

## I. GENERAL PROVISIONS

### OFFICE OF THE HEAD OF STATE

**6732** *Fundamental Law 3 dated June 20th, 2013, for the protection of athletes' health and the fight against doping in sports activities*

JUAN CARLOS I  
KING OF SPAIN

To all those who may see and hear of the present,

KNOW YE that Parliament has approved and I now sanction the following fundamental law:

#### PREAMBLE

##### I

The enactment of the Health Protection and Fight against Doping in Sports Act (Fundamental Law 7 dated November 21st, 2006) represented a basic milestone in the history of the fight against doping in our legal system. This statute contained a complete system of provisions that saw doping as a scourge affecting multiple legal interests worthy of protection, such as athletes' health, fair play in sport and its ethical dimension. This norm also contained major provisions related to health protection but the lawmakers now feel these need to be strengthened, continuing further in the line begun with the previous legislation. The evolution in the practices detected in doping matters has made it necessary to include a suite of legal amendments to ensure the necessary instruments are available to combat as effectively as possible this scourge afflicting the world of sport.

This circumstance is in addition to the difficulty encountered when trying to apply some of the provisions contained in Act, so it has become essential to advance in the line mapped out so as to give a nimble response to the new context of the changing and uniquely serious phenomenon regulated in this norm.

Furthermore, the successive amendments made at the international level in this area, in which Spain has been assuming a major commitment in the battle against doping, and reflected, among other aspects, in the ratification, a few months after the enactment of the previous Act, of the UNESCO International Convention against Doping in Sport, have made these reforms inescapable. Thus, the new text imposes on its States Party who have ratified it a series of obligations in connection with the battle against doping, one of which, not the least important, is that requiring Member States to ensure the effectiveness of the World Anti-Doping Code. This Convention is the result of the efforts of the World Anti-Doping Agency, as well as a manifestation of the commitment of its States Party to participate in the constant process of harmonization and internationalization of the regulations against doping.

The last amendment of the World Anti-Doping Code took place in January, 2009, and since then certain inconsistencies have been revealed between the Spanish regulations

and the new provisions of the Code. In consequence, as well as for the reasons set out above, the compulsory adaptation of the Spanish regulations to the World Anti-Doping Code have led to the need to adopt legislative measures to alleviate this situation.

In this way, the present text contemplates a new comprehensive legal framework for the protection of health and the battle against doping in sporting activities, placing particular stress on the importance of establishing a complete system for health protection to benefit from all perspectives the main recipients of the present norm, namely the persons engaging in any sports activity.

Following this argument, the present act goes far further than what would be a simple anti-doping law. On the contrary, the legislators' intention is to include a powerful system for protecting the health of athletes engaging in any sports activity, paying more attention to the degree of physical demands, and therefore the greater risk, posed by the sporting activity in question, as well as those cases in which minors are involved.

In the same way, the new Act attempts to see doping from a holistic perspective and as another element within the system for protecting athletes' health, considering it a scourge to be eradicated due to its impact on the health protection of athletes and on fair play in sport as well as for its ethical dimension. This idea can be considered as an essential element inspiring the new regulations, in which the aspects relating to the fight against doping are important, but no more so than those affecting athletes' health, the prevention of risks associated with engaging in sports activities and the establishment of positive action measures by the public authorities to enable the practice of sports to be conducted in suitable conditions.

## II

The new norm contains clear criteria allowing those responsible for the fight against doping to address their efforts to the sports groups at greatest risk. It is therefore not merely a quantitative issue, but a qualitative one. Success in the fight against doping does not stem from carrying out a high number of controls, but from their correct planning and execution. For this reason, the amplitude of the population potentially subject to control is not as important as the correct selection of those actually tested.

On the contrary, the measures for the protection of health in sport have a much more general vocation. Doubtless, some measures must be aimed solely at those groups at greatest risk, either due to the intensity of the sports activity in question, or else because of the nature of the athletes engaging in it, but the truth of the matter is that the law contains a good number of measures aimed at the population practising any kind of sporting activity, whether at a competitive level or purely for reasons of recreation or health.

## III

Within the body of the Act's articles, Part One establishes the general provisions and is divided into two chapters, the first of which refers to the scope of application of the Act and its two most novel aspects, namely the new model for health protection and the differentiated scope of application for the specific measures applicable to health and doping. The first Chapter begins with a the prevision of the actions of the public

authorities with regard to health protection in the practice of sports and contains the definitions relating to the protection of health in sport, sports-related doping among athletes with a sports licence and doping in the practice of sport in general.

Chapter II deals with the administrative organization for health protection and the fight against doping, defining the competencies corresponding to the State, the Regional Governments and the other bodies involved in the protection of athletes' health in general and from doping in particular, as well as the powers granted to the newly created Spanish Agency for Health Protection in Sport.

With respect to the first of these two issues, the Act insists on the need for the system to be applied through co-operation between the administrations and the private bodies acting as agents for sports activities. Similarly, express recognition and full respect is given for the separate framework of powers corresponding to the Regions, especially with regard to the fight against doping in the context of sports under the aegis of the regional federations.

With respect to the Spanish Agency for Health Protection in Sport, the new law gives it the most prominent role with regard to the individuals included within the scope of application of the norm, not only for technical matters, as heretofore, but also with regard to the planning and execution of drug tests, unlike the previous system. As a result, the processing of proceedings for the imposition of penalties is now assumed by the Spanish Agency for Health Protection in Sport and the regime of independence of the public body is strengthened in a true legal guarantee for the citizenry with respect to the actions of the Agency in proceedings for the imposition of penalties.

The new system presents the characteristic that the actions of the Administration are now entrusted to a single authority, the new Spanish Agency for Health Protection in Sport, which will absorb all the powers shared under the previous system among the different bodies. This unity of action must contribute to avoid the dysfunctions and it will also help in the establishment of a series of homogeneous and consistent criteria for the interpretation of the norm so as to contribute to strengthen legal certainty in the fight against doping.

The Agency is thus going to assume the responsibilities previously held by the High Council for Sport with regard to the health protection of athletes. This measure implies a notable strengthening of the new Agency in all regards and must make it, once the transfer of the new functions is effective following the entry into force of this Act, the basic reference for the protection of health in sports activities.

Furthermore, the Agency is expected to take over the powers to impose penalties inherent to the Regional Authorities in those cases where this is so decided and the corresponding collaboration agreement is entered into, and the organs of the Spanish Agency for Health Protection in Sport are expected to include a body for co-ordination with the Regional Authorities and this participation will extend to athletes through a specific body within its structure. Finally, the Spanish Agency for Health Protection in Sport continues to be the body in charge of collaborating with the State Security Forces and with the judiciary.

IV

Part Two of the Act is the most extensive and is structured in four Chapters, the first of which is devoted to doping.

It is important to point out that one of the essential concerns of legislators has been to try to be sensitive to the international undertakings given by Spain and also to the legitimate aspirations of athletes, who are entitled to have their fundamental rights and their dignity respected. That is why the system contained in the Act attempts to adapt Spanish legislation to the peculiar formulas for the repression of doping contained in the World Anti-Doping Code, not always an easy matter in view of the Anglo-Saxon style of the international regulations and the fact that it stems from certain principles different from ours, such as the eight-year time bar and others. This adaptation takes place with full respect for the fundamental rights of those involved in the system. It is true that the establishment of an effective system for the prevention of doping implies a notable sacrifice on occasions, but it is equally true that the severity of the phenomenon justifies these sacrifices, which in no case represent any constitutional impact on the rights of persons engaging in sport. For all these reasons, the World Anti-Doping Code must be implemented as a central element for the interpretation of the rules in the legislation on this matter, so that any doubts arising from its application can be resolved in the light of the precepts, comments and principles contained in the Code.

As for the specific content of this Chapter, the first point to note is the scope of application, which extends to athletes holding a recognized State or Regional licence and participating in official competitions at State level, as well as what has come to be known as the athlete's entourage and foreign athletes participating in Spain in certain cases. An interesting novelty is that it includes those athletes who had been in possession of a licence but no longer hold one when proceedings for the imposition of penalties begin as well as those who simulating a retirement from active sport without really having abandoned it.

The Act also includes other obligations considered classic in this regard, such as those imposed for the mandatory reporting of whereabouts of athletes and the notification of medical treatments being followed at the time a doping test is taken. It also establishes the possibility of performing doping tests on athletes with a foreign licence while they are in Spain, and foresees the performance of tests at international competitions held in our country and those that may be performed by international anti-doping organizations on athletes holding a Spanish licence.

The second section includes several significant novelties. Firstly, reflecting the experience accumulated in recent years, the requirement for anti-doping tests to be performed under the responsibility of a physician in person is altered to allow other kinds of duly authorized health-care personnel to do so, in order to limit the role of physicians to those cases in which their presence is considered essential due to the existence of certain kinds of medical acts, such as doping tests requiring the drawing of an athlete's blood. This same obligation will not be applicable, therefore, to tests consisting simply in the collection of samples of an athlete's urine. The nature of the act in question does not require the presence of this kind of personnel and therefore they can be conducted by duly authorized personnel even if not medically qualified. Nonetheless, so that all of the duly authorized personnel are subject to the same kind of

professional obligations with regard to the duty to preserve the confidentiality of any information obtained in the course of their functions, a specific obligation to preserve the secrecy of such information is established along with proceedings for the imposition of penalties in those cases where this obligation is breached.

Secondly, the Act establishes a time window in which drug tests cannot be carried out, running from eleven at night until six in the morning. This measure helps to strengthen legal certainty and ensure the proper night-time rest and privacy of athletes. However, in line with the World Anti-Doping Code, the norm cannot be so rigid as not to allow this general regime to be altered in exceptional circumstances. For this reason, in line with the Code and with all due guarantees, it will be possible for doping tests to be effected outside these times in duly justified cases. This justification, together with the principle of proportionality of the measure, will imply the adequate co-ordination between the protection of athletes' legitimate rights and the necessary effectiveness of the legal norms in the fight against doping.

Finally, the main obligations affecting athletes include the absolute obligation to submit to the tests. This obligation, however, is not without its associated rights as athletes will be entitled to receive notification about the test, to be informed of their rights and obligations in this regard, the essential elements in the procedure and their right to the protection of their personal information. These rights are a fundamental element of the system established in the Act and the Spanish Agency for Health Protection in Sport itself must monitor that these are duly respected in all cases.

With regard to the ancillary obligations, the most important is that referring to the Register of medical treatments regulated in article 16. This Register is a guarantee for athletes and for the health-care professionals habitually seeing them.

This section concludes with the regulation of therapeutic use exceptions, with respect to which it maintains a system that will authorize athletes holding an exception of this kind to be exonerated from disciplinary liability regarding the use of doping-related products for which they are duly authorized. The Act also establishes a system for notifying these therapeutic use exceptions so as to ensure the proper co-ordination of the different anti-doping organizations with the power to grant them.

Section III regulates three essential issues. The first refers to the definition of health checks and doping tests and attempts to differentiate clearly between these two figures in order to avoid the confusion generated by certain rules.

Secondly, this section deals with both the planning of the tests and the definition of the powers for carrying out the tests. Consistent with the fact that the power to impose penalties, generally speaking, is attributed to the Spanish Agency for Health Protection in Sport, it establishes that this public body will take charge of carrying out the planning and execution of the tests.

The norm contains elements enabling the Agency to adapt the planning to the circumstances affecting each of the sporting modalities and bearing in mind the kind of competitions for which the athletes practising them are training. The collaboration of the Sports Federations is foreseen for the preparation of planning, but not in its definition and subsequent knowledge, and a co-operation mechanism is established with

the High Council for Sport with a view to achieving the maximum efficacy in this task. Another novelty contained in the Act on this point is the possibility for the Director of the Spanish Agency for Health Protection in Sport to be able to order specific tests, outside the plan, on athletes holding a State licence, with a maximum limit of three a year. The plan will be secret and may not be published or disclosed, with the breach of this obligation constituting a violation that can be punished in accordance with the Act.

## V

The second part of this Part Two is the most extensive in the Act and refers to the regime for imposing penalties on doping-related matters. It comprises three sections, the first of which refers to athletes' liability, the kinds of violation, the penalties and the regime for determining liability, thus constituting the true core of the Act in terms of penalties. Among the most important novelties, it is worth highlighting, first of all, the correction of the regime for subjection to the liabilities described in the Act for both the athletes and their entourage.

Secondly, it establishes the classification of the violations in doping-related matters so as to conform them to the provisions contained in the World Anti-Doping Code. On this specific point, in line with the analysis made by the Council of State, it was appropriate to improve the drafting of these violation types particularly with regard to two matters, attempted violations, which are now systematically described, and the presence of evaluation criteria for the test within the definition of the violation classes. On this point, an effort has been made for this circumstance not to occur with respect to very serious violations, although with respect to the violation corresponding to the presence of specific substances, their use or consumption, or their possession, the demonstration of certain aspects by the athlete is viewed, in accordance with the provisions contained in the World Anti-Doping Code, as a element differentiating them from very serious violations. In addition, as a further novelty, a new class of violation is included, that of failing to comply with the obligations related to the confidentiality of the planning.

With regard to the regime for penalties, a distinction must be drawn between those to be imposed on athletes and those that will be imposed on the athlete's entourage. The regime corresponding to the first violation is softened slightly for athletes whereas it is toughened up for any second or subsequent violations. One of the problems presented by the adaptation of the regime for imposing penalties contained in the World Anti-Doping Code was precisely the complexity of the precept that was to regulate the regime for imposing penalties in the event of a second or subsequent violation. This complexity, highlighted by the Council of State, has meant that it has been decided to submit the matter to the criteria contained in the World Anti-Doping Code, so as not to make the text of the Act more difficult to understand. This submission is complemented by the presence of an illustrative table contained in Appendix Two of the Act that will allow the bodies imposing penalties to apply this complex system adequately.

In terms of the penalties imposed on an athlete's entourage, whether on the sports teams and clubs, or on the technical experts, referees, umpires, management or other personnel of the sports bodies, or else on the physicians and health-care personnel of the sports entities, the monetary penalties are increased and they are adapted in terms of the suspension of the licence to what is established in the international regulations. A specific provision is added for those persons committing the violations classified in the

Act without holding any federation or equivalent licence and additional measures are established over and above the usual ones, in the understanding that those committing very serious violations in such cases would be liable for a breach of contractual good faith and it will then be possible to notify the corresponding Professional Associations for the appropriate purposes.

Article 27 contains a new drafting of the criteria for imposing penalties in doping-related matters. By systematizing the precepts of the World Anti-Doping Code, a series of general criteria considered classic in administrative law for the imposition of penalties are established, to be complemented by the existence of circumstances exonerating, attenuating and aggravating the disciplinary liability, with the norm establishing the penalties resulting from the application of each of these. In addition, the Act differentiates two concepts with respect to which a certain degree of confusion had been generated; thus the reiteration of behaviour implying a violation of anti-doping rules is considered an aggravating circumstance whereas the commission of a second or subsequent violation within the term of eight years is considered a repeat offence, with different consequences being foreseen in terms of the penalties imposed in each case.

On the other hand, taking into account the demands derived from the efficacy of the fight against doping, the Act also contains provisions relating to the imposition of monetary penalties and the cancellation of results. On this latter point, the possibility is included of cancelling the results of competitions, even where the behaviour described in the violation class is not automatically linked to the corresponding penalty, as the realization of the behaviour is considered to have had a potential impact on the outcome of the competitions. It is a measure of justice, quite apart from any kind of penalty and an attempt to ensure the purity of the outcome of sporting events.

As a consequence inherent to the penalties, a specific rule is established to recall that the imposition of any penalty foreseen in this Act constitutes grounds making it impossible to obtain or exercise the rights arising out of the sports licence.

The Act applies the system for mutual recognition of resolutions established in the World Anti-Doping Code with the novelty, in this regard, of the possibility for the Spanish Agency for Health Protection in Sport not to recognize these resolutions when they are contrary to the principles of the World Anti-Doping Code or when they have been handed down by a body without the proper authority. In the same way, there is a referral to article 955 of the Civil Proceedings Act with regard to the recognition and enforcement of the foreign judgements and arbitration rulings. Finally, the Act establishes a rule that has long been requested of legislators namely the possibility of excluding financial support or public aid related to the sporting activities of those guilty of violations.

This chapter includes another of the significant novelties of the present norm. In article 33, under the heading collaboration with the judicial authorities, a system is established for collaboration between the competent judicial authorities in order to investigate the criminal aspects derived from the possible commission of the crime stipulated in article 361 bis of the Criminal Code and the administrative authorities in charge of proceedings for the imposition of penalties in doping-related matters.

Although the circumstances in which there can be total identity between the criminal act and the violation defined in administrative penalties are limited to cases of administration or trafficking in banned substances or methods, it was necessary to establish a system that would achieve two fundamental effects: an adequate respect for the principle of *ne bis in idem* and the preference of the criminal jurisdiction on the one hand, and the achievement of the effect demanded by the World Anti-Doping Code for the consequences established in a penalty imposed in doping-related matters to be enforced as described in the Code regardless of the authority penalizing the commission of the violation. In order to achieve these two goals, the Act designs a system in which, with full respect for judicial independence, the Investigating Judge is given the possibility of requesting the Spanish Agency for Health Protection in Sport to issue a report on the possible existence of danger for the life or health of athletes to whom the banned substances or methods have been administered or supplied. This is precisely the differentiating element between the criminal and the administrative penalty in these cases. Once this report has been issued, the Investigating Judge may decide whether or not to proceed with the investigation of the criminal proceedings. If it is decided not to proceed, the Administration will be bound by the facts declared proved in the ruling ordering a stay in proceedings and dismissing the case for the purposes of continuing with its own proceedings for the imposition of penalties.

Furthermore, it may request from the Investigating Judge at any time that it be provided with the evidence on record that may be necessary for processing the imposition of penalties. Nonetheless, the granting of access to such evidence by the judicial authority must be reasoned and following consideration of the principle of proportionality in order to provide adequate respect for the opinions expressed by the Constitutional Tribunal and the Supreme Court on this point.

Where the Judge feels that it is necessary to continue to hear the criminal proceedings, the Spanish Agency for Health Protection in Sport will be obliged to suspend the processing of its own proceedings for the imposition of penalties where the person(s), facts and legal principles involved are identical. However, before ordering the suspension of these proceedings, the Agency may proceed to order the provisional suspension of the federation licence held by the persons against whom the criminal proceedings have been brought, after hearing the person(s) involved, and if appropriate in accordance with international rules and the specific legislation regulating these matters. This measure is justified by the fact that it is the Investigating Judge who considers that the hearing of the criminal proceedings must continue in view of the existence of signs that a crime has been committed.

Finally, the possibility is established for the judicial authority to resolve on, at its own initiative or at the request of the Spanish Agency for the Health Protection in Sport, the corresponding quantum of guilt, if it observes the possible existence of doping-related administrative breaches.

On the other hand, in order to achieve the effect required by the World Anti-Doping Code, it is established that the sentence imposed for the commission of a crime established in article 361 bis of the Criminal Code will automatically imply, as a consequence associated with the crime, the impossibility of exercising the rights derived from the federation licence for a period equivalent to that which would be applicable if a simple administrative violation had occurred.



With regard to the proceedings for the imposition of penalties in doping-related matters, a new definition of the powers to deal with disciplinary proceedings is envisaged. In order to enable adequate co-ordination with the international rules inherent to the sports organizations with an international scope, a clear distinction is drawn between the athletes subject to the scope of application of this Act and those officially classified by international federations or organizations as international-level athletes. The Agency has no powers to impose penalties with respect to the latter, as this function will correspond to the international federations, or else to the Spanish federations where the Agency has not entered into the appropriate agreement with their international counterparts.

This system, similar to that in place in the United Kingdom, will be determined according to the provisions established by the international federations and will be established so as not to impose the rules of competency on the international federations and to allow them, in short, to establish their own system. In addition, in this latter case, the applicable regulations will be those enforced by the corresponding international federations, normally the World Anti-Doping Code.

With regard to the proceedings *per se*, in addition to the provisional measures referred to in article 38, the specific procedure establishes several novelties. The first of these has to do with the improvement in the system for opening proceedings for the imposition of penalties. To this must be added such elements as a new organization of the system for evidence, more adapted to the Spanish legal system, an adequate classification of disciplinary liability, which must keep its distance from doctrinal declarations attempting to consider it an objective liability, and the establishment of certain presumptions stipulated in the World Anti-Doping Code with a view to guaranteeing the efficacy of the system to fight doping.

As for chapter three, this contains the rules relating to special administrative appeals in doping-related matters in sport. These involve an appeal for reconsideration to be heard before the new Administrative Law Tribunal for Sport. The most significant novelties for this appeal refer to the greater precision with regard to the resolutions that may be appealed and the fulfilment of the requirements established, with regard to the legitimate right to appeal, in the norms of the World Anti-Doping Agency.

## VI

Chapter III in Part II refers to the health protection system and, among other aspects, establishes a framework for collaboration with the Regions to facilitate the effective practical application of the model for protecting athletes' health.

Measures such as the establishment of a more intensive and more demanding system of medical check-ups depending on the physical activity undertaken, the obligation for establishments related to more demanding forms of sport to have adequate resources to combat acute cardiorespiratory distress, the establishment of a health card system for high-level or professional athletes, or the new health protection measures when athletes retire from competitive activity, all constitute key elements in the new model for health protection in sport.

All these specific measures are complemented with the establishment of a Health Support Plan in the scope of sporting activity that determines the common and specific risks as well as the measures for the prevention, conservation and recovery that may be necessary depending on the risks detected in athletes.

Finally, the Act establishes a strengthened system for specialized research into health protection, both in terms of the purely preventive medical aspects and with regard to the need to count on suitable resources for the prevention and detection of doping.

All these new initiatives are attributed to the new Spanish Agency for Health Protection in Sport.

Chapter IV contains specific measures for protecting the sensitive data that might be affected by health protection and doping actions. There are no excessive novelties with respect to what has been established in the previous rules but there has certainly been a technical improvement in the drafting.

## VII

Part Three deals with the public policies on the control and supervision of products capable of producing doping. It distinguishes two chapters, the first headed measures for the control and supervision of products, medicines and nutritional supplements, setting out specific measures aimed at guaranteeing adequate control of products capable of producing doping in sport on the part of the public authorities. These measures contribute to the identification of doping products available to sports entities, as well as the cycle for the production and distribution of this kind of product manufactured in Spain. These measures are complemented with the power attributed to certain bodies to inspect the medical cabinets or other places where banned substances may be found, including lastly the possibility of seizing the substances and instruments used or that may be used for the purpose of causing doping.

The second chapter refers to the conditions for the use of this kind of product with regard to the marketing and use of nutritional products, establishing mechanisms for reporting and declaring such products, reproducing the specific ban on their marketing in establishments devoted to sports activities, regulating the sale through electronic systems and, finally, establishing the penalties for health-care or other professionals involved in doping activities in sport with respect to other persons without a sports licence.

## VIII

The Act is completed by four additional provisions that classify the Spanish Agency for Health Protection in Sport as the national anti-doping organization, foresee the adaptation of Federations' bylaws and regulations, establish the change of the Agency's name and eliminate and adapt the regulatory references to the Spanish Sports Disciplinary Committee and the Election Guarantee Board following the creation of the Administrative Law Tribunal for Sport; three transitional provisions regarding disciplinary proceedings under way and the administrative empowerment for the execution of doping tests; one repeal provision; and six final provisions referring to the empowering statutes, the description of the fundamental precepts within the Act, the

regulatory development of the norm, the possibility of amending the appendices by means of a Ministerial Order from the Ministry of Education, Culture and Sport, the creation of the Administrative Law Tribunal for Sport, with the amendment of article 84 of the Sports Act (Law 10 dated October 15th, 1990), the amendment of the Administrative Dispute Jurisdiction Act (Law 29 dated July 13th, 1998), the repeal of certain precepts of the Citizens' Security (Protection) Act (Fundamental Law 1 dated February 21st, 1992) and the entry into force of the Act.

Finally, an appendix containing definitions has been added, as is obligatory under the World Anti-Doping Code; the definitions have been adapted to fit our legal system, and there is an illustrative table referred to in article 28 of the Act detailing the penalties that must be imposed as a consequence of the commission of a second violation in doping-related matters.

## IX

In short, this new Act constitutes an attempt to modernize the previous regulations in order to allow our legal system to adapt fully to the international rules for the fight against doping and it represents a notable advance in the concept of health protection for athletes, the fundamental element all public authorities are called on to observe.

### PART I. General Provisions

#### CHAPTER I. Scope of application of the Act

*Article 1. General scope of application and purpose of the present Act.*

1. The purpose of the present Act is to establish a general framework for the protection of health and the fight against doping within the scope of the practice of sports, particularly organized sport or with a sports licence, in line with the international commitments undertaken by Spain, in order to establish a framework dominated by fair play, personal achievement and the healthy practice of sport.

2. The present Act will be applicable to the general practice of sports; the provisions contained in Chapters I and II of Part II will apply only to those athletes defined in article 10.1 of the present Act.

3. Athletes officially classified as being at international level or participating in international competitions are subject to the rules and procedures of the corresponding International Federation and the World Anti-Doping Agency, including those referring to the biological passport, if any. This shall be understood to be without prejudice to the possibility of subjecting them to controls in accordance with the provisions contained in Chapter I of Part II of this Act. The definition of international level athletes is contained in Appendix I to this Act.

*Article 2. Action of the public authorities on Health Protection in general sporting practice.*

Within the scope of their respective powers and bearing in mind the kind of sporting activity in question and the people taking part in it, the public authorities will establish health-care measures aimed at reducing any impairment in health due to practising sport, the prevention of injuries and harmful consequences for health arising out of sports practised in unsuitable conditions.

*Article 3. Protection of health in sport*

Health protection in the realm of sport is considered to be all of the actions, taken as a whole, that the Public Authorities require, encourage or conduct, each within their respective scope of competencies, in order to ensure that the practice of sports takes place in the best possible conditions for athletes' health and to prevent any harmful consequences that might stem from sporting activities, especially in highly competitive sport.

*Article 4. Definition of doping in sport with a sports licence. List of banned substances and methods.*

Doping in the realm of organized sport or with a sports licence is deemed to be the practice, by any of the persons included with the scope of application of this Act, of any of the behaviours set out in article 22, interpreted with the scope established in the Appendix with definitions in this Act.

In the framework of the international commitments and obligations undertaken by Spain, and in particular the UNESCO Anti-Doping Convention, the High Council for Sport will issue the list of substances and methods banned in sport by means of a Resolution issued by the office of its President and published in the Official State Gazette. This publication will take place on a regular basis and, in all cases, when changes are made to the same.

The High Council for Sport will establish additional ways of informing about and consulting the list of banned substances and methods by means of its insertion on the digital sites of sports-related institutions and entities, as well as by any other means or medium as may facilitate knowledge and understanding of the list and its dissemination and accessibility.

The High Council for Sport will specifically oversee the uniformity throughout Spain of the lists coming from different international bodies and legal certainty through the establishment of a single list for any one period.

*Article 5. Doping in the general practice of sports.*

The actions of the Public Authorities with regard to doping in the general practice of sports comprise actions tending to increase awareness among the practitioners of sports activities of the disadvantages for health arising from the use of prohibited substances and prohibited methods, of the need to make the practice of sport fit in with personal abilities, and also of the ethical commitment when practising sport.

Chapter II.  
**On the administrative organization for the protection of health  
and the fight against doping**

*Article 6. Competencies of the State*

1. The Government shall be responsible for drawing up, managing and steering an effective policy against doping among athletes with a State-level licence in force or doping by those persons who have held a licence or have expectations of holding a licence and are defined in article 10.1.
2. The Government shall be responsible for establishing co-ordination and co-operation measures with the rest of the Public Authorities in order to achieve an effective policy to protect health in sport, prevent injuries associated with the practice of sport and diminish the harmful consequences of practising sport in unsuitable conditions.
3. The Government shall also be responsible for establishing a general framework for collaboration with sports institutions in order to facilitate the execution of public policies on these matters and to assist in the shared commitment of achieving healthier sport with stronger ethical standards.

*Article 7. The Spanish Agency for Health Protection in Sport.*

1. The Spanish Agency for Health Protection in Sport is a State Agency as foreseen in the State Agencies Act (Law 28 dated July 18th, 2006) for the improvement of public services and is designed to be the body through which the State's policies on health protection in sport is implemented and, among these, particularly the fight against doping and scientific research into sport.
2. The Spanish Agency for Health Protection in Sports Acts with full functional independence when establishing and executing measures to control doping among the athletes mentioned in article 10.1, and may not be given any orders or instructions from any body whatsoever in the processes of testing for doping, and especially in the investigation and resolution of proceedings for the imposition of penalties in those circumstances in which it has the power to do so.  
Within this framework, the Spanish Agency for Health Protection in Sport is responsible for establishing the planning, performing controls and, where appropriate, handling and resolving any case files arising out of the actions undertaken.
3. The functions, organization and action procedures of the Spanish Agency for Health Protection in Sport shall be determined in the Articles of Association drawn up for the same in accordance with the provisions contained in the State Agencies Act (Law 28/2006, dated July 18th, 2006) for the improvement of public services.

Its collegiate governing body will include, in all cases, the participation of all parties involved in sport and, within these, the sports federations specifically.  
The structure of the Agency will include a body enabling the participation of athletes' representatives.

4. In any case, the Spanish Agency for Health Protection in Sport will have an organ designed for participation, co-ordination and monitoring in which those institutions and bodies with the appropriate regional powers for sports and health in Spain's regions will be represented.

5. Should there be official institutions in charge of the fight against doping within the scope of Spain's Regional Governments, a specific body will be established within the Spanish Agency for Health Protection in Sport for their participation and for the purposes of information, discussion and co-operation with respect to the State's public policies on doping.

6. For the fulfilment of the functions attributed to it by its Articles of Association, the Spanish Agency for Health Protection in Sport will be able to enter into agreements or conventions with any public or private institutions, in accordance with the provisions contained in the Legislation on Contracting by the Public Sector.

7. In its capacity as the body specializing in the investigation, control and execution of the anti-doping policy, the Spanish Agency for Health Protection in Sport is seen as the public body for providing advice and collaboration with the State Security Corps and Forces, the investigative police forces and all other Public Authorities with powers related to its scope of action and, at their request, with judges and courts.

8. The members of the bodies mentioned in the present article and all other bodies that may exist within the Spanish Agency for Health Protection in Sport will be designated in accordance with criteria of professionalism and extensive recognition in the world of sport and the battle against doping in sport, as well as with respect for the principle of a balanced presence of men and women, except for objectively-founded reasons, duly motivated.

*Article 8. Regional Governments.*

1. The Regional Governments of Spain shall be responsible for developing their own laws regarding doping control and health protection for athletes holding a regional sports licence or in competitions at regional level.

In any case, the drafting of the said policies must be done within the framework of the international commitments undertaken by the Kingdom of Spain and in the Treaties and Conventions applicable in Spain.

In the case of official sporting competitions of state level or international sporting competitions organized by an Olympic or Paralympic institution or by International Sporting Federations, the Regional Administrations may also perform the effective doping controls following a request, instrumented by means of an agreement subscribed in advance of the said request, addressed to the Spanish Agency for the Protection of Health in Sport or the International Organizations or Federations responsible for them.

The Regional Administrations may only perform out-of-competition controls on athletes with a state licence, or a regional licence from a region other than the one performing the control, or an international licence following a request, instrumented by means of an agreement subscribed in advance of the said request, addressed to the

Spanish Agency for the Protection of Health in Sport or the regional or International Organizations or Federations responsible for them.

2. Furthermore, they will be able to draw up and execute policies for protecting the health of athletes within the framework of the co-operation and collaboration measures established by the General State Administration on the terms set out in the preceding articles.

*Article 9. Competencies of the rest of the Public Authorities and Sports Institutions.*

The provisions contained in the preceding articles notwithstanding, the rest of the Public Administrations and Sports Institutions of all kinds will be able to establish measures to protect health, fight against injuries in sport and remedy or alleviate their consequences.

## PART II.

### **On health and doping by athletes with a sporting licence**

#### Chapter I.

### **Doping in the realm of sports with a sporting licence**

*Article 10. Scope of application*

1. The subjective scope of application of this chapter and chapter II of this Part extends to athletes in possession of, or previously in possession of, an accredited licence from a state-level or equivalent regional-level federation within the objective scope established in the next section, or who have applied for such a licence. This will also extend to persons and institutions mentioned in articles 24, 25 and 26 of this Act as well as foreign athletes who may be subjected to out-of-competition controls pursuant to the provisions contained in the present Act.

Where athletes have been in possession of a federation licence but do not hold one when the case file for the possible imposition of a penalty is initiated pursuant to the provisions contained in this Act, any penalty imposed will be applied for the purposes, as appropriate, of establishing their disqualification from obtaining the licence.

Such application will be constrained by the regime on the time-barring of violations and penalties foreseen in this Act.

2. The objective scope of application of this Act, for the purposes of doping in sport in the realm of sport with a federation licence, is determined by official sports competitions at a state-wide level organized by sports institutions within the framework of the Sports Act (Law 10 dated October 15th, 1990).

## SECTION 1. OBLIGATIONS

*Article 11. Obligation to submit to doping controls and to perform other material activities to contribute to doping control.*

1. All athletes included in the present Part will be under the obligation to submit, in and out of competition, to the controls determined by the Spanish Agency for Health Protection in Sport or, when appropriate, Spanish sports federations.

Out of competition controls may be carried out by surprise or by arrangement. In the first case, the obligation referred to in this article covers the submission to the said controls and, in the second, the obligation to appear and submit to the same.

The scope and way in which both types of control will be conducted will be determined, in regulations, striving to achieve an adequate reconciliation of the constitutional rights of athletes and the material needs of the Spanish Agency for Health Protection in Sport, specifically with regard to the performance of out of competition controls.

The performance of controls by prior arrangement will particularly affect athletes forming part of the special monitoring groups referred to in Appendix I to this Act.

2. The obligation to submit to the controls also extends to athletes whose licences have been suspended through having been involved in a doping violation for so long as they are still fulfilling the penalty imposed and, in all cases, prior to any reinstatement of their sporting licences.

In accordance with the provisions contained in article 10.1 of the present Act, the Spanish Agency for Health Protection in Sport may extend this obligation, by means of a reasoned resolution, to those athletes who have held a licence in a particular year but have not renewed it within the deadline stipulated, when there is a reasonable presumption that they have not abandoned the practice of sport and may be trying to avoid out of competition doping controls until the renewal of their licences.

3. For the proper execution and the greatest possible efficacy in the controls referred to in the first paragraph, athletes, teams, coaches and club officials must facilitate, on such terms as may be established by regulations, the information allowing the habitual whereabouts of athletes to be known so that the doping controls can be effectively carried out.

The rules in the regulations may specify this obligation in terms of the characteristics of the sports practice and, where appropriate, in terms of the inclusion of athletes in individual control plans at State or international level.

This information about athletes' habitual whereabouts will be held by the Spanish Agency for Health Protection in Sport in a file that it may transfer to the World Anti-Doping Agency for the execution of its functions with regard to the data on athletes included in international federations' monitoring plans, after due justification of such inclusion.



The transfer may only be made for the planning, co-ordination or execution of controls and the data transferred must be destroyed when no longer useful for these purposes and, in all cases, on the terms foreseen in Chapter IV of this Part.

Should an athlete be included in a group of athletes subject to monitoring by the International Federations or the Spanish Agency for Health Protection in Sport, then any declarations made and included in the World Anti-Doping Agency's database will be considered as sufficient declarations for the purposes of fulfilling the whereabouts obligations foreseen in this Act providing the Spanish Agency for Health Protection in Sport has access to these data.

4. Athletes, their coaches, physicians and other health-care personnel, as well as club officials and sports organizations and any other persons in the athletes' proximity, shall indicate, whenever athletes are involved in doping controls, all the medical treatments they are undergoing, the persons responsible for the same and the scope of the treatment, unless the athletes have expressly refused to authorize such indications.

5. Athletes holding a non-Spanish licence and taking part in State-level or international competitions held within Spain or who are in Spanish territory may be subjected to in competition and out of competition controls. The processing of any disciplinary proceedings that may arise from the same will be conducted in the manner established in the corresponding international regulations. Furthermore, they may also be subjected to out of competition controls when they are training in Spain, at the request of the competent federation or international body.

In any case, the results of all doping controls effected will be reported to the corresponding international sports federation and to the World Anti-Doping Agency.

6. The Spanish Agency for Health Protection in Sport may establish, in the light of the respective type of sport and the sporting level of the athletes, a Group of athletes subject to monitoring with additional obligations as foreseen in this Act.

7. Athletes subject to the present Act who are abroad may be subjected to doping controls at the hands of agents qualified by the Spanish Agency for Health Protection in Sport, after obtaining the authorization from the national anti-doping authorities of the country where they are located.

*Article 12. Doping controls to be performed at international competitions held in Spain.*

1. The responsibility for organizing and holding doping controls at international competitions held in Spain corresponds to the International Olympic Committee, the international sports federations or institutions organizing them or to those federations on which such organization may have delegated the same.

2. Furthermore, these bodies shall be responsible for exercising disciplinary powers, without prejudice to the provisions contained in article 31, in connection with the efficacy of the penalties that may be imposed.

3. The effective performance of doping controls at these international competitions held in Spain will be conditional, in accordance with the provisions contained in the Sports

Act (Law 10/1990, dated October 15th, 1990) on the mandatory authorization of the respective competition by the High Council for Sport.

4. The Spanish Agency for Health Protection in Sport may conduct doping controls at international competitions held in Spain where the international federation has not ordered the execution of controls.

5. The international federations or institutions organizing international competitions in Spain will be able to enter into agreements and collaboration conventions with the Spanish Agency for Health Protection in Sport so that the latter may perform the doping controls at these competitions.

*Article 13. Out of competition doping controls on athletes with a foreign licence in Spain.*

The Spanish Agency for Health Protection in Sport will be able to order, without prejudice to any regional government powers, the execution of out of competition controls on foreign athletes in Spain and especially when they are using publicly-owned training centres and facilities.

For the appropriate purposes, the analytical results will be notified to the respective international sports federation and to the World Anti-Doping Agency.

*Article 14. Out of competition doping controls performed in Spain on athletes with a Spanish licence by international organizations.*

1. Doping controls effected by international organizations may only be carried out and their validity will only be recognized if they comply with the requirements stipulated in article 15 and concordant articles of this Act.

2. The international sports organizations and the Spanish Agency for Health Protection in Sport may subscribe agreement and collaboration conventions so that the latter may materially perform the out-of-competition doping controls that the former may need to carry out in Spain.

## SECTION TWO. GUARANTEES FOR THE PERFORMANCE OF THESE CONTROLS

*Article 15. Personnel qualified to perform them and other guarantees.*

1. Doping controls consisting in the drawing of blood from an athlete will always be conducted under the responsibility of a physician, acting in person or a specialist in clinical analyses or other type of health-care personnel, duly qualified by the Spanish Agency for Health Protection in Sport to carry out this function. All other controls referring to other biological parameters must in all cases be carried out by personnel duly qualified by the Agency.

The Spanish Agency for Health Protection in Sport and the competent bodies of the Regional Governments may develop a system for the mutual recognition of qualifications through the signing of specific conventions.

Furthermore, this function may be performed by the medical or health-care personnel qualified by the International Federations and the World Anti-Doping Agency.

2. In order to facilitate athletes' night-time rest, out of competition doping controls and health checks must not be performed within the time period comprised between 23:00 and 06:00 hours.

However, where justified and respecting the principle of proportionality, drug tests outside competition may be carried out as long as the athlete is informed at the time the tests are carried out of the reasons justifying non-compliance with the time limitations established in the paragraph above.

In the exercise of its functions, the Spanish Agency for Health Protection in Sport will ensure that the conditions for performing the doping controls foreseen in the present Act are complied with, observing the principle of minimal intervention and ensuring proportionality with respect to athletes' night-time rest and the impact on their rights and privacy.

3. At the moment athletes receive the notification of the control and, where appropriate, at the start of the collection of the sample, they will be informed of the rights and obligations affecting them in connection with the control in question, of the essential steps in the procedure and their main consequences, of the processing and transfer of their data pursuant to the present Act, as well as of the possibility of exercising their rights to access, correct, cancel and oppose the use of their personal data, pursuant to the Personal Data (Protection) Act (Organic Law 15/1999, dated December 13th, 1999).

These rights will include the right not to submit to the test, without prejudice to the provisions contained in the following paragraph.

The Spanish Agency for Health Protection in Sport will establish a standardized information template for the collection of samples in the performance of doping controls.

The performance of controls must be carried out with full respect for athletes' constitutional rights.

4. For the purposes of disciplinary proceedings with regard to doping followed for an offence established in paragraph c), chapter one of article 22 of this Act, any refusal to submit to the controls without good cause, once properly documented, shall constitute sufficient evidence for the purposes of enforcing disciplinary responsibility on athletes.

Good cause shall be deemed to be the impossibility of attending, as a demonstrable consequence of an injury, when performance of the control represents a serious risk to the athlete's health or for any other sufficiently serious circumstance objectively preventing submission to the control.

5. The document accrediting refusal without valid cause referred to in the previous paragraph, when drawn up by qualified medical or health-care personnel, will be sufficient to open the corresponding disciplinary proceedings without prejudice to the right of the persons concerned to defend themselves.

*Article 16. Doping-related ancillary obligations.*

1. Clubs, organizations, groups and other sports entities referred to in Part III of the Sports Act (Law 10/1990, dated October 15th, 1990) or those participating in sports activities or competitions organized within the framework of the said Act, are obliged to keep a register, duly entered with the Spanish Agency for Health Protection in Sport and with a proper guarantee of its integrity, in which they will record the medical and health-care treatments prescribed by their medical personnel to athletes under their supervision, provided that such entries are authorized.

The aforesaid register will be considered as a health document for the purposes of access to the information contained therein, its safekeeping and data protection.

The Spanish Agency for Health Protection in Sport will be able to complement or replace the register by centralized database procedures using information technology and electronic identification and notification systems, such as digital signatures and single, centralized electronic case history systems.

Athletes will be entitled to request, at the moment of their inclusion on the register, that they be given a copy of the entry or other equivalent document setting out the duly identified medical or health-care professional who has prescribed or performed, under personal supervision, the medical or health-care treatment showing the date, together with the signature and stamp, where appropriate, of the professional responsible for the health-care attention provided. They may also request that the information in question be included on their personal health card.

Any medical, therapeutic or health-care procedure to be prescribed or applied to an athlete subject to the scope of application of this Act and that is considered doping even if it is covered by permission for therapeutic use must follow an informed consent procedure that will be governed by the corresponding regulations and a copy of this consent will be kept in the register. Each health-care action must be ratified by the signature of the athlete as a guarantee that the action in question has been carried out and that the corresponding entry on the register has been authorized.

2. This obligation extends to the Spanish sports federations when the athletes are under their responsibility within the framework of national sports teams.

3. In individual sports, this obligation will lie with the athlete or the corresponding Spanish federation in the manner indicated in the preceding paragraph. With respect to its fulfilment, the same rules will be applied as for team sports.

*Article 17. Permission for therapeutic use.*

1. Athletes with a licence to participate in official state-level competitions may request permission for therapeutic use from the Committee for Permitting Therapeutic Uses, assigned to the Spanish Agency for Health Protection in Sport, which will apply the evaluation criteria contained in Annex II of the International Anti-Doping Agreement and in regulations adopted by the World Anti-Doping Agency regarding permission for therapeutic use.

Should the athlete appear as included on an International Monitoring Programme of an International Federation, it will be up to the International Federation to grant permission for therapeutic use and this will be fully valid for competitions and sports activities within the state.

2. Permission for therapeutic use issued pursuant to this Act and the provisions developing the same, as well as the corresponding complementary documentation, must remain in the custody of the Spanish Agency for Health Protection in Sport.

Should an authorization have been issued by an international body to an athlete with a federation licence to take part in state-level competitions, the athlete, or such other person as may be designated for the purpose in accordance with regulations, is obliged to submit a copy to the Spanish Agency for Health Protection in Sport for its registration, from the start of its validity. The Spanish Agency for Health Protection in Sport will co-ordinate the information with the World Anti-Doping Agency with regard to permissions for therapeutic use.

The sports disciplinary bodies will not be able to consider valid any permission for therapeutic use unless it is duly registered with the Spanish Agency for Health Protection in Sport or the latter obtains sufficient confirmation for it through the World Anti-Doping Agency.

### SECTION THREE. TYPES OF CONTROLS AND AUTHORITY TO PERFORM THEM

#### *Article 18. Types of controls*

1. For the purposes of this Act, the following will be considered as doping controls:

a) The set of material activities effected by qualified physicians, specialists in clinical analyses and health-care personnel, the Spanish Agency for Health Protection in Sport and a duly authorized analysis laboratory, with the purpose of verifying the presence or absence of any prohibited substance capable of producing doping or the use of a non-regulatory method, detected by means of standardized procedures in a sample extracted for the purpose.

In any case, doping controls will include the planning activities for their realization with assurances, the selection of the athletes on whom to carry out the controls, collection and manipulation of samples, laboratory analyses, as well as the management and custody of the results obtained.

b) The set of material activities effected by physicians, specialists in clinical analyses and health-care personnel authorized by the World Anti-Doping Agency and the international organizations foreseen in article 12 and following with the purpose of verifying the presence of any prohibited substance capable of producing doping or the use of a non-regulatory method.

2. Controls and health-protection activities, for the purposes of this Act, are considered to be the set of actions that the Spanish Agency for Health Protection in Sport

establishes to improve, control and forestall the harmful effects on health that may arise from sports activity, prevent sports-related accidents or minimize the effects of the same.

For the exercise of these actions, regard will be had for the unique characteristics of the different types or specialities of sport.

For these purposes, the Spanish Agency for Health Protection in Sport will be able to propose the execution of these activities in those types or specialities of sport in which this is considered necessary due to their unique characteristics.

Regulations will determine the conditions and characteristics of the health-protection actions for athletes.

*Article 19. Planning of controls.*

1. The Spanish Agency for Health Protection in Sport will determine and carry out, through its own resources or with those of others, doping controls, health checks and other actions with regard to health protection, which must be carried out when the funding of the same is done through public money with respect to the athletes mentioned in article 10.1.

The provisions contained in the preceding paragraph notwithstanding, the Sports Federations will be able to establish and pay for out of their own revenue such additional control systems as may be considered appropriate.

2. Planning will take into account the most relevant competitions in each type of sport, as well as the technical elements to be supplied to the Spanish Agency for Health Protection in Sport in order to obtain the maximum efficacy in the controls and will adequately ponder competitive activity, preparation and, in particular, the participation of Spanish athletes in major international events on the terms determined in regulatory rules.

To this end, federations and, where appropriate, Professional Leagues must submit to the Spanish Agency for Health Protection in Sport all necessary information to be able to know the calendar of competitions.

3. The Department in charge of planning at the Spanish Agency for Health Protection in Sport may request from the High Council for Sport and the Sports Federations any information that may be necessary to achieve the maximum efficacy in planning.

4. The Spanish Agency for Health Protection in Sport, through a reasoned resolution by its Director, may order specific controls not included on the original schedule, in or out of competition, on athletes subject to the present Act. These controls will be performed in accordance with the provisions contained in this Act, the provisions developing the same, and with full respect for the provisions contained in paragraph six of the present article.

5. The planning drawn up by the Spanish Agency for Health Protection in Sport will be secret and may not be disclosed or published. Any breach of this obligation will be considered a very serious violation pursuant to article 22.1.j) of this Act.

6. In the execution of the controls and tests, care will be taken that these will be carried out with full respect for the constitutional rights of individuals, the protection of their personal details and the best practices for the execution of the said activities.

*Article 20. On the powers for the execution of controls.*

1. The planning and execution of controls in and out of competition shall correspond to the Spanish Agency for Health Protection in Sport.

2. In doping controls effected on athletes in or out of competition, the analyses intended for the detection of substances and methods prohibited in sport must be performed at laboratories with international accreditation from the World Anti-Doping Agency or accredited by the State.

3. Furthermore, the analyses performed by laboratories accredited by the World Anti-Doping Agency will be effective in administrative procedures processed in Spain.

4. The Regions of Spain may enter into collaboration conventions with the Spanish Agency for Health Protection in Sport in order to have the latter assume the exercise of powers corresponding to the former with respect to athletes with regional-level licences and in regional competitions.

## Chapter II.

### **On the regime for penalties with regard to doping**

#### SECTION ONE. PERSONS RESPONSIBLE, VIOLATIONS, PENALTIES AND REGIME FOR DETERMINING LIABILITY.

*Article 21. Liability of athletes and their environs*

1. Athletes included within the scope of application in Chapter I of Part II must actively maintain an active stance against doping and the use of prohibited methods in sport and must ensure that no prohibited substance enters their body, assuming responsibility whenever the presence of the same is detected therein on the terms stipulated in the present Act.

2. Athletes, their federation or personal coaches, executives, as well as the sports teams and clubs of which the athlete is a member, will all be liable for any failure to comply with the obligations imposed on matters relating to the habitual whereabouts of athletes.

3. Athletes, their coaches, physicians or health-care personnel, executives, officials, as well as the sports teams and clubs, will be liable for any violation of the rules regulating the obligation to facilitate information to the competent bodies on athletes' illnesses, medical treatments they may be taking, the scope and person responsible for treatment, whenever the athlete in question has authorized the use of such information.

Similarly, they will be liable for any failure to comply with the obligations imposed in connection with permission for therapeutic use or the failure to comply with the obligation to request the same.

4. The provisions contained in this precept shall be understood to be without prejudice to the other obligations and the disciplinary regime established in the present Act.

*Article 22. Classification of violations with regard to doping.*

1. For the purposes of the present Act, the following will be considered as very serious violations:

a) The failure to comply with the obligations referred to in the preceding article, when it gives rise to the detection of the presence of any amount of a prohibited substance, or its metabolites or markers, in the physical samples of an athlete.

Without prejudice to the foregoing, the list of prohibited substances and prohibited methods foreseen in article 4 of this Act may foresee a limit for the quantification of certain substances or special evaluation criteria to assess the detection of prohibited substances.

b) The utilization, use or consumption of substances or methods prohibited in sport.

c) Resistance or refusal, without valid justification, to submit to doping controls, in and out of competition, as well as obstruction, failure to attend, undue delay, hiding of information or other behaviours that, by deed or omission, may avoid, prevent, disrupt or not allow doping controls to be performed in the manner foreseen in this Act.

d) Collaboration or participation in the use of prohibited substances or methods.

e) The alteration, falsification or manipulation of any element in doping control procedures.

f) The possession by athletes or by persons in their immediate surroundings, in or out of competition, of substances prohibited in such scopes or of the elements needed for the utilization or use of prohibited methods, when no permission for therapeutic use exists for their administration or dispensation, or any other justification deemed sufficient by law or regulations.

The holding of permission for therapeutic use will not preclude the commission of a violation if the persons responsible have an amount of banned substances or methods larger than would correspond to the simple use covered by the permission indicated such that the amount might reasonably be inferred to be intended for trafficking as foreseen in letter i) of paragraph one of this precept.

g) The administration, dispensation, offering, facilitation or supply to athletes of prohibited substances or the use of prohibited methods in the practice of sports, whether arising in or out of competition, provided that it does not constitute a breach of article 361 bis of the Criminal Code.



h) The promotion, stimulation, contribution, instigation or facilitation of conditions for the use of prohibited substances or prohibited methods.

i) Trafficking in prohibited substances and prohibited methods.

j) any failure to comply with the obligations stipulated in article 19 with regard to the confidentiality of planning.

k) The breach of penalties imposed pursuant to this Act.

l) Any attempt to commit the behaviours described in letters b), e), g) and i) of this paragraph, providing that the behaviour, in the case of trafficking, does not constitute a crime.

m) The deposit, marketing or distribution, in any way, at establishments devoted to sporting activities of products containing substances banned because they are capable of producing doping.

n) Encouraging consumption of products containing substances banned because they are capable of producing doping at establishments devoted to sporting activities.

2. The following will be considered as serious violations:

a) The failure to comply with the obligations regarding the submission of information about whereabouts or regarding the availability of the athlete to perform the controls at the said whereabouts, on the terms foreseen in the regulations governing the same.

A violation will be deemed to exist when the athlete has failed to comply with the obligations with regard to whereabouts on three occasions during the term of eighteen months.

b) The behaviours described in letters a), b) and f) of the preceding paragraph, when these affect, involve or are related to substances identified in article 4.2.2 of the World Anti-Doping Code and in the list foreseen in article 4 as “specific substances”.

For these behaviours to be considered as serious violations, it will be necessary for the offender to justify how the substance has entered his or her body or the cause justifying the possession of the same and to provide sufficient evidence, pursuant to the rules on healthy criticism, that the said substance is not intended to improve sports performance or to mask the use of any other substance intended to improve such performance. The level of guilt of the possible offender will be the criterion used to study any decrease in the time of his or her suspension.

For the evidence to be deemed sufficient, it will be necessary for the person at fault to present evidence backing up his or her declaration and convincing the competent body about the lack of any intention to improve sports-related performance or mask the use of a performance-boosting substance.

c) The failure to comply with the obligations relating to information on medical treatment and or with the notification athletes are obliged to give to the Spanish Agency

for Health Protection in Sport that permission for therapeutic use referred to in article 17.2 of this Act has been obtained, as well as the breach of the provisions contained in article 55 of the present Act;

*Article 23. Penalties on athletes.*

1. The violations classified as very serious in paragraph 1 of article 22 will be subject to the following penalties:

a) For the commission of the very serious violations foreseen in letters a), b), c), d), e), f), l), m) and n) of the first paragraph of article 22, the federation licence will be suspended for a period of two years and a fine from 3,001 to 12,000 euros will be imposed.

b) For the commission of the very serious violations foreseen in letters g), h), i), j) and k) of the first paragraph of article 22, the federation licence will be suspended for a period of from four years to lifelong disqualification from obtaining the licence and a fine from 3,001 to 12,000 euros will be imposed.

2. The violations classified as serious in paragraph 2 of article 22 will be subject to the following penalties:

a) For the commission of the serious violations foreseen in letters a) and c) of the second paragraph of article 22, the federation licence will be suspended for a period of from one to two years and a fine from 1,500 to 3,000 euros will be imposed. This determination will take into account the athlete's degree of blame through application of the provisions contained in article 27 of this Act.

b) For the commission of the serious violations foreseen in letter b) of the second paragraph of article 22 of this Act, the person concerned will be given a formal warning or the federation licence will be suspended for up to two years and a fine from 1,500 to 3,000 euros will be imposed. In these cases, the circumstances described in paragraph two of section b) in heading two of article 22 of this Act must be present.

*Article 24. Penalties on sports teams, clubs and Federations.*

1. For the commission of the very serious violations foreseen in the first paragraph of article 22 of this Act, sports teams and clubs will receive one or more of the following penalties:

a) Fine from 30,001 to 300,000 euros

Without prejudice to the provisions contained in article 27.5 e), whenever the behaviours referred to above involve a minor, or in the event of repeated occurrence, the monetary penalty may only be an accessory and a fine from 40,000 to 400,000 euros will be imposed.

b) Loss of points, the round or positions in the ranking of the classification of the competition.

c) Descent to a lower category or division.

2. For the commission of the serious violations contemplated in letters a), b) and c) of the second paragraph of article 22 of this Act, a fine from 10,000 to 30,000 euros will be imposed. Whenever any of the illegal acts referred to above is committed for a second time, the behaviour will be classified as a very serious violation and will give rise to the application of penalties in the form of fines from 24,000 to 80,000 euros and, where appropriate, the loss of points, the round or positions in the ranking or descent to a lower category or division. Should a third violation be committed, the monetary penalty may only be an accessory and a fine from 40,000 to 400,000 euros will be imposed.

3. The imposition of the penalties foreseen in the two preceding paragraphs will not prevent the application of the rest of the measures and consequences foreseen in this Chapter.

*Article 25. Penalties on technical staff, judges, referees, other persons with a sports licence, executives, officials or personnel of Spanish sports federations, professional leagues, entities organizing official sports competitions, sports teams or clubs.*

1. The violations classified as very serious in paragraph 1 of article 22 will be subject to the following penalties:

a) For the commission of the very serious violations foreseen in letters b), c) d), e), f) and l) of the first paragraph of article 22, the federation licence will be suspended or the person disqualified from the exercise of sports-related positions for a period of two years and a fine from 10,001 to 100,000 euros will be imposed.

b) For the commission of the very serious violations foreseen in letters g), h), i), j) and k) of the first paragraph of article 22, the penalties of suspension of federation licence or disqualification from the exercise of sports-related positions will be imposed for a period from four years to lifelong disqualification, and a fine from 10,001 to 100,000 euros will be imposed.

Without prejudice to the provisions contained in article 27.5 e), where the violation committed involves a minor, the penalty, in addition to the fine from 40,000 to 400,000 euros, will be lifelong disqualification.

2. The violations classified as serious in the second paragraph of article 22 will be subject to the following penalties:

a) For the commission of the serious violations graves foreseen in letters a) and c) of the second paragraph of article 22 of this Act, the penalties of suspension of federation licence or disqualification from the exercise of sports-related positions will be imposed for a period from one to two years and a fine from 5,001 to 50,000 euros will be imposed.

b) For the commission of the serious violations graves foreseen in letter b) of the second paragraph of article 22 of this Act, the penalty will be a formal warning or suspension of the federation licence for up to two years and fine from 10,000 to 100,000 euros.

3. Private individuals or bodies corporate engaging in the behaviours classified as violations in the present chapter, without holding any federation licence or equivalent qualification, but rendering services or acting on behalf of Spanish sports federations, professional leagues or entities organizing official sports competitions by delegation from the aforementioned or persons or institutions included within the said organizations, will not be able to exercise sports-related positions in any entity associated with sport, obtain a sporting licence or equivalent qualification, nor exercise the rights deriving from the sporting licence for a period equivalent to the duration of the penalties of disqualification for the holding of sports-related positions, suspension or withdrawal of sporting licence or equivalent qualification.

Violations classified as very serious in paragraph one of article 22 of the present Act will be considered as a breach of contractual good faith for the purposes of article 54.2.d) of the Redrafted Text of the Workers' Statute, approved by Royal Legislative Decree 1/1995, dated March 24th, 1995.

Spanish sports federations, professional leagues and entities organizing official sports competitions shall adapt their regulations to include these measures, which will be compatible with any civil liability that may in each case be appropriate and with the settlement of any liability that may be due pursuant to the provisions contained in article 26.5 of this Act.

*Article 26. Penalties on doctors and other health-care personnel of teams, clubs, federations and other sport institutions and on those responsible for sports establishments.*

1. The violations classified as very serious in the first paragraph of article 22 and carried out by doctors and other personnel engaging in health-care functions will be subject to the following penalties:

a) For the commission of the very serious violations foreseen in letters b), c), d), e), f) and l) of the first paragraph of article 22, the federation licence will be suspended or the person will be disqualified from obtaining it for a period of two years, and a fine from 10,001 to 100,000 euros will be imposed.

b) For the commission of the very serious violations foreseen in letters g), h), i), j) and k) of the first paragraph of article 22, the penalties of suspension of the federation licence or disqualification from obtaining the same will be imposed for a period from four years to lifelong disqualification, and a fine from 10,001 to 100,000 euros will be imposed. Without prejudice to the provisions contained in article 27.5 e), where the violation committed involves a minor, the fine will be from 40,000 to 400,000 euros and the person will be disqualified for life.

2. The violations classified as serious in the second paragraph of article 22 will be subject to the following penalties:

a) For the commission of the serious violations foreseen in letters a) and c) of the second paragraph of article 22 of this Act, the penalties of suspension of the federation

licence or disqualification from obtaining the same will be imposed for a period from one to two years, and a fine from 5,000 to 50,000 euros will be imposed.

b) For the commission of the serious violations foreseen in letter b) of the second paragraph of article 22 of this Act, the penalty imposed will be a formal warning or suspension of the federation licence for up to two years, and a fine from 3,000 to 10,000 euros.

3. These behaviours will be considered as a breach of contractual good faith for the purposes of article 54.2.d) of the Redrafted Text of the Workers' Statute, approved by Royal Legislative Decree 1/1995, dated March 24th, 1995.

4. Spanish sports federations, professional leagues and entities organizing official sports competitions shall adapt their regulations to include these measures, which will be compatible with any civil liability that may in each case be appropriate and with the settlement of any liability that may be due pursuant to the provisions contained in the present Part.

5. Without prejudice to the provisions contained in the preceding paragraph and any liabilities that it may be appropriate to pursue for the behaviour classified in the present chapter, the disciplinary bodies shall notify the corresponding professional associations of the acts carried out by the personnel engaging in health-care functions for the appropriate disciplinary purposes.

*Article 27. Criteria for the imposition of penalties with regard to doping.*

1. The imposition of the penalties foreseen in the preceding articles will be carried out applying the principle of proportionality and having regard for the circumstances occurring in each case, particularly those referring to the degree of blame attaching, awareness, the degree of responsibility in the functions carried out by the person at fault and the nature of the harm caused.

2. The fact that the athlete or other person affected by the disciplinary proceedings accredits, in that particular case, that there has been no blameworthy or negligent conduct on his or her part will be considered as a circumstance exonerating them from disciplinary liability.

Should this circumstance arise, in order to be exonerated from liability and avoid penalty, the athlete must justify the way in which the prohibited substance entered his or her body.

In this case, the disciplinary bodies shall determine that the athlete has not committed any violation for the purposes of the existence of recurrence of violations with regard to doping.

Having obtained authorization for therapeutic use will be considered to be grounds for exoneration, as this will bring about exemption from disciplinary liability relating to the use of doping products, the possession of banned substances or methods or their administration or attempted administration. Such exemption shall only extend to the banned substances or methods listed in the authorization.

3. The following will be considered as attenuating circumstances:

a) The duly accredited absence of blame or gross negligence in the action of the athlete or the person responsible for the violation. In these cases, the disciplinary body will reduce the period of suspension to one half of the suspension period that would be applicable had such a circumstance not been present.

Where the penalty foreseen for the violation committed is lifelong disqualification from holding a federation licence, the reduced period of suspension applicable under this precept may not be less than eight years.

Where the violation consists in the detection of a prohibited substance in the body of an athlete, in order for the present attenuating circumstances to be applicable, he or she must show how the said substance entered his or her body in order to reduce liability and obtain the reduction in the penalty.

b) The voluntary admission of the commission of behaviours constituting a violation of the anti-doping rules by an athlete or the person responsible for the violation, made to the competent body before any kind of notification had been given that might bring to light the possibility of any liability for such facts, providing that the confession is the only evidence of the violation at that moment.

In these cases, the competent organ will reduce the period of suspension that would correspond due to the commission of the violation to one half of what would be applicable had such a circumstance not been present.

c) The collaboration of the athlete or another person in providing substantial aid enabling the discovery or demonstration of a violation of anti-doping rules, a crime of doping classified under article 361 bis of the Criminal Code or the violation of professional rules by another athlete or other person.

The application of these attenuating circumstances shall conform to the provisions contained in article 36 of the present Act.

4. Before applying any reduction pursuant to the present rule, the period of suspension applicable will be determined in accordance with the rules established in article 23 and following of this Act. Where two or more of the attenuating circumstances foreseen in the present article are present, then the penalty that would correspond to the violation committed may be reduced to one quarter of the suspension period that would have been applicable had no such circumstances been present.

Where the violation affected by the attenuating circumstances is the second committed by the party at fault, the applicable suspension period will first be set in accordance with article 28 of this Act and then the corresponding reduction will be applied to this period. After application of attenuating circumstances, the period of the suspension will be, at least, one quarter of the suspension period that would be applied if no such attenuating circumstance were present.

5. The following will be considered as aggravating circumstances of the liability to disciplinary proceedings:

a) When the person at fault has committed the violation within the framework of a plan or organized plot for doping.

b) When the person at fault is guilty of behaviour entailing repeated violation of the anti-doping rules.

For these purposes, repeated violation will be understood to be the reiterated execution of the prohibited behaviours, providing that such reiteration is duly accredited in the proceedings for the imposition of a penalty and provided that the athlete has not previously been penalized for any of the said behaviours.

c) When the person at fault has used or possessed multiple prohibited substances or prohibited methods.

d) When the person at fault has benefited from his or her illicit behaviour for a period of time that is longer than the duration of the potential suspension that might be imposed.

e) When the person at fault, in the case of the violations foreseen in letters g) and i) of the first paragraph of article 22, has committed the violation on a minor. In the cases foreseen in articles 24.1.a), 25.1.b) and 26.1.b), this aggravating circumstance will not be applied and the penalty to be imposed will be that foreseen in these precepts.

In all the cases foreseen in this sub-section, the penalty to be imposed may be increased up to a maximum of 4 years, unless the person at fault is able to accredit that there was no intentionality whatsoever in the behaviour aggravating the liability.

6. The simultaneous occurrence of aggravating and attenuating circumstances affecting disciplinary liability will imply their compensation; only those circumstances remaining after such compensation shall be applied.

*Article 28. Re-occurrence of the commission of violations.*

1. Re-occurrence, for the purposes of the provisions contained in this Act, is deemed to be the commission of a second or subsequent violation with regard to doping within a period of eight years and providing that the said violations have been duly punished and notified to the person responsible for the same.

2. In the event of a second violation being committed with regard to doping by any person at fault, the penalty will be imposed taking into account the surrounding circumstances and, for the purposes of grading the second penalty, the criteria set out in the World Anti-Doping Code will be applied in all cases. These criteria are shown in the table included in Appendix II to this Act. With respect to a third or subsequent violation, regard will be had for the provisions contained in the World Anti-Doping Code.

*Article 29. Imposition of monetary penalties*

1. Personal penalties in the form of fines, in the case of athletes, may only be imposed when the latter are or have been in receipt of income associated with the sports activity engaged in.

2. The fines imposed by the Spanish sports federations, the Spanish Agency for Health Protection in Sport, and, where appropriate, by the Administrative Law Tribunal for Sport, will be enforced, if they remain unpaid, by forcible means in accordance with the terms stipulated in the current regulations in force on collection.

3. The product of fines collected by the procedure foreseen in the preceding paragraph constitutes revenue pursuant to public law associated with the fulfilment of the goals of research and will enable the necessary credits to be generated in the budget of the Spanish Agency for Health Protection in Sport for the furtherance of such research, the material execution of which will be carried out in accordance with the terms of this Act.

*Article 30. Cancellation of results.*

1. The commission of any behaviour foreseen in the present Act as violations by an athlete in the framework of an individual competition and as a consequence of the execution of an in-competition control will be grounds for the automatic cancellation of the results obtained in that competition, with the loss of all medals, points, prizes and all those consequences necessary to eliminate any result obtained in the said competition, regardless of the existence of any grounds for exemption or attenuation of liability.

2. Apart from the case mentioned in the preceding paragraph, where an athlete has committed one of the violations foreseen in the present Act in the course of a sporting event or in relation with the same, the competent body must cancel all the results obtained by the said athlete at that sporting event. Such cancellation will imply the loss of all medals, points, prizes and all those consequences necessary to eliminate any result obtained in the said sporting event. Without prejudice to the foregoing, where the athlete shows that there was no contributing blame or negligence whatsoever by the athlete in the conduct deemed in breach, then his or her individual results in the rest of the competitions other than that in which the violation occurred will not be cancelled, unless the results obtained in those competitions might be influenced by the violation committed.

3. In addition to the provisions contained in the two preceding paragraphs, all other results obtained in the competitions held since the date of the of the doping control from which the penalty stems or from the date on which the facts constituting a violation occurred until the penalty or provisional suspension is imposed will be cancelled, with all the consequences entailing from such cancellation unless the decision on the provisional suspension or penalty is delayed for reasons not attributable to the athlete, and the results obtained in later competitions are not influenced by the violation committed. This cancellation will imply the loss of all medals, points, prizes and all those consequences necessary to eliminate any result obtained in the said sporting event.

4. In team sports, providing two or more of the team's members have committed a violation with regard to doping during the period in which a competition is held, and



regardless of the penalties that might correspond to the same pursuant to the provisions contained in article 23 and following of the present Act, the disciplinary bodies must make a formal pronouncement on the suitability or otherwise of altering, as appropriate, the result of the matches, trials, competitions or championships. To this end, the concomitant circumstances will be considered and, in any case, the decisive participation in the result of the match, trial or competition by those who have committed violations with regard to doping and the involvement of minors in the behaviours in question.

*Article 31. Effects of the penalties.*

1. The imposition of penalties related to doping in sport constitutes, when so required by the nature of the penalty imposed, one of the grounds for making it impossible to obtain or exercise the rights derived from the sports licence in any territory, on the terms foreseen in article 32.4 of the Sports Act (Law 10/1990, dated October 15th, 1990).

2. Any resolution handed down by the anti-doping authorities of other States or by the competent International Federations or bodies will be immediately recognized in Spain providing that they conform to the provisions contained in the World Anti-Doping Code and fall within the remit of that institution's competences. The Spanish Agency for Health Protection in Sport will be in charge of issuing such recognition, either *ex officio* or at the request of an athlete, in those cases where doubt may exist about the applicability of the same.

Recognition and enforcement of arbitration decisions and definitive court rulings issued by foreign courts of justice with regard to anti-doping matters will be in accordance with the provisions contained in Book II, Part VIII, Section 2 of the Civil Procedure Act, as approved by the Royal Decree dated February 3rd, 1881, and the international rules in force in Spain.

In both cases, during the consideration of the corresponding proceedings the effects of the athlete's licence will be provisionally suspended in Spain. The maximum limit on the duration of the suspension will be two years.

3. During the period of the suspension, the person on whom a penalty has been imposed will not be able to take part, in any capacity whatsoever, in any competition or activity authorized or organized by any of the signatories to the UNESCO Convention, their members, sports federations, clubs or other organization belonging to an organization of a signatory member, or in competitions authorized or organized by any professional league or any organizer of national or international events.

The person on whom a penalty has been imposed may apply to the Spanish Agency for Health Protection in Sport for permission to participate in educational or reinstatement programmes.

Any athlete or person subject to a suspension period will continue to be subject to controls on the terms indicated in article 11.2 of this Act.

4. Persons on whom a penalty is imposed for committing any violation of anti-doping rules, except those stipulated in letter b) of the second paragraph of article 22 will be deprived of all financial support awarded directly by the Public Administrations or by any entity involving participation by a Public Administration and any other economic advantages or tax benefits related with their practice of sport that may be obtained therefrom. The recovery of the amounts obtained will be effected in accordance with the provisions contained in the General Subsidies Act (Law 38 dated November 17th, 2003) and the provisions developing the same, in the General Tax Act (Law 58 dated December 17th, 2003), or in any other form allowed by the legal system.

5. Athletes who have been given a penalty in the form of deprivation of their licence for more than four years will be able to take part, once this term of four years has elapsed, in sports activities of a scope lower than the level at which the violation of anti-doping rules occurred without the results obtained enabling them in any way to participate directly or indirectly in national or international competitions of any kind.

*Article 32. Reinstatement.*

1. For an athlete who has been given a penalty for doping to be able to achieve reinstatement he or she must accredit that the controls foreseen in article 11.2 have been complied with, and, following an application to the Spanish Agency for Health Protection in Sport, that he or she has fulfilled the whereabouts requirements foreseen in article 11.3, and also that he or she has completely fulfilled the penalty and all the accessory measures foreseen in this Part.

2. In order to achieve reinstatement when the athlete on whom a penalty has been imposed retires from competitive sport and does not submit to the control foreseen in the preceding paragraph, it will be necessary to notify the Spanish Agency for Health Protection in Sport and submit to out-of-competition controls during a period of time equal to that elapsed since the notification of his or her retirement until the total fulfilment of the suspension penalty.

*Article 33. Collaboration with the judicial authorities.*

1. Should the Spanish Agency for Health Protection in Sport become aware, in the exercise of its functions, of the possible existence of behaviour that might constitute the crime foreseen in article 361 bis of the Criminal Code, it will be reported immediately to the Law Enforcement Bodies, the Office of the Public Prosecutor or a competent Judge for the opening of the corresponding investigation.

2. When criminal proceedings are brought for an alleged violation of article 361 bis of the Criminal Code, the Investigating Judge may request that the Spanish Agency for Health Protection in Sport issue a report on the existence of danger for the life or health of athletes. For these sole purposes, the Agency will be supplied with the data or investigative findings deemed necessary to issue such a report. The Office of the Public Prosecutor may also request that the Investigating Judge adopt this measure, the ruling on which must, in all cases, be issued within the term of 20 days from the date of the notification to the Agency of the Court resolution requesting the report.

3. Once the report has been issued, should the Investigating Judge decide to continue with the proceedings, this will be notified to the Spanish Agency for Health Protection in Sport.

Both in this circumstance and in any other case where the report has not been requested, the Spanish Agency for Health Protection in Sport will suspend any proceedings for the imposition of penalties that may be under way with respect to the parties allegedly responsible for the criminal offence from the moment that the Agency is of the opinion that the facts of the case and the legal circumstances are identical.

The beginning or continuation of the investigation phase of criminal proceedings will imply that the Spanish Agency for Health Protection in Sport may resolve, if appropriate, and after hearing the parties involved, the provisional suspension of any federation licence in the light of the principles of article 10 of the World Anti-Doping Code.

The duration of the interim measure will be discounted from any associated penalty that may derive from the sentence imposed on the party responsible for the offence.

Where the criminal proceedings conclude with a definitive guilty verdict regarding the commission of a crime foreseen in article 361 bis of the Criminal Code, it will automatically entail, as an ancillary measure, the suspension of the federation licence for the same period established in the present Act for the equivalent administrative breach, even in the case of repeat offenders. This measure will be adopted by the Spanish Agency for Health Protection in Sport once it becomes aware of the sentence imposed. In this case, it will no longer be possible to impose a penalty on a person given a criminal sentence whenever the persons involved, the facts of the case and the legal arguments are seen to be identical.

4. In those cases where, as a consequence of the report issued by the Spanish Agency for Health Protection in Sport or for any other reason, the Investigating Judge is of the opinion that it is not appropriate to proceed with a criminal prosecution, the conclusion of the Court's proceedings will be indicated to the Spanish Agency for Health Protection in Sport and the latter will continue with the procedures under way for the imposition of administrative penalties. The Spanish Agency for Health Protection in Sport may request that it be sent the resolution ordering a stay of proceedings and dismissal or the judgement declaring the accused innocent so as to be able to accredit any proven facts contained in the same.

5. The Spanish Agency for Health Protection in Sport may request that it be sent the results of any investigative measures conducted that may be necessary to continue with its procedures for the imposition of penalties. Such requests will be decided on by the Investigating Judge, after hearing the parties involved, within the term of 20 days. At this hearing the parties may request that they also be sent the documents that may be to their benefit. The Judge's decision will be completely respectful of the principle of proportionality and the Administration, by means of a reasoned ruling, will only be supplied with the investigative measures authorized by application of the said principle.

Where the criminal proceedings are no longer in the investigation phase, the request will be addressed to the jurisdictional body hearing the lawsuit with respect to the investigative measures or evidence already accumulated.

If a judgement has already been handed down, the facts of the case declared to have been proved will be binding on the Administration, whether or not the Spanish Agency for Health Protection in Sport has been sent a copy. The same rule shall apply if a definitive administrative decision has already been reached.

6. As soon as any Judge or Court is aware of the possible existence of an administrative breach in doping-related matters and affecting any person not investigated or accused in the course of criminal proceedings, the corresponding quantum of blame will be notified to the Spanish Agency for Health Protection in Sport.

The Spanish Agency for Health Protection in Sport will be able to request of the Judge that the measure mentioned in the preceding paragraph be adopted whenever it is aware of grounds for this to be done.

In such cases, the Spanish Agency for Health Protection in Sport will proceed to open procedures for the imposition of penalties and adopt, where appropriate, the interim measure for the provisional suspension of the federation licence. Such a resolution will be subject to the general system for appeals foreseen in this Act.

*Article 34. Extinction of liability in the disciplinary sphere.*

Liability in the disciplinary sphere will be extinguished:

- a) Through the fulfilment of the penalty.
- b) By time bar.

*Article 35. Time bar on violations and penalties.*

1. Prosecution of the violations established in this Act will lapse after 8 years.

The term of the time bar for violations will begin to run from the day on which the violation was committed. The prescription will be suspended by the initiation of proceedings, with the knowledge of the party concerned, for the imposition of a penalty.

2. Penalties imposed for very serious offences will lapse after three years and those imposed for serious offences after two years.

The time bar for penalties will begin to run from the day after that on which the resolution imposing the penalty becomes firm and definitive.

This time bar will be interrupted by the initiation, with the knowledge of the party concerned, of enforcement proceedings.

*Article 36. Collaboration for detection.*

1. The penalty of suspension for an athlete or other person on whom this penalty is to be imposed pursuant to the present Act may be reduced in the terms foreseen in the present article if the athlete or other person provides substantial aid that allows a violation of anti-doping rules, one of the crimes foreseen in article 361 bis of the Criminal Code or a breach of professional rules by another athlete or other person to be detected or demonstrated.

2. The reduction in the suspension period foreseen in the preceding paragraph shall not exceed three quarters of the corresponding suspension period and, where the penalty consists in lifelong disqualification from obtaining a federation licence, the suspension period must be at least 8 years.

3. The reduction in the suspension period will be based on the severity of the violation against doping committed by the athlete and on the importance of the aid provided. Any decision on the partial reduction of the suspension period will require a mandatory report from the Spanish Agency for Health Protection in Sport, unless it is the competent body, the World Anti-Doping Agency and the corresponding International Federation and notice will be given to all persons and bodies with a legitimate right to appeal against the resolutions of the body intending to apply the reduction.

4. Any part of the suspension period may be added back on if the athlete or other person does not finally provide the substantial aid referred to in the preceding paragraphs. In this regard, the deadline for penalties to expire will be suspended until the competent body issues a statement on the existence of illegal activity as established in the first paragraph of this article

Section Two.

On the procedure for imposing penalties with regard to doping

*Article 37. Powers with regard to disciplinary proceedings for the repression of doping in sport.*

1. Disciplinary powers with regard to doping in sports activities effected with a state-level sporting licence or an equivalent regional licence corresponds to the Spanish Agency for Health Protection in Sport.

The Regional Authorities will also be able to enter into conventions to attribute to the Spanish Agency for Health Protection in Sport the exercise of their powers to impose penalties with regard to doping affecting the parties at fault or competitions at the regional level.

Exceptionally, in those cases where no Region has the power to impose penalties pursuant to the rules for determining competency applicable to Regional Government, perhaps with respect to an athlete with a regional licence at a competition that took place outside the territory of its region, the Spanish Agency for Health Protection in Sport will assume the power to impose penalties and open the corresponding disciplinary proceedings.

The Spanish Agency for Health Protection in Sport will have no competences with regard to imposing penalties on athletes officially classified as being at international level or taking part in international competitions. In these cases, the powers to prosecute will be determined by the rules of the corresponding International Federation.

Through the Spanish Agency for Health Protection in Sport, the Government may enter into agreements with international federations or organizations to improve the fight against doping with respect to athletes officially classified as being at international level.

2. The investigation and resolution of disciplinary case files corresponds to the Spanish Agency for Health Protection in Sport. The investigation phase and the resolution of the case files must be entrusted to separate bodies.

3. The investigation and resolution of disciplinary case files that, due to failure to comply with the requirements of the present Act, must be carried out and that involve executives of Spanish sports federations, professional leagues and, where appropriate, other entities with analogous functions, shall correspond to the Administrative Law Tribunal for Sports Acting as the sole administrative instance.

The proceedings will be substantiated in accordance with the rules contained in the Sports Act (Law 10/1990, dated October 15th, 1990), and the regulations developing the same.

4. If an athlete or other person retires and brings to an end his or her sporting activity in the course of proceedings with a view to imposing a penalty with regard to doping, the body competent to hear the case will continue to be in charge until its conclusion. If the retirement takes place before the start of proceedings with a view to imposing a penalty with regard to doping, then the said proceedings with a view to imposing a penalty will be heard by the body that was competent at the moment the alleged violation of the anti-doping rules was committed.

*Article 38. Loss of effectiveness of licence rights.*

The verification of an adverse analytical result in the analysis of an A sample involving the detection of a prohibited substance not considered to be a “specific substance” in accordance with the provisions contained in the List of prohibited substances and prohibited methods, will immediately entail the impossibility of exercising any of the rights derived from the sports licence.

This measure will be notified together with the resolution ordering the opening of the proceedings with a view to imposing a penalty with regard to doping. The person affected may submit his or her arguments against the measure adopted and for the purposes of the having the measure reconsidered.

In any other proceedings under way with a view to imposing a penalty with regard to doping, the body competent to resolve the same will be able to adopt provisional measures, at any time, by means of a reasoned resolution and respecting the principles of hearing the parties and proportionality of the penalty, including the provisional suspension of the federation licence, where such measures are necessary to ensure the

efficacy of the eventual resolution that might be handed down. Measures consisting in the provisional suspension of the federation licence may be adopted, solely and exclusively, in those cases where the subject under discussion in the proceedings comprises facts classified as a very serious violation.

Any provisional suspension of the licence adopted in accordance with the indications given in the preceding paragraphs will automatically be deemed to have been lifted if the body competent to impose the penalty has not resolved the proceedings within the term of three months counted from when it was started, unless the delay has been caused by reasons attributable to the person affected by the proceedings with a view to imposing a penalty.

*Article 39. Disciplinary proceedings*

1. Disciplinary proceedings are begun by a resolution of the Spanish Agency for Health Protection in Sport as a consequence of the notification sent directly by the doping control laboratory involved or as a consequence of the investigation of the facts or the receipt of evidence allowing the establishment of the possible existence of a violation with regard to doping. In the case foreseen in article 15.5 of the present Act, the qualified agent will send, without delay, the document accrediting the refusal to submit to a control without good cause to the Spanish Agency for Health Protection in Sport. The receipt of this document by the Agency will enable the disciplinary proceedings to be opened.

The Spanish Agency for Health Protection in Sport will be able to open a reserved investigation prior to the start of the formal proceedings in order to determine whether or not there is sufficient *prima facie* evidence for the openings of formal proceedings.

Once the said notification has been received, the opening of the disciplinary proceedings will take place, without it being possible for the analyses and other elements of the notification from the laboratory to be heard by any entity other than the disciplinary body.

The laboratories will adopt the necessary measures for this notification to be made in conditions that allow the confidentiality and secrecy of the identity of the athlete to be preserved.

Once the deadline for the time-bar has been reached as foreseen in article 35 of this Act or when a definitive resolution has been handed down in the corresponding disciplinary proceedings or criminal court case, the doping control laboratories will not be able to retain samples related to any identifiable individual.

2. The disciplinary proceedings are opened and investigated *ex officio* in all stages.

The foregoing notwithstanding, it will be possible to report to the Spanish Agency for Health Protection in Sport those facts providing circumstantial evidence of the commission of alleged doping practices or behaviours. The Spanish Agency for Health Protection in Sport will establish a procedure whereby the identity of the whistleblower is kept secret vis-à-vis all of those involved in the disciplinary proceedings and in the

actions prior thereto. The whistleblower shall not be considered a party to the proceedings with a view to imposing a penalty.

Any public servant or official authority who becomes aware of the possible existence of any administrative breach of anti-doping regulations must immediately make this known to the Spanish Agency for Health Protection in Sport.

3. The handling of these proceedings will be preferential, in order to meet the deadlines established in this Act.

4. In proceedings with a view to imposing a penalty with regard to doping, the Administration and the person affected by the proceedings may make use of any and all forms of evidence admissible in law, including biological passports if any information is available about these. This evidence must be assessed overall in accordance with the rules of healthy criticism.

5. The provisions of the preceding paragraph notwithstanding, the following special rules of evidence shall inexcusably apply in all cases:

a) An adverse analytical result in a doping control will constitute evidence for the prosecution for the purposes of considering the existence of the violations classified under article 22.1.a) and 22.1.b) of this Act. For these purposes, sufficient evidence will be considered to exist when any of the following circumstances is present: that the presence of a prohibited substance or of its metabolites or markers is detected in the analysis of the A sample of the athlete, when the athlete waives analysis of the B sample and this is not analysed; when the analysis of the B sample confirms the presence of the prohibited substance or its metabolites or markers detected in the analysis of the athlete's A sample.

b) Where there is refusal or resistance to submit to the controls, the document accrediting the refusal signed by the qualified doctor or health-care personnel referred to in article 15.5 of the present Act will have the value of proof, without prejudice to the evidence that may be indicated or submitted in defence of their respective rights or interests by the persons concerned for the purposes of accrediting that there were sufficient valid grounds justifying this.

c) It is assumed that the doping control laboratories recognized by the World Anti-Doping Agency perform their analyses of the sample and apply the custody procedures in accordance with the applicable regulations, unless there is evidence to the contrary accrediting that the failure to comply with these rules might be a reasonable cause of the adverse analytical result. The athlete or other person may show that the laboratory has contravened the applicable regulations and that this circumstance could reasonably have caused the adverse analytical result that gave rise to the opening of the proceedings, in which case the competent body will have the onus of demonstrating that the contravention of the applicable regulations did not give rise to the adverse analytical result.

d) Any contravention of a rule applicable in doping control proceedings that is not a direct cause of an adverse analytical result or other violation will not determine the invalidity of the result. Where the athlete or other person proves that the contravention



of the applicable regulations might have been the cause of the adverse analytical result or the violation, the competent body must show that the said contravention has not been the cause of the adverse analytical result.

e) The alleged party at fault will be entitled to refute all of the facts and presumptions harmful to his or her case, including those mentioned in letter a) of the fifth paragraph of this article and to provide evidence of the facts and circumstances necessary for their defence.

6. The disciplinary proceedings with regard to doping must conclude within the maximum term of six months counted from the adoption of the decision to open the proceedings. The expiry of the term established in the preceding paragraph without any express resolution having been notified will cause the proceedings to lapse. The declaration that the proceedings have lapsed may be handed down *ex officio* or at the request of the party concerned and shall imply the stay of proceedings and the archiving of the actions taken. Without prejudice to the foregoing, this will not prevent the opening of further proceedings with a view to imposing a penalty within the legal term for time-barring.

7. Disciplinary proceedings with regard to doping shall conclude with a resolution or by lapsing. The resolution of the proceedings does not bring the administrative route to a close as it is possible for it to be reviewed pursuant to the provisions contained in article 40 of the present Act.

8. The penalties imposed by the competent disciplinary bodies are immediately enforceable from the date on which the resolution imposing the penalties is notified, except where the body that must hear appeals against the resolution in question orders their suspension. Suspensions of permits will enter into effect by the mere fact of their notification in due form to the party affected without the need for any specific acts for their enforcement. Notwithstanding, these suspensions will be notified to the Federations and other sports entities corresponding to the branch of sport in which a penalty has been imposed on the athlete.

Without prejudice to the foregoing, if the party affected admits the facts constituting violation from the moment of the notification of the resolution for the opening of the proceedings by the competent body, and in any case prior to returning to competition, the calculation of the suspension period may begin from the date of the doping control or the occurrence of the facts, although in all cases at least one half of the suspension period must run from the date of resolution of the proceedings imposing the penalty.

When it is decided to adopt a provisional suspension as foreseen in article 38 of this Act, the duration of the same will be deducted from the total suspension term finally imposed, providing that the said suspension is respected. The fact that the athlete or other person has voluntarily ceased competing or has been suspended by his or her own team shall have no effect on the final term of suspension to be fulfilled.

Where there is a significant delay in the proceedings, not attributable to the athlete or other person, the competent body may issue a reasoned order for the suspension period to be calculated from an earlier date, including the date of the doping control or the commission of the violation.

9. Resolutions imposing penalties for the commission of very serious violations from among those foreseen in article 22 of this Act shall be published by the body issuing them. Electronic channels will preferably be used for such publication.

This publication will refer to definitive penalties and will only contain the details of the person at fault, the sporting speciality, the precept breached and the penalty imposed. It will not contain any information about the method or substance used unless this is absolutely essential.

Such publication will not continue after the termination of the term for the duration of the penalty.

### SECTION THREE. ON THE REVIEW OF PENALTIES WITH REGARD TO DOPING

*Article 40. On special administrative appeals with regard to doping in sport.*

1. Appeals may be lodged before the Administrative Law Tribunal for Sport against the resolutions adopted pursuant to the present Act by the Spanish Agency for Health Protection in Sport or, where appropriate, by the disciplinary bodies of the Spanish sports federations, or any interim acts with a direct or indirect impact on the merits of the case, determining the impossibility of continuing with the proceedings, causing an impossibility to mount a proper defence or irreparable harm to the legitimate rights and interests of the persons affected.

In any case, the following resolutions may be appealed:

- a) Those determining the commission of anti-doping violations, whether with the imposition of a penalty or leading to absolution,
- b) Those ordering a stay in the proceedings for formal reasons or due to the merits determining the discontinuation of the proceedings,
- c) Those declaring a failure to comply with a penalty, including the breach of a ban on taking part in events during a suspension,
- d) Those establishing the lack of powers of the body issuing them,
- e) Those imposing a provisional suspension,
- f) Those containing a refusal to grant permission for therapeutic use adopted pursuant to the present Act.

2. Appeals may be lodged before the appropriate body and in accordance with the conflict resolution system put in place under the regulations of the corresponding International Federation against those Resolutions in connection with athletes not included within the scope of application of this Act due to being officially classified as international level athletes, or those issued within the framework of an international competition.

3. The deadline for requesting a review with regard to parties on whom penalties are imposed not mentioned in the previous paragraph will be fifteen days, counted from the day after the notification of the resolution. Once this deadline has elapsed, the resolution will become unappealable.

4. Individuals and bodies corporate affected by the resolution issued will be legally entitled to appeal against them, as will the following in any case:

- a) The athlete or person affected by the resolution
- b) Any contrary party involved in the resolution or those harmed by the decision.
- c) The corresponding international sports federation
- d) The anti-doping body of the country of residence of the person affected
- e) The Spanish Agency for Health Protection in Sport
- f) The World Anti-Doping Agency
- g) The International Olympic Committee or the International Paralympic Committee when the resolution affects Olympic or Paralympic Games.

5. Special appeals with regard to doping in sport will be processed in accordance with the rules established in the Public Administrations (Legal Regime) and Common Administrative Procedure Act (Law 30/1992, dated November 26th, 1992) for appeals for reconsideration with the following special features:

- a) The maximum term for resolution and notification will be three months, counted from the date on which the brief for initiation of the appeal is entered on the incoming correspondence registry of the Administrative Law Tribunal for Sport. Such resolutions must be notified in all cases by the Administrative Law Tribunal for Sport to the Spanish Agency for Health Protection in Sport and the World Anti-Doping Agency.
- b) Once this deadline has passed without any express resolution, those concerned may deem their petition dismissed and the act for which review was requested to have been confirmed.
- c) The resolutions of the Administrative Law Tribunal for Sport on these matters are immediately enforceable, exhaust the administrative route and those persons authorized under paragraph four of this article may lodge appeals against these resolutions by bringing an administrative dispute appeal.

### Chapter III. **Health Protection**

#### SECTION ONE. ON THE PLANNING OF HEALTH PROTECTION

##### *Article 41. Actions de la Spanish Agency for Health Protection in Sport*

1. The Spanish Agency for Health Protection in Sport will establish an effective policy for the protection of the health of athletes and persons engaged in sports activities.

This policy will be embodied in a Health Support Plan within the scope of sporting activities setting out the common and specific risks, attending especially to the different needs of men and women as well as any special needs due to disability, and such measures to forestall these and to preserve and recover health as may be necessary in the light of the risks detected.

2. This Plan will necessarily include a suite of instructive tools in order to advise and train athletes themselves in healthy habits and ways to practise sport, as well as executives, technical staff and coaches or health-care personnel working in connection with sports activities in any category.

3. The actions referred to in the preceding paragraphs will strive in particular to ensure their effectiveness in state-level sports competitions with the participation of special risk groups, such as minors or people with disabilities. For this purpose, co-operation and co-ordination tools will be promoted with the Regional Authorities and local institutions involved.

*Article 42. Personnel and material resources.*

The Spanish Agency for Health Protection in Sport, in collaboration with the Regional Authorities and local Institutions will establish the appropriate elements, means, material and personnel necessary to contribute to the safer practice of sport at all sports facilities depending on their respective characteristics.

*Article 43. Specific measures*

1. In the framework of the Plan established in the preceding article, it is up to the Spanish Agency for Health Protection in Sport to carry out the following activities, among others that may be necessary:

a) Propose criteria and technical rules for the competitions and trials of the various sports modalities to be arranged in such a way as not to impact on the health and physical wellbeing of the athletes.

b) Put forward proposals about the public health-care provision to be given to athletes and about the minimum arrangements made for health-care coverage that must be present at sporting competitions.

c) Draw up proposals about the treatment of athletes' health and the systems for protecting it.

2. The execution of the preceding measures will be co-ordinated by the Spanish Agency for Health Protection in Sport with the Regional Authorities whenever these have devolved powers over these matters and through the co-operation mechanisms established for the purpose.

*Article 44. Research*

1. The Spanish Agency for Health Protection in Sport, in collaboration with the National Health System and within the framework of the State-level research plans, will promote research associated with the practice of sport, the application of sporting activity to the treatment and prevention of illness and the fight against doping, attending to the different needs of men and women as well as any special needs due to disability.

2. The Spanish Agency for Health Protection in Sport will promote the voluntary participation of scientific societies as well as centres and professionals devoted to sports medicine in order to contribute to the creation of a network of centres specializing in the treatment of sports-related health, through signing of the corresponding collaboration conventions.

3. The information that may be obtained from those making up the network will be used for the updating and realignment of the Health Support Plan, with full respect for the protection of personal data.

*Article 45. Training syllabuses*

The training programmes for technical experts in sport and other qualifications related to health will include specific determinations to encourage teaching staff to have the same level of understanding in the areas of hygiene, biomechanics, eating and other areas relating to health and sport, including the application of physical activity to the treatment and prevention of illness, with special reference to the different needs of men and women as well as due to disability.

SECTION TWO. SPECIFIC MINIMUM MEASURES

*Article 46. On medical examinations*

1. The Spanish Agency for Health Protection in Sport will gradually determine the obligation to carry out medical examinations prior to the issue of the corresponding federation licence in those sports where this is considered necessary for the better prevention of risks for practitioners' health.

2. Through the performance of medical examinations, it is intended to protect the health of athletes in connection with their sporting activities. The design of the check-ups and their application to each sporting modality will take into account:

- a) The specific characteristics of the sport and modality to be practised.
- b) The effort and other physical conditions required by the practice of the corresponding sport and modality.
- c) The environmental conditions in which the sport is to be played.
- d) The different needs of men and women.

3. The obligation foreseen in this article and different modalities and scope of the check-ups will be determined by means of regulations.

*Article 47. On the health examinations and check-ups for high-level athletes.*

Without prejudice to the provisions contained in article 43, the Spanish Agency for Health Protection in Sport will establish a health monitoring system for high-level athletes so as to contribute to safeguarding them against the risks of their sporting activity and to prevent accidents and illnesses related to their particular sport.

This action will constitute a priority for the sports medicine resources of the General State Administration.

*Article 48. On follow-ups and health protection measures for professional athletes.*

1. Within the framework of the protective action of the Social Security System, the protection activities entrusted by the redrafted text of the General Social Security Act as approved by Royal Legislative Decree 1 dated June 20th, 1994, to the mutual

associations for work-related accidents and professional illnesses, when these entities are able to correspond to the coverage of professional athletes, must contemplate the development of specific programmes aimed at health protection, the prevention of the risks of work-related accidents such a collective might be exposed to, and also the execution of one-off actions aimed at full recovery from the injuries and other pathologies potentially derived from the practice of sport.

2. For these purposes, the Spanish Agency for Health Protection in Sport will furnish the said institutions with the criteria, studies, statistics and, in general, any and all information it may have available in order to contribute in this way to the achievement of a more specialized, and hence more effective, protection for these athletes.

*Article 49. Health Card for athletes.*

1. The athlete's health card is a document issued by the Spanish Agency for Health Protection in Sport in favour of those individuals specifically recognized as high-level athletes or contractually hired as professional athletes, as well as for the rest of the athletes in the federations within the framework of the specific conventions effected for this purpose by the Spanish sports federations.

2. The purpose of the health card is to make available the best possible information to athletes and the health-care personnel assisting them at the moment of deciding on the best treatment applicable to an injury. Access to the information contained in the card will be limited to the athlete and the health-care personnel caring for him or her.

3. The contents and information included on the health card will be determined according to the regulations following a report from the Spanish Personal Data Protection Agency.

*Article 50. On health protection after conclusion of the sporting activity.*

1. In collaboration with the National Health System, the Spanish Agency for Health Protection in Sport will establish a specific programme for the protection of athletes' health and the recovery or treatment of those who have concluded their sporting career and present sequelae as a consequence of their sports-related activities.

2. The terms of the said Programme will be determined in regulations and their establishment will encourage voluntary participation by the Centres making up the network referred to in article 44.2, the Associations of Athletes, Sports federations, Mutual Associations and other public or private entities with an interest in collaborating in the Project.

SECTION THREE. ON HEALTH MEASURES LINKED TO THE PREVENTION OF  
DOPING IN SPORT

*Article 51. Health check-ups.*

1. The Spanish Agency for Health Protection in Sport may establish specific programmes for monitoring biological parameters to check for the practice of sports in safe conditions and without any doping or artificial increases in individuals' abilities.
2. These check-ups will focus particularly on athletes at greatest risk determined in the Health Support Plan and on those of the highest level of sports performance.

The results of these check-ups will be strictly confidential and information will only be provided to the athlete in question.

CHAPTER IV.  
**On the processing of data relating to doping**

*Article 52. On the responsibilities of public employees.*

1. All personnel engaged in doping control functions must preserve the confidentiality and secrecy with respect to those matters they may become aware of in the course of their work.
2. All data, reports or prior histories obtained in the course of their functions may only be used for the purposes of doping control and, where appropriate, for the reporting of situations that may constitute an administrative breach or a crime. They may also be used for scientific studies provided that the identity of the individuals is not disclosed.
3. Regardless of the level of responsibility applicable, in accordance with the specific legislation, in particular for the protection of personal data, any breaches of custody and, where appropriate, the dissemination of information regarding controls and procedures with regard to doping are considered as very serious for the purposes of the legislation governing public employees.

Furthermore, such behaviour will be considered as a breach of contract as foreseen in paragraph d of article 54.2 of Royal Legislative Decree 1/1995, dated March 24th, 1995, approving the redrafted text of the Workers' Statute Act with respect to contracted personnel in the service of the Public Administrations.

4. The determination of these responsibilities corresponds to the competent disciplinary bodies for the public service.

*Article 53. On the responsibility of sports institutions' personnel and executives.*

1. All data, reports or prior histories obtained in the course of their functions may only be used for the purposes of doping control and, where appropriate, for the reporting of situations that may constitute an administrative breach or a crime.

2. Without prejudice to the pertinent responsibilities, in accordance with the specific legislation, the violations referred to in the preceding paragraph will be considered as very serious among those foreseen in article 76.2 of the Sports Act (Law 10/1990, dated October 15th, 1990).

3. The violations that may be committed in this area shall be punished, at the request of the Presidency of the High Council for Sport, by the Administrative Law Tribunal for Sport.

People taking part in doping controls who are not mentioned in the preceding paragraphs of this article or in the preceding article will have the same obligation of secrecy and confidentiality regarding the data or information gained in the exercise of their functions. The breach of this obligation will be notified to the respective Professional Associations for the appropriate disciplinary purposes.

*Article 54. Authorization for data transfer.*

All data and files relating to doping controls may be transferred, on the terms foreseen in the Personal Data (Protection) Act (Organic Law 15/1999, dated December 13th, 1999), to the public or private international bodies to which Spain is a party and that participate in the fight against doping in sports within the framework of the provisions contained in the legally binding international commitments assumed by Spain, or to compile statistics or research surveys.

**PART III.**

**Public control policies and general supervision of products  
that can be used for doping in sports activities.**

**CHAPTER I.**

**Control and supervision measures for products,  
medicinal products and nutritional supplements**

*Article 55. Obligation to declare products capable of producing doping in sport.*

1. Teams and clubs taking part in competitions within the scope of application of the present Act are obliged to keep a register, on the terms determined in the regulations, keeping an indisputable record of the products dispensed or prescribed to athletes, the physician ordering or authorizing such use, duration and form of its prescription.

2. Foreign athletes, teams or sports groups and executives representing them, when they enter Spain to take part in a sporting activity or competition, are obliged to submit to the Spanish Agency for Health Protection in Sport the duly completed forms established by the same, identifying the products transported for use, the units of the same and the physician responsible for their administration.

When the sports activity or competition is organized by regional level sports federations, the respective Regional Authority will have the power to establish this kind of obligations and their scope.



*Article 56. Traceability of certain products.*

The Spanish Agency for Health Protection in Sport will be able to request that the Spanish Medicinal Products and Health-Care Products Agency and also the Spanish Food Safety Agency adopt the necessary measures to know, throughout the entire cycle of production, distribution and commercialization, those products capable of producing doping in the realm of sport, through consideration of their intrinsic circumstances and potential impact on public health, that must be subject to special monitoring to facilitate the control regime foreseen in this Act.

Exceptionally, the same collaboration may be requested from the Spanish Food Safety Agency.

Execution, control and penalty measures will be carried out through co-operation systems between the Spanish Agency for Health Protection in Sport and the competent bodies of the General State Administration or the Regional Authorities, in accordance with the framework of their respective powers under the regulations in force.

*Article 57. Power to conduct inspections.*

The State Security Corps and Forces, the State Health Inspection Services as well as the duly empowered bodies of the Regional Authorities and the Department of Customs and Excise of the State Tax Administration Agency, on their own initiative or at the request of the Spanish Agency for Health Protection in Sport, will be able to inspect the medicine cabinets and other locations allowing the custody or storage of products and substances capable of giving an adverse analytical result in a doping control, without prejudice to the provisions contained in paragraph six of article 8 of the Administrative Dispute Jurisdiction (Regulations) Act (Law 29 dated July 13th, 1998), where applicable.

For the purposes of exercising the power to impose penalties by the Administration, regard will be had for the type of substances, the number of units, the therapeutic rationale, as well as the rest of the issues directly related to professional practice.

Through the appropriate regulations, the acceptable contents of medicine cabinets will be established and, specifically, those medicinal products and health-care products that are necessary to deal with the contingencies derived from any medical emergency.

*Article 58. Seizure.*

Substances and products capable of producing doping in sport or in sporting activities and the tools or instruments used for the purpose may be seized by the administrative authorities opening the corresponding proceedings with a view to imposing penalties, as an interim measure within the same or prior to the proceedings. In this latter case, the body investigating the case must ratify this interim measure in the course of the processing of the case file.

CHAPTER II.

**On the conditions for using products capable of producing doping in sports activities.**

*Article 59. Commercialization and use of food products.*

The Ministry of Health, Social Services and Equality, by agreement with the Spanish Agency for Health Protection in Sport, and in accordance with the Regional Authorities, will establish specific information and public notice mechanisms for nutritional products that, without being medicinal products, may produce an adverse analytical result in sports doping controls.

Specifically, the Spanish administrative authorities will establish adequate procedures for the declaration of the nutritional products brought into Spain and deemed to be included within the scope of this Act.

*Article 60. Specific prohibitions on the commercialization, in establishments devoted to sports activities, of certain products containing substances prohibited in sport through being capable of producing doping.*

1. The deposit, commercialization or distribution, in any form whatsoever, of products containing substances prohibited in sport through being capable of producing doping, declared as such in accordance with this Act, is prohibited at establishments devoted to sports activities.

2. Similarly, in accordance with the legislation protecting citizens' safety, the encouragement of the consumption of the products mentioned in the preceding paragraph is prohibited in the places referred to therein.

*Article 61. Advertising and sale through electronic systems.*

1. The Spanish Agency for Health Protection in Sport will establish a specific programme to combat misleading advertising in this field and, in general, those advertising behaviours encouraging their consumption.

2. Specifically, and in co-ordination with the competent bodies of the General State Administration, a programme will be established to control the sale and commercialization of these products over the Internet and other forms of electronic sales.

*Article 62. Penalties on the participation of health-care professionals and any others in doping activities in sport.*

Without prejudice to the provisions contained in article 26 of this Act for those holding a sports licence, health-care professionals and any other professionals facilitating, collaborating in, prescribing or dispensing substances and products capable of producing doping within the realm of sports activity referred to in this Act, or that propitiate the use of prohibited or non-regulatory methods in sport, without complying with the formalities prescribed in their respective rules for action and in those foreseen in this Act, will be subject to disciplinary responsibility. The behaviours described

above constitute a very serious violation and will be punished in accordance with the respective rules of their Professional Associations.

Persons on whom such penalties are imposed shall not be able to hold any medical or sporting posts in any institution related with sports, obtain any sporting licence or equivalent qualification, nor exercise the rights inherent to the sporting licence for a period of disqualification lasting as long as would have corresponded to them had they been in possession of a federation licence.

*Article 63. Information system*

1. The Spanish Agency for Health Protection in Sport and the Regional Authorities will create, within the framework of the corresponding co-operation body, an information system regarding health protection and against doping in sport, guaranteeing the availability of information and reciprocal communication between the Public Administrations with powers in the field of sport and physical activity. The said body will decide on the goals and contents of this information.

2. The information system will enable the substances capable of producing doping and methods prohibited in sport to be known, along with the details of the disciplinary case files opened in which penalties have been imposed, with an indication of the substances detected, the analyses performed at the different laboratories and will incorporate, as the basic details, the information relating to the sporting population, human and material resources, the activities carried out, pharmaceutical and health-care products, funding and results obtained, as well as the expectations and opinions of athletes, all from an overarching concept of the fight against doping in sport.

Furthermore, it will provide information on the controls and other tests performed with a view to the protection of athletes' health.

In addition, the System will incorporate a specific Register including the penalties imposed in this field by all the Public Administrations.

The system will include the gender variable in statistics, surveys and data collection carried out among the athletic population, and a differentiated analysis of men's and women's expectations and opinions by introducing gender indicators.

3. Within the information system, and after consulting with the Spanish Data Protection Agency, the data definition and standardization will be established, along with the selection of indicators and the technical requirements necessary for data integration, in order to achieve the maximum reliability of the information produced.

4. The information system will be made available to its users, namely the Public Administrations with responsibility for sport and health, professional and management in the fields of sport and health, as well as the general citizenry, on such terms for access and dissemination as may be agreed following the report from the Spanish Data Protection Agency.

In any case, the system will have to furnish the information in suitable formats, following the principle of “design for all”, so as to make it accessible and understandable for the disabled.

Access to the details of disciplinary case files opened in which penalties have been imposed, with the indication of the substances detected and the analyses conducted by the various laboratories will in all cases be limited to the competent bodies with powers to view the said case files. Access to these data by other organizations, persons or institutions must always be preceded by the dissociation of the personal data for all parties involved in the case file.

5. The Regional Authorities, the General State Administration and the Local Corporations will provide this information system with the necessary data for its maintenance and development. In the same way, the General State Administration and the Regional Authorities are entitled to access and make use of the data included on the said information system insofar as may be strictly required for the exercise of their competencies.

6. Data processing and data transfers, including the processing and transfer of personal data necessary for the information system, will be subject to the Personal Data (Protection) Act (Organic Law 15/1999, dated December 13th, 1999).

*First Additional Provision. National Anti-Doping Organization*

For the purposes foreseen in the World Anti-Doping Code and the internal regulations of the World Anti-Doping Agency, the Spanish Agency for Health Protection in Sport shall be considered as the national anti-doping organization and shall exercise the powers corresponding to it in this area.

*Second Additional Provision. Adaptation of Federations' Articles of Association and Regulations.*

For the purposes foreseen in this Act and, in particular, the provisions contained in Part II of this Act, Spanish sports federations will proceed, within the maximum term of six months, counted from the date the present Act comes into force, to adapt and amend their Articles of Association and regulations.

*Third Additional Provision. Spanish Agency for Health Protection in Sport.*

1. Following the entry into force of this Act, the State Anti-Doping Agency will be called the Spanish Agency for Health Protection in Sport. This body will be considered to be an agent for the funding and execution of the Spanish Science, Technology and Research System for the purposes of article 3 of the Science Act (Law 14 dated June 1st, 2011), in accordance with the functions attributed to it in articles 7.1 and 44 of the present Act.

*Fourth additional provision. Bodies eliminated and references to them.*

1. The Spanish Committee for Sports Discipline and the Electoral Guarantee Board are hereby eliminated.

2. All references to the Spanish Sports Disciplinary Committee and the Electoral Guarantee Board contained in the Sports Act (Law 10 dated October 15th, 1990) or in other norms shall be deemed to refer to the new Administrative Law Tribunal for Sport.

3. All of the functions and all the material and personnel resources currently corresponding to the Spanish Sports Disciplinary Committee and the Electoral Guarantee Board will be transferred to the Administrative Law Tribunal for Sport.

*First transitional provision. Violations committed prior to the entry into force of the Act and disciplinary proceedings under way.*

Violations relating to doping that have been committed prior to the entry into force of this Act will be governed by the provisions contained in the previous regulations. Those committed on or after the day following its entry into force shall be governed by the present Act.

Disciplinary proceedings for the repression of doping in sport that have begun at the time this Act comes into force shall be governed by the previous regulations unless the parties concerned have voluntarily opted to apply the present Act.

*Second transitional provision. Qualifications for doping controls.*

The qualifications granted pursuant to the previous regulations will continue to remain in force after the entry into force of this Act until the time comes for their renewal, which will conform to the provisions contained in this Act and the regulations developing the same.

*Third transitional provision. Qualifications for doping controls.*

The Spanish Sports Disciplinary Committee and the Electoral Guarantee Board shall continue to exercise their functions until such time as the regulatory provisions governing the Administrative Law Tribunal for Sport come into force.

*Repeal provision.*

1. Organic Law 7/2006, dated November 21st, 2006, on health protection and the fight against doping in sport is hereby repealed. Letters p) and q) of article 23 of the Citizens' Security (Protection) Act (Fundamental Law 1 dated February 21st, 1992) and article 24 of the same law with respect to the reference made to the said letters p) and q) of article 23 of the said Fundamental Law are hereby repealed. Furthermore, all of the precepts contained in statutes of an equal or lower rank and contradicting the provisions contained in this Act are hereby repealed.

2. Furthermore, letters p) and q) of article 23 of the Citizens' Security (Protection) Act (Fundamental Law 1 dated February 21st, 1992) are hereby repealed.

*First final provision. Empowering statutes.*

Without prejudice to the powers of the State to issue precepts relating to its own organization and those others referring to interests affecting state-level federated sport as a whole, the present Act is enacted pursuant to article 149.1.16 of the Constitution, which refers to the exclusive power of the State for the bases and general co-ordination of health services, except for the following precepts:

a) Article 44 which is enacted pursuant to article 149.1.15 of the Constitution, which refers to the exclusive power of the State over encouraging scientific and technical research and its general co-ordination.

b) Article 45 which is enacted pursuant to article 149.1.30 of the Constitution, which refers to the exclusive power of the State for the regulation of the terms and conditions for obtaining, issuing and recognizing academic and professional qualifications.

c) Article 48.2 which is enacted pursuant to article 149.1.31 of the Constitution, which refers to the exclusive power of the State over statistics for State purposes.

d) Article 52 which is enacted pursuant to article 149.1.7 and 149.1.18 of the Constitution, which refer respectively to the employment regime for public employees and the legal regime for public servants.

e) Articles 57, 58 and 60 which are enacted pursuant to article 149.1.29 of the Constitution, which refers to the exclusive power of the State over public security.

*Second final provision. Nature of the present Act.*

The present Act is deemed to be a Fundamental Law, except for the following precepts and provisions:

- Articles 1 to 9, inclusive, except for article 2 and paragraph 2 of article 4, which are by nature fundamental.
- Article 15, paragraphs 4 and 5, excluding paragraphs 1 to 3 which are by nature fundamental.
- Articles 16 and 17.
- Article 18, except for the first paragraph which is by nature fundamental;
- Articles 19 to 40, inclusive, except articles 32 and 33, which are by nature fundamental;
- Articles 41 to 50 and articles 52 and 53.
- Articles 55 to 62, except for article 57 which is by nature fundamental;
- Additional provisions one, two, three and four;
- Transitional provisions one, two and three;
- The repeal provision, paragraph 2;
- Final provisions one, two, three, four, five and six.
- Appendices I and II.

*Third final provision. Development of regulations and empowerment for dictating rules.*

1. The Government is empowered to issue provisions developing the present Act.
2. Within the term of three months from the entry into force of this Act, the Government will approve the new Articles of Association for the Spanish Agency for Health Protection in Sport, adapting it to this situation.

These new regulations must give also consider changing the organic structure and the functions of the High Council for Sport, in order to adapt it to the provisions of the present Act.

3. The Government is empowered to approve, whenever appropriate, any and all rules to ensure the effectiveness of the provisions foreseen in the present Act.

4. Within the term of six months counted from the entry into force of this Act, the Government must submit a Bill to Parliament for the fight against doping in animals.

5. Appendix I and the illustrative table contained in Appendix II of the present Act may be amended by means of a Ministerial Order issued by the Ministry of Education, Culture and Sport in the event of a change in the contents of the World Anti-Doping Code.

6. Within the term of six months from the entry into force of the present Act, the Government shall develop through regulations the composition, organization and functions of the Administrative Law Tribunal for Sport.

*Fourth final provision. Amendment of the Sports Act (Law 10 dated October 15th, 1990)*

Article 84 of the Sports Act (Law 10 dated October 15th, 1990) is amended to read as follows:

*“Article 84. Creation of the Administrative Law Tribunal for Sport.*

1. The Administrative Law Tribunal for Sport is a state-level body organically assigned to the High Council for Sport and, acting independently of the latter, assuming the following functions:

a) to decide within the scope of administrative law and in the final instance, all sports-related disciplinary issues within its remit, including those indicated in the Fundamental Law for the Protection of Athletes' Health and the Fight against Doping in Sports Activities.

b) to hear and decide on disciplinary proceedings at the request of the High Council for Sport, and its Management Committee, in those specific circumstances referred to in article 76 of the Sports Act.

c) to oversee, immediately and in the final instance, the correct compliance with legality of the electoral processes held in the organs of governance of Spanish sports federations.

d) any other functions attributed to it in its governing regulations.

2. Regulations shall establish its composition, organization and operation, following criteria of the greatest possible simplification and reduction of expenditure. In any case, its composition will abide by the principle of a balanced presence of men and women, except for objectively-founded reasons, duly motivated.

3. The procedure for hearing and deciding on proceedings investigated by the Administrative Law Tribunal for Sport will conform to the provisions contained in the Public Administrations (Legal Regime) and Common Administrative Procedure Act (Law 30 dated November 26th, 1992), except for those consequences arising out of the

breach of the rules of the game or competition, which shall be governed by the specific sports rules.

4. The resolutions of the Administrative Law Tribunal for Sport shall exhaust the administrative appeals route and shall be enforced through the corresponding Sports Federation, which will be responsible for its strict and effective fulfilment.

*Fifth final provision. Amendment of Administrative Dispute Jurisdiction Act (Law 29 dated July 13th, 1998).*

A section 5 is added to article 19 of the Administrative Dispute Jurisdiction Act (Law 29 dated July 13th, 1998), drafted in the following terms:

“All the persons mentioned in article 40.4 of the Fundamental Law for the Protection of Athletes’ Health and the Fight against Doping in Sports Activities will have legal standing to appeal against the resolutions of the Administrative Tribunal for Sport for doping-related and sports discipline matters in the administrative dispute jurisdiction.”

*Sixth final provision. Entry into force.*

The present Act shall enter into force on the day following its publication in the Official State Gazette (“Boletín Oficial del Estado”).

Therefore, I hereby order all Spaniards, whether private individuals or authorities, to abide by and enforce the present Fundamental Law.

Madrid June 20th, 2013.

Juan Carlos Rex

The Prime Minister  
Mariano RAJOY BREY

#### APPENDIX I: Definitions.

1. Event (sporting event): Series or part of competitions taking place under the direction of a single sports body and adopting its rules for participation and organization.

Depending on the territorial scope of the events, they may be classified as:

- International events: These are considered to be those organized under the direction of the International Olympic Committee, the International Paralympic Committee, an international federation, the organizers of major events or other international sporting organization.

- State-level events: These are considered to be those included on the corresponding calendars of Spanish Sports Federations, providing that they are not classified as an international event through the participation in the same of international-level athletes, when organized by the said Federations or by others commissioned or authorized by the same.



2. WADA: The World Anti-Doping Agency. Foundation created and governed by Swiss Law.

3. Substantial aid: For the purposes of article 27.3.c) and article 36, any person providing substantial aid must: (1) reveal in full, by means of a written and signed declaration, all information held in connection with the violations of anti-doping rules, and (2) collaborate fully in the investigation and decisions taken on any case related with that information, including, for example, giving testimony during a hearing if so required by an anti-doping organization or expert tribunal. Furthermore, the information furnished must be credible and constitute a major part of the case under way or, where the case has not yet been opened, it must have provided a sufficient basis on which to have proceeded with a case.

4. Code: The World Anti-Doping Code and the definitions contained in the Appendix to the same for its interpretation.

5. National Olympic Committee: The organization recognized by the International Olympic Committee.

6. Competition: A single trial, a game, a match or a specific sports event.

Control: Part of the overall process for controlling doping, comprising the planning of controls, the collection of samples, their handing and the dispatch of samples to the laboratory.

7. Part of the global process of doing control comprising the planning of controls, the collection of samples, the handling of samples and their dispatch to the laboratory.

8. Control of doping: All of the steps going from the planning of controls, including all the stages of the intermediate processes, such as providing information on whereabouts, the collection and handing of samples, laboratory analyses, permission for therapeutic use, the management of results and hearings.

Depending on how they are carried out, controls may be:

By surprise: A doping control taking place without advance warning to the athlete and in which the athlete is accompanied continuously from the moment of notification until the sample is provided.

Arranged or by appointment: Selection of athletes for the performance of controls, in accordance with which specific athletes or groups of athletes are chosen without any random basis in order to undergo the controls at a particular moment.

9. UNESCO Convention: International Convention against Doping in Sport adopted during the 33rd session of the General Assembly of the UNESCO on October 19th, 2005, including each and every one of the amendments adopted by the States Party signatories to the Convention and by the Conference of the Parties signatory to the International Convention against Doping in Sport.

10. Team Sports: Sports in which the substitution of players is authorized in the course of a competition.

11. Individual Sports: any sport which is not a team sport.

12. Athlete: Any person taking part in a sport at international or state level, as well as any other competitor in the sport subject to the jurisdiction of any signatory or other sporting organization that has accepted the Code.

13. International level athlete. For the purposes of the present Act, international level athletes will be deemed to those athletes designated by one or more International Federations as members of a monitoring group.

14. Public disclosure or public communication: To reveal or disclose information to the public in general or to persons other than those to whom notification is appropriate in accordance with the provisions contained in the article.

15. Duration of the event: Time elapsing between the beginning and the end of an event, as established by the body responsible for the event in question.

In competition: This means the period of time that begins 12 hours prior to the holding of a competition in which the athlete is planning to take part until the end of the said competition and the sample collection process related to the same.

16. Falsification: To alter for illegitimate purposes or in an illegitimate manner; to exercise inappropriate influence on a result; to interfere illegitimately, to obstruct, to deceive or to participate in any fraudulent act with a view to altering results or to prevent the performance of normal procedures or to furnish fraudulent information to an anti-doping organization.

17. Group of athletes subject to controls: Group of high-level athletes identified by each international federation or national anti-doping organization, and subject to controls both in and out of competition within the framework of the planning of doping controls by the international federation or the national anti-doping organization in question.

18. Attempt: Wilful conduct constituting a substantial step in the course of an action planned with the aim of committing a violation of anti-doping rules.

19. List of prohibited substances and prohibited methods: The List identifying the prohibited substances and prohibited methods.

20. Marker: A compound, group of compounds or biological parameter(s) indicating the use of a prohibited substance or a prohibited method.

21. Minor: Individual who has not yet reached the age of majority.

22. Metabolite: Any substance produced by a process of biotransformation.

23. Prohibited method: any method described as such in the list of prohibited substances and prohibited methods.

24. Sample: Any biological material collected for the purposes of doping control.
25. Anti-Doping Organization: A signatory that is responsible for adopting rules to initiate, implement or enforce any part of the anti-doping control process. This includes, for example, the International Olympic Committee, the International Paralympic Committee, other organizations responsible for major sporting events and conducting controls at events for which they are responsible, the WADA, the international federations, and the national anti-doping organizations.
26. National anti-doping organization: The body or bodies designated by each country as the main authority responsible for the adoption and implementation of anti-doping rules, the collection of samples, the management of results, and the holding of hearings, at national level.
27. Participant: Any athlete or personnel supporting athletes.
28. Person: Any individual or an organization or other entity.
29. Personnel supporting athletes: Any coach, trainer, sports director, agent, team personnel, public servant, medical or paramedical personnel, parent or any other person working with, dealing with or helping athletes taking part in or preparing for sports competitions.
30. Possession: Physical or *de facto* possession (which will only be determined if the person exerts exclusive control over the substance or prohibited methods or the place in which the substance or prohibited methods can be found); providing, however, that, if the person does not exert exclusive control over the substance or prohibited method or the place in which the substance or prohibited methods can be found, then *de facto* possession will only be appreciated if the person was aware of the presence of the substance or prohibited method and was intending to exercise control over the same; therefore, there can be no violation of anti-doping rules on the basis of mere possession if, prior to receiving any notification informing him or her of a violation of the anti-doping rules, the person has taken specific measures showing that there was no further wish to possess it and that he or she had renounced its use by so declaring explicitly before an anti-doping organization. Without prejudice to any other statement to the contrary reflected in this definition, the purchase (including by electronic or any other means) of any prohibited substance or prohibited method constitutes possession by the person effecting such purchase.
31. Adverse analytical result: A report by a laboratory accredited by the State or recognized by WADA identifying in a sample, pursuant to the International Standard for Laboratories and other related technical documents, the presence of a prohibited substance or its metabolites or markers or evidence of the use of a prohibited method.
32. Anomalous result: Report issued by a laboratory or other entity recognized by the WADA and requiring more detailed investigation in accordance with the International Standard for Laboratories or the related technical documents before deciding on the existence of an adverse analytical result.

33. Information system established by the World Anti-Doping Agency: This is a computerized database management tool located on a web site for the keying-in of information, its storage, its sharing and the drafting of reports with the aim of assisting the interested parties and the WADA in their activities against doping together with the legislation regarding data protection.

This system is currently known as the “Anti-Doping Administration and Management System” (ADAMS).

34. Specific substance: Any substance described as such on the list of prohibited substances and prohibited methods.

35. Prohibited substance: Any substance described as such on the list of prohibited substances and prohibited methods.

36. Trafficking: The sale, delivery, transportation, dispatch, distribution or sharing of a prohibited substance or a prohibited method (whether physically, by electronic or any other means) to a third party by an athlete, personnel supporting an athlete or any other person subject to the jurisdiction of an anti-doping organization; this definition does not, however, include good faith actions performed by medical personnel in connection with a prohibited substance used for genuine and legal therapeutic purposes or with other acceptable justification, and it will not include actions related to prohibited substances that are not prohibited out of competition, unless the overall circumstances taken as a whole show that the purpose of the said prohibited substances is not for genuine and legal therapeutic purposes.

37. Use: The utilization, application, consumption, injection or taking by any means of a prohibited substance or a prohibited method.

APPENDIX II.  
Repeated Violations.

VIOLATIONS

2nd violation \ 1st violation	SR	NLCF	NCS	SE	SA	TRA
SR	1-4	2-4	2-4	4-6	8-10	10-life
NLCF	1-4	4-8	4-8	6-8	10-life	life
NCS	1-4	4-8	4-8	6-8	10-life	life
SE	2-4	6-8	6-8	8-life	life	life
SA	4-5	10-life	10-life	life	life	life
TRA	8-life	life	life	life	life	life

**SR** [Reduced Penalty for use of specific substances pursuant to article 10.4]: a reduced penalty pursuant to article 10.4 was or is to be issued for a violation of anti-doping rules as it was or is connected with a specific substance and all other conditions in the said article apply.

**NLCF** [Failing to disclose the whereabouts of the athlete or not passing control tests]: a penalty pursuant to article 10.3.3 was or is to be issued for a violation of anti-doping rules.

**NCS** [Reduced penalty when no material negligence or blame exists]: reduced penalty pursuant to article 10.5.2 was or is to be issued for a violation of anti-doping rules because the athlete has shown he or she has not acted with material negligence or blame in accordance with the contents of the said article.

**SE** [Standard penalty pursuant to articles 10.2 or 10.3.1]: a standard penalty of two [2] years was or is to be issued pursuant to articles 10.2 or 10.3.1 for a violation of anti-doping rules.

**SA** [aggravated penalty]: an aggravated penalty was or is to be issued pursuant to article 10.6 for a violation of anti-doping rules because the anti-doping organization has shown that the conditions established in the said article were met.

**TRA** [Trafficking or attempted trafficking and administration or attempted administration]: a penalty pursuant to article 10.3.2 was or is to be issued for a violation of anti-doping rules.