responsible for their actions.

The rules mentioned herein involve the responsibilities of the NFs not only towards the FIG but more importantly toward the health and safety of their gymnasts.

Consequently a National Federation must also respect the laws of its own country as well as the regulations of both its National Olympic Committee (NOC) and the FIG.

For its part, an International Federation (IF) must promote realistic and efficient rules in the administrative, technical, and financial areas, as well as in disciplinary matters, especially when fair play is concerned. These regulations must be the same for all countries, which means that they must be applied by all without discrimination, in spite of possible variances in the laws, regulations, or customs of each country.

For this reason, the sport movement tries to achieve some degree of consistency (harmonization) between countries:

For example, the WADA Anti-Doping code has almost become the universal standard.

The NFs have achieved consistency through their adherence to the regulations established by the NOCs. In turn, the NOC respects the Olympic Charter and the regulations enacted by the IOC.

With respect to litigations and appeals resulting from disputes, consistency was achieved through the creation of the CAS in 1994. This exemplifies the desire of the international and national sport movements to settle their own problems and avoid resorting to national courts, whose procedures, sensibilities, and jurisprudence, in conjunction with highly diverse customs among countries, may lead to a wide variance in opinion, serious injustice and disharmony.

IFs have developed regulations, and the respect of these regulations is de facto the commitment National Federations make when they elect to join the FIG family: "You participate in the activities of the FIG by volunteering your services, and you therefore accept the regulations of the FIG and their constraints". In fact you partake in the development of these rules through your elected members and/or your representatives at the General Assembly.

The value of the IF regulations is recognized by the CAS, even though they can be submitted to criticisms. They have a relative and reduced value in civil courts, but nonetheless are often taken into consideration in the deliberations of these courts.

We will not discuss here the issue of third-party insurance coverage, but you should be aware that this kind of coverage is limited and does not cover criminal risks or the violation of certain rules, in particular those of the FIG.

## **MEDICAL APTITUDE AND RESPONSIBILITY OF NATIONAL FEDERATIONS**

It is the responsibility of the NF to assess medical aptitude or determine the gymnasts ability to train and compete in competitions organized by the FIG. The National Federation is sometimes subject to the national requirements of its ministry of sport or the NOC, mainly in the area of systematic examinations of general aptitude. Therefore when a gymnast is not physically, psychologically and/or technically capable or prepared, the NF takes full responsibility when entering this gymnast in a FIG competition.

In principle, the FIG is not authorized to intervene but can only remind the head of delegation (or the coach, the doctor, etc.) of his/her duties in the area of safety, health, and ethics.

The following information must be underscored:

- A medical certificate can only be issued by a doctor. Evaluation of medical/physical fitness is the responsibility of the doctor and not of the coach or the head of delegation (as it might have been the case previously!).
- A certificate of parental discharge or permission to complete for an injured minor has no value, unless the parents are deemed to be a competent medical professional in the specific area of pathology , such as a doctor or a medical specialist,..

## **RESPONSIBILITY OF THE NFs IN THE ORGANIZATION AND SAFETY OF COMPETITIONS**

The organizing NF of the FIG event must, at the minimum, respect the "FIG regulations for the organization of competition", which were approved by the EC.

Obviously the NF must also respect the country's norms for the safety of the public and the athletes. In case of negligence, the NF run the risk of being taken to the country's civil courts and being penalized by these institutions as well as by the FIG.

## **RESPONSIBILITY OF NATIONAL FEDERATIONS IN PREVENTING ACCIDENTS AND PROVIDING CARE**

At competitions organized by the FIG, the National Federation has the specific duties of preventing pathologies/diseases and providing the necessary care to its gymnasts. This task can be undertaken in collaboration and with the support of the medical team of the organizing federation, as outlined in the specifications concerning the medical organization of competitions. The NF may also seek the advice of the FIG doctor.

## **RESPONSIBILITY OF NATIONAL FEDERATIONS CONCERNING THE SAFETY OF GYMNASTIC EQUIPMENT**

Gymnastic equipment used in FIG competitions must be certified by the FIG.

**In case of an accident calling the equipment into question, the following is stated in broad and general terms:**

- If the material is deficient, the manufacturer could be responsible for the situation or it could fall to the user -- namely the National Federation -- because of poor maintenance;
- If the installation of the equipment is incorrect (fasteners, products, etc.), then the organizing NF is primarily responsible to the FIG (even if the manufacturer can be called into question)

- If the gymnast is using faulty technique, uses the equipment in an inappropriate way or is taking risks beyond his/her capabilities, then it is the gymnast's responsibility (or perhaps his/her coach). In fact, poor use is the cause of the mishap and not the equipment.

The FIG suggests the apparatus to the gymnast; the gymnast decides whether to take the risk to perform an exercise of his/her choice. Compulsory routines are no longer imposed by the FIG.

Obviously these examples may lead to different legal interpretations, depending on the circumstances and everyone's assessment, but ultimately the final decision belongs to the appropriate judge.

## **RESPONSIBILITY OF THE NATIONAL FEDERATIONS CONCERNING SPORTS LIFE AND ITS ENVIRONMENT**

The National Federation must provide the gymnasts with an appropriate environment, especially at international competitions. Sound decisions must be made concerning the following:

Prevent or minimize time zone differences; choose lodging and select food; organize transportation and leisure activities and provide a congenial environment. The goal of these decisions is to minimize physical and psychological stress, fatigue, and the risk of accidents.

Nutrition is especially a concern that goes well beyond the FIG and the periods of international competitions. Nutrition deficiencies are often equated with abuse; they may seriously involve the legal responsibility of the National Federation and threaten its image and ethical commitment, especially when children or adolescents are concerned.

## **RESPONSIBILITY OF NATIONAL FEDERATIONS IN THE ORGANIZATION OF EDUCATIONAL AND TECHNICAL PROGRAMS**

The FIG code of points and the development of technical regulations must always be considered carefully by the technical committees and the medical and scientific commissions. The advice of these committees and commissions is essential in order to avoid and/or devalue any element that ignores the limits and principles of the physiology and biomechanics of joint articulation. This was not always respected in the past, but there is now a regulation, and the new program for seniors and the age groups are not exempt from it.

This having been said, exercises are no longer imposed by the FIG. Compulsory routines have been eliminated. Some routines carry more or less value, but it is up to the gymnast to decide whether to perform these exercises by taking into account his/her physical, technical, and psychological readiness at the moment. It is his/her responsibility, but also that of his/her federation, coach, and doctor.

The FIG has developed specific technical regulations for age groups; they govern the access to competitions according to minimum & maximum age specifications, and have been elaborated on scientific basis taking psychomotor development and growth physiology into account. Here again there is no requirement from the FIG to participate or to achieve top level performance. It is the responsibility of the NF to assess the aptitude and the level of maturity of its gymnasts.

The following examples are provided for consideration only, knowing that any disciplinary body may have different beliefs and arrive at different decisions, according to circumstances, countries, and other factors.

| <b>TOPIC</b>                                                                         | <b>Laws<br/>Regulations /</b>                                       | <b>Responsibility</b>             | <b>Sanctions<br/>(Jurisdiction)</b>                                                     |
|--------------------------------------------------------------------------------------|---------------------------------------------------------------------|-----------------------------------|-----------------------------------------------------------------------------------------|
| Medical aptitude to training and to national and international competitions          | NATIONAL                                                            | NF                                | NATIONAL<br>Civil Courts<br>Sports legal authorities                                    |
| Security and organization of national and international organizations                | NATIONAL<br>FIG Regulations<br>"Medical organization of FIG events" | NF                                | NATIONAL<br>Civil Courts<br>Sports legal authorities<br>FIG                             |
| Gymnastic equipment for training and used in national and international competitions | NATIONAL<br>FIG Regulations & Certification                         | NF<br>Manufacturer<br>Gymnast     | NATIONAL<br>Civil Courts<br>Sports legal authorities<br>FIG                             |
| National Technical Programs                                                          | Regulations and National Technical Programs                         | NF<br>Manufacturer<br>Gymnast     | NATIONAL<br>Civil Courts<br>Sports legal authorities                                    |
| Physical and moral protection of minors                                              | NATIONAL<br>FIG Disciplinary Code                                   | NF<br>Coaches, etc.               | NATIONAL<br>Civil Courts<br>Sports legal authorities<br>FIG, CAS, etc.                  |
| FIGHT AGAINST DOPING                                                                 | WADA Code<br>FIG Regulations<br>International Standards             | NF<br>Gymnasts<br>"other persons" | NATIONAL<br>Civil Courts<br>National Disciplinary Bodies for Sport<br>FIG – WADA<br>CAS |

## **RESPONSIBILITY OF NATIONAL FEDERATIONS IN PROTECTING THE MENTAL HEALTH OF CHILDREN AND ADOLESCENTS**

The responsibility of National Federations towards minor gymnasts in full physical and psychological development is no doubt a rewarding obligation,, as the parents have entrusted their children to the care of NFs. This responsibility must rest on rigorous physical, technical, psychological, and ethical principles.

## **RESPONSIBILITY OF NATIONAL FEDERATIONS IN THE FIGHT AGAINST DOPING**

As stated in its statutes, the duty of the FIG is to protect the health of its gymnasts; it is its moral obligation and also concerns the image the FIG wants to project.

The FIG must produce « honest » competitions, by controlling the accuracy of the ranking, titles, rates, and medals, without trickery or deceptive appearance.

The two FIG requirements of health and honest performance fully concur with the principles, the definition, and the goal of the fight against doping.

From the start, the FIG was committed to comply with the world programs for the fight against doping and has signed, like the other international federations, an agreement with WADA.

This agreement stipulates that the FIG must conduct its fight against doping according to the principles of the WADA Code and the regulations approved by WADA. These regulations are common to all International Federations and must be applied in close cooperation with the National Federations.

The FIG must therefore ascertain that the NFs respect the WADA code obligations as well as the FIG regulations to the letter, even when seemingly reasonable and logical requirements or alternatives are proposed in the NFs respective countries.

The respect of the WADA Code and the FIG regulations underlies the affiliation to the FIG and the participation in its life and competitions.

These regulations stipulate that the National Federation is the sole representative and is solely responsible, even when the fight against doping is, in some countries, the prerogative of the NOC, the government, or an independent agency.

## **THE CODE**

Part I of the code presents a list of the signatories who must comply with the code:

- IOC and IPC
- International Federations
- National Olympic Committees
- National Federations
- National governments and/or national agencies
- WADA
- Sportsmen and other people

## **FIG REGULATIONS**

The development of the FIG anti-doping regulations was based on the requirements of the standard model prepared by WADA for the IFs. The FIG anti-doping regulations have been approved by both the FIG-EC and WADA.

National Federations, Continental Unions, and every participant in FIG activities must comply with the FIG anti-doping regulations. In broad terms, these regulations stipulate that:

- The NF must ensure that all gymnasts applying for the FIG license agree to respect the FIG regulations for the fight against doping.
- It is the obligation of each NF to ensure that any initiative or control undertaken by its affiliates at the national level respects the anti-doping regulations.

It should be noted that in some countries, the NF itself carries out anti-doping controls; in other countries, all or part of the responsibilities is transferred to the NOC, to an anti-doping multi-sport government organization or a national anti-doping agency (NADA).

In these countries, the FIG regulations involving the NFs must be applied by these national organizations. We should remember that in all cases the NF is solely responsible to the FIG.

The attitude and obligations of the NF with respect to anti-doping are thoroughly explained in the articles of the FIG anti-doping regulations. These regulations always encourage a collaborative approach but also propose sanctions for violations.

## **OBLIGATION OF NATIONAL FEDERATIONS TOWARD THE FIG**

### **ARTICLE 14 – FIG REGULATIONS**

Following articles mention the obligations of NF

- 14-1 Incorporation of FIG Anti-Doping Rules
- 14-2 Statistical Reporting
- 14-3 Doping Control Information Clearinghouse
- 14-4 Public Disclosure
- 14-5 Recognition of Decisions by FIG and by NF

## **SANCTIONS AND COSTS ASSESSED AGAINST NATIONAL FEDERATIONS**

See article 12

## **FIG/NF RELATIONSHIP – PRACTICAL EXPERIENCE AND SUMMARY OF THE FIGHT AGAINST DOPING**

### **NATIONAL ORGANIZATION**

The fight against doping concerns our affiliated federations and is organized in part or entirely by:

- the NOC (especially in developing countries)
- the government
- an independent national agency
- the National Federation answerable to the FIG

### **PARTICIPATION AND COMMITMENT OF THE NFs – COOPERATION BETWEEN THE FIG AND THE NF**

We have no doubt about the good faith of our NFs; they are our most important partners. We know that they believe in the importance of fighting doping. Nonetheless we need to point out that some NFs must make serious efforts to meet the requirements of both the anti-doping code and the FIG regulations. To this effect, they must pay attention to the following points in particular:

- Knowledge of the regulations
- Weak number of national controls in gymnastics (all disciplines) in and out of competition.
- Education of managers and gymnasts
- Declaration and information concerning TUE
- Monitoring the national abnormal and/or positive cases

The FIG became aware of a lack of dynamism and education in some NFs, as well as the failure to sufficiently inform the FIG on the points mentioned above. Let us remind everyone that there are sanctions for this kind of neglect.

Too frequently the FIG receives limited information, if any.

1. The knowledge of regulations (code, rules, etc.) is too often inadequate; there is also a lack of knowledge about prohibited substances. Yet all this information is available on the Internet, on the websites of the FIG, the IOC, WADA, and national agencies.
2. The number of national controls conducted in gymnastics in and out of competition is often too low.
3. The national policy concerning the education of managers and gymnasts is often reduced to the minimum.
4. Only a few countries, about ten, request therapeutic use exemptions (TUES) and send them to the FIG; countries are often misinformed on the administrative and medical requirements.
5. The monitoring of national abnormal and/or positive cases is often neglected or delayed by the NFs, and the FIG is not kept informed of the situation.

### **Review of the procedure concerning the results of control**

All samples taken in or out of competition during a control carried out at the national level must be, with a few rare exceptions, analyzed by a WADA-accredited laboratory. The laboratory must inform the FIG of the normal or abnormal results by using a standard form.

This form shows a number and several codes but does mention the name of the gymnast.

When there are abnormal/positive results, the FIG is often forced to contact the NF to obtain the name of the gymnast, find out whether proceedings were started at the national level, and get useful information concerning the investigation. The NF has the obligation to convey all this information to the FIG within the two weeks that follow the discovery of an abnormal case.

We must remind everyone that one of the duties of the FIG is to ascertain that the NF applies the procedure and the sanctions imposed by the code correctly. If not, the FIG may refer the file to its Disciplinary Commission and/or WADA and may appeal the decision.

The Disciplinary Commission will pass judgment not only on the obligation or the modification of a sanction imposed on the gymnast, but will also penalize the NF, if that NF does not cooperate actively in the investigation or attempts to cover up a doping situation.

The experience of the recent years has taught us that some National Federations are truly involved in the fight against doping, while others adopt a mere symbolic attitude and show a lot of neglect in their organization and their cooperation with the FIG.

This kind of carelessness is serious, because it disrupts the process.

Some neglects and lack of cooperation have already been sanctioned by the disciplinary authorities of the FIG (there were several cases of disciplinary and financial sanctions in 2006, 2007 and 2008).

These sanctions may concern the lack of cooperation from a government that, for example, does not align with the WADA/IF regulations. Unfortunately this may indirectly impact National Federations, even when they cooperate. One NF was unable to have international World Cup tournaments for 5 years, because their national laws were not in conformity with the WADA code. It is a heavy punishment for a NF that shows goodwill, when the deficiency comes from its own government. But under the "threat of sanctions", the situation has evolved favorably.

The FIG expects from each NF a proactive policy with respect to doping. For the sake of its sports and ethical credibility, the NF must assume its responsibilities, preserve its ethics and image, and conform to international regulations to protect the health of our gymnasts.