

**The use of legislation in relation to controlling the production, movement, importation, distribution and supply of performance-enhancing drugs in sport (PEDS)**

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## **List of abbreviations**

ADL	Anti-Doping Logic
NADO	National Anti-Doping Organisation
PEDS	Performance Enhancing Drugs
UNESCO	United Nations Educational, Scientific and Cultural Organisation
WADA	World Anti-Doping Agency

## **1.0 Summary of key findings**

1.1 Countries which had introduced specific legislation regarding the production, movement, importation, distribution and supply of performance-enhancing drugs were much more likely to assess their efforts to tackle PEDS trafficking as successful (see paragraph 10.0).

1.2 Many countries, even those which had introduced PEDS-specific legislation, relied on powers derived from existing legislation, for example, general drugs or customs legislation (some recently amended) to support their PEDS anti-trafficking activities (5.1, 5.2).

1.3 Coverage of the full WADA list of prohibited substances was much more likely among countries which had PEDS-specific legislation. Countries that relied on general drugs legislation rarely reported that the coverage of the WADA list was complete (5.2, 5.3).

1.4 Few countries that relied on general drugs legislation reported that their legislation covered all substances on the WADA list although the legislation did usually cover trafficking. In addition, few reported that they had either amended existing legislation or utilised other legislation in their efforts to control PEDS trafficking (5.2).

1.5 The most successful countries in either the summer or winter Olympic Games were more likely to have PEDS-specific legislation (5.3).

1.6 There is some evidence (see 7.2 & 7.3) that when responsibility for tackling trafficking in PEDS is added to the more general legislation for which the police are the primary agency the pursuit of PEDS trafficking can receive a lower operational priority. In those countries which have PEDS-specific legislation NADOs are more likely to be given a role in deciding to launch an investigation. Just under half of such countries (44%) allowed their NADOs such a role (6.2).

1.7 As regards the conduct of investigations the police were the most frequently mentioned agency although NADOs were prominent at this stage of the process if the legislative foundation was a specific PEDS trafficking law (6.3).

1.8 Public authorities such as police and public prosecutors played a central role in making the decision to prosecute although NADOs also played a role particularly in countries which had specific PEDS legislation (6.4).

1.9 Irrespective of the legislative basis for combating PEDS trafficking most countries used the criminal courts to deal with cases although a number used a combination of criminal and administrative (usually a sports tribunal or similar) (6.5).

1.10 The major problems concerning implementation included weak penalties, the low priority given by public authorities to PEDS trafficking cases, lack of knowledge by police and poor information exchange (7.0).

1.11 Countries with specific PEDS legislation were more likely to pass on statistics on prosecutions and successful convictions to Interpol. Of those countries that

currently did not pass information on to Interpol a high proportion were willing to do so with the police being mentioned as the most likely organisation to pass on such information (8.0).

## 2.0 Introduction

The revised World Anti-Doping Code which entered into force on 2009 marked an important development in the fight against doping in sport. Among the many changes introduced one of the most significant was the expansion of the scope of anti-doping activity beyond the use of substances by athletes to incorporate a concern to address issues associated with the production, movement, importation, distribution and supply of performance-enhancing drugs. Such a broadening of the remit of anti-doping activity not only involves National Anti-Doping Organisations (NADOs) in a series of relationships with other non-sport anti-drugs organisations, but also involves the introduction of new laws and/or amendments to existing legislation. UNESCO States Parties to the International Convention against Doping in Sport have adopted a variety of responses to the implementation of the revised Code and particularly to the requirements of Article 8 of the UNESCO Convention which notes that 'States Parties shall, where appropriate, adopt measures to restrict the availability of prohibited substances and methods in order to restrict their use in sport by athletes, unless the use is based upon a therapeutic use exemption. These include measures against trafficking to athletes and, to this end, measures to control production, movement, importation, distribution and sale.'

## 3.0 The aims of the research

The present research builds on the results of the first phase of the research project into legislation on trafficking of performance-enhancing drugs conducted in 2008 and is designed to produce an analytical report on the status of anti-doping legislation in UNESCO Member States concerning the production, movement, importation, distribution and supply of performance-enhancing drugs. The three central elements of this phase of the research are to:

- 3.1 Develop a questionnaire to gather information about the following:
  - Whether Member States have enacted legislation *specifically designed* to address the production, movement, importation, distribution and supply of performance-enhancing drugs; the scope of such legislation; the court in which the cases are heard; the number of cases investigated and prosecuted; the agencies responsible for investigation and prosecution; the number of successful convictions; and the penalties imposed.
  - Whether amendments have been made to *existing legislation* on the production, movement, importation, distribution and supply of recreational drugs specifically to include performance-enhancing drugs; the scope of such legislation; the court in which the cases are heard; the number of cases investigated and prosecuted; the agencies responsible for investigation and prosecution; the number of successful convictions; and the penalties imposed.
  - Whether amendments have been made to *existing legislation* on the control of medicines and pharmaceuticals to address the production, movement,

importation, distribution and supply of performance-enhancing drugs; the number of cases investigated and prosecuted; number of successful convictions; and the penalties imposed; and whether any problems were encountered in the application of medicines and pharmaceuticals legislation to cases concerning performance-enhancing drugs.

- Whether any other legislation has been used to address production, movement, importation, distribution and supply of performance-enhancing drugs.

3.2 Undertake additional data collection from selected respondents as required for purposes of clarification of the survey data and in order to provide greater depth of analysis. The basis for the selection of Member States for additional data collection will include: a) evidence of effective implementation of legislation *specifically designed* to address the production, movement, importation, distribution and supply of performance-enhancing drugs; b) leading sporting Member States (defined as being in the top 15% of the summer or winter Olympic medals table) which have *not* introduced legislation specifically designed to address the production, movement, importation, distribution and supply of performance-enhancing drugs; or c) evidence of effective implementation of existing legislation which addresses the production, movement, importation, distribution and supply of performance-enhancing drugs.

3.3 Undertake an analysis of the data collected and prepare a comprehensive report on the research findings.

## 4.0 Methodology

### 4.1 Questionnaire development

The questionnaire was designed in conjunction with the UNESCO Programme Specialist and it went through several iterations before final approval in December 2011 (see Appendix A). The initial intention was to distribute the survey to those Member States that had responded positively to questions 3, 3.1 and 3.2 in the UNESCO Anti-Doping Logic (ADL) survey of 2011 – 99 States Parties in total. Questions 3, 3.1 and 3.2 asked about the extent to which Member States had adopted ‘measures’ to prevent the production, trafficking, importation and distribution of prohibited substances to athletes (hereinafter referred to as ‘PEDS trafficking laws’). Following discussion with staff of the World Anti-Doping Agency it was agreed to distribute the questionnaire to all 153 States Parties to the Convention apart from those that had indicated that they had ‘no measures in place’ when responding to the UNESCO ADL survey. The intention was to obtain responses from those in government directly responsible for ensuring their country’s compliance with its commitments under the terms of the UNESCO Convention Against Doping in Sport. In all cases the questionnaire was completed by a government official closely involved in their country’s anti-doping efforts.

The questionnaire was translated into five languages (Arabic, English, French, Russian and Spanish) and distributed via UNESCO channels to States Parties in the last week of February 2012 with a deadline for return of 24<sup>th</sup> March. Reminders



regarding completion were sent and once the deadline had passed further reminders were sent and a new deadline was set for 8<sup>th</sup> June 2012.

#### 4.2 Response rate

The response rate, at 36% (55 from 153 UNESCO Member States), was satisfactory. However, the response rate was higher from those Member States which were also successful in major sporting events such as the summer and winter Olympic Games. Of those States which finished in the top 20 in the medals table of the 2008 Olympic Games the response rate was 60% (12 countries). The 20 most successful countries accounted for 72% of all medals. Of those that finished in the top 30 in the medals table the response rate was 63% (19 countries). The 30 most successful countries accounted for 83% of all medals. One hundred and ninety-two countries participated in the 2008 Beijing Olympic Games<sup>1</sup>.

A similar set of figures was evident in relation to the 2010 winter Olympics which was attended by 82 countries. The response rate from those countries that finished in the top 10 positions in the medals table was 70% and also 70% from those that finished in the top 20. The ten most successful countries accounted for 69% of all medals and the 20 most successful countries accounted for 94% of all medals. The overall distribution of responses and particularly the strong representation from the most successful sporting countries provides a sound basis for analysis.

#### 4.3 Basis for analysis

Of the 55 responses, four were not usable either because the legislation in the country only covered PEDS use or encouragement to use (Cameroon) or because too little information was provided (Bahrain, Oman and Togo). The analysis that follows is therefore based on a sample of 51 countries.

The analysis was organised by reference to two key variables: first, the type of legislation that the countries had in place; and second, by the 'sporting' success of the country. In the cumulative analysis, information is presented – as reported by respondents, and organized by the authors according to type of legislation – on specific offences, penalties, agencies responsible for enforcement, cases prosecuted, as well as whether or not this information is being reported to Interpol. Specific information and comments provided by respondents were used to develop the analysis although they were not all cited specifically.

The rationale for the selection of these two variables is that, with regard to types of law, it is important to identify the effect of types of PEDS trafficking laws on implementation. For example one might hypothesise that in those countries that have introduced specific PEDS laws there will be clearer involvement of sports federations and NADOs in the process of implementation and also that, due to the involvement of NADOs, there would be an increase in the number of cases investigated and pursued through to prosecution. One might also hypothesise that in those countries that have extended recreational drugs legislation to cover PEDS

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<sup>1</sup> 192 countries participated in the 2008 Olympic Games plus 12 territories such as Puerto Rico, American Samoa and the Bahamas.

there will be a greater involvement of non-sport agencies in implementation. One could also devise hypotheses regarding intensity of implementation in relation to different types of PEDS legislation. With regard to categorisation by sporting success it is important to see if there are any significant variations in implementation which can be associated with different levels of success in Olympic competition.

The weaknesses of the data used include the fact that the respondents may vary in their ability to respond accurately or may be subjective in their responses – and their responses were not easily verified. Respondents may also have different levels of qualifications and authority. To support further research in the area, the legislation that was collected is to be made available via ADDbase (found on UNESCO's website at [www.unesco.org/en/antidoping](http://www.unesco.org/en/antidoping) ). The authors encourage those countries that did not already do so to add copies of their legislation to this online collection.

## **5.0 Type of legislation and coverage of substances on the WADA list**

### **5.1 Type of legislation and coverage of WADA list**

There is a wide variation in the types and descriptions of laws regarding PEDS. The title of 'legislation' varies and the extent of direct equivalence in terms of legal basis is not always clear. For example some laws are passed by legislatures while others are referred to as 'ministerial resolutions' (e.g. Cuba), 'regulations' (e.g. China) or 'inter-ministerial decrees' (DR Congo), but appear to have similar force in law i.e. enable investigation, prosecution and punishment. The four categories of legislation identified for this study are described in Table 1 and for countries in Categories A and B the date of enactment of legislation is provided. The basis for the categorisation was a judgement about which laws/types of law were the primary foundation for action in relation to PEDS trafficking. On the basis of the information supplied in the questionnaires four categories were identified as described in Table 1. However, there is a degree of overlap at the boundaries between categories. Moreover, as PEDS-specific legislation is relatively recent in a number of countries there is bound to be a transition period during which other legislation might continue to be used until there is sufficient familiarity with the new legislation.

**Table 1. Types of PEDS legislation**

<p><b>Category A</b></p> <p>PEDS-specific legislation</p>	<p>Austria* (2007), China* (2004), Cyprus (2009), DR Congo* (2011), Denmark (1999), France (2008), Hungary (2011), Iceland* (2009), Italy* (2000), New Zealand (2007), Norway (1992), Portugal (2009), Romania (2008), San Marino (2010), Serbia (2005), Spain* (2006), Sweden (1992, 2011) and Tunisia* (2007)</p> <p style="text-align: right;">18 countries</p>
<p><b>Category B</b></p> <p>General sports legislation (e.g. including violence, corruption in sport as well as doping)</p>	<p>Greece (2008), Luxembourg (2005), Mexico (2003) and Nicaragua* (2005)</p> <p style="text-align: right;">4 countries</p>
<p><b>Category C</b></p> <p>General drugs legislation (indicated where coverage of WADA PEDS is especially limited)</p>	<p>Belgium, Canada, Colombia, Finland, Guatemala, India, Japan*, Latvia*, Lithuania*, Niger (partial coverage), Peru, Philippines, Russian Federation, Singapore, Slovakia, Sri Lanka, Swaziland*, United Kingdom*, United Arab Emirates (partial coverage), United States of America and Uruguay</p> <p style="text-align: right;">21 countries</p>
<p><b>Category D</b></p> <p>Other legislation (medicines legislation, customs legislation, public health legislation, food and drugs legislation)</p>	<p>Australia, Cuba, Ghana, Ireland, Kazakhstan, Morocco, Netherlands and South Africa</p> <p style="text-align: right;">8 countries</p>

\* Countries reported that they also relied on other significant legislation such as that concerned with customs, general drugs and pharmacy.

Question B1 asked for information about legislation which was specifically concerned with the production, movement, importation, distribution and supply of PEDS. The question elicited a variety of answers ranging from mention of a particular piece of legislation (usually a single PEDS-specific law) to mention of a cluster of laws (usually originally concerned with recreational drugs). However, it was clear that respondents were using question B1 to indicate what they considered to be the most significant legislation, regardless of its initial rationale, related to tackling PEDS trafficking. What was also clear (see summary in Table 2 below) was that many countries, even those which had introduced PEDS-specific legislation, relied on powers derived from other pre-existing legislation (some recently amended) to support their PEDS anti-trafficking activities.

**Table 2.** The PEDS trafficking legislative landscape: the scope of primary PEDS legislation, the extent of amendment to other legislation and the extent of use of other legislation

Country category	Scope of main PEDS legislation*	Amendments to other legislation	Use of other legislation
<b>Category A</b>  PEDS-specific legislation	<b>Austria</b> (WADA list; UNESCO response - 'extensive')	<b>Austria</b> – yes, law on Addictive Drugs	<b>Austria</b> – yes, but not since introduction of PEDS legislation)
	<b>China</b> (WADA list; UNESCO response – 'substantial')	<b>China</b> – yes, Drugs Admin. Law; Import of steroids and peptide hormones	<b>China</b> – yes, Criminal Law 2011
	<b>DR Congo</b> (WADA list; no UNESCO response)	<b>DR Congo</b> – no	<b>DR Congo</b> – not since PEDS legislation in 2011
	<b>Cyprus</b> (WADA list; UNESCO response 'extensive')	<b>Cyprus</b> - no	<b>Cyprus</b> - use of Medicinal Products Law 2001
	<b>Denmark</b> (specified list of substances which covers much of the WADA list including S1, S2 and S4; UNESCO response – 'extensive')	<b>Denmark</b> – no	<b>Denmark</b> – no
	<b>France</b> (WADA list; UNESCO response – 'extensive')	<b>France</b> – no	<b>France</b> – public health legislation (control of pharmaceuticals)
	<b>Hungary</b> (WADA list: UNESCO response – 'substantial')	<b>Hungary</b> – no	<b>Hungary</b> – no
	<b>Iceland</b> (WADA list; UNESCO response – 'partial')	<b>Iceland</b> – yes, to narcotics legislation	<b>Iceland</b> –yes, medicines and pharmaceuticals legislation
	<b>Italy</b> (WADA list: UNESCO response – 'substantial')	<b>Italy</b> – yes, to recreational drugs laws and medicines laws	<b>Italy</b> – yes, legislation on drugs and psychotropic substances
	<b>New Zealand</b> (WADA list: UNESCO response – 'substantial')	<b>New Zealand</b> – no	<b>New Zealand</b> – yes, Medicines Act; Misuse of Drugs Act; Customs legislation
	<b>Norway</b> (substantial, but not clear whether substances covered by the 1992 legislation are the same as on the 2012 WADA list: UNESCO response – 'extensive')	<b>Norway</b> - No	<b>Norway</b> - No
	<b>Portugal</b> (WADA list; UNESCO response – 'extensive')	<b>Portugal</b> – no	<b>Portugal</b> – yes, legislation to regulate health clubs and gyms
	<b>Romania</b> (WADA list; UNESCO response – 'extensive')	<b>Romania</b> – no	<b>Romania</b> – no
	<b>San Marino</b> (WADA list; UNESCO response – 'extensive')	<b>San Marino</b> – no	<b>San Marino</b> – no
	<b>Serbia</b> (WADA list; UNESCO response – 'extensive')	<b>Serbia</b> – no	<b>Serbia</b> – no
	<b>Spain</b> (WADA list; UNESCO response – 'extensive')	<b>Spain</b> – no	<b>Spain</b> – yes, Criminal Code (offences against public health); Law on smuggling; Health protection law; Medicines law
<b>Sweden</b> (S1-S4; UNESCO response – 'extensive')	<b>Sweden</b> – no	<b>Sweden</b> – yes, narcotics legislation	
<b>Tunisia</b> (WADA list; UNESCO response – 'partial')	<b>Tunisia</b> – yes, to customs laws	<b>Tunisia</b> – yes, customs legislation and public health	

<b>Category B</b>  General sports legislation (e.g. including violence, corruption in sport as well as doping)	<b>Greece</b> Combating violence in sport and other provisions (WADA list; no UNESCO response)	<b>Greece</b> – no	<b>Greece</b> – no
	<b>Luxembourg</b> Sports ethics (WADA list; UNESCO response – ‘substantial’)	<b>Luxembourg</b> – yes, customs legislation	<b>Luxembourg</b> – yes, medicines/therapeutic chemicals legislation
	<b>Mexico</b> Physical culture and sport (WADA list; UNESCO response – ‘substantial’)	<b>Mexico</b> – yes, recreational drugs legislation and medicines legislation	<b>Mexico</b> – yes, public health
	<b>Nicaragua</b> (substantial, but precise coverage not clear; UNESCO response – ‘substantial’)	<b>Nicaragua</b> – no	<b>Nicaragua</b> – yes, to incorporate UNESCO Convention into national law
<b>Category C</b>  General drugs legislation (indicated where coverage of WADA PEDS is partial)	<b>Belgium – Flanders</b> (WADA list; UNESCO response - ‘extensive’)	<b>Belgium – Flanders</b> – no	<b>Belgium – Flanders</b> – yes, health and ethics in sport
	<b>Canada</b> (WADA list except S2, S3, S4, S5; UNESCO response – ‘extensive’)	<b>Canada</b> – no	<b>Canada</b> – yes, Controlled Drug and Substances Act
	<b>Colombia</b> (S7 and S8; UNESCO response – ‘none as yet’)	<b>Colombia</b> – no	<b>Colombia</b> – no
	<b>Finland</b> (specified list of substances which covers much of the WADA list including S1, S2 and S4; UNESCO response – ‘extensive’)	<b>Finland</b> – no	<b>Finland</b> – no
	<b>Guatemala</b> (all on WADA list; UNESCO response – ‘partial’)	<b>Guatemala</b> – no	<b>Guatemala</b> – yes, law regulating the use of steroids and other dangerous substances
	<b>India</b> (S6, S7, S8; no UNESCO response)	<b>India</b> – no	<b>India</b> – no
	<b>Japan</b> (WADA list, but unclear if S1-S5 included; UNESCO response – ‘substantial’)	<b>Japan</b> – no	<b>Japan</b> – yes, sports legislation to promote anti-doping; pharmaceutical affairs law
	<b>Latvia</b> (substantial, but precise coverage not clear; UNESCO response – ‘substantial’)	<b>Latvia</b> – no	<b>Latvia</b> – yes, pharmaceutical law
	<b>Lithuania</b> (Pharmacy law; Narcotics laws; alcohol laws (S1-S9, P1; UNESCO response – ‘partial’)	<b>Lithuania</b> – no	<b>Lithuania</b> – see col. 2
	<b>Niger</b> (S6, S7 & S8; UNESCO response – ‘partial’)	<b>Niger</b> – no	<b>Niger</b> – no
	<b>Peru</b> (S6-S8?; UNESCO response – ‘no response’)	<b>Peru</b> – yes (change not clear)	<b>Peru</b> (no)
	<b>Philippines</b> (mainly S6, S7 & S8, but precise coverage not clear; UNESCO response – ‘partial’)	<b>Philippines</b> – no	<b>Philippines</b> – no
	<b>Russian Federation</b> (mainly S1, S6, S7 & S8, but precise coverage not clear; UNESCO response – ‘substantial’)	<b>Russian Federation</b> – no	<b>Russian Federation</b> – yes, Code of the RF on administrative violations (WADA S7 and S8)
	<b>Singapore</b> (S6, S7 & S8; UNESCO response – ‘partial’)	<b>Singapore</b> – no	<b>Singapore</b> – yes, medicines legislation and poisons legislation
	<b>Slovakia</b> (unclear, but mainly S1, S2 & S4; UNESCO response – ‘partial’)	<b>Slovakia</b> – no	<b>Slovakia</b> – yes, physical culture legislation
	<b>Sri Lanka</b> (S6, S7 & S8; UNESCO response – ‘partial’)	<b>Sri Lanka</b> – no	<b>Sri Lanka</b> – no
	<b>Swaziland</b> (substantial, but precise coverage not clear; no UNESCO response)	<b>Swaziland</b> – no	<b>Swaziland</b> – no
	<b>United Arab Emirates</b> (S6-S8; UNESCO response – ‘substantial’)	<b>United Arab Emirates</b> – no	<b>United Arab Emirates</b> (yes, medicines law covering cannabinoids)

	<b>United Kingdom</b> (substantial coverage of WADA list, but it is unclear whether coverage is complete; UNESCO response – ‘extensive’)	<b>United Kingdom</b> – yes, to cover steroids and hormones	<b>United Kingdom</b> – yes, medicines law; Proceeds of crime law
	<b>United States of America</b> (substantial, but precise coverage not clear; UNESCO response – ‘extensive’)	<b>United States of America</b> – yes, control of anabolic steroids	<b>United States of America</b> – no
	<b>Uruguay</b> (partial coverage of WADA list; UNESCO response – ‘substantial’)	<b>Uruguay</b> – yes, to recreational drugs and medicines laws	<b>Uruguay</b> – yes, to recreational drugs and medicines laws
<b>Category D</b>	<b>Australia</b> – Customs; (S1, S2, S4-S8; UNESCO response – ‘extensive’)	<b>Australia</b> (yes, to therapeutic goods legislation)	<b>Australia</b> (Anti-Doping legislation – information sharing)
Other legislation (customs; medicines legislation, public health legislation, food and drugs legislation)	<b>Cuba</b> Medicines laws (S1, S3, S5, S6, S7 & P2; UNESCO response – ‘substantial’)	<b>Cuba</b> (yes, Min. resolution 2004, National Expert Committee on Pharmacovigilance)	<b>Cuba</b> (min. resolution 9/12 Rules of procedure for procurement)
	<b>Ghana</b> Food and Drugs law (all on WADA list; UNESCO response – ‘substantial’)	<b>Ghana</b> – no	<b>Ghana</b> – no
	<b>Ireland</b> – medicines laws (S1 & S2, but not clear whether all in S1 and S2 are covered; UNESCO response – ‘substantial’)	<b>Ireland</b> – no	<b>Ireland</b> – no
	<b>Kazakhstan</b> Public health (unclear; UNESCO response – ‘substantial’)	<b>Kazakhstan</b> – no/not clear	<b>Kazakhstan</b> – no/not clear
	<b>Morocco</b> Pharmacy laws; Drugs law; (unclear; UNESCO response – ‘partial’)	<b>Morocco</b> – not clear	<b>Morocco</b> – not clear
	<b>Netherlands</b> Medicines law; Economic Laws: (substantial, but precise coverage not clear; UNESCO response – ‘substantial’)	<b>Netherlands</b> – no	<b>Netherlands</b> – no
	<b>South Africa</b> Medicines Act (too little information?)	<b>South Africa</b> - no	<b>South Africa</b> - no

Note. \* The first of the three main columns includes the response provided by the country to Q3 of the UNESCO Anti-Doping Logic survey of 2011. Q3 asked “To what extent have measures been adopted to prevent the trafficking of prohibited substances and methods, as set forth in the Prohibited List (Annex I of the Convention), to athletes?” The available responses to Q3 were: ‘extensive’, ‘substantial’, ‘partial’ or ‘none as yet’.

## 5.2 Coverage of substances on the WADA list

As indicated in Table 2 above most respondents provided sufficient detail in order to determine the extent of coverage of the PEDS on the WADA list. However, a small number of respondents implied that their legislation incorporated the latest WADA list, but most did not make an explicit reference to the WADA list, and another small group provided insufficient detail.

Most of the countries listed in **Category A** (those that have PEDS-specific legislation) provided responses regarding the scope of their legislation which endorsed their previous response to Q3 of the UNESCO Anti-Doping Logic (ADL) survey of 2011. In response to the UNESCO (ADL) survey the majority indicated that the measures that they had adopted were either 'extensive' or 'substantial' while in response to question B1 of this survey 15 out of 18 reported that their PEDS legislation covered the WADA list. Only five countries in Category A reported that they had made amendments to other legislation in order to tackle PEDS trafficking while almost two-thirds reported that PEDS legislation was complemented or reinforced by other legislation such that concerned with narcotics, medicines or the regulation of health clubs.

Countries in **Category B** (general sports legislation which covered PEDS) were limited in number and exhibited similar characteristics to those in Category A. **Category C** countries (which relied on general drugs legislation) were more heterogeneous with the most important characteristic being that almost none<sup>2</sup> reported that their legislation covered all substances on the WADA list although the legislation did cover trafficking. In addition, few reported that they had amended existing legislation although about half reported that they utilised other legislation in their efforts to control PEDS trafficking. Finally, countries in **Category D** exhibited a similar diversity to those in Category C insofar as they varied in the extent to which the legislation covered substances on the WADA list.

## 5.3 Sporting success

Countries were divided into three groups depending on their success in either the summer or winter Olympic Games. Countries in Group 1 were those that had been among the top 20 most successful countries (as measured by position in the medals table) at the 2008 Beijing Olympic Games or had been among the top 10 in the medals table at the 2010 Vancouver winter Olympics. Group 2 comprised those countries that could not be included in Group 1, but which had won at least one medal in either 2008 or 2010. Group 3 included those countries which had not won a medal at either the Beijing or Vancouver Games. Table 3 below indicates the distribution of countries and also relates sporting success to the type of primary anti-doping legislation in force (see also Appendix C).

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<sup>2</sup> While a number of countries covered a substantial proportion of the WADA list only Belgium made it clear that their legislation covered the complete WADA list of substances.

**Table 3. Categorisation of countries by sporting success at the 2008 or 2010 Olympic Games and by type of legislation**

<p><b>Group 1</b></p> <p>In top 20 of the 2008 summer Olympic Games medal table or in the top 10 of the 2010 winter Olympics medal table</p> <p><b>Top 20 (2008):</b> China, USA, Russia, UK, Germany*, Australia, S Korea*, Japan, Italy*, France, Ukraine*, Netherlands, Kenya*, Jamaica*, Spain, Belarus*, Romania, Ethiopia*, Canada and Poland*</p> <p><b>Top 10 (2010):</b> Canada, Germany, USA, Norway, S Korea*, Switzerland*, China, Sweden, Austria and Netherlands</p> <p>*= Did not respond to research request questionnaire (10)</p>	<p><b>Cat A (PEDS-specific legislation):</b></p> <p>Austria China France Italy Norway Romania Spain</p>	<p><b>Cat C (general drugs legislation):</b></p> <p>Canada Japan Russian Federation United Kingdom United States of America</p> <p><b>Cat. B or D:</b> Australia Netherlands</p>
<p><b>Group 2</b></p> <p>Not in top 20/10 but won at least one medal in 2008 or 2010</p> <p><b>Won at least 1 medal 2008</b> (and not in Group 1): Hungary, Brazil*, Czech Rep.*, New Zealand, Slovakia, Georgia*, Cuba, Kazakhstan, Denmark, Mongolia*, Thailand*, N Korea*, Argentina*, Mexico, Turkey*, Zimbabwe*, Azerbaijan*, Uzbekistan*, Slovenia*, Bulgaria*, Indonesia*, Finland, Latvia, Belgium, Dominican Rep.*, Estonia*, Portugal, India, Iran*, Cameroon, Panama* and Tunisia</p> <p><b>Won at least 1 medal in 2010</b> (and not in Group 1): Czech Rep. and Slovakia</p> <p>*= Did not respond to research request questionnaire (18)</p>	<p><b>Cat. A (PEDS-specific legislation):</b></p> <p>Denmark Hungary Iceland New Zealand Portugal Serbia Sweden Tunisia</p> <p><b>Cat. C (general drugs legislation):</b></p> <p>Belgium Colombia Finland India Latvia Lithuania Singapore Slovakia</p>	<p><b>Cat. B or D:</b></p> <p>Cuba Greece Ireland Kazakhstan Mexico Morocco South Africa</p>
<p><b>Group 3</b></p> <p>Won no medals in 2008 or 2010</p>	<p><b>Cat. A (PEDS-specific legislation):</b></p> <p>Cyprus Dem Rep Congo San Marino</p>	<p><b>Cat. C (general drugs legislation):</b></p> <p>Guatemala Niger Peru Philippines Sri Lanka Swaziland United Arab Emirates Uruguay</p> <p><b>Cat. B or D:</b></p> <p>Ghana Nicaragua Luxembourg</p>

The proportion of respondents in each group is as follows: Group 1 – 28%; Group 2 – 44%; and Group 3 – 28%. Not surprisingly this distribution represents a substantial over-representation of the most successful countries and a substantial under-



representation of the least successful countries. At the Beijing Olympic Games just over 10% of participating countries were ranked in the top 20 in the medals table; 34% won at least one medal; and 56% won no medals. In 2010 at the Vancouver winter Olympics the proportions were broadly similar: 12.5% in the top 10; 20% won at least one medal; and 67.5% won no medals.

Group 1, the most successful countries in either the summer or winter Olympic Games, had the highest proportion of countries with specific PEDS legislation (50% - seven out of 14). Moreover, 85% (12 out of 14) of the countries in this category reported that they relied on PEDS-specific legislation *or* general drugs legislation to tackle trafficking in PEDS. However, the countries that relied on general drugs legislation rarely reported that coverage of the WADA list was complete.

Of the countries in Group 2, those that had won at least one Olympic medal, a slightly smaller proportion, 35%, relied on PEDS-specific legislation while 70% relied either on PEDS-specific legislation or general drugs legislation. Reliance of PEDS-specific legislation was lowest at 21% among the countries in Group 3, those that won no medals in either 2008 or 2010. A further 57% of the countries in this group relied on general drugs legislation to tackle PEDS trafficking.

## **6.0 Implementation**

### **6.1 Introduction**

Section B2 of the survey asked for information about how the PEDS trafficking legislation had been used. Responses are presented according to the categorisation used in Table 1 which distinguished between those countries which had PEDS-specific legislation, those which utilised general sports legislation, those which used general drugs legislation and finally, those which used a range of other legislation.

### **6.2 Responsible agencies**

Table 4 below identifies the agency or agencies responsible for making the decision to launch an investigation in relation to the primary legislation used to tackle PEDS trafficking. In the three largest categories – A, C and D – the police are the most frequently mentioned agency responsible for making the decision to launch an investigation. While, those countries which have PEDS-specific legislation (Category A) give a prominent role to the police they are much more likely to give their NADO a role in deciding to launch an investigation although this role is likely to be modest given the limited resources and powers of most NADOs and is most likely to be in connection with a hearing before a sport tribunal or similar rather than a criminal court. Just under half of those countries in Category A (42%) allowed their NADOs such a role. By comparison, in those countries where PEDS trafficking is covered by general drugs legislation (Cat. C) or where PEDS trafficking is covered by other legislation (Cat. D) NADOs have a far more marginal involvement with the lead decision-makers being the police or other non-sport organisations. There is some limited research (e.g. Netherlands) and some anecdotal evidence from comments made in response to question B2 (reported in Appendix B) which suggests that when responsibility for tackling trafficking in PEDS is added to the more general drugs

legislation for which the police are the primary agency the pursuit of PEDS trafficking receives a low operational priority. However, reliance on general drugs legislation does not necessarily result in a weak response to PEDS trafficking. For example, both Australia and the Netherlands have robust records in relation to the problem of PEDS trafficking.

**Table 4. Responsibility for making the decision to launch an investigation (based on primary PEDS legislation)**

<p><b>Category A: PEDS- specific legislation</b></p> <p>Austria (1975 – 2008), China (2004), Cyprus (2009), DR Congo (2011), Denmark (1999), France (2008), Hungary (2011), Iceland (2009), Italy (2000), New Zealand (2007), Norway (1992), Portugal (2009), Romania (2008), San Marino (2010), Serbia (2005), Spain (2006), Sweden (1992, 2011) and Tunisia (2007)</p>	NADO	9
	Magistrates	5
	Government department /agency responsible for sport	3
	Sport federation	3
	Police	12
	Public prosecutor	11
	Other (please state)	5 (anti-doping committee; customs; consumer protection; public health; civil guard)
<p><b>Category B: General sports legislation</b> (e.g. including violence, corruption in sport as well as doping)</p> <p>Greece (2008), Luxembourg (2005), Mexico (2003) &amp; Nicaragua (2005),</p>	NADO	1
	Magistrates	2
	Government department/agency responsible for sport	1
	Sport federation	1
	Police	2
	Public prosecutor	3
	Other (please state)	2 (customs; min health; min public security)
<p><b>Category C: General drugs legislation</b> (indicated where coverage of WADA PEDS is limited)</p> <p>Belgium, Canada, Colombia, Finland, Guatemala, India, Japan, Latvia, Lithuania, Niger (partial coverage), Peru, Philippines, Russian Federation, Singapore, Slovakia, Sri Lanka, Swaziland, UK, United Arab Emirates (partial coverage), USA &amp; Uruguay</p> <p><b>Note:</b> Responses from Guatemala and USA unclear therefore not included. No data provided by Japan.</p>	NADO	3
	Magistrates	3
	Government department /agency responsible for sport	2
	Sport federation	1
	Police	15
	Public prosecutor	7
	Other (please state)	10 (narcotics bureau; min health/ public health; customs; border agency; medicines regulatory body)
<p><b>Category D: Other legislation</b> (medicines legislation, customs legislation, public health legislation, food and drugs legislation)</p> <p>Australia, Cuba, Ghana, Ireland, Kazakhstan, Morocco, Netherlands &amp; South Africa</p> <p><b>Note:</b> insufficient data from Morocco</p>	NADO	2
	Magistrates	1
	Government department/agency responsible for sport	1
	Sport federation	1
	Police	5
	Public prosecutor	1
	Other (please state)	5 (customs; min. public health; food & drugs board; medicines agency/ board)

### 6.3 Conduct of the investigation

A similar pattern of responsibility was found across the four categories in relation to the location of responsibility for the conduct of the investigation and the gathering of evidence. As is shown in Table 5 below the police were the most frequently mentioned agency although NADOs were also mentioned by a number of respondents as being involved in this stage of the process if the legislative foundation was a PEDS-specific trafficking law (those in Category A). NADOs and the governmental department/ministry/agency responsible for sport were also prominent in the process where tackling PEDS trafficking was covered by general drugs legislation (those in Category C). Among countries in Category A eight out of 19 (42%) provided a role for their NADO and among countries in Category C five out of 20 (25%) provided a role for either their NADO or their responsible sport department/ministry/agency. By contrast in countries in the other two categories NADOs were peripheral and the police or customs authorities were more likely to be identified as investigative agencies.

**Table 5. Responsibility for conduct of an investigation and gathering evidence (based on primary PEDS legislation)**

<b>Category A: PEDS-specific legislation</b>  Austria (1975 – 2008), China (2004), Cyprus (2009), DR Congo (2011), Denmark (1999), France (2008), Hungary (2011), Iceland (2009), Italy (2000), New Zealand (2007), Norway (1992), Portugal (2009), Romania (2008), San Marino (2010), Serbia (2005), Spain (2006), Sweden (1992, 2011) and Tunisia (2007)	NADO	8
	Magistrates	7
	Government department /agency responsible for sport	1
	Sport federation	2
	Police	15
	Public prosecutor	9
	Other (please state)	6 (anti-doping committee; public health office; consumer protection; customs; civil guard; public health)
<b>Category B: General sports legislation</b> (e.g. including violence, corruption in sport as well as doping)  Greece (2008), Luxembourg (2005), Mexico (2003) & Nicaragua (2005)	NADO	1
	Magistrates	1
	Government department/agency responsible for sport	1
	Sport federation	1
	Police	3
	Public prosecutor	3
	Other (please state)	1 (min health; min public security)
<b>Category C: General drugs legislation</b> (indicated where coverage of WADA PEDS is limited)  Belgium, Canada, Colombia, Finland, Guatemala, India, Japan, Latvia, Lithuania, Niger (partial coverage), Peru, Philippines, Russian Federation, Singapore, Slovakia, Sri Lanka, Swaziland, United Arab Emirates (partial coverage), United Kingdom, USA & Uruguay  <b>Note:</b> No data provided by Japan. Data from USA unclear.	NADO	3
	Magistrates	2
	Government department /agency responsible for sport	5
	Sport federation	1
	Police	15
	Public prosecutor	7
	Other (please state)	10 (health min; narcotics bureau; customs; border agency; medicines regulatory body)
<b>Category D: Other legislation</b> (medicines legislation, customs legislation, public health legislation, food and drugs legislation)  Australia, Cuba, Ghana, Ireland, Kazakhstan, Morocco, Netherlands & South Africa  <b>Note:</b> insufficient data from Morocco	NADO	2
	Magistrates	
	Government department/agency responsible for sport	2
	Sport federation	1
	Police	5
	Public prosecutor	1
	Other (please state)	3 (min health; medicines board; food and drugs board; min internal affairs)

#### 6.4 The decision to prosecute

The next stage in the investigative process for which data were gathered related to responsibility for making the decision to prosecute. As might have been expected this stage in the process sees the state authorities such as the police and public prosecutors adopt a central role. Although nine countries reported that their NADO was also able to make the decision to prosecute it should be noted that NADOs can prosecute only where they are competent to do so and that a hearing would take

place before a sport tribunal. As has been the case so far this responsibility was much more common among those countries that had PEDS-specific legislation (five of the nine were in Category A).

**Table 6. Responsibility for the decision to prosecute a case concerning the production, movement, importation, distribution and supply of PEDS (based on primary PEDS legislation)**

<b>Category A:</b> PEDS-specific legislation  Austria (1975 – 2008), China (2004), Cyprus (2009), DR Congo (2011), Denmark (1999), France (2008), Hungary (2011), Iceland (2009), Italy (2000), New Zealand (2007), Norway (1992), Portugal (2009), Romania (2008), San Marino (2010), Serbia (2005), Spain (2006), Sweden (1992, 2011) and Tunisia (2007)	NADO	5
	Magistrates	7
	Government department /agency responsible for sport	1
	Sport federation	2
	Police	4
	Public prosecutor	12
	Other (please state)	5 (procuratorate; attorney general; anti-doping committee; customs; indep. anti-doping cm; attorney general)
<b>Category B:</b> General sports legislation (e.g. including violence, corruption in sport as well as doping)  Greece (2008), Luxembourg (2005), Mexico (2003) & Nicaragua (2005)	NADO	1
	Magistrates	1
	Government department/agency responsible for sport	1
	Sport federation	1
	Police	1
	Public prosecutor	3
	Other (please state)	1 (min health; min public security)
<b>Category C:</b> General drugs legislation (indicated where coverage of WADA PEDS is limited)  Belgium, Canada, Colombia, Finland, Guatemala, India, Japan, Latvia, Lithuania, Niger (partial coverage), Peru, Philippines, Russian Federation, Singapore, Slovakia, Sri Lanka, Swaziland, United Arab Emirates (partial coverage), United Kingdom, USA & Uruguay  <b>Note:</b> No data provided by Japan. Data from USA unclear.	NADO	2
	Magistrates	6
	Government department /agency responsible for sport	3
	Sport federation	
	Police	8
	Public prosecutor	12
	Other (please state)	5 (narcotics agency; min health; customs; health inspectorate; medicines agency)
<b>Category D:</b> Other legislation (medicines legislation, customs legislation, public health legislation, food and drugs legislation)  Australia, Cuba, Ghana, Ireland, Kazakhstan, Morocco, Netherlands & South Africa  <b>Note:</b> insufficient data from Morocco	NADO	1
	Magistrates	
	Government department/agency responsible for sport	1
	Sport federation	1
	Police	2
	Public prosecutor	3
	Other (please state)	3 (min health; medicines board; food and drugs agency; min internal affairs)

## 6.5 Responsible court/tribunal

With regard to the type of court which deals with PEDS trafficking cases Table 7 below indicates the clear preference for using criminal courts to hear PEDS

trafficking cases. In those countries where there is PEDS-specific legislation there is also a more prominent role for sports tribunals with three countries allocating PEDS trafficking cases to a sports/anti-doping tribunal and a further five indicating that the case could be allocated to a sport/anti-doping tribunal or a criminal court.

**Table 7. Courts responsible for hearing PEDS trafficking cases**

<b>Category A: PEDS-specific legislation</b>  Austria (1975 – 2008), China (2004), Cyprus (2009), DR Congo (2011), Denmark (1999), France (2008), Hungary (2011), Iceland (2009), Italy (2000), New Zealand (2007), Norway (1992), Portugal (2009), Romania (2008), San Marino (2010), Serbia (2005), Spain (2006), Sweden (1992, 2011) and Tunisia (2007)	Criminal	7
	Civil	1
	Administrative (e.g. sport tribunal)	3
	Criminal and Civil	2
	Criminal & Administrative	5
	Criminal, Civil & Administrative	1
	Other	
<b>Category B: General sports legislation</b> (e.g. including violence, corruption in sport as well as doping)  Greece (2008), Luxembourg (2005), Mexico (2003) & Nicaragua (2005)	Criminal	2
	Civil	
	Administrative (e.g. sport tribunal)	
	Criminal and Civil	
	Criminal, Civil & Administrative	
	Criminal & Administrative	2
<b>Category C: General drugs legislation</b> (indicated where coverage of WADA PEDS is limited)  Belgium, Canada, Colombia, Finland, Guatemala, India, Japan, Latvia, Lithuania, Niger (partial coverage), Peru, Philippines, Russian Federation, Singapore, Slovakia, Sri Lanka, Swaziland, United Arab Emirates (partial coverage), United Kingdom, USA & Uruguay  <b>Note:</b> No data provided by Japan. Data from USA unclear.	Criminal	7
	Civil	
	Administrative (e.g. sport tribunal)	1
	Criminal and Civil	2
	Criminal, Civil & Administrative	3
	Criminal & Administrative	4
	Other	2 (local court; min health)
<b>Category D: Other legislation</b> (medicines legislation, customs legislation, public health legislation, food and drugs legislation)  Australia, Cuba, Ghana, Ireland, Kazakhstan, Morocco, Netherlands & South Africa  <b>Note:</b> insufficient data from Morocco	Criminal	4
	Civil	
	Administrative (e.g. sport tribunal)	1
	Criminal, Civil & Administrative	1
	Criminal & Administrative	1
	Civil & Administrative	
Other		

## 6.6 Number of cases processed

Respondents were also asked to provide information regarding the number of cases related to PEDS trafficking that had been dealt with since the introduction of the PEDS-specific legislation (see Table 8 below). Many Member States that had not introduced PEDS-specific legislation provided data relating to amended general

drugs legislation. Partly because of the relatively recent introduction of much PEDS legislation it is difficult to draw firm conclusions. However, there does seem to be a greater likelihood of cases which, once identified for investigation, proceed to court and to conviction, if the legislative foundation rests on a PEDS-specific law.

Across the four categories of legislation there is a broad similarity in the range of penalties applied irrespective of the legal basis for action. The most significant difference is that those countries with PEDS-specific legislation (Cat A) were much more likely to possess data regarding the investigation and prosecution of PEDS cases. However, even one country in Category A reported that they could not disaggregate PEDS related trafficking cases from the national court database. Finally, it should be borne in mind that many of the countries in Category A are working with relatively recent PEDS-specific legislation which will affect the number of cases reported.

**Table 8. Number of cases concerning the production, movement, importation, distribution and supply of PEDS investigated and referred to the court system**

<b>Stages in the investigative process</b>		<b>Category A:</b> PEDS-specific legislation	<b>Category B:</b> General sports legislation	<b>Category C:</b> General drugs legislation	<b>Category D:</b> Other legislation
Since the PEDS legislation ...					
... approximately how many cases of production, movement, importation, distribution and supply of PEDS have been investigated?	<10	8	3	4	2
	11-25				
	26-100	4			1
	>100	4	1	8	2
... how many cases have been brought to court?	<10	8	3	2	1
	11-25	2			1
	26-100	2			
	>100	4	1	7 )	2
... how many cases have resulted in a conviction for the production, movement, importation, distribution and supply of PEDS?	<5	10	2	2)	2
	6-10				
	11-25	1			
	26-100	2		1	
	>100	2	1	6	1
... what was the typical penalty imposed?  <b>Note:</b> France does not distinguish between <12 months and > 12 months imprisonment.	Imprisonment <12 months	2		1	
	Imprisonment >12 months	1		1	
	Fines	6		2	2
	Professional sanction (e.g. loss of licence)		1	1	
	Imprisonment and fines	4		3	3
	Imprisonment, fines and professional sanction	3	2	1	
	Fines & professional sanction	1	1		
	Other (please state) (Closure of factories; suspended prison sentences;		1	1	1



## 7.0 Problems of implementation

The final question in this section asked if there were 'any particular problems in prosecuting cases concerning PEDS trafficking. Seventeen Member States responded to this question and their full comments are given in Appendix B. The main issues raised in relation to implementation were as follows:

### 7.1 Penalties

Penalties are relatively low and therefore have a poor deterrent value (Australia).

Sentencing practices are 'unestablished' (Finland).

Only administrative sanctions are available (Iceland).

Only financial sanctions are available for trafficking (Lithuania).

### 7.2 Low priority

Prosecuting PEDS cases is relatively low priority for (non-sport) enforcement agencies (Australia, DR Congo).

Shortage of funding and corruption of officials inhibit effective implementation (Nicaragua). Implementation is a low priority in part due to use of PEDS by police (South Africa).

### 7.3 Lack of knowledge among police and prosecution services (Netherlands, Serbia).

### 7.4 Some legislation remains ambiguous or limited in scope e.g. in Colombia reference is made to 'delivery' not trafficking.

### 7.5 Problems in a contiguous policy area

In Mexico a major problem is in the agriculture industry and the control of excessive drugs given to beef cattle.

### 7.6 Lack of harmonisation between European states (France).

### 7.7 No penalty for 'use' (France).

### 7.8 Information exchange

Difficulties in the exchange of information among domestic agencies (France, Portugal, Serbia, Tunisia).

Recording of data is poor (Netherlands).

7.9 **Performance enhancement is not a criterion for inclusion** of substances in remit of public authorities (USA).

## 8.0 **Data exchange with Interpol**

A series of questions were asked about the extent to which and the process by which data were passed on to Interpol. Consistent with the previous pattern of responses it was countries with PEDS-specific legislation which were more likely to pass on statistics on prosecutions and successful convictions to Interpol. Six out of the 18 countries in Category A already passed on data to Interpol by comparison to only four out of 20 in Category C (general drugs legislation). In response to the question regarding the possibility of passing data on to Interpol positive responses were received from a broad cross-section of countries across all four categories. As regards the organisation responsible for communicating with Interpol by far the most frequently mentioned organisation was the police. Other organisations that were mentioned included the Ministry of the Interior and the Ministry of Security. In only one country did the NADO fulfil this role.

**Table 9.** Contact with Interpol

Country category	Country	Are statistics on prosecutions and successful convictions concerning the production, movement, importation, distribution and supply of PEDS passed on to Interpol?	If statistics are passed on to Interpol which agency has responsibility for passing on the data?	If statistics are not passed on to Interpol is it possible that they could be in the future?	If statistics were to be passed on to Interpol in the future which agency would have responsibility?
Category A  PEDS-specific legislation	Austria	-	-	-	-
	China	No?	Ministry of Security	Yes	Ministry of Security
	DR Congo	Yes	NAD Committee/Nat. Cm for fight against drugs Police	-	-
	Cyprus	No	-	Yes	Police
	Denmark	No	-	No	-
	France	Yes	OCLAESP (Groupe relations internationales) à travers le Bureau Central National (BCN) Paris	-	OCLAESP via BCN Paris
	Hungary	No	-	Yes	-
	Iceland	-	-	-	-
	Italy	Yes	Police forces	-	-
	New Zealand	No	-	Yes	National Drug Intelligence Bureau
	Norway	No	-	Yes	National Criminal Investigation Service
	Portugal	Yes	Police	-	-
	Romania	No	-	Yes	NADO via INTERPOL National Office
	San Marino	No	-	No	-
	Serbia	Yes	Ministry of Interior (police)	-	-
	Spain	No	Security services via national Interpol office	Yes	To be determined
Sweden	No	-	Yes	-	
Tunisia	Yes	Ministry of the Interior	-	-	

<b>Category B</b> General sports legislation (e.g. including violence, corruption in sport as well as doping)	<b>Greece</b>	Not known	Police (nat. Interpol office?)	Yes	Police via national office of Interpol
	<b>Luxembourg</b>	No	-	Yes	Judicial police (service de police judiciaire)
	<b>Mexico</b>	-	-	-	-
	<b>Nicaragua</b>	No	-	-	-
<b>Category C</b> General drugs legislation (indicated where coverage of WADA PEDS is partial)	<b>Belgium – Flanders</b>	Sometimes	-	Yes	-
	<b>Canada</b>	-	-	-	RCMP/police agencies
	<b>Colombia</b>	No	-	Yes	NADO
	<b>Finland</b>	No	-	Yes	Nat. Bureau of Investigation
	<b>Guatemala</b>	No	-	Yes	NADO
	<b>India</b>	No	-	No (no data collected)	-
	<b>Japan</b>	No	-	-	-
	<b>Latvia</b>	No	-	Yes	State police/ Min Interior
	<b>Lithuania</b>	No	-	Yes	-
	<b>Niger</b>	Yes	Judicial police	-	-
	<b>Peru</b>	Yes	National police	-	-
	<b>Philippines</b>	No	-	Yes	Philippine Drug Enforcement Agency
	<b>Russian Federation</b>	No	-	No	-
	<b>Singapore</b>	-	-	-	-
	<b>Slovakia</b>	No	-	Yes	NADO
	<b>Sri Lanka</b>	No	-	No	-
	<b>Swaziland</b>	No	-	Yes	Royal Swaziland Police
	<b>United Arab Emirates</b>	Yes	Min Interior	-	-
	<b>United Kingdom</b>	Yes	Home Office	-	-
	<b>United States of America</b>	-	-	-	-
<b>Uruguay</b>	No	-	Yes	Doping control department, Min of Tourism and Sport	

<b>Category D</b>  Other legislation (customs; medicines legislation, public health legislation, food and drugs legislation)	<b>Australia</b>	Yes	Federal police	-	-
	<b>Cuba</b>	No	-	-	-
	<b>Ghana</b>	No	-	Yes	Police, BNI (?)
	<b>Ireland</b>	Yes	Irish Medicines Board	-	-
	<b>Kazakhstan</b>	-	-	-	-
	<b>Morocco</b>	-	-	-	-
	<b>Netherlands</b>	No	-	Yes	Department of Safety and Justice
	<b>South Africa</b>	Not known	-	Yes	NADO

## 9.0 Impact of laws on the production, movement, importation, distribution and supply of PEDS

The final section of the survey asked members states for an overall assessment of the success of the law or laws in tackling the production, movement, importation, distribution and supply of PEDS. The contrast between the four categories of country is striking. By far the most positive assessment is provided by those countries which have introduced PEDS-specific legislation. Ten out of 18 countries rated the laws 'extremely' or 'very' successful in tackling PEDS trafficking and all but two (Hungary and Serbia) provided a positive evaluation.

**Table 10. Assessment of success of the law or laws in tackling the production, movement, importation, distribution and supply of PEDS**

Country category	Country	Extremely successful	Very successful	Moderately successful	No clear impact	It has made tackling sale and supply of PEDS more difficult
Category A PEDS-specific legislation	Austria		✓			
	China	✓				
	DR Congo			✓		
	Cyprus		✓			
	Denmark		✓			
	France		✓			
	Hungary				✓	
	Iceland			✓		
	Italy		✓			
	New Zealand		✓			
	Norway			✓		
	Portugal			✓		
	Romania		✓			
	San Marino			✓		
	Serbia					✓
	Spain			✓		
	Sweden			✓		
Tunisia				✓		
Category B General sports legislation	Greece		✓			
	Luxembourg			✓		
	Mexico			✓		
	Nicaragua			✓		

<p><b>Category C</b></p> <p>General drugs legislation (indicated where coverage of WADA PEDS is partial)</p>	<p><b>Belgium – Flanders</b></p> <p><b>Canada</b></p> <p><b>Colombia</b></p> <p><b>Finland</b> (no response)</p> <p><b>Guatemala</b></p> <p><b>India</b></p> <p><b>Japan</b></p> <p><b>Latvia</b></p> <p><b>Lithuania</b></p> <p><b>Niger</b></p> <p><b>Peru</b></p> <p><b>Philippines</b></p> <p><b>Russian Fed</b></p> <p><b>Singapore</b></p> <p><b>Slovakia</b></p> <p><b>Sri Lanka</b></p> <p><b>Swaziland</b></p> <p><b>UAE</b></p> <p><b>UK</b> (no response)</p> <p><b>USA</b> (no response)</p> <p><b>Uruguay</b> (no response)</p>	<p>✓</p>	<p>✓</p>	<p>✓</p>	<p>✓</p>	<p>✓</p>
<p><b>Category D</b></p> <p>Other legislation (customs; medicines legislation, public health legislation, food and drugs legislation)</p>	<p><b>Australia</b></p> <p><b>Cuba</b></p> <p><b>Ghana</b></p> <p><b>Ireland</b></p> <p><b>Kazakhstan</b> (no response)</p> <p><b>Morocco</b> (no response)</p> <p><b>Netherlands</b></p> <p><b>South Africa</b> (no response)</p>	<p>✓</p>	<p>✓</p>	<p>✓</p>	<p>✓</p>	<p>✓</p>

## 10.0 Conclusions

10.1 The research identified two broad approaches to tackling the issue of the production, movement, importation, distribution and supply of performance-enhancing drugs in sport. The first approach was to introduce laws specifically designed to address PEDS trafficking and the second was to utilise and/or amend existing legislation concerned with recreational drugs. Successful sporting countries were more likely to be found among the former group. More importantly countries which had introduced PEDS-specific legislation were more likely to have a NADO which is actively involved in the investigative process concerning PEDS trafficking. In addition, countries which had introduced PEDS-specific legislation appeared to be more likely to pursue cases through to conviction. However, two caveats are required, first, where PEDS-specific legislation is absent identifying PEDS cases from among the range of general drugs cases is not easy and second, much of the PEDS-specific legislation is relatively recent and there is often a time-lag between the introduction of new legislation and its incorporation into the routines of the police, the prosecution services and the courts.

10.2 Although much of the PEDS-specific legislation is relatively recent there is sufficient evidence to conclude that having such legislation adds substantial momentum to tackling PEDS trafficking.

10.3 Successful sporting nations are more likely to have PEDS-specific legislation in place which covers all prohibited substances on the WADA list and are also more likely to have an active NADO. By implication they are also more likely to have governments which are supportive of anti-doping activity and have a regulatory culture.

10.4 There are also successful sporting countries, such as the United Kingdom, Australia and the United States, which have a strong public commitment to anti-doping and which have active NADOs, but which rely on a range of more general legislation to tackle PEDS trafficking. While all of these countries can point to successes in prosecuting PEDS trafficking cases they tend collectively to be less active or effective in pursuing PEDS trafficking cases through to successful conviction. In large part this is due to the limited coverage by existing legislation (whether medicines, recreational drugs, public health etc.) of substances on the WADA list. The United States, which has made considerable progress in tackling doping in sport in recent years, is a good example. PEDS trafficking falls under the remit of the Controlled Substances Act (CSA), but 'there is not a comprehensive set of PEDS chemicals included within the purview of the CSA; rather, only those PEDS which have additional characteristics of abuse potential or health risk are listed under CSA'. While anabolic steroids, for example, are covered and traffickers can receive a prison term 'many substances of concern for PEDS are not addressed under CSA scheduling' and are unlikely to be addressed as 'the criteria for inclusion of any particular substance under CSA and scheduling purview are distinct from their impact on performance-enhancement, per se' (personal correspondence, June 2012).

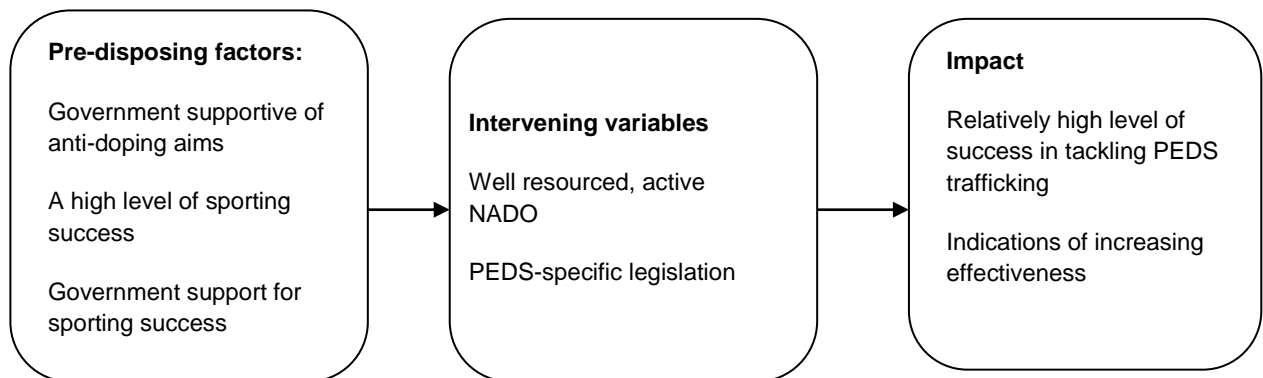
10.5 The problems mentioned in paragraph 10.4 are often a reflection of the broad philosophy of a government (non-interventionist and/or neo-liberal) or a country's



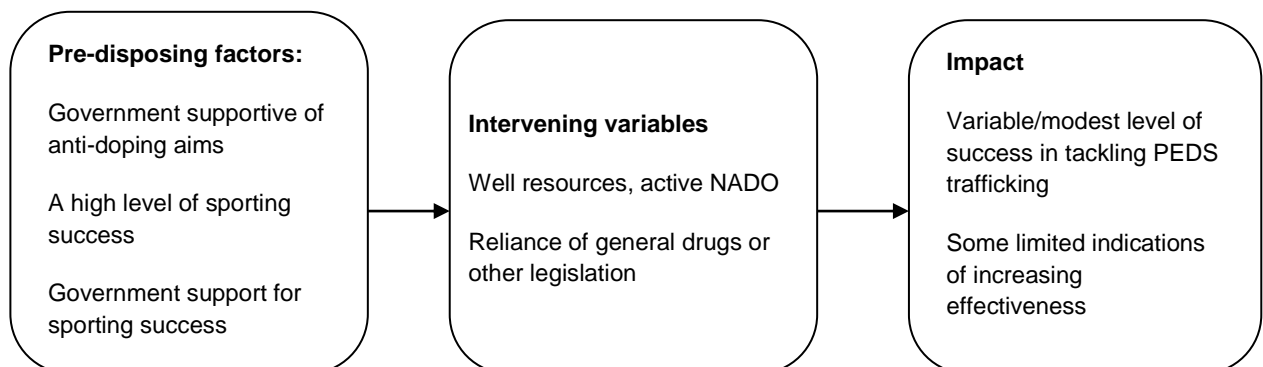
constitutional and legislative tradition (strong federalism). They tend to reflect the traditional characteristics of the role of the state in the country, which has particular impact on the legislative/regulatory framework. However, even when there is strong governmental commitment and where coverage of substances on the WADA list is substantial there can still be problems as illustrated by the evidence from the Netherlands. Research conducted for the Dutch Ministry of Justice found that since the amendment of the relevant legislation in 2001 a number of bottlenecks remain. The report referred to: 1) the 'low priority given to trade in doping' by police and the prosecution service; 2) the lack of familiarity with PEDS 'doping cases amongst the police and the Public Prosecution Service'; 3) that it is 'quite difficult to find records of doping trade in the registrations'; and 4) that the 'number of criminal cases has not increased after the amendment of the Act'. However, more positively the report concluded that despite these weaknesses there has been an increase in the number of investigations started, that more sophisticated investigation techniques have been deployed and that 'cooperation between the Public Prosecution Service and the FIOD-ECD [customs and tax agency] with regard to doping investigations have intensified during the last few years'. As is clear from the summary data provided in section 7.0 and provided more fully in Appendix B the relatively low priority given to PEDS trafficking is a problem common to a number of countries.

10.6 Two models of tackling PEDS trafficking have emerged. Model I has PEDS-specific legislation and a central role for the NADO as intervening variables while model II has a more diffuse set of agents as intervening variables.

### Model I



### Model II



## Appendices

Appendix A. Survey questionnaire

**The content and enforcement of  
Anti-Doping legislation concerned  
with the production, movement,  
importation, distribution and  
supply of performance-enhancing  
drugs in sport (PEDS)**

\*

**Country**



United Nations Educational,  
Scientific and Cultural Organization



## Notes on completing the questionnaire

This is the second phase of a research project conducted by UNESCO in partnership with the World Anti-Doping Agency (WADA). The project looks at what legislative controls are in place amongst UNESCO Member States to control the sale and supply of performance-enhancing drugs. In 2008, an initial desk research exercise identified a number of jurisdictions as having legislative controls in place. This second phase seeks to validate these findings, by identifying the specific types of legislation in place, the offences established, the range of possible penalties for infractions, and the agency responsible for enforcement of the legislation.

The questionnaire should be completed by the official within the agency or department responsible for the prosecution of anti-doping cases concerning the production, movement, importation, distribution and supply of performance-enhancing drugs

The questionnaire is in three sections.

**Section A** asks for your contact details which may be needed if we require any clarification of the information provided.

**Section B** asks for:

- Information about legislation specifically related to the production, movement, importation, distribution and supply of performance-enhancing drugs
- Information about other legislation that has been used in relation to the production, movement, importation, distribution and supply of performance-enhancing drugs
- information about how the legislation has been used

**Section C** asks for your assessment of the impact of the legislation and requests a copy of the relevant legislation

**Please return the completed questionnaire by 14 March 2012 either:**

a) by email attachment to: Elise Auvachez-Millot, [e.auvachez@unesco.org](mailto:e.auvachez@unesco.org)

or

b) by completing a paper copy and mailing it to:

Elise Auvachez-Millot, Anti-Doping Programme, Social and Human Sciences Sector, UNESCO, 1 rue Miollis, 75352 Paris, France.

**If you have any questions regarding the questionnaire and its completion please contact Barrie Houlihan (Loughborough University):**

**Email:** [B.M.J.Houlihan@lboro.ac.uk](mailto:B.M.J.Houlihan@lboro.ac.uk)

**Telephone:** +44(0)1509 226364

## Section A: Contact information

<b>A1.</b> Your name	
<b>A2.</b> Name of your organisation	
<b>A3.</b> Name of the organisation with responsibility for anti-doping in your country	
<b>A4.</b> Your telephone number	
<b>A5.</b> Your email address	
<b>A6.</b> Your postal address	

## Section B: Legislation concerning the production, movement, importation, distribution and supply of performance-enhancing drugs

### Notes for guidance

**Definition of PEDS.** PEDS are all those substances included in the 2011 list of prohibited substances published by the World Anti-Doping Agency (WADA) available at <http://www.wada-ama.org/en/World-Anti-Doping-Program/Sports-and-Anti-Doping-Organizations/International-Standards/Prohibited-List/The-2011-Prohibited-List/>

**Definition of ‘production, movement, importation, distribution and supply’.** The phrase ‘production, movement, importation, distribution and supply’ might be interpreted differently in different countries. The definition adopted by UNESCO and WADA is a broad one and includes:

- the *production* or manufacture of PEDS in whatever quantity
- *movement and distribution* of PEDS in one country or the *movement, importation and distribution* across national borders
- the *supply* of any amount of PEDS whether large or small and whether the sale and supply is to another seller or to the final individual user

**B1. Please provide information about legislation which is specifically concerned with the production, movement, importation, distribution and supply of PEDS**

<b>Title of legislation:</b>	
<b>Date of enactment:</b>	
<b>Date of major amendments:</b>	
<b>WADA substances covered by legislation includes:</b>	
<b>Specific offences</b>	<b>Penalties</b>
a)	a)
b)	b)
c)	c)

--	--

**B2. The questions below ask for information about how the PEDS legislation identified in question B1 has been used.**

According to the PEDS legislation:	Please tick ( ✓ ) all that apply	
...which agency (or agencies) makes the <b>decision to launch and investigation</b> of a breach of the law on production, movement, importation, distribution and supply of PEDS?	NADO	
	Magistrates	
	Government department /agency responsible for sport	
	Sport federation	
	Police	
	Public prosecutor	
	Other (please state)	
...which agency (or agencies) is responsible for <b>investigating and gathering evidence</b> relating to the production, movement, importation, distribution and supply of PEDS?	NADO	
	Magistrates	
	Government department/agency responsible for sport	
	Sport federation	
	Police	
	Public prosecutor	
	Other (please state)	
...which agency (or agencies) is responsible for making the <b>decision to prosecute</b> a case concerning the production, movement, importation, distribution and supply of PEDS?	NADO	
	Magistrates	
	Government department/agency responsible for sport	
	Sport federation	
	Police	
	Public prosecutor	
	Other (please state)	
...to which type of court does the case go?	Criminal	
	Civil	
	Administrative (e.g. sport tribunal)	
	Other (please state)	



Since the PEDS legislation ...	Please tick ( ✓ )	
... approximately how many cases of production, movement, importation, distribution and supply of PEDS have been investigated?	<10	
	11-25	
	26-100	
	>100	
... how many cases have been brought to court?	<10	
	11-25	
	26-100	
	>100	
... how many cases have resulted in a conviction for the production, movement, importation, distribution and supply of PEDS?	<5	
	6-10	
	11-25	
	26-100	
	>100	
... what was the typical penalty imposed?	Imprisonment <12 months	
	Imprisonment >12 months	
	Fines	
	Professional sanction (e.g. loss of licence)	
	Other (please state)	
... are there any particular problems in prosecuting cases concerning production, movement, importation, distribution and supply of PEDS?		

The following questions ask for information about amendments to other legislation in order to deal with the production, movement, importation, distribution and supply of PEDS

<b>B2.1</b> Have any amendments been made to the <b>laws on the production, movement, importation, distribution and supply of narcotics and recreational drugs</b> specifically to include PEDS such as anabolic steroids, beta blockers and hormones and related substances?  Please tick ( ✓ ) the correct answer.	<b>Yes</b> (Please go to question B2.2, then B2.3)	
	<b>No</b> (Please go to question B3.1)	

<b>B2.2 Please provide the title and date of amendment/enactment of the legislation</b>

<b>B2.3 Under the legislation mentioned in B2.2 ...</b>	<b>Please tick ( ✓ )</b>	
... approximately how many cases of production, movement, importation, distribution and supply of PEDS have been investigated?	<10	
	11-25	
	26-100	
	>100	
... how many cases have been brought to court?	<10	
	11-25	
	26-100	
	>100	
... how many cases have resulted in a conviction for the production, movement, importation, distribution and supply of PEDS?	<5	
	6-10	
	11-25	
	26-100	
	>100	
... what was the typical penalty imposed?	Imprisonment <12 months	
	Imprisonment >12 months	
	Fines	
	Professional sanction (e.g. loss of licence)	
	Other (please state)	
... are there any particular problems in prosecuting cases concerning production, movement, importation, distribution and supply of PEDS using this law?		

<b>B3.1</b> Have any amendments been made to <b>customs and excise legislation</b> specifically to include the production, movement, importation, distribution and supply of PEDS such as anabolic steroids, beta blockers and hormones and related substances?  Please tick ( ✓ ) the correct answer.	<b>Yes</b> (Please go to question B3.2, then B3.3)	
	<b>No</b> (Please go to question B4.1)	

<b>B3.2 Please provide the title and date of amendment/enactment of the legislation</b>

<b>B3.3 Under customs and excise legislation ...</b>	<b>Please tick ( ✓ )</b>	
... approximately how many cases of production, movement, importation, distribution and supply of PEDS have been investigated?	<10	
	11-25	
	26-100	
	>100	
... how many cases have been brought to court?	<10	
	11-25	
	26-100	
	>100	
... how many cases have resulted in a conviction for the production, movement, importation, distribution and supply of PEDS?	<5	
	6-10	
	11-25	
	26-100	
	>100	
... what was the typical penalty imposed?	Imprisonment <12 months	
	Imprisonment >12 months	
	Fines	
	Professional sanction (e.g. loss of licence)	
	Other (please state)	
... are there any particular problems in prosecuting cases concerning production, movement, importation, distribution and supply of PEDS using this law?		

<b>B4.1</b> Have any amendments been made to <b>medicines or pharmaceuticals legislation</b> specifically to include the production, movement, importation, distribution and supply of PEDS such as anabolic steroids, beta blockers and hormones and related substances?  Please tick ( ✓ ) the correct answer.	<b>Yes</b> (Please go to question B4.2, then B4.3)	
	<b>No</b> (Please go to question B5.1)	

<b>B4.2 Please provide the title and date of amendment/enactment of the legislation</b>

<b>B4.3 Under medicines or pharmaceuticals legislation ...</b>	<b>Please tick ( ✓ )</b>	
... approximately how many cases of production, movement, importation, distribution and supply of PEDS have been investigated?	<10	
	11-25	
	26-100	
	>100	
... how many cases have been brought to court?	<10	
	11-25	
	26-100	
	>100	
... how many cases have resulted in a conviction for the production, movement, importation, distribution and supply of PEDS?	<5	
	6-10	
	11-25	
	26-100	
	>100	
... what was the typical penalty imposed?	Imprisonment <12 months	
	Imprisonment >12 months	
	Fines	
	Professional sanction (e.g. loss of licence)	
	Other (please state)	
... are there any particular problems in prosecuting cases concerning production, movement, importation, distribution and supply' of PEDS using this law?		



**B5.1 If you have any other legislation that covers the production, movement, importation, distribution and supply of PEDS please give details below.**

<b>Other legislation concerned with the production, movement, importation, distribution and supply of PEDS</b>	
<b>Title of legislation</b>	
<b>Date of enactment</b>	
<b>WADA substances covered by the legislation</b>	
<b>Penalties</b>	

<b>B5.2 Under this legislation ...</b>	<b>Please tick ( ✓ )</b>	
... approximately how many cases of production, movement, importation, distribution and supply of PEDS have been investigated?	<10	
	11-25	
	26-100	
	>100	
... how many cases have been brought to court?	<10	
	11-25	
	26-100	
	>100	
... how many cases have resulted in a conviction for the production, movement, importation, distribution and supply of PEDS?	<5	
	6-10	
	11-25	
	26-100	
	>100	
... what was the typical penalty imposed?	Imprisonment <12 months	
	Imprisonment >12 months	
	Fines	
	Professional sanction (e.g. loss of licence)	
	Other	
... are there any particular problems in prosecuting cases concerning production, movement, importation, distribution and supply of PEDS using this law?		

## B6 Contact with Interpol

Please tick ( ✓ )

B6.1 Are statistics on prosecutions and successful convictions concerning the production, movement, importation, distribution and supply of PEDS passed on to Interpol?	Yes	
	No	
B6.2 If statistics are passed on to Interpol which agency has responsibility for passing on the data?		
B6.3 If statistics are not passed on to Interpol is it possible that they could be in the future?	Yes	
	No	
B6.4 If statistics were to be passed on to Interpol in the future which agency would have responsibility?		



**Section C: Impact of legislation on the production, movement, importation, distribution and supply of PEDS**

This question asks for your assessment of the impact of the law(s) on the production, movement, importation, distribution and supply of PEDS. (Please ✓ )

	Extremely successful	Very successful	Moderately successful	No clear impact	It has made tackling sale and supply of PEDS more difficult
How successful has the law (or laws) been in tackling the problem of the production, movement, importation, distribution and supply of PEDS?					

**Finally**, could you please supply a copy (by email attachment, hard copy or a web address) of the legislation on the production, movement, importation, distribution and supply' of PEDS and of relevant amendments to other legislation to which you referred?

**Thank you very much for taking the time to complete this questionnaire.**

## Appendix B. Comments on problems of implementation (translations by the authors)

**Australia.** “The penalties for S1 and S2 substances are relatively low and their effectiveness as a deterrent is also therefore low. Prosecuting cases concerning performance enhancing drugs is not as high a priority when compared to other types of drug offences, particularly those relating to illicit drugs”

**Belgium.** “Plusieurs propositions de loi ont été formulées pour introduire des circonstances aggravantes (en cas de vente aux mineurs, la maladie ou la mort suite à l'ingestion de produits interdits, activités en l'association) dans le cadre de la législation relative aux hormones (AR 12.04.1974) et ce par analogie avec les lois relatives drogues.”

[Several bills have been proposed to introduce aggravating circumstances (in case of sale to minors, disease or death from ingestion of banned substances, in association activities) as part of the legislation on hormones (AR 12/04/1974) and by analogy with the drug laws]

**China** “no [particular problems]”

**Columbia** “La legislación se queda corta frente al establecimiento de las sustancias y solo refiere al verbo rector de SUMINISTRO, dejando por fuera la producción, circulación, importación y distribución.”

[The legislation falls short of the establishment of the substances and only refers to DELIVERY (governing verb), leaving out the production, circulation, import and distribution.]”

**Cuba** “No se han registrado”

[There have been no [cases?]]

**DR Congo** “Un certain laxisme est à noter”

[A certain laxity is noted]

**Finland** “Sentencing practices in doping offences in Finland are still quite unestablished. Especially, estimating the limit of “the considerably large amount of doping substances” varies. (Source; Kainulainen, Heini (2011); Rangaistuskäytäntö dopingrikoksissa ('Sentencing practice on doping offences'; in Finnish; National Research Institute of Legal Policy. Research Communications 110)

**France.** “Plusieurs problèmes particuliers:

- L'absence d'harmonisation entre législations nationales des Etats européens
- La législation française, bien que largement améliorée depuis 2008, ne prévoit pas la pénalisation de l'usage.
- Nombreuses difficultés dans les échanges d'informations entre autorités concernées : pour l'instant un nombre réduit d'administration peuvent échanger ce type d'informations dans le cadre de commissions régionales de lutte contre le trafic. La création prochaine d'une instance nationale qui aura un rôle d'animation et de coordination de l'action des commissions régionales permettra de renforcer la coopération interministérielle de manière à accroître l'effectivité globale des actions judiciaires en matière de lutte contre les trafics de substances ou méthodes dopantes

[Several problems:

- Lack of harmonization between national laws of European states
- French law, although vastly improved since 2008, does not provide for penalties for use.
- Many difficulties in the exchange of information between relevant authorities: for now a small number of directors may exchange such information as part of regional commissions against trafficking. The forthcoming creation of a national authority that will have a leadership role and coordinate the activities of regional commissions will strengthen inter-ministerial cooperation in order to increase the overall effectiveness of legal actions in the fight against trafficking substances or doping methods]

**Ghana** “There is no legislation specific to PEDS”

**Iceland** “The Anti-doping laws makes it possible to sanction both athletes and athlete support personnel on offences related to production, movement and distribution of PEDS. However the sanctions are only applicable within the sports movement and only can ban the persons related to the offence from participating in sport for certain time.”

**Lithuania** “Some PEDS are not covered by law mentioned above. Just financial fines as for illegal business can be imposed for production, movement, importation, distribution of those particular PEDS. Currently Ministry of Health of the Republic of Lithuania is preparing the Law on Particular Doping Substances.”

**Mexico** “Se presentaron resultados analíticos Adversos con clenbuterol (agonista beta, usado como anabolizante, incluido en la lista de sustancias prohibidas de la AMA), en nuestros deportistas por comer carne contaminada, esto se presentó en la Federación Mexicana de Fútbol (FEMEXFUT) en el 2011.

En México se celebraron 2 eventos Internacionales en ese mismo año y CONADE con las diferentes Instancias Gubernamentales establecieron la estrategia para el combate del uso de Clenbuterol en la producción de carne, con la participación de: Procuraduría General de Justicia (PGR), Servicio Nacional de Sanidad, Inocuidad y Calidad Agroalimentaria (SENASICA), Comisión Federal para la Protección contra Riesgos Sanitarios (COFEPRIS), Comisión Nacional de Cultura Física y Deporte (CONADE), Secretaría de Seguridad Pública (SSP), Servicio de Administración Tributaria (SAT) y Aduanas-México.

Derivado de varias reuniones de trabajo entre éstas instancias, se llegó al emprender las siguientes acciones:

La suspensión de actividades de rastros donde se detecte que procesan carne contaminada con clenbuterol.

La obtención de órdenes de cateo para SENASICA y PGR para la inspección de ranchos en donde se crió el ganado cuya carne se detectó contaminada por COFEPRIS.

1. Integración de los elementos que aporten SENASICA Y COFEPRIS, que permitan la consignación de los responsables de la administración de los ranchos y rastros.
2. La Policía Federal, Se encargará de mapear redes de distribución de clenbuterol, de acuerdo a los aportes que haga COFEPRIS, SENASICA y PGR.
3. SAT, Coordinará y detectará la importación de los medicamentos y suplementos alimenticios que contengan clenbuterol.

También se tomaron acciones preventivas como:

1. COFEPRIS realizó operativos sorpresa en los hoteles de los Juegos Panamericanos, si se encuentra carne contaminada con clenbuterol se procedía a clausurar cocinas, establecimientos de proveedores de dicha carne.
2. Se realizaron muestreos aleatorios en la Población por parte de COFEPRIS y SSA, en la Ciudad de Guadalajara, Zapopan, Tlaquepaque, Tonalá y Puerto Vallarta.
3. Blindaron Comedores en los lugares de entrenamiento y de los eventos; además de generar una guía para deportistas, la cual se integró por CONADE, SENASICA y COFEPRIS.
4. Aduana, para prevenir la entrada de fármacos y suplementos alimenticios que contengan clenbuterol se revisaron a los equipos que asistan a los Juegos panamericanos en 3 puntos: Revisión de equipaje, Pruebas aleatorias, cruce de información de los permisos de importación solicitados a COFEPRIS para detectar sustancias con clenbuterol.
5. Control de fármacos.
  - a) Prohibir el empleo de clenbuterol en suplementos alimenticios.
  - b) Retención de receta al surtir medicamentos que contengan dicho fármaco.
6. Blindar la cadena de suministro de carne.

Derivado de este esfuerzo Interinstitucional, la COFEPRIS, clausuró aproximadamente 10 rastros donde se encontró carne contaminada con clenbuterol, contribuyendo así, a prevenir el riesgo sanitario por intoxicación de clenbuterol en humanos, prevenir un Resultado Analítico Adverso en deportistas, prevenir que la imagen de México y la Industria Ganadera se vieran lesionados por un caso positivo, especialmente en juegos panamericanos y Sancionar de manera eficiente el uso de del clenbuterol a través de procesos penales y administrativos que refuercen a la presencia y percepción del riesgo.

[Adverse analytical results were presented with clenbuterol (beta agonist, used as anabolic, included in the prohibited list of WADA), in our athletes by eating contaminated meat, this was presented at the Mexican Football Federation (FEMEXFUT) in 2011 .

In Mexico 2 International events were held that year and CONADE with different government established the strategy for combating the use of clenbuterol in meat production, with the participation of: Attorney General (PGR), National Health, Safety and Quality (SENASICA), Federal Commission for Protection against Health Risks (COFEPRIS), National Commission of Physical Culture and Sports (CONADE), Ministry of Public Security (SSP), Tax Administration Service (SAT) and Customs - Mexico.

Derived from several meetings between these instances, it was to undertake the following actions: The suspension of activities where we detect traces processed meat contaminated with clenbuterol. Obtaining search warrants for SENASICA and PGR for the inspection of farms where cattle are raised, the meat was found contaminated by COFEPRIS.

1. Integration of the elements that contribute SENASICA And COFEPRIS, allowing the appropriation of those responsible for the management of farms and slaughterhouses.
2. The Federal Police is responsible for mapping distribution networks of clenbuterol, according to the contributions they make COFEPRIS SENASICA and PGR.
3. SAT, coordinate and detect the importation of medicines and dietary supplements containing clenbuterol.

I also took preventive actions such as:

1. COFEPRIS made operational surprise in the hotels of the Pan American Games, whether it is meat contaminated with clenbuterol was come to close kitchens, facilities providers such meat.
2. Samples were taken at random from the population COFEPRIS and SSA, in the city of Guadalajara, Zapopan, Tlaquepaque, Tonalá and Puerto Vallarta.
3. Dining in armor-plated training places and events, and generate a guide for athletes, which was integrated by CONADE SENASICA and COFEPRIS.
4. Customs to prevent entry of drugs and dietary supplements containing clenbuterol were revised to teams attending the Pan American Games in 3 points: Review of luggage, random tests, cross-checking of import permits required from COFEPRIS to detect substances with clenbuterol.
5. Control drugs.
  - a) Prohibit the use of clenbuterol in food supplements.
  - b) Retention of the fill prescription medications containing the drug.
6. Shield the meat supply chain.

Derived from this effort Interinstitutional COFEPRIS, closed about 10 tracks where meat was found contaminated with clenbuterol, thus helping to prevent health risks of clenbuterol poisoning in humans, preventing an Adverse Analytical Finding in athletes, preventing Mexico's image Livestock Industry and the injured were seen by a positive case, especially in Pan American Games and Punish efficiently use of clenbuterol through criminal and administrative processes to strengthen the presence and perception of risk.]

**Netherlands** “Main problem is that specific registration at police and prosecutor is lacking”. “Due to the low priority given to trade in doping, familiarity with doping cases amongst the police and Public Prosecution Service is slight”

**Nicaragua** “Por muchas razones, la aplicación de esta Ley tiene sus limitaciones, entre ellas existen razones económicas, lamentablemente por motivos de corrupción de algunas autoridades, etc.”

[For many reasons, the application of this law has its limitations, among them there are economic reasons, but also unfortunately for reasons of corruption of some authorities, etc]

**Portugal** “The investigation and prosecution of cases concerning production, movement, importation, distribution and supply of PEDS are responsibilities of the criminal police and the public prosecutor, and there is no system in Portugal to inform the NADO of the results of those activities. Nevertheless we are aware by the media that some cases have been prosecuted.”

**Serbia** “Need for better communications amongst customs prosecutors, police and NADO. Need for higher level of knowledge about PEDS in customs and police.”

**South Africa** “In South Africa, there is not a strong appetite for prosecuting cases with respect to PEDS trafficking. Intelligence information also points to Police as being a major user of PEDS and possibly in the supply chain”

**Spain** “Ninguno de forma específica, más allá de los puramente procesales referidos a la obtención de prueba.”

[None specifically, beyond the purely process referred to obtaining test.]

**Tunisia** “Problèmes de coordination entre les différents intervenants”

[Problems of coordination between different stakeholders]

**USA.** No specific PEDS law; criteria for inclusion of substance in Controlled Substances Act do not include performance enhancement; distinction between a drug and a dietary supplement is unclear; labour laws may outweigh priority given to eliminating PEDS. (summary of key points from a longer note)

## Appendix C. Coverage of PEDS on the WADA list, by level of sporting success

Level of sporting success	Scope of main PEDS legislation*	Amendments to other legislation	Use of other legislation
<b>Group A</b>  In top 20 of the 2008 summer Olympic Games medal table or in the top 10 of the 2010 winter Olympics medal table	<b>Australia</b> – Customs; (S1, S2, S4-S8; UNESCO response – ‘extensive’)  <b>Austria</b> (WADA list; UNESCO response - ‘extensive’)  <b>Canada</b> (WADA list except S2, S3, S4, S5; UNESCO response – ‘extensive’)  <b>China</b> (WADA list; UNESCO response – ‘substantial’)  <b>France</b> (WADA list; UNESCO response – ‘extensive’)  <b>Italy</b> (WADA list; UNESCO response – ‘substantial’)  <b>Japan</b> (WADA list, but unclear if S1-S5 included; UNESCO response – ‘substantial’) <b>Netherlands</b> (Medicines law; Economic Laws: (substantial, but precise coverage not clear; UNESCO response – ‘substantial’)  <b>Norway</b> (substantial, but not clear whether substances covered by the 1992 legislation are the same as on the 2012 WADA list: UNESCO response – ‘extensive’)  <b>Romania</b> (WADA list; UNESCO response – ‘extensive’)  <b>Russian Federation</b> (mainly S1, S6, S7 & S8, but precise coverage not clear; UNESCO response – ‘substantial’)  <b>Spain</b> (WADA list; UNESCO response – ‘extensive’)  <b>United Kingdom</b> (substantial coverage of WADA list, but it is unclear whether coverage is complete; UNESCO response – ‘extensive’)  <b>United States of America</b> (substantial, but precise coverage not clear; UNESCO response – ‘extensive’)	<b>Australia</b> (yes, to therapeutic goods legislation) <b>Austria</b> – no  <b>Canada</b> – no  <b>China</b> – yes, Drugs Admin. Law; Import of steroids and peptide hormones <b>France</b> – no  <b>Italy</b> – yes, to recreational drugs laws and medicines laws  <b>Japan</b> – no  <b>Netherlands</b> – no  <b>Norway</b> – no  <b>Romania</b> – no  <b>Russian Federation</b> – no  <b>Spain</b> – no  <b>United Kingdom</b> – yes, to cover steroids and hormones  <b>United States of America</b> – yes, control of anabolic steroids	<b>Australia</b> (Anti-Doping legislation – information sharing)  <b>Austria</b> – yes, but not since introduction of PEDS legislation)  <b>Canada</b> – yes, Controlled Drug and Substances Act  <b>China</b> – yes, Criminal Law 2011  <b>France</b> – public health legislation (control of pharmaceuticals)  <b>Italy</b> – yes, legislation on drugs and psychotropic substances  <b>Japan</b> – yes, sports legislation to promote anti-doping  <b>Netherlands</b> – no  <b>Norway</b> – no  <b>Romania</b> – no  <b>Russian Federation</b> – yes, Code of the RF on administrative violations (WADA S7 and S8)  <b>Spain</b> – yes, Criminal Code (offences against public health); Law on smuggling; Health protection law; Medicines law <b>United Kingdom</b> – yes, medicines law; Proceeds of crime law  <b>United States of America</b> – no

<p><b>Group B</b></p> <p>Not in top 20/10 but won at least one medal in 2008 or 2010</p>	<p><b>Belgium – Flanders</b> (WADA list; UNESCO response - 'extensive')</p> <p><b>Colombia</b> (S7 and S8; UNESCO response – 'none as yet')</p> <p><b>Cuba</b> (S1, S3, S5, S6, S7 &amp; P2; UNESCO response – 'substantial')</p> <p><b>Denmark</b> (specified list of substances which covers much of the WADA list including S1, S2 and S4; UNESCO response – 'extensive')</p> <p><b>Finland</b> (specified list of substances which covers much of the WADA list including S1, S2 and S4; UNESCO response – 'extensive')</p> <p><b>Greece</b> (WADA list; no UNESCO response)</p> <p><b>Hungary</b> (WADA list; UNESCO response – 'substantial')</p> <p><b>Iceland</b> (WADA list; UNESCO response – 'partial')</p> <p><b>India</b> (S6, S7, S8; no UNESCO response)</p> <p><b>Ireland</b> – medicines laws (S1 &amp; S2 (?); UNESCO response – 'substantial')</p> <p><b>Kazakhstan</b> Public health (unclear; UNESCO response – 'substantial')</p> <p><b>Latvia</b> (substantial, but precise coverage not clear; UNESCO response – 'substantial')</p> <p><b>Lithuania</b> Pharmacy law; Narcotics laws; alcohol laws (S1-S9, P1; UNESCO response – 'partial')</p> <p><b>Mexico</b> Physical culture and sport (WADA list; UNESCO response – 'substantial')</p> <p><b>Morocco</b> (unclear; UNESCO response – 'partial')</p> <p><b>New Zealand</b> (WADA list; UNESCO response – 'substantial')</p> <p><b>Portugal</b> (WADA list; UNESCO response – 'extensive')</p> <p><b>Serbia</b> (WADA list; UNESCO response – 'extensive')</p> <p><b>Singapore</b> (S6, S7 &amp; S8; UNESCO response – 'partial')</p> <p><b>Slovakia</b> (unclear, but mainly S1, S2 &amp; S4; UNESCO response – 'partial')</p> <p><b>South Africa</b> Medicines Act (too little information?)</p> <p><b>Sweden</b> (S1-S4; UNESCO response – 'extensive')</p> <p><b>Tunisia</b> (WADA list; UNESCO response – 'partial')</p>	<p><b>Belgium – Flanders</b> – no</p> <p><b>Colombia</b> – no</p> <p><b>Cuba</b> (yes, Min. resolution 2004, Nat. Expert Cm. on Pharmacovigilance)</p> <p><b>Denmark</b> – no</p> <p><b>Finland</b> – no</p> <p><b>Greece</b> – no</p> <p><b>Hungary</b> – no</p> <p><b>Iceland</b> – yes, to narcotics legislation</p> <p><b>India</b> – no</p> <p><b>Ireland</b> – no</p> <p><b>Kazakhstan</b> – no/not clear</p> <p><b>Latvia</b> – no</p> <p><b>Lithuania</b> – no</p> <p><b>Mexico</b> – yes, recreational drugs legislation and medicines legislation</p> <p><b>n/a</b></p> <p><b>New Zealand</b> – no</p> <p><b>Portugal</b> – no</p> <p><b>Serbia</b> – no</p> <p><b>Singapore</b> – no</p> <p><b>Slovakia</b> – no</p> <p><b>South Africa</b> - no</p> <p><b>Sweden</b> – no</p> <p><b>Tunisia</b> – yes, to customs laws</p>	<p><b>Belgium – Flanders</b> – yes, health and ethics in sport</p> <p><b>Colombia</b> – no</p> <p><b>Cuba</b> (min. resolution 9/12 Rules of procedure for procurement)</p> <p><b>Denmark</b> – no</p> <p><b>Finland</b> – no</p> <p><b>Greece</b> – no</p> <p><b>Hungary</b> – no</p> <p><b>Iceland</b> –yes, medicines and pharmaceuticals legislation</p> <p><b>India</b> – no</p> <p><b>Ireland</b> – no</p> <p><b>Kazakhstan</b> – no/not clear</p> <p><b>Latvia</b> – no</p> <p><b>Lithuania</b> – see col. 1</p> <p><b>Mexico</b> – yes, public health</p> <p><b>n/a</b></p> <p><b>New Zealand</b> – yes, Medicines Act; Misuse of Drugs Act; Customs legislation</p> <p><b>Portugal</b> – yes, legislation to regulate health clubs and gyms</p> <p><b>Serbia</b> – no</p> <p><b>Singapore</b> – yes, medicines legislation and poisons legislation</p> <p><b>Slovakia</b> – yes, physical culture legislation</p> <p><b>South Africa</b> - no</p> <p><b>Sweden</b> – yes, narcotics legislation</p> <p><b>Tunisia</b> – yes, customs legislation and public health</p>
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<p><b>Group C</b></p> <p>Won no medals in 2008 or 2010</p>	<p><b>DR Congo</b> (WADA list; no UNESCO response)</p> <p><b>Cyprus</b> (WADA list; UNESCO response 'extensive')</p> <p><b>Ghana</b> Food and Drugs law (all on WADA list; UNESCO response – 'substantial')</p> <p><b>Guatemala</b> (all on WADA list; UNESCO response – 'partial')</p> <p><b>Luxembourg</b> (WADA list; UNESCO response – 'substantial')</p> <p><b>Nicaragua</b> (substantial, but precise coverage not clear; UNESCO response – 'substantial')</p> <p><b>Peru</b> (S6-S8?; UNESCO response – 'no response')</p> <p><b>San Marino</b> (WADA list; UNESCO response – 'extensive')</p> <p><b>Niger</b> (S6, S7 &amp; S8; UNESCO response – 'partial')</p> <p><b>Philippines</b> (mainly S6, S7 &amp; S8, but precise coverage not clear; UNESCO response – 'partial')</p> <p><b>Sri Lanka</b> (S6, S7 &amp; S8; UNESCO response – 'partial')</p> <p><b>Swaziland</b> (substantial, but precise coverage not clear; no UNESCO response)</p> <p><b>United Arab Emirates</b> (S6-S8; UNESCO response – 'substantial')</p> <p><b>Uruguay</b> (partial coverage of WADA list; UNESCO response – 'substantial')</p>	<p><b>DR Congo</b> – no</p> <p><b>Cyprus</b> - no</p> <p><b>Ghana</b> – no</p> <p><b>Guatemala</b> – no</p> <p><b>Luxembourg</b> – no</p> <p><b>Nicaragua</b> – no</p> <p><b>Peru</b> – yes (change not clear)</p> <p><b>San Marino</b> – no</p> <p><b>Niger</b> – no</p> <p><b>Philippines</b> – no</p> <p><b>Sri Lanka</b> – no</p> <p><b>Swaziland</b> – no</p> <p><b>United Arab Emirates</b> – no</p> <p><b>Uruguay</b> – yes, to recreational drugs and medicines laws</p>	<p><b>DR Congo</b> – yes, legislation to accept WADA list</p> <p><b>Cyprus</b> - use of Medicinal Products Law 2001</p> <p><b>Ghana</b> – no</p> <p><b>Guatemala</b> – law regulating the use of steroids and other dangerous substances</p> <p><b>Luxembourg</b> – yes, medicines/therapeutic chemicals legislation</p> <p><b>Nicaragua</b> – yes, incorporation of UN conventions on drugs and doping in sport</p> <p><b>Peru</b> - no</p> <p><b>San Marino</b> – no</p> <p><b>Niger</b> – no</p> <p><b>Philippines</b> – no</p> <p><b>Sri Lanka</b> – no</p> <p><b>Swaziland</b> – no</p> <p><b>United Arab Emirates</b> (yes, medicines law covering cannabinoids)</p> <p><b>Uruguay</b> – yes, to recreational drugs and medicines laws</p>
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