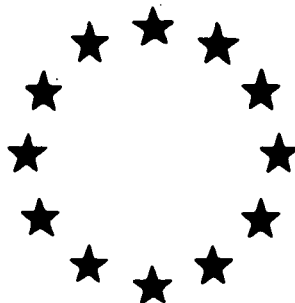


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THE ANTI-DOPING CAMPAIGN

CLEARING HOUSE
and
COMMITTEE FOR THE DEVELOPMENT OF SPORT
Strasbourg
1978

Results of a survey carried out by the
"Clearing House" at the request of the
Council of Europe "Committee for the Development of Sport"

THE ANTI-DOPING CAMPAIGN

Prince Alexandre de Mérode

Clearing House

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The views expressed in this publication are those of the author, and do not necessarily reflect those of the Committee for the Development of Sport of the Council of Europe.

FOREWORD

In October 1976, the Bureau of the "Committee on Sport" (which has since become the "Committee for the development of sport") of the Council of Europe was presented with proposals for the anti-doping campaign.

These, which came from Prince Alexandre de Mérode, a member of the International Olympic Committee (IOC) and Chairman of its medical committee, were the subject of the following decisions:

- "- to ask the Prince de Mérode, in co-operation with the Secretariat and the Clearing House, to prepare two draft questionnaires, one for the international federations, and the other to provide information (through the Clearing House's liaison offices) on the situation in each member country;
- to ask the Prince de Mérode to prepare a consolidated summary of the replies;
- to ask the Secretariat to see that this project was carried out as soon as possible." (1)

I am particularly glad that these initiatives have been successful and that the Clearing House can give all its interested readers an analysis of the replies received from 16 member countries and 21 international federations.

In addition, the summary that the Prince de Mérode has produced as a preface to the basic document contains a number of particularly interesting suggestions.

I am sure that these ideas may fruitfully be considered by the competent bodies in the context of that European co-operation that is so dear to us!

MAX WASTERLAIN

Vice-Chairman of the Council of Europe
Steering Committee for the Development
of Sport

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(1) CCC/DC/76/74 rev. p. 4 (report of the Bureau meeting, October 1976)

PREFACE

Doping is nothing new. It was suppressed from the very earliest days, but has seen a spectacular revival in the last three decades. Although it is not peculiar to sport it is in that environment that it has particularly struck the general public. Its causes are manifold, but undoubtedly the slow erosion of such traditional ideals as honour and fair play has something to do with this situation. No satisfactory definition of it has been given so far; it seems to be just as difficult to say precisely what doping is as to determine what an amateur sportsman is. I shall therefore confine myself to enumerating the basic principles of the anti-doping campaign:

- upholding the ethics of sport
- protecting athletes' health
- preserving equal chances for all.

This campaign, however, will have satisfactory results only if it is conducted on two quite distinct levels: the one repressive, the other educational.

The survey conducted by the Clearing House provides a detailed inventory of what has been achieved in this matter in the various Council of Europe member states.

1. Legislation adopted by the states

With the exception of the Holy See, which was not consulted, 16 out of 21 member states of the CDDS (1) replied. Six have passed legislation; this is observed only partially or not at all, and is in practice applied only during major international competitions or to certain specified sports. This situation creates unacceptable discrimination between the various sports. Moreover, there are certain fundamental divergencies between these laws, that make the situation of the sportsman and those who accompany him very uncertain. We find, then, dispersed and still embryonic efforts.

2. Rules of international federations

Twenty-one international federations out of 36 that were asked sent replies to the questionnaire. Seven have simply accepted the rules of the International Olympic Committee. Eleven have adopted rules inspired by or aligned with those of the IOC. Three have nothing and do not appear to be interested. It is interesting to observe that all the federations that gave a positive answer are those that are admitted to the Olympic Games. The others do not seem to be concerned or are determined to ignore the problem of doping. All of these rules, with the exception of those of the Union Cycliste Internationale, are applied only to major international competitions.

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(1) Committee for the development of sport

3. Rules of national associations

Sixteen replies were received. In addition to the six governmental laws there are five positive replies from national associations. These rules are applied partially or not at all.

4. Difficulties encountered

In order of difficulty, the objections made are against the slowness of tests, the lack of qualified laboratories, and the high cost of analyses.

5. Conclusions

It is apparent that:

- states in general have neglected this problem;
- the international federations are capable only of having their rules applied during major international competitions;
- nationally, checks are either partial or non-existent;
- there is a serious shortcoming, owing to the varying competence of laboratories;
- voluntary movements, although they drew attention to doping and started the campaign, have proved incapable of bringing it to a conclusion.

It would appear natural for governments to give moral and financial support to the voluntary movements by means of appropriate legislation. In fact, though there has been harmonisation of rules at international level, through the Olympic Games and the IOC, only the Olympic federations have come into line. Nationally, in most cases we find a vacuum and confusion. Sportsmen are the victims of this.

Twofold action is therefore proposed:

A. REPRESSIVE

1. Anti-doping checks in all sports

Although cycling and weight lifting are outstanding in respect of doping, experience has shown that this problem cropped up, potentially or in actual fact, in all sports. Moreover, it is not restricted to amateurs. Professionals also must be subjected to checks, since we are considering not isolated demonstrations, but competitions involving placing.

The practice of doping is cheating, comparable to the use of doctored equipment that does not conform to the rules that govern each sport.

2. Establishment of a common list of prohibited substances

There are divergencies between the rules of the Olympic Games, those of national associations, and national legislations. Sportsmen and their helpers may therefore find themselves faced with two or even three different lists. Anyone other than a skilled pharmacologist would be very clever if he succeeded in understanding what seems incomprehensible nonsense to the non-specialist. This leads to dramatic mistakes, of which again the sportsman is the victim.

3. Analysis by approved laboratories

At present, analyses are made by laboratories of varying scientific standard, both for detection and for the identification of prohibited substances. This enables some people to go scot-free and others to be condemned, on completely different bases. It is therefore essential to enforce working procedure that gives adequate scientific guarantees and provides qualified and sufficiently experienced staff. Regular inspection should verify whether approved laboratories are keeping up to standard.

4. Formation in each country of an anti-doping committee

Some countries have entrusted the application of their legislation to the sports federations, which, in view of their technical knowledge, seem to be in the best position to perform this task. But, in order to prevent any attempt at biased or fraudulent action, it seems more realistic to form an anti-doping committee, controlled either by a sports secretariat, or by the Ministry of Public Health.

This would comprise representatives of the sports federations, pharmacologists, pharmacists and jurists, and would have to:

- be given by the state adequate financial resources for the performance of its task;
- decide where and when checks should take place;
- specify who would perform such checks, other than agents of the judicial authorities;
- assess the nature and extent of any offence discovered;
- decide on the penalties applicable, in agreement with the federation concerned;
- determine when it is necessary to bring a culprit to court;
- decide, according to identical criteria recognised by all states, which laboratories may be approved.

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It must be added that it would be desirable to have common standards for penalties in the different countries, and to have recourse to court proceedings only in extreme cases. Thus sportsmen would be subject to sports discipline; this is justifiable by the specific nature of the problem and by the fact that an athlete picked out for inspection is presumed innocent.

B. EDUCATIONAL

No large-scale activities in this field have been started either by sports authorities or by governments. However, the only way to abolish doping is to attack the evil at its roots. It would therefore be essential for the authorities responsible for sport and for public health to launch a vast information campaign to bring home to sportsmen:

- the risks they run in doping themselves. This campaign must be addressed not only to sportsmen, but to all their helpers. A sportsman often has no idea what the substances are that he uses. Some trainers and helpers advise the use of drugs whose miraculous efficacy is a matter of hearsay; unscrupulous doctors pay only casual attention to what they are prescribing for their patients.
- the relative inefficacy of doping. It often results in a decline in performance. Many experiments have shown that the use of such substances, toxic in large doses, frequently had only a psychological effect on individuals.
- that doping is not the way to success, but rather the development of each individual's personal qualities, of character, physique or mind.
- that if some of our neighbours have produced exceptional performances, this is certainly not due to Asterix's magic potion. It is because in their countries an important place has systematically been given to diet, study of training methods, and rationalisation of effort.
- finally, that trickery cannot be exalted as a brilliant feat and that the restoration to a place of honour of our old fundamental ideals would serve our purpose, by reminding us that "the end does not justify the means".

Prince Alexandre de MERODE

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THE PROBLEM OF DOPING

The following answered the "Clearing House" questionnaire:

A. Twenty-one international sports federations

Association internationale de boxe amateur
Fédération équestre internationale
Fédération internationale de basketball amateur
Fédération internationale de bobsleigh and de tobogganing
Fédération internationale de football association
Fédération internationale de gymnastique
Fédération internationale de l'automobile
Fédération internationale de luge de course
Fédération internationale de lutte amateur
Fédération internationale d'escrime
Fédération internationale de ski
Fédération internationale des sociétés d'aviron
International amateur athletic federation
International hand-ball federation
International ice hockey federation
International lawn tennis federation
International weightlifting federation
International yacht racing union
Union cycliste internationale
Union internationale de pentathlon moderne
Union internationale de tir

B. Sixteen member states of the Council of Europe Committee for the development of sport

Belgium	Luxembourg
Denmark	Netherlands
Finland	Norway
France	Spain
Federal Republic of Germany	Sweden
Greece	Switzerland
Ireland	Turkey
Italy	United Kingdom

Questions put to the organisations and bodies consulted

a. To federations

1. Do you apply any specific regulations for an anti-doping campaign?
2. Are such regulations applied by national federations?
3. What main difficulties are encountered?
4. What are your plans for the future?

b. To member states

1. Are there any national anti-doping laws or regulations?
2. Are they applied in practice, and how?
3. What authorities are responsible for imposing penalties?
4. Have any national federations regulations of their own?
5. What main difficulties are encountered?
6. What are your plans for the future?

ANALYSIS OF REPLIES

A. INTERNATIONAL FEDERATIONS

"Are there any specific regulations?"

NO

Motoring
Tennis
Yacht racing

NO, but International Olympic Committee (IOC) rules are accepted

Rowing
Basketball
Bobsleigh
Boxing
Gymnastics
Sleighting
Shooting

YES

Athletics
Cycling
Fencing
Football (World Cup)
Handball
Ice hockey
Wrestling
Modern pentathlon
Weightlifting
Skiing
Equestrian sports

"Are such regulations applied by national federations?"

NO

Tennis
Yacht racing

NO REPLY

Motoring
Football
Gymnastics

YES

Athletics: if possible, for international events mentioned in the IAAF regulations plus possibly other competitions

Rowing: in world championships and junior championships. For other competitions, national federations are free to arrange checks

- Basketball: for continental and world championships
- Bobsleigh: for major international events, especially Olympic Games
- Boxing: for continental, regional and world championships
- Cycling: for world championships (cycling and cross country) plus competitions designated each year by the Steering Committee of the UCI. Certain federations also make checks in certain races
- Fencing: in principle, in major international events, and regularly for senior and under-twenties world championships
- Handball: for men's and women's world championships and Olympic Games
- Ice hockey: for world and European A, B and C senior championships and junior world championships
- Sleighting: federations are advised to apply them
- Wrestling: national federations decide for themselves
- Modern pentathlon: in major competitions, and in certain federations that are rich enough
- Weight-lifting: in senior and junior world championships, regional games and continental championships
- Skiing: compulsory, in principle, for world and continental championships plus possible application elsewhere within the framework of federation regulations
- Equestrian sports: in all international competitions
- Shooting: as ruled by the IOC

"What main difficulties are encountered?"

- Athletics: too few qualified laboratories, and too long a time in obtaining results
- Basketball: delay in transmitting the results of tests makes it difficult to apply penalties in tournaments where teams are playing daily, and this risks upsetting the classification of teams not directly concerned
- Bobsleigh: high cost of any wider application

Boxing: lack of qualified experts and specific medical material

Cycling: cost of tests by inspectors; also, athletes through ignorance make the mistake of taking medicaments that contain doping substances

Fencing: lack of experience in some laboratories

Modern pentathlon: financial aspect of effective control; if a check is made during an event on the fifth day, the results cannot be obtained until after the athletes have left; the very slow elimination of certain tranquillisers may cause some athletes to be unjustly suspected

Weight-lifting: national federations are not technically and financially in a position to carry out checks

Equestrian sport: cost of equipment; too few technical staff; expense of laboratories

NO REPLY

Motoring - rowing - football - gymnastics - handball - ice hockey - sleighing - wrestling - skiing - tennis - shooting - yacht racing

"What are your plans for the future?"

Athletics: more testing centres

Motoring: problem under consideration

Rowing: will try to have checks made during international regattas

Boxing: anti-doping propaganda and help from experts belonging to the federation's medical committee

Cycling: to step up tests

Fencing: to have regulations kept up to date and, if necessary, amended by the federation's medical committee

Ice hockey: formation of a permanent IIHF medical committee to deal with tests

Sleighing: to achieve application of the IOC rules by all national federations

Modern pentathlon: to study measures against the use of any new drugs that may be discovered; to consider the possibility of permitting, as a tranquilliser, only types of medicament that are simple and easily detected, such as quick-acting barbiturates; to consider possible changes in competition arrangements to counter the possible use of doping substances

Skiing: to keep regulations in line with those of the IOC

Equestrian sport: to try out the system to make it effective

Tennis: nil, because there is no risk of doping in lawn tennis

Shooting: the federation's medical committee is at present studying these problems

NIL

Basketball - bobsleigh - football - gymnastics - handball - wrestling
- weightlifting - yacht racing

Documents received:

a. International Amateur Athletic Federation:

"Anti-doping regulations"

(incorporating Rule 144 "Doping" and the detailed procedure for doping control) approved in March 1977

b. Fédération internationale d'escrime:

"Règles adoptées pour le dopage"

November 1976

c. Fédération internationale de football association:

"X. Fifa-Weltpokal Bundesrepublik Deutschland 1974"

Anti-doping Reglement mit Hinweisen für Ärzte, Kommissare und andere Offizielle"

d. Fédération internationale de handball:

"Règlement Anti-Doping"

e. International Ice Hockey Federation:

"Official Rule Book 1975-78 edition"

f. Union internationale de pentathlon moderne:

"Règlement concernant le dopage"

g. International Weightlifting Federation:

"Resolution valid for the year 1977"

h. Fédération internationale de ski:

"Règlements pour le contrôle médical et de doping"

B. MEMBER STATES OF THE COUNCIL OF EUROPE STEERING COMMITTEE FOR
THE DEVELOPMENT OF SPORT

"Are there any national anti-doping laws or regulations?"

NO

Denmark
Finland
Netherlands
Spain
Sweden

Special case

United Kingdom: No specific law on sport, but the general Common Law 1971 contains Chapter 38, the Misuse of Drugs Act 1971, which relates to drugs and their control, the powers of the Secretary of State, and possible penalties.

YES

Belgium: Act of 2 April 1965 (see Appendix I)

France: Decree of 10 June 1966

Federal Republic
of Germany: Regulations of the Deutsche Sportbund (Declaration of Principle of 11 June 1977 and Directives for the anti-doping campaign of 3 December 1977) (see Appendices II and III)

Greece: Act of 16 July 1975

Ireland: Regulations since 1966

Italy: Act of 26 October 1971

Luxembourg: agreement between the Ministry of Physical Education and Sport, the Medical Association and the federations

Norway: Regulations of the Norwegian Sports Confederation since May 1976 (implementing regulations in January 1977) (see Appendix IV)

Switzerland: ANEP regulations since 1967

Turkey: Regulations since 1971

"Are they applied in practice, and how?"

No detailed reply

Denmark
Finland
Sweden
United Kingdom

YES

- Belgium: Controlled by the Special Research Brigade (BSR) of the Gendarmerie. The Ministry of Public Health and the Environment gives a special grant to the Ligue Royale Vélocipédique Belge for its checking organisation.
- France: Checks arranged by federations for major events.
- Federal Republic of Germany: As from 3 December 1977, federations affiliated to the Deutsche Sportbund have undertaken not only to prohibit, but to combat doping.
- Greece: The Sports Federation takes the necessary steps. Athletics and boxing have organised checks with the aid of apparatus purchased by the Secretariat General for Sport and used at the Medical Examinations Department of the University of Athens.
- Ireland: District health authorities. Medical prescriptions may be officially checked at pharmacies.
- Italy: Not yet fully applied. Implementing regulations have not yet appeared, and the Act is inadequately financed.
- Luxembourg: According to the provisions of the agreement mentioned on page 12.
- Netherlands: Doctors and sportsmen must conform to the regulations. If any prohibited products are discovered, suspension ensues.
- Norway: The Sports Council takes the initiative in fixing checks and tests, which are applied in co-operation between the Sports Confederation, the medical committee and the federation concerned.
- Spain: For world and European championships and regional ("Mediterranean") games; nationally, only for cycling.
- Switzerland: The federations regularly order checks.
- Turkey: Yes, but rarely.

"What authorities are responsible for penalties?"

NO REPLY

Denmark
Finland
Sweden
United Kingdom

REPLIES

Belgium: The courts, under the law, plus the federations concerned (particularly cycling).

France: The federations themselves.

Federal Republic
of Germany: The German Sports Federation.

Greece: The federations, under the supervision of the Secretariat General for Sport.

Ireland: The official authorities.

Italy: The judiciary and sports authorities.

Luxembourg: The federations, with appeal to the Ministry of Physical Education and Sport.

Netherlands: The federations.

Norway: The Sports Council has asked the Norwegian Sports Confederation to specify, through its Legal and Judiciary Committee.

Spain: National federations, through their executive committees, plus the General Directorate of Physical Education and Sports, if complaint is made.

Switzerland: The federations. If any federation has not its own disciplinary body, that of the ANEP will pass judgment.

Turkey: The Directorate General of Physical Education.

"Has any federation regulations of its own?"

NO REPLY

Denmark
Finland

NO

Spain
Turkey

YES

- Belgium: Some, such as athletics, basketball, cycling.
- France: According to federations' internal regulations.
- Federal Republic of Germany: Athletics, cycling, equestrian sports, table tennis have regulations of their own very similar to those of the DSB.
- Greece: Legally, observance of IOC regulations or those of the international federations is compulsory.
- Ireland: Each federation has its own policy, taking IOC regulations as a guide.
- Italy: Athletics, boxing, cycling, football.
- Luxembourg: All the federations have the same standards, since there are agreements.
- Netherlands: Cycling.
- Norway: The Sports Council has decided that a system of checks should be arranged for: basketball, boxing, wrestling, athletics, ice hockey, judo, kayak, canoeing, rowing, swimming, skating and weightlifting.
- Sweden: IOC regulations for the federation.
- Switzerland: All federations apply the same regulations and the same list of doping substances.
- United Kingdom: Federations observe the rules of their international federations. There are special regulations for athletics and cycling.

"What main difficulties are encountered?"NIL

- Ireland (doping is not a problem in Ireland)
- Luxembourg
- Switzerland

REPLIES

- Belgium: Discussions regarding the procedure for sampling. Difficulties in establishing the list of doping substances.
- Denmark: High cost, as laboratories are often asked for urgent extra work (sometimes even at night). Besides, some analyses can only be made abroad.

Federal Republic

of Germany: A survey made on the basis of a questionnaire by the Bundesinstitut für Sportwissenschaft in January 1977 showed that out of 44 federations consulted, with 37 replies obtained, most felt that they were not concerned.

Finland: High cost. Athletes and trainers do not know the composition of certain medicaments.

France: The main difficulty seems to be psychological.

Greece: Lack of a medical examination centre.

Italy: Finance. Possibility of superposition of civil justice and sports justice.

Netherlands: Frauds in sampling by the sportsmen concerned. Difficulties, owing to technical inability, in proving the presence of certain substances. Sportsmen, bearing in mind the time of a proposed check, see to it that the taking of prohibited substances can no longer be proved.

Norway: Cost of anti-doping checks and analyses, which must of course always be kept within a pre-established budget.

Spain: Lack of qualified staff and insufficient equipment (efforts are being made to remedy this).

Sweden: Too few laboratories equipped for analyses.

Turkey: Difficulty in finding a well-equipped laboratory.

United Kingdom: Detecting the use of prohibited substances when they are already no longer shown by the check.

"What are your plans for the future?"

NO REPLY

Ireland
Italy
Luxembourg

REPLIES

Belgium: To find more flexible procedure so as to avoid recourse to civil courts; publication of a clear list of doping substances; new Royal Decree on sampling methods, the rights of the defence, and recognition of laboratories; plans for a special committee to suggest penalties to the federation concerned: recourse would be had to the civil courts only in cases of non-reaction.

- Denmark: Possibility of intervention by the medical body of the Danish Sports Federation itself (cf Norway); plans for a similar solution for all the Scandinavian countries.
- Federal Republic of Germany: Reinforcement and increase of regulations.
- Finland: To have more check points at national competitions; to circulate more information to athletes and trainers.
- France: Permanent study within federations, and regular exchanges within the CNOSF.
- Greece: See reply to previous question; the medical centre will no doubt shortly be set up.
- Netherlands: New regulations and new research methods to be followed up and put into practice as necessary.
- Norway: See reply to question 1.
- Spain: Uniform legislation for all federations.
- Sweden: Creation of a central laboratory to measure doping substances; additional study on the special risks of of using such products as anabolic steroids.
- Switzerland: To adapt the regulations and the list of drugs to the latest developments.
- Turkey: Plan to establish a laboratory.
- United Kingdom: Continuance of research on the detection of anabolic steroids.

THE ANTI-DOPING CAMPAIGN

APPENDICES

Four texts currently in force

(Belgium, Federal Republic of Germany, Norway)

A P P E N D I C E S

APPENDIX I

Belgian Act of 2 April 1965 prohibiting the practice of doping at sports competitions.

APPENDIX II

Declaration on Top Sport adopted by the Deutsche Sportbund on 11 June 1977.

APPENDIX III

Directives for the anti-doping campaign of federations affiliated to the Deutsche Sportbund: 3 December 1977.

APPENDIX IV

Reasons for the prohibition of doping (May 1976) and Resolution adopted by the Norwegian Sports Confederation on the anti-doping campaign (21 and 22 January 1977).

A P P E N D I X I

2 April 1965 - Act prohibiting the practice of doping at sports competitions

Article 1

1. For the purpose of this act, the practice of doping shall be taken to mean the use of substances or the application of methods to increase artificially the output of an athlete who is participating in or preparing for a sports competition, when such use may be harmful to his physical or mental integrity.
2. On the advice of the Anti-Doping Committee, the Crown shall prepare a non-restrictive list of such substances and methods, including as appropriate a mention of the prohibited dose of substances.

Article 2

1. The practice of doping is prohibited for all persons who as competitors are participating in or preparing for any sports competition.
2. It is also prohibited for any person to facilitate doping in any way.

Article 3

1. An anti-doping committee shall be set up at the Ministry of Public Health and the Family.
2. Apart from the advice referred to in Articles 1 and 5, the committee's task shall be to advise on all problems relating to doping, either on its own initiative or at the request of the Minister responsible for public health.
3. The membership and organisation of this committee shall be settled by the Crown.
4. The committee shall draw up its own rules of procedure and submit them for approval to the Minister responsible for public health. These rules may inter alia provide for the formation within the committee of sections responsible for specific tasks.

The committee may call for any assistance it may consider to be of use.

5. The Crown shall fix what allowances and attendance vouchers shall be due to the Chairman and to any members of the committee other than civil servants, and to any persons who are called on to collaborate.

Article 4

1. Without prejudice to the duties of officers of the judiciary police, those persons appointed for the purpose by the Minister responsible for public health shall supervise the application of the provisions of this act and of its implementing regulations. For this purpose, such officers and other persons may, during and after a competition, take for laboratory analysis samples of foodstuffs in the possession of a sportsman or his attendant, and of the sportsman's urine or saliva; they may also examine the clothing, sports equipment and baggage of the sportsman and his attendant. They may go into athletes' changing-rooms.

2. They shall note any offences in reports that shall be accepted as a true attestation failing proof to the contrary. A copy thereof shall be transmitted to the offenders within not more than three days from the discovery of the offence.

Article 5

1. The method and conditions of sampling, and the organisation and operation of analytical laboratories, shall be fixed by the Crown as advised by the Anti-Doping Committee.

2. The cost of sampling and analysis shall be borne by the state, under the budget of the Ministry of Public Health and the Family, unless such measures are ordered by the judicial authorities, in which case the usual rules of the criminal scale are applicable.

Article 6

1. Only persons approved as such by the sports federations concerned shall be entitled to act as an athlete's attendant.

2. The Crown may, on the advice of the sports federations concerned, establish a statute for such officials.

Article 7

1. Without prejudice to the application of penalties laid down by the Penal Code, the following shall be liable to imprisonment for from eight days to three months and to a fine of from twenty-six to two thousand francs, or to one only of these penalties:

1. Any athlete who, in contravention of Article 2, engages in doping during a sports competition or when preparing for one, or who, in the same circumstances, is in possession of substances or means that could artificially increase his output and could further be harmful to his physical or mental integrity.
2. Any person who, in contravention of Article 2, shall in any way whatever facilitate the practice of doping.
3. Any person who, in contravention of Article 4, shall refuse or object to inspections or the taking of samples by the officials responsible for investigating and reporting on contraventions of laws and regulations relative to the subject of this act.
4. Any person who, in contravention of Article 6, shall act as an athlete's attendant.

2. In the event of any contravention as described in paragraph 1 of this article, the court may temporarily or permanently ban a person found guilty from participating in any sports competition and from taking part in any capacity in the organisation of such competitions. Any breach of such prohibition shall be punishable by imprisonment for from one to three months.

The court may further order that its decision be posted up in such places as it may designate and printed in full or in part in such papers as it may indicate, all this at the expense of the person found guilty.

3. In the event of a second offence within two years of a sentence for any of the offences described in this article, which has acquired the force of res judicata, the penalties may be doubled.

4. The provisions of Book I of the Penal Code, not excepting Chapter VII and Article 85, shall be applicable to the offences dealt with by this act.

Article 8

Until the date of entry into force of the Royal Decree provided for by Article 5 (1), as a transitional measure, the judiciary authorities may, on such conditions as they may determine, order the taking and analysis of samples by experts appointed by them, at the same time taking appropriate measures to safeguard the possibility of contrary expert evidence.

WE, etc.

A P P E N D I X I IDeclaration on Top Sport

(Deutscher Sportbund 11 June 1977)

I. Principles

1. The German sports movement acknowledges its responsibility for humane sport at all levels and in all fields.
2. It affirms its belief in elite sports, in outstanding sporting achievement and in participation in international competitions including the Olympic Games under conditions of equal opportunity and of humanity.
3. It places in the centre of its actions the athlete and his welfare particularly in the fields of training and of medical, pedagogical and psychological care.
4. It regards the social welfare of the athlete as an urgent obligation.
5. It rejects every medicinal-pharmaceutical influence on the performance of the athlete, and every technical manipulation which impairs his or her dignity, contradicts the meaning of sport and does not exclude harmful side-effects.
6. It appeals to the state and to society to co-operate in a responsible manner in the promotion of the athlete while protecting the independence of sport.

II. Reasons

1. The discussion after the Olympic Games of 1976 concerning the influence on sporting achievement of medicinal-pharmaceutical means and of the so-called performance-stabilising measures affects not only the question of sports medicine in the narrower sense, but also a problem which goes deep to the heart of the existence of elite and top sport. Because of the public effects achieved by top sport, it also affects the development of the whole of sport, including its motives and functions of a psychological, pedagogic, ethical, health, sports political and social nature. The German sports movement accepts the challenge of this discussion of elite and top sport, realising its responsibility for, and efforts to, find timely appropriate and humane solutions for the problems of sport at all levels and in all its branches.

2. The German sports movement professes its belief in elite sport. In its measures it pays particular respect, and lends special support, to sport; that is reflected in detail in numerous statements and programmes (cf the Charter of German Sport).

The German sports movement sees in top sport:

- an area for the self-realisation of the athlete, for obtaining irreplaceable experience and personal fulfilment;
- a portrayal of the skill of the athlete as well as of the commendable activity of coaches, assistants, functionaries, clubs and federations;
- an opportunity to demonstrate in an exemplary manner what athletes can achieve in sport by willingness and by effort.

Seen in this light, sports performance is of both social and cultural value; to strive for it is part of the essence of sport, in which equality of opportunity is its essential precondition while national and international comparability are its determining features. Should these aspects be no longer present or should they be manipulated, one of the fundamental foundations of national and international competitive sport would be removed. The German sports movement would not participate in any such development.

3. The sports movement supposes that the athlete is willing and prepared to perform respecting the sporting rules and renouncing any manipulation. Personal satisfaction and public respect are undoubtedly goals worthy of athletic effort, and are consequently important incentives. But striving for records is connected with a high degree of physical and psychic stress, time restrictions, individual renunciation and long years of commitment. Because of the significance of top sport and the expectations as regards the individual sportsman, support for him is absolutely essential. This has to comprise training, medical, medicinal, as well as pedagogic, psychological and social measures. The responsibility of the federations for their members and particularly for their active athletes commands them to provide this support and to create the necessary public understanding and assistance.

Every measure taken must respect the health, self-determination, and integrity of the athlete.

4. Medical and medicinal care for the athlete is indispensable. He requires regular medical advice, supervision and control both in training and during competitions. Without these, he is exposed to health dangers which he himself is often unable to detect.

Medical care should aim to ensure his health or to restore it wherever it may be impaired.

5. Every medicinal and pharmacological influence on the performance of athletes and every technical manipulation of them with the aim to better their performance must be rejected. They impair their dignity, are contrary to the meaning of sport, and do not exclude harmful side-effects.

The following ethical, psychological, pedagogic and medical reasons are authoritative in this respect:

- Equality of opportunity, dignity and the inviolability of the individual are the central principles of sport. Sports performance is to be attained on the basis of personal effort, repudiating the use of forbidden adjuvants. If this rule is contravened, performances and the comparability of performances lose their credibility. This applies not only to national and international comparisons of the athletes themselves, the relationship between athletes, spectators and the sports promoters is also affected. Everyone must be able to assume that the principles of sport will be respected and the rules of the International Olympic Committee and the international federations followed.
- An important component of the motivation of top athletes is that successes may be ascribed to personal responsibility. If this incentive is removed, their motivation and personal satisfaction would be impaired.
- The sports movement is only credible in the pedagogic sense if parents who entrust their children to it can be sure that on the long road, which is necessary in the modern world for the attainment of first-class performance, the young will be responsibly cared for, will not be manipulated and that in later life they will not have to suffer from the consequences of their willingness to engage in elite sport.
- In the light of present medical and pharmaceutical knowledge, one must count on the possibility, with every effective medicament, of undesirable and sometimes - especially for athletes - even dangerous side- or after-effects; consequently it may only be prescribed where there are the corresponding medical indications. Every administration of medicines, including anabolics, solely for the purpose of increasing performances is to be rejected.

In addition to such considerations of principle, there are additional important reasons:

- The IOC and the majority of international federations forbid not only doping, but also the use of anabolics. Anabolics may endanger the health, particularly of children, young people and women. Moreover, their effect in terms of increased performance is disputed.
 - Many athletes expect that drugs will result in higher performance; but this is rather the consequence of the suggestive effects or the so-called placebo effect. For this reason too the use of medicaments can be renounced; other measures can take their place: primarily the use of better training and kinesiological methods, together with pedagogic and psychological care designed for athletes.
 - If all athletes who practise a certain discipline were to take drugs, it would not only be contrary to the essence of sport and dangerous for their health, but moreover it would be senseless, since no-one would gain any advantage thereby. In precisely the same way, it would be contrary to the meaning of sport if only some athletes were to use drugs in a certain discipline, and only they could obtain them.
 - The question of the application of drugs in sport is a matter of principle. It can only be decided on the basis of medico-ethical principles. Therefore, any prohibition should not be made solely dependent on the fact of the ability to control and check on the use of drugs.
 - The prohibition to influence performance by drugs in no way means a retreat from international comparability in sport, nor does it imply the repudiation of record performances. In many disciplines the influence of drugs on performance and technical manipulation play absolutely no part; in others, there is no effect or it is at least doubtful. On the other hand, suitable training measures can ensure full and successful participation in international competitions. Similarly many international sports partners reject drug influence on performance.
6. Top sport is public in character. For this reason, both the state and society (the federal government, the states and the municipalities, the political parties, the trade unions and the employers, the churches and the media) are co-responsible for the development of top sport. They are called upon to acknowledge and exercise this co-responsibility.

Until now, our state has proved to be a helpful partner for sport, without interfering in the autonomy of its organisation. This partnership should be further developed.

Appendix IIIII. Obligations and claims

Maximum performance in sport is determined by a multitude of factors. Hence it is essential to promote it by such additional measures as have previously either not been taken or have been insufficiently utilised.

The following obligations and claims arise out of the principles which are supported by athletes:

- The sports federations and their members shall - following also the meaning of the guidelines laid down by the DSB - re-examine their doping rules and, wherever necessary, alter them in the light of this statement, complete them by placing a ban on anabolics and on the technical manipulation of athletes, and shall press on the international level for the adoption or completion of appropriate regulations. They shall take steps to adopt suitable control procedures and sanctions in the event of breaches of regulations.
- The sport-governing bodies, together with the DSB Committee for Elite Sport, shall intensify their pedagogic and psychological care for athletes, further improve the athlete's training programme, and take steps to ensure a more effective education of coaches.
- The German Federation of Sports Doctors will assist the member-federations of the DSB in completing their doping lists and in the necessary control measures, while in co-operation with other medical and health organisations they will educate the sporting public, and particularly athletes, coaches, assistants and functionaries, fully as regards the use of drugs and its dangers; above all the parents of young people taking part in elite sport shall be informed. The sports doctors are called upon to implement the principles stated above within their own sphere of responsibility.
- The scientific institutions of sport, and particularly the Federal Institute for Sport Science, are called upon to undertake studies of the psychological, pedagogic, training and kinetical measures for the improvement of sports performance, and to improve the analysis of doping in agreement with the sports organisations.
- The foundation "German Sports Aid" will consistently pursue its measures in the sense of the basic principles and will take steps to further the social promotion of athletes.
- The German Parliament and the federal government are requested to provide the necessary financial means for research into elite sport and for information and control measures.
- The federal states and the municipalities, employers and trade unions are also requested to provide the prerequisites to allow children and young people who are talented in sport to follow their sporting interests without worries, parallel with their scholastic and vocational education, and to ensure that qualified pedagogic leadership is available.

- An appeal will be made to sports journalists, politicians and to the public to support the German sports movement in the application of these principles, and not to measure the achievements of our sportsmen solely by medals and records, but also to respect their individual performances and their ranks in international comparison.
- An appeal is made to the partners in sport - the political parties, churches and other social groups - to support the German sports movement in realising this programme with the funds and means at their disposal.

The German sports movement is convinced that in carrying out this programme, the most important conditions will be created which make it possible for an athlete to strive for and attain high performances in sport in a form which is compatible with our social system and is also in accordance with the principles of sport.

A P P E N D I X I I IOutline rules for the anti-doping campaignPreamble

The gymnastics and sports associations belonging to the Deutscher Sportbund undertake, under paragraphs 2, 7 and 15 of the DSB regulations, to prohibit the use of doping substances in sport and to combat doping with all the resources at their disposal. With this objective, the leading associations of the DSB are publishing these outline rules to provide common guidance on the campaign against doping within the sphere of the DSB; insofar as any wider regulations of international federations exist, they will take the place of these principles.

PART IProhibition of dopingArticle 1Definitions

1. Doping is the attempt to raise a sportsman's performance capacity in a non-physiological way by the administration (ingestion, injection or dispensing) of a doping substance by the sportsman or by someone helping him (eg team leader, trainer, supervisor, doctor, attendant or masseur) before or during a competition or, in the case of anabolic hormones, also during training.
2. For the purposes of these rules, doping substances shall include particularly phenylethylamine derivatives (Weckamine, Ephedrine, adrenaline derivatives), narcotics, analeptics (camphor and strychnine derivatives) and anabolic hormones.

Specifically for sport, further substances such as alcohol, sedatives and psychopharmatic substances may be included as doping substances.

Article 2Doping list

The German Sports Medicine Association, in collaboration with the DSB, shall draw up and publish a list including the doping substances mentioned in Article 1(2).

Article 3

Prohibition of utilisation and possession

1. The utilisation of doping substances as described in Article 1(2) is prohibited and will entail penalties.
2. The member organisations of the Deutscher Sportbund shall within their own spheres make the necessary regulations regarding jurisdiction, procedure and penalties in cases of successful or attempted doping. The Deutscher Sportbund makes recommendations regarding penalties (Annex 1).
3. The Deutscher Sportbund and its member organisations shall include in the employment or service contracts of persons who supervise sportsmen regulations regarding any infraction of the prohibition against doping. The Deutscher Sportbund recommends regulations (Annex 2).

Article 4

Use on medical grounds

1. Even on medical grounds the substances mentioned in Article 1(2) must not be taken by sportsmen, so long as they are still engaged in competition. An exception is made for local anaesthesia in the case of injury. The doctor must immediately notify the organisers of the event.
2. The use of anabolic hormones by sportsmen is in no case indicated.

Article 5

Scope of the prohibition

1. For sportsmen belonging to member organisations of the Deutscher Sportbund or their attendants these outline rules shall be applicable in competitions within or outside the overall sphere of the Deutscher Sportbund, provided there are no international regulations to the contrary.
2. For foreign sportsmen or their attendants these outline rules shall be applicable only in competitions within the overall sphere of the Deutscher Sportbund, provided there are no international regulations to the contrary.

The appropriate member organisation or its appointed representative must inform such sportsmen or their attendants of the doping regulations.

PART II

Doping checks

Article 6

Events to be covered

The events at which doping checks will be carried out in accordance with these rules will be determined by the appropriate member organisations; German championships, provincial championships and national and international events shall be included.

Article 7

Type of doping check

Doping checks shall consist of sampling the sportsman's secretions.

Article 8

Obligation to undergo checks

1. Sportsmen and their attendants have an obligation to submit to doping checks.
2. Refusal to submit to doping checks will be punishable, as if actual doping had been committed.

Article 9

Responsibility for doping checks

Doping checks shall be the responsibility of member organisations or of their appointed representatives.

Article 10

Testing centres

Testing centres shall be as arranged by the Deutscher Sportbund collaboration with the German Sports Medicine Association.

Article 11

Preparation of doping checks

The appropriate body must see to it that contact is made in good time with the testing centre so that the technical arrangements for the proper conduct of intended doping checks may be made.

Article 12

Sportsmen to be checked

The following are to be checked in accordance with Article 7:

- a. In the case of individual contests or contests between teams of two, the contestants who gain the first three places, and a further three to be decided by lot;
- b. In the case of contests between teams of more than two, every second player from the first three teams, and three further players to be decided by lot;
- c. In the case of contests between two teams, every third player from each team, to be chosen by lot;
- d. Players who are suspected of doping;
- e. Players who use anabolic hormones in training.

Article 13

Conduct of doping checks

Sportsmen who are to be checked under Article 7 must supply urine specimens under the supervision of one of the persons appointed by the appropriate member organisation, immediately after the contest and on occasion during training. Sportsmen who claim that they cannot supply urine are to be kept under supervision until the urine is supplied. Every urine sample is to be placed in two small bottles, which will be labelled and sealed.

Article 14

Analysis

1. The official taking samples shall immediately send the urine samples (Art. 13) to the analytical laboratory.
2. The analytical laboratory shall test whether the urine sample contains any doping substance (Art. 1(2)).
3. The member organisation shall inform the sportsman of the results of the analysis. The sportsman may within ten days apply for a second analysis to be made by another analytical laboratory.

Article 15

Cost

The cost of doping checks will be settled by the member organisation concerned.

PART III

Penalties

Article 16

Penalisation procedure

1. When the utilisation of a doping substance is proved by the results of analysis (Art. 14(2) and (3)) or in some other way, the member organisation concerned must institute proceedings by the association body with penalties and discipline.

2. In the event of evasion of a doping check (Art. 8(2)) appropriate action is to be taken.

Article 17

Publication of decisions

Decisions relating to penalties or discipline will be published by the member organisation concerned.

Article 18

Recognition of the decisions of
other member organisations

Penalties and decisions in connection with infractions of the prohibition against doping will be recognised within their own spheres by all member organisations so far as the disclosure of any second offences, disqualification, and exclusion from participation in any events are concerned.

PART IV

Final provisions

Article 19

Application of the outline rules

The member organisations of the Deutscher Sportbund shall be responsible for the observance of these outline rules. So far as their regulations are also automatically applicable to their subsidiary organisations and members, they will ensure particularly that procedure is in line with these outline rules.

Article 20

Amendment of the outline rules

These outline rules may be amended by the Bundestag and by the general committee of the Deutscher Sportbund.

Article 21

Entry into force

These outline rules shall enter into force on 3 December 1977 with their promulgation by the Deutscher Sportbund's general committee.

Appendix I

Recommendation regarding penalties

1. Doping by sportsmen shall be punishable:
 - a. for the first offence, by disqualification for from one to six months;
 - b. for the first subsequent offence, by disqualification for from one year to two years six months;
 - c. for the second subsequent offence, by disqualification for life.
2. Any attendants in whom doping is detected shall be punishable forthwith by exclusion from all competitions and banned from any activity in connection with competitions; the minimum and maximum periods mentioned in paragraph 1 shall apply here. Fines may also be imposed.
3. Under the penalties in (a) to (c) above, a sportsman or his team are to be disqualified from that competition; if the taking of doping substances during a competition is again detected, immediate exclusion ensues.

Appendix II

Recommendation for discipline in connection
with a contract

1. Regulations in work and service contracts with persons attendant on sportsmen, in the event of infractions of the prohibition against doping:

- a. any infraction of the prohibition against doping constitutes a grave breach of contract;
- b. in the event of an infraction of the prohibition against doping being detected, a contractual penalty up to the nett amount of one month's remuneration shall be payable;
- c. in the event of a further infraction, the employer shall be entitled to cancel the contract without notice.

2. Under the foregoing rules, the penalties in Appendix I sections (1) to (3) shall be imposed.

A P P E N D I X I V

THE NORWEGIAN CONFEDERATION OF SPORTS

REASONS FOR THE PROHIBITION OF DOPING

The main reasons for prohibiting doping are as follows:

1. Physical reasons:

- a. Acute danger to life and health
- b. Chronic danger to life and health

2. Ethical reasons:

- a. The use of doping drugs is against the idea/ethics of sports
- b. There is a danger of addiction and possibilities for ethical/moral and social decline.

3. Legal reasons:

The use of certain drugs is in conflict with the narcotics legislation of certain countries and hence criminally punishable.

CURRENT CONTROL MEASURES

- 1. For a select group of Norwegian athletes about to depart for international championships, medical check-ups can be carried out to establish whether anabolic steroids have been used.
- 2. Random check-ups can be carried out on Norwegian representatives in international competitions at various times during the year in order to check on the use of anabolic steroids.
- 3. Each year doping tests will be carried out at select Norwegian championship competitions.
- 4. The Sports Council takes the initiative to establish these check-ups and tests. The arrangements and procedure will be carried out through co-operation between the Sports Confederation, the Medical Council, the relevant sports federation through its medical contact or board, the organisers of national championships through the medical officer of the meet, and the analytical laboratory in question.

Checks and doping tests must at all times be carried out within the established financial framework.

All expenses connected with Norwegian control procedures should be covered under the budgets of the Sports Confederation.

THE SPORTS COUNCIL'S RESOLUTION ON DOPING CONTROL, 21-22 JANUARY 1977

1. The Sports Council requests that the Medical Board in the first place should continue to work on a practical system for checking on the use of anabolic steroids.

An extended checking system which would also cover the use of other drugs should be considered at a later date on the basis of the experience gained here, possibly on the basis of special requests put forward by one or more of the sports federations.

2. The Sports Council has decreed that a checking system can be put into operation within the following special branches of sports: basketball, boxing, wrestling, track-and-field, ice-hockey, judo, kayak, paddling, rowing, swimming, skating, and weight lifting.
3. The checking is to be carried out according to the system established at the 1976 Olympic Games, and the Sports Council requests that the medical board work out a system for testing and dispatching of samples. These proposals should be approved by the council at a later meeting.
4. The Sports Council requests that the Medical Board in conjunction with the administration make the necessary purchases of equipment, establish contracts with the necessary personnel/institutes for analysis, and calculate/determine the possible number of tests and dispatches of samples - all within the limit of Kr 150,000 for the fiscal year 1977.
5. Fifty percent (50%) of the tests are to be carried out on active Norwegian competitors at varying times of the year in 1977.
6. Twenty-five percent (25%) of the tests are to be carried out on Norwegian competitors prior to departure for international championships in 1977.
7. Twenty-five percent (25%) of the tests are to be carried out at selected Norwegian championships in 1977.
8. Medical advisers to the sports federations, doctors supervising events and other authorised medical personnel will be sent written instructions for detailed organisation and execution of the tests. The instructions will be worked out by the medical board, NIF, in accordance with the international regulations for doping tests.

Information concerning the practical execution of doping tests will also be given at the Medical Seminar 1977 and at other information meetings arranged by the NIF medical board.

The doctor in charge of the arrangement and execution of the doping tests must independently - or in co-operation with the Medical Board - see to it that information and instructions concerning the tests be given to the organisers of the event, the active participants, coaches, leaders and technical assistants.

Written information concerning the doping tests and the decisions of the Sports Assembly, as well as the practical consequences of the decisions, will also be published in "Norsk Idrett", the NIF publication. These instructions will be especially directed towards the various sports organisations and the individual athlete.

The Sports Council feels that in addition, NIF should inform the Norwegian Medical Association and the Health Directorate specifically on this matter.

9. The Sports Council appointed Ebba Lund Hansen, Egil Guliksen and Thor Hernes as a group to be responsible, in co-operation with the Medical Board, for initiating the tests in accordance with the instructions agreed upon within the framework and as stated in the Sports Council's decision, points 1-12.
10. The Sports Council feels that the Medical Board in 1977 should primarily continue to work on establishing current national, educational, informative and controlling effort in this field. To the extent the Medical Board is able to establish international contacts, this should be encouraged. Any efforts in this connection should be recorded and the reasons for it given in the Medical Board's protocol, in the usual way.
11. The Sports Council requests NIF's Legal Board and Judiciary Board and its Legal Council as well, to clarify especially the legal and judicial circumstances in this matter.