

COUNCIL OF EUROPE

CONSEIL DE L'EUROPE

Strasbourg, 17th September 1965

EES (65) Stage XXXI, 4
Or. Fr.



COE025841

COMMITTEE FOR OUT-OF-SCHOOL EDUCATION

Physical Education; Sports; Outdoor Pursuits

DOPING OF ATHLETES

International Conference
organised by the French Government
from 23rd to 25th September 1965 in Strasbourg

Law prohibiting doping on the
occasion of sports competitions
promulgated on 2nd April 1965
by the King of the Belgians
and published in the Moniteur Belge,
No. 88, of 6th May 1965

2nd APRIL 1965 - Law prohibiting doping on the occasion of sports competitions.

BAUDOIN, King of the Belgians.

A tous, présents et à venir, Salut.

The Chambers have adopted and We approve the following:

ARTICLE 1. Paragraph 1. Under the present law, doping shall mean the use of such substances or means to enhance artificially the performance of an athlete taking part in or preparing for a sports competition as are likely to impair his physical and psychic condition.

Paragraph 2. In consultation with the Anti-doping Commission, the King shall compile a non-exhaustive list of such substances and means with any necessary indication, as regards the substances, of the dose prohibited.

ARTICLE 2. Paragraph 1. All persons taking part in or training for a sports competition as competitor shall be prohibited from taking dope.

Paragraph 2. It shall also be forbidden for any person to facilitate doping in any way.

ARTICLE 3. Paragraph 1. An Anti-doping Commission shall be set up under the Ministry for Public Health and the Family.

Paragraph 2. Apart from making the recommendations provided for in Articles 1 and 5, it shall be the Commission's task to give, on its own initiative or at the request of the Minister responsible for public health, advice on any question relating to doping.

Paragraph 3. The composition and organisation of the Commission shall be laid down by the King.

Paragraph 4. The Commission shall draw up its rules of procedure and submit them to the Minister responsible for public health for approval. In its rules of procedure the Commission may provide for the setting up of sub-commissions to deal with given questions.

The Commission may call in such assistance as it deems necessary.

Paragraph 5. The King shall lay down the amount of the allowances and attendance fees to be paid to the chairman and members of the Commission who are not civil servants and to any persons called on to give assistance.

ARTICLE 4. Paragraph 1. Without prejudice to the functions of the officers of the judicial police, persons appointed for the purpose by the Minister responsible for public health, shall supervise the application of the provisions of the present law and any decrees governing its enforcement. To this end the said officers and persons may take, before, during and after the competition, for purposes of analysis in a laboratory, samples of food in the possession of the competitor or his attendant, of the urine or saliva of the competitor; they may also inspect the clothing, sports equipment and luggage of the competitor and the attendant. They may enter the competitors' dressing rooms.

Paragraph 2. Breaches shall be established by means of a report which shall be authoritative until there is proof to the contrary. A copy of the report shall be communicated to the offenders within three days at the latest of the establishment of the offence.

ARTICLE 5. Paragraph 1. The manner and conditions governing the taking of samples and the organisation and functioning of the laboratories carrying out the analyses shall be laid down by the King on the recommendation of the Anti-doping Commission.

Paragraph 2. The cost of the taking and analysing of samples shall be borne by the State and charged to the budget of the Ministry for Public Health and the Family, unless these measures are ordered by the judicial authorities in which case the ordinary rules governing judicial costs shall be applicable.

ARTICLE 6, paragraph 1. Only persons recognised as such by the sports federations concerned shall be authorised to act as attendant.

Paragraph 2. The King may, on the recommendation of the sports federations concerned, lay down attendant's statute.

ARTICLE 7, paragraph 1. Without prejudice to the application of the penalties prescribed by the Penal Code, a sentence of from eight days to three months' imprisonment and a fine of from twenty-six to two thousand francs, or one of these penalties alone, shall be passed on:

1. an athlete who, in violation of Article 2, takes dope during a sports competition or when training for it or who, in the same circumstances, is in possession of substances or means capable of enhancing artificially his performance and also of impairing his physical and psychic condition; ./.

2. any person who, in violation of Article 2, facilitates doping in any way;

3. any person who, in violation of Article 4, resists or objects to inspection or the taking of samples by officials empowered to investigate and establish breaches of the laws and regulations governing the subject of the present law;

4. any person who, in violation of Article 6, acts as attendant to an athlete.

Paragraph 2. In the case of the commission of one of the breaches referred to in paragraph 1 of this Article, the judge may prohibit the offender temporarily or permanently from taking part in any sports competitions or the organising, in whatever capacity, of such competitions. A breach of this prohibition shall be punished by a term of from one to three months' imprisonment.

The judge may also order the judgment to be posted up in places named by him or published wholly or in part in newspapers named by him, both at the expense of the offender.

Paragraph 3. In the case of a repetition of the offence, within two years of a conviction, which has become res judicata, for one of the offences referred to in this Article, the sentences may be doubled.

Paragraph 4. The provisions of section I of the Penal Code, Chapter VII and Article 85 not excepted, shall be applicable to the offences provided for in this law.

ARTICLE 8. Until the entry into force of the royal decree referred to in Article 5 (1), and as a provisional measure, the judicial authorities may order samples to be taken and analysed, under conditions laid by them and by experts appointed by them, while taking the measures necessary to allow for a second expert appraisalment.

We hereby promulgate the present law and order that the State seal be affixed to it and that it be published in the Moniteur Belge.

Done at Brussels, this 2nd day of April 1965.