



COUNCIL OF EUROPE  
COMMITTEE OF MINISTERS

**Recommendation Rec(2000)16**

**of the Committee of Ministers to member states**

**on common core principles to be introduced into national legislation to combat the traffic in doping agents**

*(Adopted by the Committee of Ministers*

*on 13 September 2000*

*at the 720<sup>th</sup> meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

Bearing in mind the Resolution on "the fight against doping" adopted at the 9<sup>th</sup> Conference of European Ministers responsible for Sport, in Bratislava in May 2000;

Recalling that Article 4 of the Anti-Doping Convention (ETS 135) stipulates that "the Parties shall adopt, where appropriate, legislation, regulations or administrative measures to restrict the availability (including provisions to control movement, possession, importation, distribution and sale) as well as the use in sport of banned doping agents and doping methods and in particular anabolic steroids";

Recalling that, with reference to this article, the Monitoring Group adopted Recommendation (No.2/94) on measures to restrict the availability of anabolic steroids, which has influenced several countries' legislation in this field;

Considering that events in recent years have shown that the traffic in and use of doping agents is not restricted to anabolic steroids but extends also to other substances, such as erythropoietin and growth hormones;

Considering that a decisive factor in the fight against doping is political will on the part of the authorities to adopt and enforce in practice suitable legislation on seeking and identifying those responsible, especially those in control of networks producing and distributing doping agents, and that this task, which goes beyond the sole jurisdiction of ministers of sport, also concerns the police, customs and other authorities;

Aware that it is incumbent upon governments to enact laws and regulations which will harmonise bodies of national legislation on doping and the possession of and traffic in doping agents;

Recognising that the legislative measures must be backed up by effective co-ordination;

Considering the Clearing House study on Legislation and Regulations on Doping in 42 countries;

Considering that the ineffectiveness of the fight against suppliers of banned substances is due in part to the lack of international co-ordination in this field;

Considering that the Anti-Doping Convention and its associated recommendations (in particular Recommendation No.2/94 on measures to restrict the availability of anabolic steroids) constitute a common framework for the adoption and standardisation of national legislation on the production, movement and possession of doping agents,

1. Recommends that the Governments of the member states:

A. Sign and/or ratify the Anti-Doping Convention (ETS 135) if they have not already done so;

B. In applying the Convention, adopt suitable legislation and/or effectively apply existing legislation to deter and punish (by means that may include imprisonment) individuals and legal persons involved in the production, manufacture, transport, import, export, storage, offer, supply or any other form of traffic in doping agents. Such legislation should be based on the principles stated in the appendix to this recommendation.

2. Instructs the Secretary General to bring the Recommendation to the attention of the States Parties to the Convention and the observers

which are not member states of the Council of Europe.

## Appendix to Recommendation Rec(2000)16

### *Common core principles*

1. The approach is not fundamentally different from that of laws against hard drugs. Governments should ensure, within the bounds of each country's system of law and administration, that the most appropriate and effective national means are used to combat the production, manufacture, transport, import, export, storage, offer, supply or any other form of traffic in doping agents. To do so, countries should review their legislation in the relevant areas of government responsibility with respect for doping agents, such as:

- criminal laws;
- laws and regulations on pharmaceutical products and medicines;
- customs laws and regulations;
- legislation on the protection of public health, etc;
- legislation for the protection of children;
- laws concerning professionals (esp. medical doctors, veterinary doctors, pharmacists and laboratory workers);
- any other relevant legal act...

2. Legislation should also target the act of prescribing, supplying, offering, administering or applying prohibited doping agents to athletes, that of facilitating their use and that of encouraging athletes in any way at all to use them. This can be achieved by national legislation for sport or by a suitable alternative regime for the governance of sport at a national level with binding anti-doping provisions.

3. There are a number of specific issues or problems which should be addressed by governments in the exercise of their responsibilities:

- a. In cases of doping or non-sport use involving minors, and in order to reinforce their protection, there is a need for tougher sanctions for those who prescribe, supply, offer, administer or apply doping agents to them.
- b. The adoption of such legislation would require a common definition of doping agents (and related substances). With a view to harmonising legislative measures in this field, all definitions should be based on those adopted by the Monitoring Group in the appendix to the Anti-Doping Convention.
- c. Another major concern is that of improving information about medicines, and their effects as doping agents. A standard warning should be printed on medicine labels. It is also necessary to provide in national legislation that all contents of food or dietary supplements or vitamins, should be indicated on the packaging of these substances. This information should in particular specify whether the so-called dietary supplement contains a doping substance or a precursor of doping substance (for ex. a steroid and/or its precursors). The implications of Internet trade should be catered for.
- d. Provision should be made in national legislation for the seizure and confiscation of illegal substances, and to address money laundering.
- e. It would be prudent to extend the scope of legislative and administrative measures on the laundering of drug money to earnings derived from the trade in doping agents.
- f. Additional legislative and administrative measures should be adopted to co-ordinate the activity of the police, customs and courts.
- g. A system should be set up for pooling information on trafficking and traffickers in doping agents. Such a system could operate between countries on a bilateral basis or by means of existing international machinery.
- h. In order to improve international effectiveness, measures should be taken as required to improve the compatibility of police and customs administrative procedures in countries party to the convention. International consciousness and co-operation should also be encouraged in international police and customs, organisations such as the world Customs Organisation and Interpol.
- i. As the chemical complexity of doping agents does not always permit their identification by the police or customs, members of both police forces and customs services should receive adequate training.

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