

LAW 104/2008
regarding the prevention and fight
against the manufacture and the illicit traffic
of high-risk doping substances

The Parliament of Romania adopts the present law.

CHAPTER I

General Provisions

Article 1 – The present law regulates the prevention and fight against the manufacture and traffic of high-risk doping substances.

(2) The high-risk doping substances are stipulated in the appendix, which is part of the current law.

(3) The content of the appendix may be amended by Government Decision, by adding a new substance or erasing another upon the proposal of the National Anti-Doping Agency President.

Article 2 – (1) Within the present law, the definitions set forth in Article 3 of Law no. 227/2006 regarding the prevention and fight against doping in sport republished shall apply accordingly.

(2) The manufacture of the high-risk doping substances represents the illegal manufacturing, preparing, processing, and transforming of the high-risk doping substances as well as of products containing such substances, unrightfully.

(3) The illicit traffic of high-risk doping substances represents the illegal offering, distributing, selling, purchasing, administering, delivering, sending, procuring, possessing, getting in or taking out of the country, as well as importing or exporting or any other operations related to the circulation of the of the high-risk doping substances and products containing such substances, unrightfully.

CHAPTER II

The Board for prevention and fight against the illicit traffic of high-risk doping substances

Article 3 – The Board for prevention and fight against the illicit traffic of high-risk doping substances is set up beside the National Anti-Doping Agency, as advisory body without legal personality, named hereafter the *Board*.

Article 4 - (1) The Board consists in seven (7) members as follows:

- a) The President of National Anti-Doping Agency;
- b) A representative of the National Authority for Customer Protection, appointed by the president of the National Authority for Customer Protection;
- c) A representative of the General Inspectorate of Romanian Police, appointed by the General Inspector of Romanian Police;
- d) A representative of the National Customs Authority, appointed by the Vice-president of the National Agency of Fiscal Administration;
- e) A representative of the Public Ministry, appointed by the General Prosecutor of the Prosecution Office beside the Highest Court of Cassation and Justice;
- f) A representative of the Health Ministry, appointed by the Minister of Health;
- g) A representative of the Ministry of Justice, appointed by the Minister of Justice.

(2) The activities of the Board are chaired by a Chairperson who is also the President of the National Anti-Doping Agency.

(3) The mandate of the Board members lasts for 5 years, and it may be renewed once.

(4) The Board members are compelled to keep the professional secret and they shall submit statements on confidentiality and conflict of interests pursuant to the law.

(5) The Board shall meet quarterly in ordinary sessions and in extraordinary sessions when necessary, upon the request of the Chairperson.

(6) The Board sessions shall be convened at least five (5) working days before the session and the convocation shall include, as a mandatory condition, the agenda of the meeting and the relevant documentation

(7) The Board shall adopt decisions by vote of at least 2/3 of its members.

(8) The members of the Board attending the meetings have a meeting compensation, representing 20% of the monthly wages of the Agency's president.

The amount for each member per month can not exceed 20 % of the monthly wages of the Agency's president.

Article 5 - (1) The mandate of the Board members ceases prematurely following the revocation by the institution that appointed him/her or decease.

(2) When one of the situations set forth in paragraph (1) occurs, the authorities set forth in Art. 4, paragraph (1) shall appoint a new representative whose mandate shall last until the replaced person's mandate expires.

Article 6 – The Board shall accomplish the following attributions:

- a) Reviews the actions or the operations agreed by public institutions and authorities with responsibilities in the field of prevention and fight against illicit traffic of high-risk doping substances, in order to identify any irregularities arisen in their implementation and to submit proposals to eliminate these irregularities;
- b) Proposes the harmonization, update and adjustment of relevant legislation according to international regulations, based on data regarding proportions and domestic features of illicit traffic of high-risk doping substances;
- c) Draws up the annual report on the evolution and the level of illicit traffic of high-risk doping substances, which is submitted by the National Anti-Doping Agency to the Government and the relevant international bodies, which have the competence to ensure the implementation of international conventions' provisions, according to the agreements signed by Romania.

Article 7 – The central bodies specialized in prevention and fight against illicit traffic and use of drugs, within the General Inspectorate of Romanian Police and the National Customs Authority as well as the Ministry of Health and the National Authority for Customer Protection submit in due time to the National Anti-Doping Agency data related to the prevention and fight against illicit traffic of high-risk doping substances, according to their attributions.

CHAPTER III

Special measures on the fight against illicit traffic of high-risk doping substances in bodybuilding and fitness gyms

Article 8 - (1) The mandated personnel within the National Anti-Doping Agency has the right to control if the activities within the bodybuilding and fitness gyms are performed pursuant to the provisions of the law herein.

(2) The National Anti-Doping Agency has the right to conduct doping tests among the persons practicing bodybuilding and fitness, in order to determine the proportions of high-risk doping substances use in recreational sport.

(3) The doping testing set forth in paragraph (2) shall be conducted only upon the written consent of the involved person and in compliance with the principle of the confidentiality of the personal data.

Article 9 - (1) The activities within the bodybuilding or fitness gyms should be conducted only after obtaining the functioning certificate in terms of anti-doping regulations from the National Anti-Doping Agency.

(2) The functioning certificate set forth in paragraph (1) shall not be issued or if issued, shall be legally withdrawn when high-risk doping substances are traded within the respective gyms.

(3) The procedure and the requirements for issuing, suspending and withdrawing the certificate set forth in paragraph (1) shall be established by the methodological norms approved by Government Decision.

(4) Within 6 months from the entering into force of the methodological norms set forth in paragraph (3), the bodybuilding and fitness gyms are bound to ask for the certificate set forth in paragraph (1).

(5) Pursuant to the law, the certificate set forth in paragraph (1) shall be issued following the payment of a tax consisting in the amount established by the National Anti-Doping Agency president order; this income representing own income.

(6) The legal persons, individual and familial companies managing bodybuilding or fitness sport activities shall prove that one of its employees obtained the anti-doping training certificate following the anti-doping training course organized by the National Anti-Doping Agency, in order to get the certificate set forth in paragraph (1).

(7) The methodology, the way and the requirements for the anti-doping training course, the requirements and how the graduation certificate set forth in paragraph (6) is obtained shall be established by the National Anti-Doping Agency President Order.

Article 10 – Aiming to implement the control competences set forth in article 8 paragraph (1), the National Anti-Doping Agency establishes a collaboration protocol with the National Office of Trade Registration in order to obtain free of charge the updated list of the persons conducting sport, recreational and entertainment activities.

Article 11 – (1) Aiming to implement the competences stipulated by the law on the field, eight (8) zonal offices are established for the prevention and fight against the illicit traffic of high-risk doping substances, one of them in Bucharest. They will be called hereafter *offices* and they will not have legal personality, being a part of the National Anti-Doping Agency.

(2) The official seats of the offices, their territorial competences and responsibilities will be established by the National Anti-Doping Agency President Order.

(3) The National Anti-Doping Agency may take over in order to administrate, in conformity with the law, pieces of ground, spaces and goods necessary for the development of the offices activities or their activities may be developed in rented spaces, according to the law.

Article 12 – (1) The personal establishment, the structure of the functions in the offices as well as the appointment of the staff to the posts are done pursuant to the in force legal provisions.

(2) The wages of the offices' personnel are based on the legal provisions set forth for the personnel of the National Anti-Doping Agency.

(3) The maximum number of posts for each office is three (3), except for the office in Bucharest, where the maximum number of posts is nine (9). If more posts will be necessary in the county offices for a more efficient activity, the posts in Bucharest office will be redistributed.

(4) The attributions, the tasks and the responsibilities of the personnel in the offices are established by job description.

CHAPTER IV

The sanctions

Article 13 – (1) Unrightful, illegal manufacturing, preparing, processing, transforming, offering, selling, distributing, sending, delivering, purchasing, buying, possessing or other operations related to high-risk doping substances circulation, except for synthetic anabolic steroids, testosterone and its derivates, erythropoietin, growth hormones and chemical substances that increase natural production and release of testosterone or growth hormones represent an infringement and it is sanctioned by 7,500 lei – 15,000 lei fine.

(2) Unrightful, illegal offering, selling, distributing, sending, transporting, purchasing, buying, possessing of synthetic anabolic steroids, testosterone and its derivates, erythropoietin, growth hormones and chemical substances that increase

natural production and release of testosterone or growth hormones represent infringement and it is sanctioned by 20,000 lei – 40,000 lei fine.

Article 14 – (1) The commercialization and possession of high-risk doping substances in bodybuilding and fitness gyms, except for synthetic anabolic steroids, testosterone and its derivates, erythropoietin, growth hormones and chemical substances that increase natural production and release of testosterone or growth hormones represent infringement and it is sanctioned by 10,000 lei – 25,000 lei fine.

(2) The commercialization and possession of synthetic anabolic steroids, testosterone and its derivates, erythropoietin, growth hormones and chemical substances that increase natural production and release of testosterone or growth hormones in bodybuilding and fitness gyms represent infringement and it is sanctioned by 20,000 lei – 40,000 lei fine.

Article 15 – (1) Managing activities within the bodybuilding or fitness gyms without functioning certificate set forth in art. 9 paragraph (1) represents infringement and it is sanctioned by 5,000 lei – 15,000 lei fine.

(2) Once the contravention fine is applied, the agent may also dispose as complementary sanction, to suspend the bodybuilding or fitness gym's activity for a period of up to six (6) months.

Article 16 - (1) Denying the access of the authorized personnel of the National Anti-Doping Agency in bodybuilding and fitness gyms for control purposes represents infringement and it is sanctioned by 2,000 lei – 5,000 lei fine.

(2) Once the contravention fine is applied, the agent may also dispose as complementary sanction, to suspend the bodybuilding or fitness gym's activity for a period of up to six (6) months.

(3) Denying the access – as set forth in paragraph (1) – twice in a year results in the withdrawal of the functioning certificate issued by the National Anti-Doping Agency.

(4) Once the suspension set forth in paragraph (2) is served, the activities in bodybuilding or fitness gyms will be carried out again only following the control performed by the authorized personnel.

Art. 17 - (1) Getting in or out of the country and also import and export of high-risk doping substances without the authorization issued by the relevant authorities represent infringement and it is sanctioned by 10,000 lei – 20,000 lei fine.

(2) Getting in or out of the country and also import or export of synthetic anabolic steroids, testosterone and its derivates, erythropoietin, growth hormones and chemical substances that increase natural production and release of testosterone or growth hormones without the authorization issued by the relevant authorities represent infringement and it is sanctioned by 30,000 lei – 45,000 lei fine

Article 18 - (1) The infringements set forth in article 13 shall be established and the subsequent sanctions shall be applied by the state sanitary inspectors authorized by the Ministry of Health and the authorized personnel of the National Authority for Customer Protection.

(2) The infringements set forth in article 14 – 16 shall be established and the subsequent sanctions shall be applied by the authorized personnel of the National Anti-Doping Agency.

(3) The infringement set forth in article 17 shall be established and the subsequent sanctions shall be applied by the authorized personnel of the National Customs Authority and the authorized personnel of the General Inspectorate of Romanian Police.

(4) The infringements set forth in article 13 – 17 are under the requirements of Government Ordinance no. 2/2001 regarding the legal status of infringements, approved with amendments and additions by Law no. 180/2002 with subsequent amendments and additions.

Article 19 – (1) The illegal manufacturing, preparing, processing and transforming of synthetic anabolic steroids, testosterone and its derivates, erythropoietin, growth hormones and chemical substances that increase natural production and release of testosterone and growth hormones is sanctioned by one (1) year – three (3) years imprisonment or 15,000 lei – 30,000 lei fine.

(2) The attempt is punished.

(3) Producing or finding the ways or instruments as well as acting in order to produce the infringements set forth in paragraph (1) represent an attempt.

Article 20 – (1) Referring to the infringement set forth in article 19, the following situations are considered as aggravating circumstances:

a) when a person who, according to the present law, has responsibilities in prevention and fight against doping in sport commits such an infringement;

b) offering, prescribing, administrating high-risk doping substances to a minor;

c) when a person with a position that involves public authority commits the infringement when working in that position;

(2) When the infringement set forth in article 19 is committed under one of the aggravating circumstances stipulated on paragraph (1), the special maximum of the penalties is increased by one third.

Article 21 – It is not punished the person who, before the beginning of prosecution, denounces to the relevant authorities his/her participation to an association or agreement to commit the infringement set forth in article 19, therefore allowing to identify and to conduct criminal procedures against the other participants.

Article 22 – The person who committed the infringement set forth in article 19 and then during prosecution denounces and facilitates the identification and conduct of the criminal procedures against the persons who committed the same infringement will have the punishment reduced to a half of the legal punishment.

Article 23 – (1) The high-risk doping substances and other goods that have been involved in the infringements stipulated in the present chapter will be confiscated and in case they are not found, the infringer or the convict will have to pay the amount of money equal to their value.

(2) The money, values or any other goods obtained by the revaluation of the high-risk doping substances and the goods stipulated on paragraph (1) are also confiscated.

(3) The amounts of money obtained by the revaluation of the confiscated goods as well as the confiscated money, in compliance with paragraph (1) and (2), represent incomes to the state budget and are kept in separate account on the state budget.

Article 24 - In case the expertise of the confiscated substances is required, the costs for the expertise are paid by the person who requests it.

Article 25 - (1) The confiscated high-risk doping substances are destroyed. Anyway, it is mandatory to keep the relevant evidences.

(2) The high-risk doping substances are destroyed periodically, by incineration or other appropriate ways, by an authorized company, in the presence of a commission consisting in the Board's representatives.

(3) The expenses for destroying the high-risk doping substances are paid by the owner or by the person from whom they have been confiscated.

(4) The procedure for destroying the confiscated high-risk doping substances set forth in paragraph (1) shall be established by the methodological norms approved by Government Decision.

Article 26 – In case the substances discovered during the control are also subjected to Law no. 143/2000 on preventing and combating trafficking and consumption of illicit drug with subsequent amendments and additions or Emergency Government Ordinance no. 121/2006 regarding legal regime of drugs precursors approved with further changes by Law no. 186/2007, the National Anti-Doping Agency has the obligation to inform the relevant penal prosecution bodies immediately as well as National Antidrug Agency, the sanctions applied being the ones stipulated in these normative acts.

CHAPTER V

Final provisions

Article 27 – Within 60 days since the present law entering into force, upon the request of the National Anti-Doping Agency, the Government shall adopt the methodological norms stipulated on art. 9 paragraph (3) and art. 25 paragraph (4).

Article 28 – In order to implement the provisions of the art. 11 and 12, the maximum number of posts stipulated by Government Decision no. 1522/2006 regarding the approval of the organizational structure and the Organization and Functioning Regulation of the National Anti-Doping Agency, published in Romania's Official Journal, Part. I, no. 911 of November 9, 2006, is supplemented by a number of 30 posts. In the same time, the budget of the Prime Minister's Chancellery for 2008 from the Budgetary Deposit Fund at the Government's disposal is supplemented, this one being stipulated on the State Budget for 2008, at the budgetary chapter 67.01 – Culture, recreation and religion, title 51 – the transfer between institutions of the public administration for the National Anti-Doping Agency, pursuant to the in force legal provisions.

Article 29 – Chapter IV of the present law is now amended accordingly by the provisions of Law no. 227/2006 republished.

Article 30 – On the date of the present law entering into force, art. 42 paragraph (1) of Law no. 227/2006 regarding prevention and fight against doping in sport, republished in the Official Journal of Romania, Part I, no. 63 from January, 25, 2011 is abrogated.

APPENDIX

LIST OF HIGH-RISK DOPING SUBSTANCES

No.	Section	Group of substances	Active substance
1.	Anabolic agents	Exogenous anabolic androgenic steroids	1-androstenediol
			1-androstenedione
			Bolandiol
			Bolasterone
			Boldenone
			Boldione
			Calusterone
			Clostebol
			Danazol
			Dehydrochlormethyltestosterone
			Desoxymethyltestosterone
			Drostanolone
			Ethylestrenol
			Fluoxymesterone
			Formebolone
			Furazabol
			Gestrinone
			4-hydroxytestosterone
			Mestanolone
			Mesterolone
			Metenolone
			Methandienone
			Methandriol
			Methasterone
			Methyldienolone
			Methyl-1-testosterone
			Methylnortestosterone
			Methyltestosterone
			Metribolone (methyltrienolone)
			Mibolerone
			Nandrolone
			19-norandrostenedione
			Norboletone
			Norclostebol
			Norethandrolone
			Oxabolone

			Oxandrolone Oxymesterone Oxymetholone Prostanazol Quinbolone Stanozolol Stenbolone 1-testosterone Tetrahydrogestrinone Trenbolone
		Endogenous anabolic androgenic steroids	Androstenediol Androstenedione Dehydrotestosterone Prasterone (dehydroepiandrosterone, DHEA)
			testosterone as well as the following metabolites and isomers: 5 α -androstane-3 α ,17 α -diol; 5 α -androstane-3 α ,17 β -diol; 5 α -androstane-3 β ,17 α -diol; 5 α -androstane-3 β ,17 β -diol; androst-4-ene-3 α ,17 α -diol; androst-4-ene-3 α ,17 β -diol; androst-4-ene-3 β ,17 α -diol; androst-5-ene-3 α ,17 β -diol; androst-5-ene-3 α ,17 α -diol; androst-5-ene-3 α ,17 β -diol; androst-5-ene-3 β ,17 α -diol; 4-androstenediol (androst-4-ene-3 β ,17 β -diol); 5-androstanedione (androst-5-ene-3,17-dione); epi-dehydrotestosterone; epitestosterone; 3 α -hydroxy-5 α -androstan-17-one; 3 β -hydroxy-5 α -androstan-17-one; 19-norandrosterone; 19-noretiocholanolone
		Other anabolic agents	Clenbuterol Selective androgen receptor modulators (SARMs) Tibolone Zeranol Zilpaterol
2.	Peptide hormones, growth factors and related substances	Erythropoiesis-stimulating agents	Erythropoietin (EPO) Darbepoietin (dEPO) Methoxy polyethylene glycol-epoetin beta (CERA) Hematide
		Chorionic gonadotrophin (CG) and Luteinizing Hormone (LH) in	Follitropinum alpha Follitropinum beta Gonadotrophinum chorionicum Goserelinum

		delivery of oxygen	
		Efaproxiral (RSR13)	
		Blood substitutes	
		Microencapsulated hemoglobin	
5.	Abrogated by paragraph 2 of the solitary article of GD no. 1254/2012		
6.	Gene doping	The transfer of cells or genetic elements (e.g. DNA, RNA)	
		The use of biological or pharmacological agents that alter gene expression	Peroxisome proliferators activated receptor delta (PPAR delta)
			Agonists axis PPAR delta – AMP-activated protein kinase (AMPK)
7.	Stimulants	Non-specified stimulants	Adrafinil
			Amfepramone
			Amiphenazole
			Amphetamine
			Amphetaminil
			Benfluorex
			Benzphetamine
			Benzylpiperazine
			Bromantan
			Clobenzorex
			Cocaine
			Cropropamide
			Crotetamide
			Dimethylamphetamine
			Etilamphetamine
			Famprofazone
			Fencamine
			Fenetylline
			Fenfluramine
			Fenproporex
			Furfenorex
			Mefenorex
			Mephentermine
			Mesocarb
			Methamphetamine (d-)

		p-methylamphetamine
		Methylenedioxymphetamine
		Methylenedioxymethamphetamine
		Methylhaexanamine (dimethylpentylamine)
		Modafinil
		Norfenfluramine
		Phendimetrazine
		Phenmetrazine
		4-phenylpiracetam (carphedon)
		Prenilamine
		Prolintane
	Specified stimulants	Adrenaline (epinephrine)
		Cathine
		Ephedrine
		Etamivan
		Etilefrine
		Fenbutrazate
		Fencamfamin
		Heptaminol
		Isomethheptene
		Levmetamphetamine
		Meclofenoxate
		Methylephedrine
		Methylphenidate
		Nikethamide
		Norfenefrine
		Octopamide
		Oxylofrine (methylxynephrine)
		Parahydroxyamphetamine
		Pemoline
		Pentetrazol
		Phenpromethamine
		Propylhexedrine
		Pseudoephedrine
		Senegiline
		Sibutramine
		Strychnine
		Tuaminoheptane
8.	Narcotics	Buprenorphine
		Dextromoramide
		Diamorphine (heroin)
		Fentanyl
		Remifentanyl
		Sufentanyl
		Hydromorphone

		Methadone
		Morphine
		Oxycodone
		Oxymorphone
		Pentazocine
		Pethidine
9.	Cannabinoids	Delta 9-tetrahydrocannabinol (THC)
		Hashish
		Marijuana
		HU-210

- salts of the substances in the table when possible;
- the products – pills, tablets, solutions, syrups, etc. – containing the substances in the table.