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FEEDBACK REPORT ON THE ANTI-DOPING POLICY ADVICE PROJECT

COUNTRY ASSESSMENT REPORT

SPAIN

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The ideas and opinions expressed in this publication are those of the authors; they do not necessarily reflect the views of UNESCO and do not commit the Organization in any way.



Anti-doping Policy Assessment Final Report

SPAIN

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UNESCO ASSIGNMENT/ANTI-DOPING POLICY ASSESSMENT

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Sir/Madam,

It has been an honour to be able to work together with the UNESCO, as a National Consultant on the UNESCO Assignment Anti-Doping Policy Assessment.

It is with great pleasure, and sense of responsibility, that my team and myself have worked during these past months to present before you this Final Report.

I would like to thank deeply each and every one of the members of my Team of Experts, without whom it would have been impossible to carry out this task.

It has been very important to have Enrique Gomez Bastida on board, due to his personal knowledge and also as Director of AEPSAD.

Manuel Martin has dealt with all the legal aspects with great professionalism, letting all the team know this aspect was well taken care of.

Ana Ballesteros and Pilar Martín have worked together delivering papers of high standard in their area of competence.

The analysis of the sociological aspects has been very important and I would like to thank Bertha Folch for her contribution.

The fact that Luis Illanas Esteban is also Secretary General of AEPSAD has helped us tremendously, not only in his area of competence, national and international public economic and financial matters, but also as a coordinator inside the actual AEPSAD.

It has been a real privilege to have on our team two such qualified people from the customs and police departments such as Jose Luis Valle and Luis Peláez Piñero. Only they could have achieved these goals for us.

And last, but not least, I would like to dedicate some words of praise to Raúl Chapado Serrano. He has been a vital person in this project and without his hard work, team coordination and know-how, I'm sure we would never have been able to present reports of this standard.

We sincerely hope that our effort may contribute to UNESCO'S final goal and it is with this motivation in mind that we have worked over the past months.

Now, with pride and a sense of responsibility, we present our Final Report.

I have the honour to enclose herewith Spain's Final Report

Please be assured, Sir/Madam, of my highest consideration.

Theresa Zabell



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List of Acronyms and Abbreviations

ABCD	<i>Autoridade Brasileira de Controle de Dopagem (Brazilian Doping Control Authority)</i>
ABP	<i>Athlete's Biological Passport</i>
ADO	<i>Asociación de Deportes Olímpicos (Olympic Sports Association)</i>
AECID	<i>Agencia Española de Cooperación Internacional para el Desarrollo (Spanish International Co-operation and Development Agency)</i>
AEPSAD	<i>Agencia Española de Protección de la Salud en el Deporte (Spanish Agency for Health Protection in Sport)</i>
AEA	<i>Agencia Estatal Antidopaje (State Anti-Doping Agency)</i>
AEAT	<i>Agencia Estatal de Administración Tributaria (State Tax Administration Agency)</i>
AECOSAN	<i>Agencia Española de Consumo, Seguridad Alimentaria y Nutrición (Spanish Agency for Consumer Affairs, Food Safety and Nutrition)</i>
AEMPS	<i>Agencia Española de Medicamentos y Productos Sanitarios (Spanish Medicines and Health Care Products Agency)</i>
AFEPADI	<i>Asociación de Fabricantes de Dietéticos y Suplementos Alimenticios (Association of Manufacturers of Food and Dietary Supplements)</i>
BOE	<i>Boletín Oficial del Estado (Official State Gazette)</i>
CICO	<i>Centro de Inteligencia contra el Crimen Organizado (Centre for Intelligence against Organized Crime)</i>
CIS	<i>Centro de Investigaciones Sociológicas (Sociological Research Centre)</i>
CITCO	<i>Centro de Inteligencia contra el Terrorismo y el Crimen Organizado (Terrorism and Organized Crime Intelligence Centre)</i>
DAVA	<i>Dirección Adjunta de Vigilancia Aduanera (Deputy Directorate for Customs Supervision)</i>
ECO	<i>Equipos Contra el Crimen Organizado (Anti-Organized Crime Teams)</i>
EDOA	<i>Equipos de Delincuencia Organizada y Antidroga (Organized Crime and Anti-Drug Teams)</i>
EU	<i>European Union</i>
FCSE	<i>Fuerzas y Cuerpos de Seguridad del Estado (State Security Forces)</i>
FINA	<i>Fédération Internationale de Natation (International Swimming Federation)</i>
FPI	<i>Formación del Personal de Investigación (Training of Researchers)</i>
FPU	<i>Formación del Personal Universitario (Training of University Personnel)</i>
GDP	<i>Gross Domestic Product</i>
HMA	<i>Heads of Medicine Agencies</i>
IOC	<i>International Olympic Committee</i>
IAAF	<i>International Amateur Athletics Federation</i>
IMPACT	<i>International Medical Products Anti-Counterfeiting Taskforce</i>
INEF	<i>Instituto Nacional de Educación Física (National Physical Education Institute)</i>
IPC	<i>International Paralympic Committee</i>
ISP	<i>Internet Service Providers</i>
ISU	<i>International Sport University</i>
LOPSD	<i>Ley Orgánica de Protección de la Salud en el Deporte (Fundamental Law on Health Protection in Sport)</i>
NOC	<i>National Olympic Committee</i>
NPC	<i>National Paralympic Committee</i>
PFIPC	<i>Permanent Forum on International Pharmaceutical Crime</i>
ADAMS	<i>Anti-Doping Management and Administration System</i>
SCI	<i>Sistema Central de Investigación (Central Investigation System)</i>
SECOMA	<i>Sección de Consumo y Medio Ambiente (Consumer Affairs and Environment Section)</i>
SES	<i>Secretaría de Estado de Seguridad (Office of the Secretary of State for Security)</i>
SINVES	<i>Sistema de Investigaciones (Investigation System)</i>
UCO	<i>Unidad Central Operativa (Central Operational Unit)</i>
UNESCO	<i>United Nations Educational, Scientific and Cultural Organization</i>
UTPJ	<i>Unidad Técnica de Policía Judicial (Judicial Police Technical Unit)</i>
UPM	<i>Universidad Politécnica de Madrid (Polytechnic University of Madrid)</i>
UTP	<i>Unidad Técnica de la Policía Judicial (Judicial Police Technical Unit)</i>
WADA	<i>World Anti-Doping Agency</i>
WGEO	<i>Working Group of Enforcement Officers</i>
WHO	<i>World Health Organization</i>



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I. INTRODUCTION

The International Convention Against Doping in Sport.

The General Conference of the United Nations Educational, Scientific and Cultural Organization, hereinafter referred to as UNESCO.

Considering that the aim of UNESCO is to contribute to peace and security by promoting collaboration among the nations through education, science and culture.

Referring to the existing international instruments relating to human rights.

Aware of the resolution 58/5 adopted by the General Assembly of the United Nations on 3 November 2003, concerning sport as a means to promote education, health, development and peace, notably its paragraph 7.

Conscious that sport should play an important role in the protection of health, in moral, cultural and physical education and in promoting international understanding and peace; Noting the need to encourage and coordinate international cooperation toward the elimination of doping in sport.

Concerned by the use of doping by athletes in sport and the consequences thereof for their health, the principle of fair play, the elimination of cheating and the future of sport.

Mindful that doping puts at risk the ethical principles and educational values embodied in the International Charter of Physical Education and Sport of UNESCO and in the Olympic Charter.

Recalling that the Anti-Doping Convention and its Additional Protocol adopted within the framework of the Council of Europe are the public international law tools, which are at the origin of national anti-doping policies and of intergovernmental cooperation.

Recalling the Recommendations on doping adopted by the 2nd, 3rd and 4th International Conferences of Ministers and Senior Officials responsible for Physical Education and Sport organized by UNESCO at Moscow (1988), at Punta del Este (1999) and Athens (2004) and of 32 C/Resolution 9 adopted by UNESCO General Conference at its 32nd session (2003).

Bearing in mind the World Anti-Doping Code adopted by the World Anti-Doping Agency at the World Conference on Doping in Sport, Copenhagen, 5 March 2003 and the Copenhagen Declaration on Anti-Doping in Sport.

Mindful also of the influence that elite athletes have on youth.

Aware of the ongoing need to conduct and promote research with the objectives of improving detection of doping and better understanding the factors affecting drug use in order for prevention strategies to be most effective.

Aware also of the importance of ongoing education of athletes, athlete support personnel and the community at large in preventing doping. Mindful of the need to build the capacity of States Parties to implement anti-doping programs.

Aware that public authorities and the organizations responsible for sport have complementary responsibilities to prevent and combat doping in sport, notably to ensure the proper conduct, on the basis of the principle of fair play, of sports events and to protect the health of those that take part in them.

Recognizing that these authorities and organizations must work together for these purposes ensuring the highest degree of independence and transparency at all appropriate levels.



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Determined to take further and stronger cooperative action aimed at the elimination of doping in Sport.

Recognizing that the elimination of doping in sport is dependent in part upon progressive harmonization of anti-doping standards and practices in sport and cooperation at the national and global level.

Now promote this assignment/anti-doping Policy assessment.

The role of the Spanish Agency for Health Protection in Sport (AEPSAD)

The Spanish Agency for Health Protection in Sport was set up with the intention of bring together within it all the competencies previously distributed by the system among a variety of entities, thus contributing to the avoidance of possible dysfunctions and helping to the establishment of a series of homogeneous and constant criteria for the interpretation of the rules and contributing to the strengthening of legal certainty in the fight against doping, as defined in Fundamental Law 3 dated June 20th, 2013, for the protection of athletes' health and the fight against doping in sports activities.

In the same way, the said Law attempts to approach doping from a comprehensive perspective and as an element within the system for protecting athletes' health, at the same time as a scourge affecting the protection of athletes' health, fair play in sport and the ethical dimension of sport itself.

This idea can be viewed as an essential element inspiring the current 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 potentially implicit in the exercise of sports activity, and the establishment of positive action measures by the public authorities enabling the achievement of the practice of sport under ideal conditions.

The Agency takes on the powers that Spain's Higher Council for Sport had been exercising with regard to the protection of athletes' health. This measure implies a considerable strengthening of the new Agency in all regards and must turn it into the fundamental reference for health protection in all sports activities.

Its main goal is the protection of the health of athletes and of all participants in sports activity, always taking into account the importance and complexity represented by the phenomenon of doping in sports in our society and in the international arena.

Its legal framework is made up of the regulations and provisions enacted with regard to doping at national and international level, bearing in mind that Spain also forms part of the EU and is a member of the World Anti-Doping Agency.

With this aim in mind, the AEPSAD (Spanish Agency for Health Protection in Sport) has established the following goals and strategies.

Strategies.

- Creation of a true system for health protection in sport and in sports-related activities to make the AEPSAD a fundamental benchmark.
- Promotion of a state-level framework to drive programmes for education in values and a sporting spirit from very young ages
- Establishment of a leading doping prevention and control programme.
- Active engagement with athletes and their entourage to achieve a clean sport and a society free of doping



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- Encouragement of multidisciplinary research projects to help understand the phenomenon of doping and its eradication.
- Support and foster compliance with the national and international regulations with regard to doping.

The role of the State Security Forces.

The UNESCO International Convention against Doping in Sport establishes in its Article 1 that its main aim is to *“promote the prevention of doping in sport and the fight against doping, with a view to its elimination”*.

Various aspects of the Convention as well as its adaptation to the national arena will affect the work of the Security Forces, insofar as these are an active player in the implementation and development of policies against doping.

In this sense, in line with their police nature, the actions of the security forces seems to be particularly affected by the provisions contained in Article 8 of Chapter II when it establishes that the States Parties must adopt measures aimed at *“restricting the availability of prohibited substances and methods”*, comprising *“measures to combat trafficking aimed at athletes and, for this purpose, measures to control their production, transport, importation, distribution and sale”*.

In this way, in accordance with the goal of the Convention, police forces must operate in line with the international and national instruments (policies and regulations) enacted to comply with the provisions contained in Article 5 (Measures aimed at achieving the goals of the convention), which provides that *“All States Parties shall adopt appropriate measures to comply with the obligations arising out of the articles of the present Convention. Such measures may comprise legislative measures, regulations, policies or administrative provisions”*.

On the basis of the foregoing and in accordance with this basic framework, the police forces will be able to focus their work in this area in line with the principles foreseen in the entire text of the Convention, particularly:

- Coordination at the national level.
- International collaboration.
- Education and training.

On this basis and in accordance with the strategic lines and principles reflected in the national and international legislation and regulations on this matter, and within the framework of their powers in the fight against doping in sport, the Civil Guard acts according to the following general principles in simultaneous and interconnected operation:

- Training and specialization. By providing specific training to its various Units, whether generalist or investigation based; by standardizing procedures, drawing up guidance and standard action plans and by establishing Units specializing in both investigation and criminal analysis in connection with doping in sport.
- Multidisciplinary approach. Depending on their different abilities and through the combined use of their specialities with regard to prevention, intelligence and investigation.
- Coordination. With the Courts and the Office of the Public Prosecutor and the rest of the security forces, whether directly or through the bodies established to ensure and facilitate police collaboration in the various territorial areas of the State.
- Institutional collaboration. In various areas, with the bodies of the different administrations of the State with powers in these matters.



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- International collaboration. On the eminently policing side of things, at bilateral level or through the various agreements and institutions for international police or judicial cooperation or through participation in meetings, initiatives and fora promoted by bodies that are not specifically police organizations.
- Cooperation: With the private sectors involved, such as manufacturing companies, distributors and pharmaceutical laboratories, professional associations, courier and postal services, payment channels, Internet service providers, associations of consumers and users, etc.

II. DESCRIPTION OF THE PROJECT

The project is to conduct a multidisciplinary study in 6 countries simultaneously, to study the current situation of regulatory frameworks and the policies that are being carried out in each of them related to the fight against doping, and verify the resources they have to implement these measures. At project completion a comparative report of the situation will be drawn up and some specific recommendations will be made to each of the countries participating in the study.

This project will set the stage for launching "political advice" for purposes of applying the findings set out in the Convention and ensure compliance with the targets set. The main conclusions of the multidisciplinary study will be presented for information and updating of Member States at the Conference.





III. GOALS OF THE REPORT

The aim of this report is to evaluate the efficiency and efficacy of the national anti-doping legal systems and the policies implemented through a multidisciplinary approach, but at the same time also to propose recommendations and ideas to the public authorities and the UNESCO. The essence of this report reflects a free and personal analysis by the national consultant and his or her multidisciplinary teams and not the official position of any public authorities.

1. Goal: Evaluation of the policies applied in accordance with the provisions of the Convention

The purpose of this part is to draw up a detailed evaluation in accordance with the fulfilment of the directed policies and the regulations implemented with the obligations established in the Convention. (*Those listed in the Excel document). The interim reports submitted have mentioned this topic but do not, however, include a detailed evaluation of each resolution of the Convention.

Each obligation in the appendices to the Convention is analysed in detail to confirm what has been achieved.

- The fight against doping at national level
- International cooperation
- Education and Training
- Investigation

2. Goal: Quantitative and qualitative evaluation of the policies implemented in the fight against doping

- The purpose of this part is to evaluate the efficiency and efficacy of the policies for the fight against doping, through an objective approach based on the pertinent data and/or statistics.
- This evaluation also includes a study of the understanding of the policies and their effects among the sporting community, the mass media and public opinion (understanding them and criticizing them). Therefore, it deals with the overall perception of the problems of doping.
- This evaluation has also taken account of published articles and research papers.

3. Goal: Identification of the difficulties and challenges and possible recommendations

The purpose of this part has been to identify each of the difficulties of any kind (political, financial, cultural, legal, ...) with respect to the fight against doping and the implementation of a pertinent legal framework and adequate policies.

This final report also includes pertinent realistic recommendations of all kinds to overcome these difficulties and to increase the efficacy of the fight against doping (need for new dedicated media, financing, structural reforms of institutions, the change of philosophical approach, ...).

In the understanding that some of these difficulties such as cultural or financial difficulties cannot be easily overcome.



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In summary:

- **Part 1.** Identification of how the obligations of the Convention have been carried out.
- **Part 2.** The efficiency and efficacy of the policies will be assessed using a scientific group approach.
- **Part 3.** Recommendations are listed. Bearing in mind a global vision that includes any relevant aspect to improve the system.





IV. EVALUATION OF THE POLICIES APPLIED

For the evaluation of the policies applied, it is necessary to highlight Spain's firm commitment with health protection in sport and the ceaseless fight against doping.

4.1. FIGHT AGAINST DOPING AT NATIONAL LEVEL.

In order to provide a detailed evaluation of compliance with the directed policies and the regulations implemented with the obligations established in the Convention, it is necessary to understand the main actions carried out by the AEPSAD in this area, namely:

- Design, development and monitoring of a Health Support Plan in the area of sports activities. In all this process, the AEPSAD will encourage collaboration with the Public Administrations and sports entities of all kinds in the realm of their respective powers.
- Real collaboration with companies and public and private bodies to implement physical exercise and sport in the workplace.
- Dissemination through the mass media of the advantages for individuals and for society from the adequate practice of physical exercise and sport.
- Implementation of a programme for safety in sport and physical exercise
- Implementation of a programme for safety in sport and physical exercise: risk prevention, addressing actions towards safer practice of sport (sports-related accidents, sudden death, optimizing controls at sports installations and events).
- Training in sport and health: presence at universities, professional associations, federations, etc.
- Establishment of an effective system for checking athletes' health, mainly through the creation of a specialist service of medical and psychological assistance and information aimed at them.
- Collaboration with the State Security Forces in the detection of and fight against doping mafias.

4.1.1. Coordination measures at national level.

In Spain, the central government is competent for establishing the coordination and cooperation policies with regard to doping controls with the rest of the public authorities¹, a function it carries out through the Spanish Agency for Health Protection in Sport (AEPSAD)², on the basis of the powers granted to it under the said anti-doping regulations³.

Taking into account the special composition of the Spanish State with its seventeen regional governments, it is necessary to ensure that the coordination entrusted to the AEPSAD is carried out

¹ As established in article 6.2 of Fundamental Law 3 dated June 20th, 2013, on the protection of athletes' health and the fight against doping in sport.

² Art. 7.1 Law 3/2013: "public body conducting the state policies for health protection in sport, including particularly the fight against doping and research into the sports-related science".

³ Art. 7.7 Law 3/2013: "in its capacity as the body specializing in the research, monitoring and execution of the anti-doping policy, the Spanish Agency for Health Protection in Sport is the state body responsible for advice and collaboration with the State Security Forces, the judicial police and other Public Authorities with powers related to its scope of action and, at the latter's request, with judges and courts".



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not only at national level, with the State Security Forces, but also at regional level, collaborating with the different institutions in the regions involved in the prevention of doping in sport⁴.

The main goal of these coordination actions is to create a network of inter-territorial collaboration between the State/AEPSAD and the Regional Governments that is as effective and efficient as possible among the various public bodies and facilitates a prompt and effective response in the face of any event related with doping.

Another step taken in the area of coordination and collaboration is that introduced by Law 3/2013 when it regulates the procedure for the AEPSAD to request and, where appropriate, be awarded by the Court access to the evidence accumulated in the course of any investigation and criminal proceedings by the ordinary courts of justice in connection with crimes of doping where athletes are involved. Although the judge responsible will not be immediately obliged to hand over the information requested, a response must be given within the maximum term of 20 days setting out the reasons for the decision adopted.

One example of this collaboration is the police-led operation against the trafficking in doping-related substances carried out in Salamanca on March 30th, 2015, in which several athletes were involved. The AEPSAD requested information from the judge in charge about possible crimes related to doping of which those arrested were accused. Only ten days later and on the basis of the information provided, the AEPSAD provisionally suspended the federation licence of A.R.

Measures established by the AEPSAD

The coordination measures at national level foreseen in the regulations are aimed at establishing an adequate legal framework for collaboration between the AEPSAD, the public body responsible for the public policies on protecting health in sport and the fight against doping in sports activities, and the entities and bodies with powers in these affairs.

These measures are fundamentally based on collaboration agreements, which have become both the basic tool and also the starting point for the harmonization and homogenization of the actions in connection with the fight against doping by the various players involved.

Although many of the aspects of the fight against doping are in the hands of the AEPSAD as the sole player with the power to carry out certain actions, such as planning and execution of doping controls on athletes with a recognized State or regional sports licence and for managing the outcomes of those controls, there are also other fundamental actions requiring an adequate collaboration framework and, even more, coordination measures: education for the prevention of doping; investigation of doping-related breaches not involving analyses.

In the case of doping-related breaches not involving analyses, even though the various legal norms applicable foresee adequate formulas for collaboration and coordination between the bodies involved, it is in the area of education for the prevention of doping that the greatest difficulties appear for the engagement and coordination of the different bodies and entities affected.

This is so because education for the prevention of doping affects three different action areas: sport, education and health, the responsibility for which is distributed among various administrations (at state, regional and local levels) and, what is more, among different bodies within the same administration.

The coordination measures foreseen in the LOPSD (Fundamental Law for the Protection of Health in Sport) based solely on the adoption of collaboration agreements obliges the signing of multiple agreements with a wide variety of bodies in different administrations.

⁴ Art. 8 Law 3/2013 gives the regional authorities the power to “draw up and execute health protection policies for athletes within the framework of the cooperation and collaboration measures agreed with the General State Administration”



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This situation increases the volume of administrative work required to carry out any measure and increases enormously the number of interlocutors with whom contact must be made prior to carrying out any action, thus hindering and slowing down prevention-related work.

A similar situation arises in the private area where it is possible to include the national and territorial sports federations. Nonetheless, if we consider that one of the greatest risks with doping is its penetration into popular or recreational sport, the major growth in organizers of sporting events that are not included within the structure of the federations makes it even more complex to conduct education programmes for the prevention of doping that reach a significant percentage of the audience addressed.

Measures established by the State Security Forces and the Customs Authority

Pursuant to the provisions contained in Article 7 of Chapter II of the UNESCO International Convention against Doping (Coordination at national level), the diverse and very complex nature of the crimes committed against Health Protection and the Fight against Doping in Sport, as well as the criminal organizations committing these crimes, means that the Civil Guard has to maximize the procedures for cooperation and coordination with the national Services, Bodies and Institutions that are responsible for the fight against doping.

Generally speaking, the Civil Guard, pursuant to the Security Forces Act (Fundamental Law 2 dated March 13th, 1986), conducts its actions in accordance with the principle of mutual cooperation with the rest of the security forces through the rest of the bodies stipulated in the said Act to guarantee and facilitate inter-governmental collaboration and police coordination in the different territories of the State.

Without prejudice to the authority of the police coordination bodies currently in existence (the Security Policy Council, the Security Committees in the Regions, and the Local Security Commissions), constant bilateral contacts, exchanges of intelligence, the performance of joint investigations and the adoption, where appropriate, of specific coordination protocols in this field have been seen to be the most effective measures of the Civil Guard to develop cooperation with the rest of the Security Forces at State, regional or municipal level.

In the sphere of coordination with the Office of the Public Prosecutor and the General Council of the Judiciary, the work in different areas is particularly noteworthy on a day-to-day level as well as in the framework of the Judicial Police National Coordination Committee, its Technical Committee and the Provincial Coordination Boards, discussing the normalization of the problem and the handling of related matters whenever these deal with issues affecting responsibilities for doping in sport.

Work is also done, through the Home Office, with the Parliament and the Government, reporting on projected national and international regulations or responding to parliamentary initiatives and questions on the subject of doping.

In the same way, the Civil Guard maintains permanent regular contact with other public and private players such as the Spanish Agency for Food Safety and Nutrition, the Pharmacy Inspectorates, the Health or Pharmacy Areas at the Central Government's Delegations and Subdelegations or in the Regional Governments, Sports Federations and Authorities, manufacturing companies, distributors and pharmaceutical laboratories, courier and postal services, payment channels, Internet service providers, the mass media, sports experts and athletes, etc.

Special relevance is given to the collaboration with the Spanish Agency for Medicines and Health-Care Products and particularly with the Spanish Agency for Health Protection in Sport (AEPSAD) and, since a large part of the prohibited substances are catalogued as medicines, with the Spanish Agency for Medicines and Health-Care Products.



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Actions

The following measures have been implemented to structure coordination at national level. Some are general actions and others specific to the Civil Guard.

- Creation of the CITCO.

On the basis of previous structures, particularly the CICO (Centre for Intelligence against Organized Crime, created by Royal Decree 991 dated September 8th, 2006), Royal Decree 873 dated October 10th, 2014, developing the Structure of the Ministry for Home Affairs created the Centre for Intelligence against Terrorism and Organized Crime (CITCO).

The aims of this body include the generation of intelligence about groups of organized criminals (including those dedicated to the illegal trade in prohibited substances) as well as the establishment of operational coordination criteria among the bodies involved (the various security forces operating in Spain) in this matter.

Coordination is essentially established through the Central Investigations System (SCI), which obtains all the data associated with the investigations carried out by the different security forces in Spain in order to detect possible coincidences and establish, on the basis of the general rules and criteria established in advance, the specific coordination required in each case.

The party responsible for implementing the operation of the CITCO, its evaluation and supervision is the Office of the Secretary of State for Security at the Ministry for Home Affairs, to which the Centre reports.

The bodies affected by this coordination (stakeholders) are the State Security Forces (the National Police Corps and the Civil Guard) and the Customs Department (Deputy Directorate for Customs Supervision (DAVA)), while the Security Forces at Regional level are being incorporated.

The CITCO operates on the basis of the budgets of the Ministry for Home Affairs.

The investigation coordination system implemented in Spain through the SCI is unique in Europe and operates adequately. The foregoing notwithstanding, the shortfalls detected and the improvements to be carried out are aimed at achieving the full integration of the regional security forces, an issue that is already being worked on and which will notably improve the satisfactory coordination that currently already exists with these.

- Collaboration Agreement with the Spanish Agency for Health Protection in Sport (AEPSAD)

Fundamental Law 3 dated June 20th, 2013, for the protection of athletes' health and the fight against doping in sports activities foresees in its Article 7 that, in its capacity as the body specializing in the investigation, control and execution of the doping policy, the Spanish Agency for Health Protection in Sport (AEPSAD) is set up as the State-level public body for advising the State Security Forces and the judicial police and for collaborating with them.

In this context, the coordination between the State Security Forces and the authorities responsible for the administration of sports in the fight against doping in sport operates on the basis of the *"Collaboration Agreement signed between the AEPSAD and the Office of the Secretary of State for Security to strengthen the fight against doping"* dated March, 2015.

This agreement is an update to a previous agreement between the Higher Council for Sport, that was then the State Anti-Doping Agency and the Office of the Secretary of State for Security, signed in Madrid in December, 2009.

This agreement is aimed at establishing a coordinated action framework in connection with the prevention of and the fight against doping in sport, and is intended to strengthen the fight against



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doping as a scourge affecting the protection of athletes' health, fair play in sport and the ethical dimension of sport itself.

Its specific activities are to raise society's awareness of the importance of fair play and the protection of health in sports-related activities, to provide specific training on security matters and the fight against doping, to establish monitoring and investigation systems aimed at the detection of illegal trafficking or prohibited methods, to define specific action protocols to prevent and fight doping and to encourage initiatives for collaboration by the AEPSAD and the State Security Forces (FCSE) with the main international bodies responsible for preventing and fighting doping.

Those responsible for implementing the Agreement's contents, its evaluation and supervision are the same bodies who have signed it, for which purpose they have set up a Monitoring Committee.

The bodies affected by coordination (stakeholders) are the State Security Forces.

The agreement foresees no increase in public expenditure and no financial contribution whatsoever for the parties, therefore it operates on the basis of the budgets of the signatory parties.

In this way, the Civil Guard turns to the AEPSAD for advice, training, news and information that give rise to police investigations into organized groups, etc., so that the fight against doping takes advantage of the synergies and coordination required by a matter of such social relevance.

Similarly, the Civil Guard supports the AEPSAD with information and the establishment of prevention and investigation operations in support of specific sporting events.

In its relations with the AEPSAD (and with its predecessor the State Anti-Doping Agency or AEA), the following activities are highlighted, among others:

- Participation in the drafting of *Guidelines on Good Practices and Procedures in police investigations relating to doping in sport* (together with the General Office of the State Public Prosecutor and the General Council of the Judiciary) in 2011.
- Participation as speakers and delegates at the *3rd and 4th Working Seminars with Sports Federations on Health and the Fight against Doping in Sport*, held in Madrid in 2011 and 2012.
- Participation as speaker and delegate at the *1st and 2nd Coordination Seminars between the AEA and the Office of the Secretary of State for Security (SES) on the fight against doping in sport*, held in Madrid in 2010 and 2011.
- Participation by the AEPSAD in the seminars on the illegal trafficking of medicinal products and doping in sport (food fraud and related wealth investigations) for the judicial police held at the Directorate-General for Civil Guard between April 20th and 24th, 2015.
- Others

Shortfalls

Coordination in the matter operates adequately. The foregoing notwithstanding, the shortfalls detected and the improvements to be carried out are aimed at increasing collaboration, where possible, and the further detailed development of the procedural aspects indicated in the Agreement in general terms.





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- Collaboration Agreement with the Spanish Agency for Medicines and Health-Care Products (AEMPS).

Insofar as many of the substances prohibited in sport are catalogued as the active substances in medicinal products, cooperation with the authorities responsible for the regulation and marketing of medicines is essential.

In this context, Spain has put in place a National Strategy to combat the illegal trade in medicinal products. Among other aspects, this strategy foresees the enhancement of the system for investigating and monitoring the detection of illegal medicinal products, proposing the formalization of the close collaboration already existing between the AEMPS and the State Security Forces.

This is the basis for the *“Agreement between the AEMPS and the SES on the subject of the illegal trade in medicinal products dated January 25th, 2010”*, aimed at regulating the cooperation and collaboration mechanisms between the parties with regard to the manufacture and marketing of illegal medicinal products, including counterfeit medicines, and the illegal trade in medicines.

Its specific activities are aimed at strengthening the existing control measures so as to avoid the entry on the national market the distribution of illegal medicines, boosting the vigilance and investigation system enabling the early detection of the presence in the national territory of illegal medicines, implanting a nimble and effective communication system, and developing actions with respect to the advertising and commercial promotion of products with an intended health-related purpose.

Those responsible for implementing the Agreement’s contents, its evaluation and supervision are the same bodies who have signed it, for which purpose they have set up a Monitoring Committee.

The bodies affected by coordination (stakeholders) are essentially the State Security Forces and the AEMPS itself.

The agreement foresees no increase in public expenditure and no financial contribution whatsoever for the parties, therefore it operates on the basis of the budgets of the signatory parties.

In this way, the Civil Guard turns essentially to the AEMPS for advice, training, and the preparation of technical and expert reports for the identification of illegal medicines and certification, where appropriate, of the harmful impacts on health caused by the same or technical support for conducting inspections or operational interventions for the identification of substances.

Similarly, the Civil Guard supports the AEMPS with information, the establishment of smuggling prevention operations at borders for contraband medicines, the inspection of distribution centres, controls on postal packages, investigation on the Internet or illegal distribution networks and grey trading, especially those dedicated to the trade in substances with a health-related alert in force.

The actions implemented by the Civil Guard on the basis of the said Agreement include the holding of joint seminars to analyse specific problems, provide training, establish cooperation protocols for the submission of samples or the establishment of de investigation cooperation days or operational action days at national or international level.

The actions carried out jointly with the AEMPS include the following, among others:

- Drafting of Technical Instruction 15 dated May 16th, 2011, on *Actions with regard to the investigation of crimes in connection with the illegal trade in medicinal products*.
- Drafting of the Guidelines for Technical Procedure UT-09 dated October 6th, 2010, on *Intervention, expert advice, sampling, deposit and destruction of effects seized in the course of investigations of illegal medicines* which sets out the way to handle prohibited substances.



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- Participation of the AEMPS in seminars on illegal trade in medicinal products, doping in sport (food fraud and related wealth investigations) for the judicial police held at the Directorate-General for Civil Guard between April 20th and 24th, 2015.
- Execution of the various editions of the worldwide “Operation PANGEA”, in which the AEMPS collaborates very actively with the Civil Guard at national level. The Civil Guard organizes its actions in accordance with three main lines: investigation into the distribution of illegal/counterfeit medicines on the Internet; actions on illegal importation and the illicit admission of medicinal products through qualified entrance points; and administrative inspections at unauthorized distribution points for medicines or where the distribution of products containing their active principles is suspected.

In this way, between 2010 and 2014, among the medicines seized, the Civil Guard has confiscated a total of 11,712 units of medicinal products with active principles banned in sport,

The coordination in this area is therefore considered to operate adequately and increasingly.

Shortfalls

The foregoing notwithstanding, the shortfalls detected and the improvements to be carried out are aimed at increasing collaboration, where possible, and the further detailed development of the procedural aspects indicated in the Agreement in general terms.

- Establishment of operational tools to enable the harmonization and standardization of procedures.

An internal coordination instrument within the scope of the Civil Guard includes the drafting of operational protocols to enable multiple goals to be achieved simultaneously. One of the main goals is coordination, so that it is possible, by operating homogeneously, to achieve the necessary unity of doctrine on matters relating to the investigation of sports doping by the Judicial Police.

On this basis, the action of the Civil Guard is based on:

- Technical Instruction 14 dated August 6th, 2010, on *Actions with regard to crimes of doping in sport*, which includes a study of doping in its different aspects, establishes how to conduct criminal investigations and articulates, among other matters, the obligation of the territorial units of the Judicial Police to establish in each corresponding demarcation a census of the premises likely to use doping-related substances (gyms, etc.) and to schedule preventive inspections.
- Guidelines on Technical Procedure UT-10/2011 dated September 22nd, 2011, on *Preventive Inspections on doping at establishments or facilities devoted to sports activities*, which establishes a programme for administrative inspections in these establishments.

The party responsible for implementing the contents of the said rules, their evaluation and supervision, as well as their updating, is the Head Office of the Judicial Police within the Civil Guard.

The bodies affected by coordination (stakeholders) are the criminal investigation units of the Judicial Police within the Civil Guard.

The actions are executed on the basis of the general budgets of the Civil Guard, without any specific budget headings.

The internal coordination of investigation matters is structured on the basis of the Civil Guard Investigations System (SINVES), a computer application obligatorily receiving data on all active investigations for their management and the detection of coincidences between the different Units and for the clarification of coordination measures to suit each specific case.



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The action on these matters operates adequately and increasingly.

Shortfalls

The foregoing notwithstanding, the shortfalls detected and the improvements to be carried out are aimed at updating the aforesaid rules and adapting them to the latest amendments made to Spanish legislation in the matter.

- Collaboration Agreement with the State Tax Administration Agency (AEAT). Pending processing

A proposal has been submitted by the AEPSAD and has been sent to the corresponding bodies of the AEAT (Planning and Institutional Relations Service) for study and processing. The AEAT develops Memorandum of Understanding for the prevention of fraud in general. In particular, the AEAT establishes an agreement with the AEPSAD to clean the sport of fraud and doping, as a goal established at the World Conference of Sports Ministers, under the auspices of the UNESCO.

4.1.2. Limitation of prohibited substances and methods available.

- Resolution dated December 18th, 2014, adopted by the Presidency of the Higher Council for Sport, approving the list of prohibited substances and methods in sport.

Article 4 of Fundamental Law 3 dated June 20th, 2013, for the protection of athletes' health and the fight against doping in sports activities establishes the obligation of the Higher Council for Sport to publish, by means of a Resolution from the Office of the President, the list of substances and methods prohibited in sport in the Official State Gazette (BOE) whenever changes are made to the list. Furthermore, the said article foresees that such publication will take place in the context of the international undertakings and obligations assumed by Spain and, in particular, in the framework of the UNESCO Anti-Doping Convention.

In accordance with the specific procedure in article 34 of the International Convention against Doping in Sport signed in Paris on November 18th, 2005 (published in the BOE dated February 16th, 2007), the Conference of the Parties to the Convention has approved an amendment to Appendix I, the List of substances and methods prohibited in sport.

In consequence, in order to adapt the foregoing List of substances and methods prohibited in sport approved in the Resolution dated December 20th, 2013, by the Office of the President of the Higher Council for Sport to the list adopted within the UNESCO International Convention against Doping in Sport, the Higher Council for Sport has resolved to approve the list of prohibited substances and methods in sport contained in the appendix to the present Resolution.

This resolution will be applicable to the control procedures for doping in sport conducted at State-level official competitions or, outside competitions, on athletes with a licence to participate in such competitions.

The said list approved in the Resolution dated December 20th, 2013, by the Office of the President of the Higher Council for Sport was repealed, except for its Appendix II, Prohibited substances and methods in greyhounds, and Appendix III, Substances and procedures prohibited in horse-riding competitions, which both remain in force, as a result of the Regime for penalties foreseen in Royal Decree 255 dated February 16th, 1996, establishing the Regime for Breaches and Penalties for the Repression of Doping, in force for the penalties concerning animals.

Actions

- Frontier Controls

Spain is a European Union Member State and therefore forms part of the legal structure stemming from the supranational institutions of the EU. Thus, the Union Customs Code establishes the



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provisions and the general procedures applicable to goods introduced into or leaving the Customs Territory of the Union, guaranteeing the uniform and equivalent application of Customs controls throughout the Union.⁵

Customs controls will be carried out by the Customs Authorities in close cooperation with other authorities, for example the health authorities, with the obligation to adopt measures to ensure protection with respect to illegal trade, guarantee the security and protection of the EU and its citizens regarding threats to security, public health, animal health or plant health, the environment or consumers.

- Limiting the distribution of prohibited substances and the fight against fraud

The AEAT is in charge, in representation and on behalf of the State, of the effective application of the State tax system and the Customs tariff system. In this sense, it promotes the establishment of a corporative or associative collaboration mechanism for the detection and repression of fraudulent behaviour affecting economic competition, as well as having an active role in the fight against the underground economy arising out of crimes and breaches related with all kinds of illegal activities. In this sense, the AEAT, through its Customs and Excise Duties Department, has an outstanding role to act against activities involving trafficking with substances that might imply a risk for health in general, and for the people engaging in sports activities in particular, through the trade and distribution of illegal medicines and doping-related substances outside the legally established channels.

Measures established by the State Security Forces

Following the mandate of article 104 of the Spanish Constitution, the State Security Forces Act (Fundamental Law 2/86) sets the framework for the competencies of the Civil Guard.

On the basis of the said Act, but also other general legislation, and reporting mainly to the Ministry for Home Affairs for its general mission of **protecting the free exercise of rights and freedoms and ensuring the safety of the citizenry**, the actions of the Civil Guard on sports doping matters are assumed through the assumption of the following functions, among others:

- Administrative Police, in coordination with the different authorities and bodies of the Public Administrations, it ensures compliance with and the enforcement of general laws and provisions and, specifically, certain special laws.
- Tax Police, in coordination with the Customs Administration, it is in charge of the State's fiscal security, carrying out any and all actions that may be necessary with a view to monitoring, preventing and prosecuting smuggling.
- Border Police, in charge of the monitoring of the coasts and the national frontiers as well as the external frontiers of the European Union.
- Security Police, which forestalls the commission of criminal acts.

⁵ *Article 46 – Risk Management and Customs Controls*

The customs authorities may carry out any customs controls they deem necessary. Customs controls may in particular consist of examining goods, taking samples, verifying the accuracy and completeness of the information given in a declaration or notification and the existence, authenticity, accuracy and validity of documents, examining the accounts of economic operators and other records, inspecting means of transport, inspecting luggage and other goods carried by or on persons and carrying out official enquiries and other similar acts.

Article 134 - Customs Supervision

1. Goods brought into the customs territory of the Union shall, from the time of their entry, be subject to customs supervision and may be subject to customs controls. Where applicable, they shall be subject to such prohibitions and restrictions as are justified on grounds of, inter alia, public morality, public policy or public security, the protection of the health and life of humans, animals or plants, ... They shall remain under such supervision for as long as is necessary to determine their customs status and shall not be removed therefrom without the permission of the customs authorities



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- Judicial Police, reporting to the Courts and to the Office of the Public Prosecutor, it investigates crimes in order to discover and arrest those allegedly guilty and to take custody of the tools, fruits and evidence of crime.

Actions

In order to organize its actions with regard to the reduction of prohibited substances and methods available, the following measures have been carried out.

- Execution of the function of an administrative police force to hinder the distribution of prohibited substances in sports establishments and over the Internet.

The Civil Guard operates in the general administrative area, especially those foreseen in the regulations on the irregular production, sale and distribution of medicinal products reflected in extensive national and regional legislation, particularly *Law 10 dated July 24th, 2013* which updated the *Medicines and Health-Care Products (Guarantees and Rational Use) Act (Law 29 dated July 26th, 2006)*.

It also operates in the sports administration arena, with its main reference the current *Fundamental Law 3 dated June 20th, 2013, for the protection of athletes' health and the fight against doping in sports activities*, which foresees, among many other things, the regime for imposing penalties in connection with doping on athletes and their entourage as well as specifying the authorities competent to impose such penalties. In this way, the actions with criminal relevance that may be carried out by the police institutions may give rise, through certified copies provided by the Judicial Authority, to administrative procedures that would be investigated in the strictly sporting arena by means of the procedure foreseen in Article 33.

In the same way, the said law foresees in its Article 57 the empowerment of the State Security Forces, at their own initiative or at the request of the Spanish Agency for Health Protection in Sport, to inspect first aid kits and other instruments enabling the safekeeping or housing of products and substances capable of giving an adverse analytical result in a doping test.

On this basis, the work of the Civil Guard is essentially aimed at conducting fundamentally preventive activities in the areas at risk in amateur sport, where great importance is placed on inspection (distribution centres for nutritional supplements or dietary products, etc.), control and intervention (particularly in certain sectors and areas most inclined to be used for the transportation, distribution and trafficking of substances (such as routes and mass media, etc.) as well as the places where these substances are consumed, distributed or trafficked on a small and medium scale (sports establishments and gyms, etc.). In the execution of these activities, it collaborates with the national administrative authorities with regard to penalties.

Similarly, great importance is placed on the work (also at administrative level) to hinder the sale and distribution of prohibited substances over the Internet. In this sense, the Internet is explored and patrolled to try to identify web pages or fora advertising the offer in or for Spain of prohibited substances as illegally distributed medicinal products.

If sufficient circumstantial evidence is accumulated, an investigation is conducted at criminal level into the criminal networks that might be behind them and, if not, the circumstances are notified to the competent national authority (AEMPS) regarding the existence of the said illegal web sites to that it can, if appropriate, request the different Internet Service Providers (ISP) to withdraw those pages or contents hosted on their domains offering medicinal products with active principles prohibited with respect to doping in sport.

The party responsible for implementing the contents of the said regulations, their evaluation, supervision and updating, with regard to its own actions, is the Civil Guard itself.



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The bodies affected by coordination (stakeholders) are the units of the Civil Guard responsible for investigation, prevention and inspection and for citizen's security.

The actions are executed on the basis of the general budgets of the Civil Guard, without any specific budget headings.

In this way, and by way of reference, the following actions effected by the Civil Guard are highlighted, among others:

- Between 2011 and 2014, a total of 1,294 inspections were carried out in sports establishments, which led to 9 reports for distribution, sale or advertising of prohibited substances (testosterone, mesterolone, tamoxifen, stanozolol, oxandrolone, nandrolone, etc.).
- Between 2010 and 2014, due to the appearance of links with Spanish domains or servers, the competent national body (AEMPS) was informed of a total of 288 Internet addresses and Web advertising fora illegally offering, distributing or advertising medicinal products, in case it is appropriate to institute the appropriate administrative case files and have their contents taken down.

The actions in this area are considered to operate adequately and increasingly, in accordance with the means and resources available.

Shortfalls

The foregoing notwithstanding, certain shortfalls have also been detected and it is appropriate to try to improve these. In this sense:

- No action has been taken with regard to the inspection of first aid kits at clubs and sports establishments. The delay in the legal definition of the authorized content has prevented training from being given, as well as the establishment of specific procedures and inspection programmes.
 - It is necessary to update the internal procedures of the Civil Guard with respect to procedures for the imposition of penalties on the sale and distribution of prohibited substances to take into account the new administrative catalogue following the amendment of the current Fundamental Law 3/2013.
- Execution of the functions of State fiscal security through controls on the trafficking in prohibited substances at borders

The State Security Forces Act (Law 2/1986) assigns the Civil Guard the power to protect the State's fiscal security and, supported by Fundamental Law 12 dated December 12th, 1995) on the repression of smuggling, assigns it the mission, in collaboration with the Customs Administration, of preventing and monitoring smuggling.

On this point, the Civil Guard establishes, at Spain's frontiers, appropriate crossing points and duty-free warehouses, controls on goods, postal and courier package distribution centres and travellers, in order to prevent the entry into Spain of prohibited substances and their access through the clandestine market.

The party responsible for implementing the contents of the said regulations, their evaluation, supervision and updating, with regard to its own actions, is the Civil Guard itself, in collaboration with the Customs Administration.

The bodies affected (stakeholders) are, in particular, the units of the Civil Guard responsible for Fiscal Security.



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The implementation of this activity is executed on the basis of the general budgets of the Civil Guard, without any specific budget headings.

In this way, and by way of reference, the following actions effected by the Civil Guard are highlighted, among others:

- Between 2013 and 2014, a total of 684 packages were seized because they contained medicines, of which 71 contained substances prohibited in sport (somatropin, testosterone, stanozolol, nandrolone, etc.).

The action in this area operates adequately and increasingly.

Shortfalls

The foregoing notwithstanding, certain shortfalls have also been detected and it is appropriate to try to improve these. In this sense:

- It is necessary to do more work in training for the detection and identification of prohibited substances at the frontier.
 - It is necessary to improve the specific mechanisms for analysing risks for the detection of prohibited substances
- Execution of the functions of judicial police to hinder the organized distribution of prohibited substances.

The Civil Guard operates in the area of criminal investigation as the judicial police force on the basis of the terms foreseen in *Article 361 bis* of the ordinary Criminal Code, introduced by *Fundamental Law 2 dated November 21st, 2006 on the protection of health and the fight against doping in sport*. This law does not recriminate athletes using prohibited methods but rather, considering public health as the legal item to be protected, criminalizes and applies a penalty to the behaviour of the persons belonging to the athlete's entourage involved in or encouraging doping, when such conduct can be considered as a definite risk for the athlete's health through avoidance of the channels, guarantees and legal provisions regulating the correct and appropriate prescription, marketing, treatment, dispensation or administration of substances and/or methods classified as prohibited.

The general and special criminal legislation also foresees another series of crimes that may enter into conflict with the foregoing and are also taken into account depending on each specific case: drug trafficking, trafficking of medicines, smuggling, bodily injury and manslaughter, theft and robbery, forgery of documents, crimes against industrial property, fraud, coercion and threats, genetic manipulation, abortion, crimes against sexual freedom and indemnity, etc.

On this basis, the investigation into the commission of criminal acts related to doping is handled by a structure comprising the specific Judicial Police Units, which deal with criminals in general and also serious crime and organized gangs:

- This specialized investigation structure starts at the basic level with the very important action of basic investigation carried out by the Investigation Areas of the Command Posts (acting at municipal level) and by the Territorial Judicial Police Teams (acting at district level).
- The actions against more serious crime and requiring greater specialization and additional resources are more specifically handled from the structure at provincial level comprising the Organic Judicial Police Units. For reasons of specialization by crimes, these have multiple teams engaging in specific investigation activities. One of these teams is the EDOA (organized crime and anti-drugs team), which takes charge of investigations in the field of doping through its connection with crimes against public



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health. In the same way, the Organic Unit has a basic body (Office) for general criminal analysis and data processing to support the different actions.

At the regional level, Teams Against Organized Crime (ECOs) are deployed in the most sensitive geographic areas, with a very flexible and extensive demarcation not subject to administrative territories, and can take on investigations into doping in relation to organized crime.

- Finally, at the central level and covering the whole country, there are bodies specifically dedicated to certain types of criminal activity. The Central Operations Unit (UCO), as the specific unit in charge of the most complex investigations or those with the greatest social impact (i.e. those affecting high level sport), leads investigations into doping through its Consumer Affairs and Environment Section (SECOMA), a highly specialized unit in terms of the number and importance of its interventions.

In the same way, the Judicial Police's Technical Unit (UTPJ), as the Central Body for coordination and criminal analysis, includes sections specializing in various areas, one of which is specifically Consumer Affairs and Doping. This Unit coordinates the actions and disseminates technical and procedural instructions to the different investigation units.

- In addition, it must be remembered that there are other significant bodies complementing the actions of the units described. These are the Forensic Science Laboratories that, at the three action levels (central, regional and provincial levels), have a range of specialities ready to provide the technical and scientific support necessary in criminal investigations relating to doping.
- Finally, for the investigation of doping and other related crimes, the specific investigation structure is supported by the Units specializing in money-laundering and, particularly, since it is frequent for the investigation of doping-related crimes such as the sale and distribution of substances to be effected using electronic means and the Internet, by the Units specializing in technological investigation.

The party responsible for implementing the contents of the said rules, their evaluation and supervision, as well as their updating, is the Civil Guard itself for its own actions.

The bodies affected (stakeholders) are, in particular, the Judicial Police units of the Civil Guard.

This work is executed on the basis of the general budgets of the Civil Guard, without any specific budget headings.

In this way, by way of reference, the following actions effected by the Civil Guard are highlighted among others:

- Between 2012 and 2014, a total of 17 investigation operations were carried out into organized doping rings in different types of sport, with the arrest of a total of 105 people and the seizure of 10,293 units of a range of prohibited substances, essentially hormones and anabolic steroids. Some of these investigations have focused on the practice of professional sport and others on the distribution of substances prohibited in amateur sport, recreational sport and other physical activities in the social setting.

The actions in this area are operating adequately and increasingly, depending on the procedural tools foreseen in Spanish legislation and the human and material resources available.



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4.1.3. Measures aimed at preventing and limiting the use and possession of prohibited substances and methods by the athletes themselves.

Law 3/2013, as the reflection of the World Anti-Doping Code, devotes a large part of its articles to measures preventing the use of prohibited substances and methods by athletes, strengthening these with coercive and punitive measures.

Article 10 of Law 3/2013 subjects the following athletes to doping controls:

- Those in possession of the corresponding federation licence.
- Those who were previously in possession of a federation licence prior to the control.
- Those who, without being in possession of a federation licence, had already applied for one at the moment the control took place.
- Athletes not in possession of a licence because it has been temporarily suspended.
- Foreign athletes who, pursuant to the provisions of the Act, may be subjected to out-of-competition controls.

The law is therefore applicable not only to active athletes but also to those who previously held a licence, those who have applied for one and foreign athletes in certain cases.

With respect to athletes no longer in possession of a federation licence at the moment the case file is opened for the imposition of a penalty (i.e. following the existence of an adverse result), they will be disqualified from obtaining it.

The act goes further and enables the AEPSAD, following a reasoned resolution, to conduct out-of-competition controls on athletes who are still active but have not renewed their federation licence in order to avoid such tests.

The measures referred to above can be summarized in the two-fold obligation affecting athletes subject to Law 3/2013⁶:

- Submission to controls, both at a competition and also out of competition.
- The permanent notification of the athlete's whereabouts.

The Act distinguishes between in-competition and out-of-competition testing. With regard to the manner and scope of the same and in the absence of any development of this aspect in Law 3/2013, Royal Decree 641 dated April 17th, 2009, remains in force and regulates the processes for doping controls and the authorized analytical laboratories, as well as establishing complementary measures for the prevention of doping and the protection of health in sport.

With respect to out-of-competition controls, the Act gives the possibility to perform these without prior notice or by appointment, albeit always with the limit of an "adequate reconciliation of the fundamental rights of athletes and the material needs of the Spanish Agency for Health Protection in Sport".

With regard to the obligation to provide the whereabouts of athletes at all times, they have to furnish a time interval (lasting for one hour) between 6 a.m. and 11 p.m. indicating where they can be subjected to an out-of-competition control⁷. Failure to furnish this information will be considered a breach of the anti-doping regulations as will the failure to be at the place indicated on three or more occasions within the term of eighteen months.

⁶ Art. 11 Law 3/2013.

⁷ Art. 11.3 Law 3/2013: "For the proper execution and the greatest possible efficacy in the controls referred to in the first paragraph, athletes, federation or personal coaches, teams, clubs and 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".



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Monitoring is facilitated through registration of the athlete's whereabouts in the files of the AEPsAD, which may transfer them to the World Anti-Doping Agency, on request and for the purpose of drawing up or coordinating controls; with the obligations to destroy the information when no longer pertinent.

With regard to regime for the imposition of penalties introduced by Law 3/2013, it is an almost literal transposition of that established by the World Anti-Doping Code, for the fulfilment of the obligation imposed by its article 23.2.2 to implement, "without introducing substantial changes", a series of precepts including articles 2, 10 and 11 on the breaches of the anti-doping rules, individual penalties and team penalties, respectively.

As in the said Code, Law 3/2013 adopts an "objective responsibility" system, whereby the mere presence in the athlete's body of a banned substance or his or her use of a banned method is considered to be a violation, whether or not the athlete has been responsible for its commission.

Hence the obligation imposed on licensed athletes to engage actively in the fight against doping in sport⁸.

Article 22 of Law 3/2013 establishes the catalogue of violations, classifying them as serious and very serious. The first correspond to those established in article 2 of the World Anti-Doping Code⁹. Section 2 of the same precept reflects the serious violations¹⁰.

⁸ Art. 21.1 Law 3/2013: "Athletes included within the scope of application in Section I of Part II must actively maintain a 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 in accordance with the terms established in this Act".

⁹ Art. 22.1 Law 3/2013: "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.

For the purposes foreseen in the preceding paragraph, in addition to the performance of any of the behaviours indicated therein, violations will be considered to have occurred particularly whenever athletes voluntarily avoid, by deed or omission, the collection of the samples they are obliged to submit to.

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 members of their entourage, 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 therapeutic use exemption exists for their administration or dispensation, or any other justification deemed sufficient by law or regulations.

The holding of a therapeutic use exemption shall not preclude the commission of a violation if the persons responsible have a larger amount of substances or methods than would correspond to the simple use covered by the exemption indicated, to such an extent that it would be reasonable to assume that the amount is intended for trafficking as foreseen in letter i) of sub-section 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.

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.



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With regard to the penalties applicable to each violation, they are graded depending on the severity of the violation and are applied to athletes, trainers, doctors, executives, federations and other members of athletes' entourages.

The categorization of penalties for athletes in article 23 of Law 3/2013¹¹ is identical to that established in articles 10.2.1, 10.2.2 and 10.2.3 of the World Anti-Doping Code.

All functions for the control, supervision and limitation of the use and possession of prohibited substances and methods, and the execution of controls correspond to the AEPSAD, as the body holding the power to impose disciplinary measures with regard to doping as determined in article 37 of Fundamental Law 3/2013, acting with full independence of the public authorities.

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

m) The deposit, placing on the market or distribution, in any format or manner whatsoever, in establishments devoted to sports activities, of products containing substances prohibited through being capable of causing doping.

n) The encouragement of the consumption, in establishments devoted to sports activities, of products containing substances prohibited through being capable of causing doping.”

¹⁰ Art. 22.2 Law 3/2013: “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 his or her obligations in this regard on three occasions during the term of eighteen months.

b) The behaviours described in letters a), b) and f) of the preceding sub-section, 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 person at fault 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 that the said substance is not intended to improve sports performance nor to mask the use of any other substance intended to improve such performance. The degree of blame on the part of the person potentially at fault shall be the criterion taken into account to study a reduction in the term of the suspension.

For the evidence to be deemed sufficient, it will be necessary for the person at fault to submit evidence in support of his or her declaration such as to give rise to conviction in the competent body regarding the absence of any intention to improve sports performance or to mask the use of any other substance intended to improve such performance.

c) The failure to comply with the obligations relating to information on medical treatments and the notification the athlete is obliged to provide to the Spanish Agency for Health Protection in Sport where therapeutic use exemptions are obtained as referred to in article 17-2 of this Act, as well as the breach of the provisions contained in article 55 of the present Act.”

¹¹ Art. 23.1 Law 3/2013: “The violations classified as very serious in sub-section 1 of article 22 shall 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 sub-section 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 sub-section of article 22, the federation licence will be suspended for a period of from four years to definitive 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 sub-section 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 sub-section 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. The duration of the suspension shall be a minimum of one year and a maximum of two years. It will be determined taking into account the degree of blame attaching to the athlete with 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 sub-section 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, it will be necessary for the circumstances described in paragraph two of letter b) in the second sub-section of article 22 of this Act to be present.”



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Many measures have been adopted and many actions carried out since the entry into force of Law 3/2013 with the aim of preventing and limiting the use or possession by athletes of prohibited substances.

Thus, in a purely sporting plane, the AEPSAD has established an Annual Control Distribution Plan for the sport with the greatest repercussion at national level, namely football. Each match fixture day, three professional football matches are chosen (two corresponding to the First Division and one in the Second Division) and two players from each of the teams participating in these matches are subjected to anti-doping testing.

The criteria for choosing which teams have to undergo controls are established in the Plan itself (performance of the teams throughout the season; objectives of the team at each moment of the season; whether or not the teams are subject to controls in international competitions, among others).

Measures established by the AEPSAD

The measures executed in this area can be classified as preventive or reactive measures.

In the case of preventive measures, it is possible to highlight the information and training programmes for the fight against doping executed by the AEPSAD, within the framework of the World Anti-Doping Code and international standards.

These programmes are aimed at making available to athletes and their supporting personnel the basic information about the fight against doping, including regulations, risks for health, ethical considerations about doping, etc. with a module on education in values.

Shortfalls

The main problem faced by the AEPSAD in its activities is how to reach the intended recipients of these programmes and how to engage them in the same: athletes and supporting personnel.

Despite the different formats currently in use to facilitate access to information, from face-to-face sessions, downloadable material or online courses, the percentage of athletes and supporting personnel reached is very low.

The greatest success of these programmes occurs in those sports where doping has traditionally been seen as a threat, whereas in those sports where the perception is that doping is not a real risk, athletes and their supporting personnel have shown little interest and therefore do not engage in the prevention programmes.

Nonetheless, the largest number of violations at national level occur precisely in sports where doping is not perceived as a risk and where this relaxation with respect to this problem causes a lower level of awareness and greater ignorance.

With regard to the measures that could be classified as reactive, these include the following: execution of an annual plan of doping controls based on intelligence criteria where the proportion of out-of-competition controls and the coordination with the international federations has increased from 9% to 40%; the e-commerce programme against the sale of products containing substances capable of producing an adverse result in a doping control, requesting the withdrawal of the offer or shutting down illegal web sites; the early alert system providing the public with a list of food supplements in which substances prohibited in sport have been detected; the development of an app enabling the identification of medicinal products containing substances prohibited in sport as part of their composition.



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Shortfalls

As indicated above, the biggest problem for the success of any informative measure is the difficulty in achieving a high percentage of the target audience and to attract the interest of that audience in the contents of the information.

4.1.4 Measures taken or promoted by Spain against the “entourage” of athletes failing to comply with the anti-doping rules.

Law 3/2013 considers an athlete’s entourage to have a great capacity to influence his or her will or behaviour and has therefore included within its scope of application “the people and entities mentioned in articles 24, 25 and 26 of this Act”, namely, technical experts, umpires, referees, clubs, sports teams, federations, professional leagues, entities organizing sports competitions, executives, physicians and medical personnel, among others.

The aforesaid precepts establish the penalties to be imposed on each group making up the athlete’s entourage should any of the violations catalogued as very serious (art. 22.1) or serious (art. 22.2) listed above be committed:

- Clubs, teams and federations:
 - Very serious violations: fine of between 30,000 and 300,000 euros, loss of points, elimination from the tournament, loss of positions in the ranking or relegation to a lower category. If a minor is involved or in the event of any repeat incident, the fine will be in addition to any of the other penalties and its amount will range between 40,000 and 400,000 euros.
 - Serious violations: fine of between 10,000 and 30,000 euros. If there is any repetition of the incident, the violation will be deemed very serious, with a fine of between 24,000 and 80,000 euros, loss of points, loss of the round, loss of positions in the ranking or relegation to a lower category. In the event of a subsequent repetition, the penalties for a very serious violation will apply and the fine will be in addition to any of the other penalties in an amount ranging between 40,000 and 400,000 euros.
- Technical experts, umpires, referees, executives, personnel of federations and professional leagues and other entities organizing sports competitions:
 - Very serious violation: suspension of the federation licence (technical experts, umpires and referees) or disqualification from holding positions in sport (executives and personnel of federations, leagues, etc.) for a term of between two years and life, plus a fine of between 10,001 and 100,000 euros.
 - Serious violation: from a public warning to suspension of federation licence or disqualification from holding positions for a term of up to two years, plus a fine of between 5,001 and 100,000 euros.

If the person acknowledgement of receipt fault does not hold a federation licence or any equivalent qualification, the penalty will be the prohibition from obtaining such a licence or exercising positions in sport for the terms indicated above.

- Physicians and medical personnel:
 - Very serious violation: suspension of federation licence or disqualification from obtaining it for a term of between two years and life, plus a fine of between 10,000 and 100,000 euros.



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- Serious violation: suspension of the federation licence or disqualification from obtaining it for a term of between one and two years, plus a fine of between 3,000 and 10,000 euros.

If the violation is committed against a minor, the penalty will consist in disqualification for life plus a fine of between 40,000 and 400,000 euros.

All federations, professional leagues and entities organizing official sports competitions are obliged to adapt their internal regulations to include these penalties to notify any acts performed by the physician or other medical personnel to the corresponding professional association for the adoption of the disciplinary proceedings that may be appropriate.

Nonetheless, controls on athletes' entourage are not limited in the Spanish legal system to those precepts of Law 3/2013 mentioned above as an offence category has been included in article 361 bis of the Criminal Code within the chapter corresponding to offences against public health.¹²

This offence, introduced through article 44 of Fundamental Law 7 dated November 21st, 2006, on the protection of health and the fight against doping in sport will be referred to as 362 quinquies from July 1st, 2015, with the same contents.

This is a precept inspired by the offence of trafficking in substances, as it does not punish the athlete for the use or consumption of doping-related methods or substances but rather the person(s) providing or supplying these, without any therapeutic or medical justification, provided that they are intended to increase the athletes' physical abilities or to alter the results of competitions and, in addition, endanger their lives or health.

The recent amendment of the Criminal Code effected by Fundamental Law 1 dated March 30th, 2015, and which will come into effect on July 1st, 2015, introduces a series of novelties that will contribute to the more effective punishment of irregular behaviours on the part of persons making up the athlete's entourage. Thus:

- Any prohibited substances, together with any equipment, goods and instruments used will be confiscated.¹³
- If the crimes are committed by bodies corporate, these will be punished, when found liable, with monetary fines.¹⁴

¹² Section 361 bis of the Criminal Code: "1. Those who, without therapeutic reason, prescribe, provide, dispense, supply, administer, offer or facilitate federated sportspersons who do not participate in competitions, non-federated sportspersons practising sport for leisure, or sportspersons who participate in competitions organized in Spain by sports organizations, prohibited substances or pharmaceutical groups, as well as non-regular methods, intended to increase their physical capacity or to modify the results of the competitions, that due to their content, repeated ingestion or other concurrent circumstances, endanger their life or health, shall be punished with imprisonment of six months to two years, a fine from six to eighteen months and special barring from public employment and office, profession or trade, from two to five years.

2. The penalties foreseen in the preceding Section shall be imposed in their upper half should the offence be committed when any of the following circumstances concur:

1. When the victim is a minor.
2. When deceit or intimidation is used.
3. When the offender has availed himself of his work or professional superiority."

¹³ New section 362 sexies of the Criminal Code: "In the offences foreseen in the preceding sections of this Chapter, the substances and products referred to in sections 359 and following will be confiscated, as will the goods, means, instruments and earnings subject to the provisions contained in sections 127 to 128".

¹⁴ New drafting of section 366 of the Criminal Code: "When, in accordance with the provisions contained in section 31 bis, a body corporate is responsible for the offences reflected in the preceding sections of this Chapter, the fine imposed shall be from one to three years, or from twice to five times value of the substances and products referred to in sections 359 and following, or of the profit that would or could have been obtained, applying whichever amount is greater".



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- Judgements by foreign courts for offences of the same nature will be taken into account for the purposes of assessing repeat incidents.¹⁵

Since the entry into force of Law 3/2013, three major operations have been carried out against the trafficking of doping-related substances:

- In the first two, known as “Operation Turia” and “Operation Hercules”, over six hundred prescriptions for medicines were seized along with about three hundred and eighty thousand doses of prohibited substances, with the involvement of elite athletes and the physician issuing the prescriptions.
- The third was known as “Operation Jimbo” and targeted the trafficking of EPO from China; this led to the arrest of the Spanish athlete A.J.P., although he was subsequently released after being charged.

The operations mentioned above might be considered the most striking but it is necessary to remember that the security forces, during that same period of time, have carried out over a hundred such operations, leading to the arrest of one hundred and seventy-eight individuals and the seizure of over one million doses of anabolic steroids, clenbuterol, oxadrolone, nandrolone, testosterone and other prohibited substances.

4.1.5. Measures intended to establish good practices for the sale and supply of food supplements.

Private accreditation programmes are being implemented in Spain to enable the demonstration of a series of good practices in the preparation, manufacture, and distribution of food supplements.

These international programmes have the main value, in addition to the high levels demanded of the manufacturers of food supplements, of including in the same programme manufacturers from different countries with distribution in multiple regions.

In the case of Spain, this programme has been implemented very recently and very few manufacturers have so far signed up for it, for a variety of reasons: firstly, due to the high price of this accreditation programme; and secondly, the belief that this type of accreditation is not demanded by their clients and therefore does not benefit their brand with regard to the competition.

- Controls on the marketing of food supplements

In Spain, the Spanish Agency for Consumer Affairs, Food Safety and Nutrition (AECOSAN) is the corresponding body of the Ministry of Health, through its Secretariat General for Health and Consumer Affairs, and its goals are the protection of health and the safety of consumers and users in the area of foodstuffs.

There is a specific procedure in place for the marketing of a food supplement in Spain: first of all, there is a register of companies responsible for the production, transformation, packaging, storage, distribution, importation, marketing of food supplements, whether or not they are subject to inclusion on the General Health Register of Food Companies.

In addition, Royal Decree 1,487/2009 on food supplements establishes a requirement for notification of the placement of these products on the market prior to or simultaneous with its first placement on the market.

¹⁵ New drafting of section 375 of the Criminal Code: “Convictions by foreign Judges or Courts for offences of the same kind as foreseen in sections 368 to 372 of this Chapter shall have the effects of recidivism, except if the criminal record has been cancelled or might be under Spanish law.”



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Furthermore, there are the corresponding regulations relating to labelling and marking of food products in Spain and the EU.

Measures established by the AEPSAD

- On its web site, the AEPSAD reserves a permanent space dedicated to the problems related to this kind of product, where it publishes the alerts from the withdrawal of food supplements declared illegal through containing in their composition substances that would give them the status of a medicine, in those cases where the substances in question are included on the list of prohibited substances and methods.
- Furthermore, it provides information to manufacturers and possible consumers about the existence on the market of quality seals that grant such products a certification of the absence of prohibited substances in their composition. Thus, in October, the AEPSAD hosted the meeting of the representatives of the LGC Group where they presented their Informed Sport programme to representatives of the Association of Manufacturers of Dietary and Food Supplements (AFEPADI) and several companies in the sector.
- Training of Pharmacists, and Primary Health-Care Physicians and Nurses.

These actions were carried out in the context of international cooperation with other national anti-doping organizations.

4.1.6. The funding of a national testing programme or financial support for sports organizers and anti-doping agencies to finance these tests.

The AEPSAD is competent to perform doping controls on athletes within its sphere of competence, so these do not represent any cost for the sports federations or the organizers of sporting events. These controls are included within the so-called Annual Doping Control Distribution Plan and are funded out of AEPSAD's budget.

It should be mentioned that, over and above the controls planned by the AEPSAD in the framework of the Annual Doping Control Distribution Plan, sports federations and the organizers of sports events are able to carry out doping controls using qualified control agents, for which they do not receive any kind of subsidy or financial assistance.

However, in the case of international sports events where the doping controls are conducted by the national federation through delegation from the respective international federation, then AEPSAD applies discounted prices in certain analyses where these are carried out at its Doping Control Laboratory.

4.1.7. Provisions aimed at withdrawing sports-related financial support for teams or athletes during suspension for violation of anti-doping rules.

With respect to athletes, Law 3/2013 imposes, in the first three sub-sections of article 30 and as an automatic penalty on those responsible for a violation of anti-doping regulations, the cancellation of the results and loss of all medals, titles and prizes obtained in the competition where the breach took place, as well as those achieved in the period between the date the control was carried out and the events punished took place up until the date of the corresponding resolution.¹⁶

¹⁶ Art. 30 of Law 3/2013: "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 imply 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 will be able to cancel all the results obtained by the said athlete at that sporting event. Such cancellation will imply the loss of all medals, points,



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With regard to teams, where two or more athletes from the same team are held responsible for a violation of anti-doping regulations, the Act orders the competent disciplinary bodies to announce the alteration of the results and classifications in the light of the specific circumstances of each case.¹⁷

In consequence, the imposition of a penalty will entail, in all cases for athletes and in most cases for clubs, the loss of any prizes received. If the prizes are associated with a monetary amount, they will be obliged to reimburse the amounts received.

In addition to the foregoing, it must be remembered that article 31 of Law 3/2013 establishes that athletes who have been punished will lose all their rights arising out of the federation licence during the time the suspension is in force, necessarily implying the loss of scholarships and financial assistance. In its section 4, the Act adds that they will also lose all support provided by the public administrations in the form of financial assistance, economic advantages or tax benefits.¹⁸

In the case of professional athletes who are employed by the club, sports company or entity for which they compete, the provisions contained in Royal Decree 1,006 dated June 26th, 1985, regulating the special employment relationship of professional athletes, will be applicable. These provisions acknowledge circumstances validly agreed between the parties as grounds for the termination of the employment relationship. In consequence, if the athlete's employment contract contemplates the commission by the athlete of a violation of anti-doping regulations as an express cause for the contract's termination, such a breach would be grounds for the contract to be validly terminated, although it would be necessary to enforce this before a court of law in the employment courts in Spain, as the disciplinary bodies or arbitration tribunals do not have any powers or jurisdiction over employment matters in Spain.

Even when there is no specific rule so establishing, the fact of the matter is that the violation of an anti-doping rule could entail the resolution of sponsorship contracts for athletes and clubs, insofar as these contracts expressly contemplate such a circumstance as grounds for their unilateral early termination. This is because article 1,255 of the Civil Code provides that "parties to a contract may establish such agreements, clauses and conditions as they may deem appropriate, provided that they are not contrary to statute, public morals, nor law and order", thus preserving the principle of

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 sub-sections, all other results obtained in the competitions held since the date 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."

¹⁷ Art. 30.4 Law 3/2013: "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."

¹⁸ 4. Persons on whom any penalty is imposed for the commission of any violation of anti-doping rules, except those stipulated in letter b) of the second sub-section of article 22 will be deprived of all financial support granted directly by the Public Administrations or by any entity in which a Public Administration is participating or any other economic advantages or tax benefits related with their practice of sport that they may obtain from the same. The recovery of the amounts obtained shall be effected in accordance with 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 manner permitted in the legal system.



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autonomy of the will of the parties in the Spanish legal system. On the basis of this autonomy, the parties to the contract themselves may establish the direct effects arising out of such a termination, with the power to agree on the reimbursement of sums paid for the concept of sponsorship or some portion thereof, or even all of the amount paid, increased by a penalty that would be used to compensate the damages to the sponsor's brand image.

Finally, it must be noted that the Programme of the Olympic Sports Association, better known as the "Plan ADO",¹⁹ finances the preparation and participation of Spanish athletes in the Olympic Games through scholarships and, in an unfortunate drafting that evidently requires improvement, article 5.2 of its General Terms and Conditions foresees the suspension of such assistance in those cases where the athlete receiving the scholarship is responsible for a violation of anti-doping regulations.²⁰

4.1.8 Provisions aimed at withdrawing financial support from event organizers or anti-doping agencies that do not comply with the World Anti-Doping Code or the anti-doping regulations adopted pursuant to the Code.

There is no legal provision in this respect, so any such measure must stem from the agreements and conditions imposed by the financial entities themselves (whether public or private) on the organizers of sports events and agencies in the contractual document giving rise to the financial assistance. On this point, we refer to the comments above regarding the autonomy of the will of the parties elsewhere in this report.

In any case, it should be noted that the policy followed by the Spanish State, through the Higher Council for Sport, the body in charge of managing national competences in matters relating to sport, is to withdraw financial support from Spanish sports organizations that do not actively collaborate in the fight against doping. This fundamental requirement is stipulated in the annual notices inviting applications for subsidies by Spanish sports federations and club groupings.

4.1.9. Supporting and facilitating doping controls arranged by the organizers and anti-doping agencies.

Where the doping controls in question are not included in the AEPSAD's Annual Doping Control Distribution Plan, the services of this agency for the execution of the planning, extraction and analysis of samples are available to all those organizers of sports events and anti-doping authorities so requesting. These services are paid for to the AEPSAD by the corresponding organizer or anti-doping authority on the basis of the public prices published in the BOE.



¹⁹ <http://www.ado.es/>

²⁰ Section 5.2 of the General Terms and Conditions for the ADO Río de Janeiro 2016 Programme: "Financial assistance to athletes (together with the part corresponding to other assistance under the Programme that the athlete's inclusion could have generated) will be suspended as an interim measure when the athlete has a positive result in a doping test, and all such assistance will be excluded from the Programme once the penalties are definitive (doping plus disciplinary measure)".



4.2. INTERNATIONAL COOPERATION.

In 1992, Spain ratified the Council of Europe's Convention against Doping. The UNESCO International Convention against Doping in Sport was ratified by Spain in 2006.

In accordance with this ratification, Spanish legislation has adopted the list of prohibited substances and methods published each year by the World Anti-Doping Agency (WADA). The Fundamental Law 7/2006 previously cited is Spain's reference legal text for the fight against doping. The proposed amendment of that list, drafted with the advice of the WADA and approved by the Government on September 16th, 2011, contemplates each and every one of the principles in the WADA's World Anti-Doping Code.

In addition, the Ministry for Home Affairs (police), the Ministry of Finance and Public Administrations (Customs), the Higher Council for Sport and the AEPSAD have all signed an agreement for their full collaboration and coordination in the fight against doping. This Agreement contemplates the creation of a Monitoring and Work Committee with the AEPSAD, in which a number of coordinated works have been carried out in accordance with the corresponding police operations.

Strategy

To encourage international cooperation with governments, public bodies and private entities that can improve international coordination in the fight against doping by generating a context of collaboration and mutual understanding.

4.2.1. Support and facilitate international cooperation among anti-doping organizations, sports organizations and Public Authorities.

This international support is provided in all AEPSAD action areas, including: collaboration in the taking of doping samples for other anti-doping authorities from athletes under their jurisdiction residing in or entering Spanish territory; the exchange of intelligence with other anti-doping authorities to enable the execution of directed controls and increase their efficacy; collaboration in the execution of training courses and personnel qualification; participation in fora, seminars and conferences aiming at the harmonization of actions and the exchange of experiences; and the joint execution of research programmes in science and the social sciences.

Shortfalls

- The main problem in the execution of training courses and personnel qualification, as well as the exchange of experiences among anti-doping authorities is their cost, even though these have been notably reduced by extending the use of online training tools, both in the format of online courses and also through webinars and virtual meetings.

The use of these new technologies has allowed, as in other areas, a reduction in costs and an increase in communication, thus facilitating coordination and cooperation among the different anti-doping authorities.

- At Customs level, every time an international sporting event is held (for instance the Olympic Games, the World Cup, etc.), an international Customs operation gets under way coordinated by the World Customs Organization and with the participation of the Customs Services at least in the countries taking part in the event, and also the Customs Services of all the possible transit point en route to the host country. The main goal of these operations is the fight against the trafficking in counterfeit or pirated products with the logos and symbols of the Olympic or Paralympic Games themselves, or the World Cup and of the rightsholders sponsoring teams or individual athletes (for example Adidas, NIKE, etc.).



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One proposal would be to declare the trade in illegal doping-related substances on a par with other illegal trafficking and related to these Operations in connection with sports events, to include intensification of controls for the detection of substances, controls of first-aid kits in sport, etc.

These international Customs cooperation operations take place a considerable time before the sports events in question.

Scope of international collaboration

Taking of samples

The AEPSAD has rendered its sample extraction services for several International Anti-Doping Organizations. The following table show a summary for 2014.

The following table shows samples collected during 2014 where the AEPSAD was the organization responsible for sample extraction

International Anti-Doping Organization	samples
NADO of Denmark, Anti Doping Danmark	7
NADO of Canada, CCES	15
Comité Européen de Rink Hockey, CERH	8
International Water-Skiing Federation.	5
European Triathlon Union, ETU	4
Fédération Internationale de l'Automobilisme, FIA	8
International Canoeing Federation, ICF	12
International Federation of Skiing, IFS	12
IFSC	11
International Rugby Board, IRB	39
International Table Tennis Federation, ITTF	12
International Triathlon Union, ITU	10
TOTAL	143

Collaboration Agreements Signed.

The following international collaboration agreements were signed in the course of 2014.

- ABP Collaboration Agreement FINA-AEPSAD. This Collaboration Agreement includes the provision of services for the collection of samples and the interpretation, management and construction of athletes' biological passport for the International Swimming Federation.
- ABP Collaboration Agreement IAAF-AEPSAD. This Collaboration Agreement includes the provision of services for the collection of samples and the interpretation, management and construction of athletes' biological passport for the International Amateur Athletics Federation.
- AEPSAD - CCES - OOC Services. Collaboration agreement for the provision of out-of-competition sample extraction services with the NADO in Canada.
- Convention Universiada Granada ISU-AEPSAD. Collaboration between organizations to facilitate doping controls during the event.



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- Agreement between the organization for the world championship in artistic roller-skating and AEPSAD. Collaboration between organizations to facilitate doping controls during the event.

Other International Agreements established in 2014 are:

Title	Entity	Date signed	Start date	End date
COLLABORATION AGREEMENT NOC BRAZILIAN DOPING CONTROL AUTHORITY (ABCD)	Brazilian Doping Control Authority (ABCD)	29/05/2014	29/05/2014	-
AGREEMENT WITH THE CANADIAN DOPING CONTROL AGENCY (CANADIAN CENTRE FOR ETHICS IN SPORT)	Canadian Centre for Ethics in Sport	07/04/2014	07/04/2014	-
NOC AGREEMENT WITH THE WORLD ANTI-DOPING AGENCY (WADA) AND VARIOUS ANTI-DOPING AGENCIES (INDEPENDENT COMMISSION FOR CYCLING REFORM)	World Anti-Doping Agency (WADA)	01/05/2014	01/05/2014	-
COLLABORATION AGREEMENT BETWEEN THE SPANISH AGENCY FOR HEALTH PROTECTION IN SPORT AND CYCLING ANTI-DOPING FOUNDATION.	Cycling Anti-Doping Foundation	23/08/2014	23/08/2014	28/09/2014
AGREEMENT GOVERNING THE USE AND SHARING OF INFORMATION IN WADA'S ANTI-DOPING ADMINISTRATION AND MANAGEMENT SYSTEM (ADAMS).	World Anti-Doping Agency (WADA)	March-14	01/03/2014	-

International Cooperation between State Security Forces and Customs Authorities

In accordance with the provisions contained in chapter III of the Convention (International Cooperation), the FCSE and the Civil Guard in particular operate internationally in the fight against doping, especially when this is related to serious organized crime, through the various modes and tools that exist for international cooperation and coordination between police and judicial authorities in both the operational and the strategic spheres.

Actions

Police cooperation is structured, in general, through two main routes.

- Bilateral cooperation with other police forces. In the area of the fight against doping, especially with regard to the illegal distribution of prohibited substances, the FCSE work closely with the specialized or competent units and agencies in the EU and elsewhere around the world. By way of example, it is possible to mention the OCLAESP in France, the NAS in Italy's Carabinieri Force or the DEA or HSI in the United States or the National Police Force in Colombia.
- Cooperation effected through the various international police and judicial cooperation bodies such as SIRENE, Interpol, Europol, Eurojust, Iberred, Ameripol or the Working Groups of the Council of the European Union.

In the same way, the Civil Guard collaborates with and participates in cooperation initiatives and fora not specifically related to police work in connection with the fight against doping and, in general, the trafficking of medicines, promoted by such bodies as the Special International Medical Products Anti-Counterfeiting Taskforce (IMPACT) of the World Health Organization (WHO)²¹; the Permanent Forum on International Pharmaceutical Crime (PFIPC), the forum for the Heads of Medicine Agencies (HMA) or the Working Group of Enforcement Officers (WGEO) which brings together representatives of these agencies and reports to the previous group.

²¹ For example, and as mentioned elsewhere, the Spanish Civil Guard has participated since 2010 in the execution of various "Operation Pangea" activities aimed at combating the illegal worldwide trafficking in counterfeit medicines via the Internet. Similarly, it regularly attends the meetings of the WGEO and the PFIPC.



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Participation in these groups takes place through support and collaboration with the competent Spanish bodies, especially the agencies AEPSAD and AEMPS, referred to above.

Finally, and in particular, with the Spanish Agency for the Protection of Health in Sport (AEPSAD), this collaboration is reflected in specific actions such as those listed below by way of example:

- Joint participation at the 3rd Meeting of the INTERPOL Expert Group for Doping held in Stockholm in 2010.
- Participation in the Evaluation of Spain's compliance with the Council of Europe Convention against Doping in Madrid in 2011.
- Drafting, in 2012, of a questionnaire in the context of an international study sponsored by the UNESCO and the WADA into the contents and application of anti-doping legislation in Spain.
- Collaboration in the relations with the AEPSAD, such as, for example, at a meeting with the Brazilian Doping Control Authority (ABCD) held in Madrid in 2014, at which the Spanish model of police work with regard to doping was explained in connection with the holding of the Olympic Games in Rio de Janeiro in 2016.

The party responsible for implementing the contents of the said regulations, their evaluation, supervision and updating, with regard to its own actions, is the Civil Guard itself.

The bodies affected (stakeholders) are, in particular, the Judicial Police units of the Civil Guard.

This work is executed on the basis of the general budgets of the Civil Guard, without any specific budget headings. Whenever coordinated actions are carried out with other national or international bodies, any specific funding that these bodies can provide is used.

The actions with regard to international cooperation in the area of the fight against doping in sport is considered to operate adequately. The Civil Guard is fully willing and able to develop this activity at police level and also in support of the competent national and international bodies.

In addition, it is necessary to highlight that the Spanish sports organizations have signed collaboration agreements with regard to doping in their membership of international organizations, especially for the repression of doping and the imposition of penalties.

4.2.2. Support for the World Anti-Doping Agency.

This support is basically translated into the implementation of the World Code and the international standards into our regulations and internal procedures, the financial support provided to the World Anti-Doping Agency, the translation of various documents into Spanish and their dissemination among the Spanish-speaking community.

In addition to this support, Spain collaborates with the WADA in the qualification of personnel for the anti-doping authorities of Spanish-speaking countries, the certification of doping control agents and the training of solicitors in these same countries, as well as the development of online educational modules for the prevention of doping.

4.2.3. Financing of the WADA shared fairly with the Olympic Movement.

The AEPSAD pays a fixed annual quota of \$ 421,810 that remains constant regardless of the country's economic context and any possible budget variations the agency may be subjected to.

In addition, this quota is independent of the possible activities that the AEPSAD may finance out of its own budget in support of the World Anti-Doping Agency, without these being able to imply and reduction in its quota.



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4.2.4. Facilitate the anti-doping controls performed by the WADA on athletes in and out of competition.

The WADA does not perform doping controls in Spain and these are subsumed within the Annual Control Distribution Plan, which may be revised by the corresponding department of the WADA at any time.

4.2.5. Facilitate cross-border movement of accredited teams in the fight against doping

Import/export of goods

The import regime applicable in Spain is determined by the commercial policy established within the EU, governed by the principle of free circulation and non-application of tariffs in the event of a temporary entry of goods for re-exportation.

For the organization of large-scale sports events, the Government of Spain may establish the necessary guarantees to urge the appropriate procedures and adopt appropriate legislative initiatives to ensure the importation, use and exportation, free of Customs tariffs, taxes and indirect levies, of goods needed for the groups involved (the IOC, the IPC, the International Federations, the NOC, the NPC and their Delegations, the mass media, sponsors and their suppliers) to comply with their respective obligations before and during the holding of events taking place in Spain.

This kind of process has been implemented successfully on previous occasions for the organization of other events.

There are specific regulations for special products and equipment, as listed below:

Medical and pharmaceutical products and equipment

In accordance with current legislation in force, athletes, teams or sports groups, and their supporting personnel, are obliged to submit to the AEPSAD, on arrival in Spain to participate in a sports-related activity, the duly completed forms identifying any products they are transporting for their own use, the units of the same and the physician responsible for their prescription. In this sense, Spain follows the World Anti-Doping Code and regularly updates the list of prohibited substances.

With respect to medicines transported by visitors for their personal use, there is, in principle, no restriction whatsoever unless they might represent a deviation in view of the amount or are potential candidates for illegal use.

Re-exportation

It will be necessary to provide Customs with a list of all the equipment, materials and products to be imported. The Customs Service will keep a copy to justify the subsequent re-exportation of any items not used or consumed.

Shortfalls

There is however no profound understanding of how this information is to be submitted by the physicians accompanying the teams and it is necessary for the AEPSAD to develop and establish an action protocol for these situations and disseminate the procedure.

Where the professionals in the anti-doping controls need to travel abroad (there are currently no controls in the intra-EU area) to engage in works and need to take with them goods or equipment to another country temporarily, as well as those travelling to the EU from a non-EU State, it is



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recommendable to have an ATA temporary admission note for these goods in order to speed up the transfer of the equipment or material.

The simple presentation of the temporary admission note for these goods to the respective Customs Office will facilitate their entry or departure.

4.2.6. Facilitate secure transportation of sample across borders.

The transportation of doping control samples is done according to homogeneous standardized procedures established by the World Anti-Doping Agency and applied in the same way by all the signatories to the World Anti-Doping Code.

In consequence, this question does not pose a problem at international level as both the confidentiality of the owner of the samples and their chain of custody are guaranteed throughout the process from when the sample is extracted until its analysis by a doping control laboratory accredited by the WADA.

As was indicated in the preceding section on the EU Customs Union no authorization is required but, if the transportation is between the EU and a non-EU state, the importation or exportation of biological samples, whether on an occasional basis or for sample being sent regularly, requires certain compulsory authorizations from the Foreign Health Department (Ministry of Health) and has to comply with national and international rules on transportation, packaging, labelling and documentation.

The importer/exporter must send in an application to the Directorate-General for Public Health, Quality and Innovation through this e-mail address mbiologicas@msssi.es

4.2.7. Participation in the international coordination of anti-doping controls.

The international coordination of anti-doping controls is based on the exchange of information, mainly with international federations, for both the planning of the doping controls and the composition of the national / international monitoring group and the constant exchange of the results of those controls.

This coordination is very fluid with the various anti-doping authorities, using the resources available, particularly the ADAMS administration and management system provided by the WADA, including the analytical results of the tests, at least those leading to the opening of disciplinary proceedings.

The new definitions of national-level and international-level athletes introduced by the new World Anti-Doping Code in 2015, as well as the signing of collaboration agreements between the national anti-doping authorities and the international federations and the increased collaboration among the anti-doping authorities at national and international level, has had a notable impact on the number of doping controls a single athlete may be subjected to, without their efficacy however being diminished.

Shortfalls

Nonetheless, **the main limitation** derived from the regulations governing the protection of personal details is the coordination of controls carried out by different authorities for the construction of the athlete's biological passport (ABP).



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4.2.8. Cooperation and assistance between anti-doping control laboratories, support for Member States (technical transfers and adequate skillsets)

All collaboration between the different doping control laboratories takes place under the umbrella of the corresponding department of the WADA to which they owe technical dependence. This collaboration is based on the exchange of experiences, support in the execution of certain analyses, joint presentation of research projects in to new analytical methods or improvements in pre-existing methods, etc.

4.2.9. Support for mutual control agreements between anti-doping agencies.

The AEPSAD has not currently signed any agreement of this kind and applies for this purpose the provisions contained in the CMA international regulations and in Spain's own regulations, Fundamental Law 3/2013, so that the results of controls that might entail any kind of penalty are automatically acknowledged in Spain.

On the other hand, the AEPSAD provides its services to other anti-doping authorities, such as the International Federations, for the execution of controls on athletes subject to the mandate of other authorities while they are resident in Spain for certain periods of time.

4.2.10. System for the mutual recognition of anti-doping agencies pursuant to the Code.

For this recognition to take place, the international regulations and the Spanish regulations are applied as in the preceding case, so recognition is automatic except in cases where reasonable doubt might exist.





4.3. EDUCATION AND TRAINING.

Strategy

To promote a State-level framework to encourage programmes for education in values and a sporting spirit from very young ages.

Actions

- Design and development of an Activity Plan favouring the engagement of athletes and their entourage in training and dissemination campaigns regarding the values of doping-free sport, with special emphasis on the most vulnerable populations.
- Creation of a prevention project for different populations in situations of vulnerability.
- Execution of education projects on the values of fair play and sport at secondary schools.
- Agreements with universities for the design of anti-doping contents to form part of the curriculum of students reading for degrees in Physical Exercise and Sports.
- Execution of joint educational programmes with sports federations, clubs, town councils. Signing of collaboration agreements.
- Training of professionals to conduct Evidence-Based Prevention Programmes proving their efficacy (creation of an “expert network” in education for the dissemination of clean, healthy sport).
- Training in sport and health: presence at universities, professional associations, federations, etc.
- Sensitization and dissemination activities at gyms, fitness centres and other places related to recreational physical exercise.
- Preparation and dissemination of educational materials on a variety of media.
- Use of the social media as a channel for information and sensitization on the subjects of health and doping.
- Organization of Seminars and Courses for use as a prevention tool.
- Creation and execution of a Plan to channel support, and alternatives to doping.
- Actions for accessible objective information specifically about the consequences (including violations and penalties) of using prohibited substances and methods.
- Preparation of general documents describing doping control procedures and rules that competing athletes must observe.

4.3.1. Conception, implementation or support for education and qualification programmes in connection with the fight against doping

The education and qualification programmes executed by the AEPSAD follow the parameters foreseen in the World Anti-Doping Code and are aimed at providing basic information about anti-doping regulations to athletes and their support personnel, as well as the prevention of doping, establishing differentiated campaigns depending on the target audience.

The AEPSAD collaborates with sports federations and maintains joint work lines on health protection and the prevention and combating of doping. In practically all the dissemination and awareness programmes aimed at preventing doping implemented by the AEPSAD, it includes the collaboration of the federations. In addition, it should be recalled that many Spanish federations hold delegated powers in these matters by delegation from their international federations.

Furthermore, the AEPSAD collaborates with the sports federations on aspects such as the inclusion of athletes in the Individualized Control Plan or in the scheduling of anti-doping controls at certain events where the specific characteristics are known by the federations themselves (classifiers for international competitions, level of participants, etc.).



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Shortfalls

One perceived difficulty is the scope of the information campaigns and educational programmes for those sports in which doping is not viewed by their practitioners as a real risk.

Geographic dispersion, concentrations or the competition calendar are other factors hindering direct contact with athletes, whereas the distribution of teaching materials in printed or digital format also fails to ensure that these are received with any interest.

This circumstance can apparently only be overcome if there is a strong, determined will on the part of all parties involved, public bodies and private entities, engaged in the sport's management at its various levels and variations.

On the other hand, qualification courses were organized for doping control agents with a view to their initial qualification and constant refresher courses with new procedures and to reduce possible errors. The use of new technologies such as virtual meetings or webinars has facilitated communication and increased quality assurance in the manner of acting of doping control agents.

Measures established by the AEPSAD

The experience accumulated over the years by all the bodies working in the fight against doping has shown that controls alone are not enough to eradicate doping in sport and that there is a considerable risk of both deliberate doping and unintentional doping if athletes are not given appropriate tools to be able to take correct decisions.

In the belief that education is one of the tools that must be applied for the prevention of doping, the AEPSAD has designed four programmes aimed at providing information, education in values and at creating a culture against doping in the world of sports and in society in general.

➤ Programme on “Doping: What You Need To Know”

High-level and high-performing athletes, as well as their supporting personnel must be aware of the risks and consequences of doping for their sporting careers, both on their sport and on their own health.

With this aim, the AEPSAD has implemented this programme of talks aimed at these athletes and held at centres for high performance in sport, sports facilities, educational spaces, etc.

Through these talks, the technical personnel of the AEPSAD, occasionally with the support of collaborating athletes, convey all the information people need to know about doping: what constitutes doping, the List of Prohibited substances, adverse effects of consuming these substances, therapeutic use exemptions, risks derived from the consumption of nutritional supplements, the doping control process, whereabouts reporting, athlete monitoring group, individualized control plans, etc.

During 2014, talks have been given to athletes and technical personnel at various high performance centres, specialized high performance centres, sports technification centres and specialized sports technification centres; and meetings have been held with the technical personnel of various Spanish sports federations. The organization has also taken part in talks held by the international federations for cycling and climbing during the corresponding world championships held in Spain.

In the course of 2014, control agents delivered an informative leaflet together with the list of prohibited substances to all athletes subjected to controls.



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➤ Programme on “Protect your health, day NO to doping”

This programme arose as a pilot initiative in collaboration with the Official Professional Association of Pharmacists in Cádiz with a two-fold aim:

- To raise awareness among all people habitually engaging in sports activities about the hazards of consuming substances prohibited in sport as well as the risk of the accidental consumption of contaminated supplements and those marketed without proper assurances.
- Training for health-care professionals involved in the dispensation of medicines to athletes about the list of prohibited substances and methods in sport, the procedures for therapeutic use exemptions, and how to consult which medicine contain substances prohibited in sport so as to avoid cases of unintentional doping.

Starting from this pioneering activity, this programme aspires to spread to the whole of Spain with the support and collaboration of the other official professional associations of pharmacists so as to cover the entire population of Spain.

To support the dissemination of information to athletes by chemists and pharmacists, a leaflet has been produced to set out the behaviour to be avoided and the risks arising out of irresponsible consumption. This leaflet is available for download from our web site.

➤ Programme on KO Doping OK Health

This programme is executed in collaboration with the Association of Athletes, with the aim of informing and raising awareness among all persons practising sports activities about the risks of doping and its consequences on health, disseminating the values of fair play and encouraging the safe practice of healthy sports-related activities.

For the achievement of these goals, it holds informative talks, distributes informative material and conducts activities to promote physical exercise at all kinds of sports events. The purpose is for fans to come closer to the Agency and receive information of interest about fair play and health in sport.

➤ Programme on “Living Without Cheating”

The goals of the AEPSAD include training in values for young people as a means to prevent doping.

For this purpose, during the 2013-2014 academic year, the “Vive sin Trampas” (Living Without Cheating) programme was implemented in collaboration with the Association of Athletes and the School of Physical Exercise and Sport (INEF) at the Polytechnic University in Madrid.

The main goal of this programme is to bring out the positive values associated with sport for young students:

- to prevent the use of doping-related substances as a way to improve sports performance or body image.
- to change the mindset from that of winning at all costs, both in sport and in any other aspect of our lives.

In the first edition of the programme, 2,500 secondary school students took part at 12 schools in 6 different Regions.

For the execution of these activities with students, the organization had the collaboration of experts and athletes who visited the schools and communicated first the theory and later, through the practice of sport, the good habits acquired in sport and its values.



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Another of the goals of the project is to understand the perception of doping among Spanish teenagers, so all participants completed a survey prior to the start of the programme. In order to assess the project and improve it for future editions, another survey was conducted after the intervention.

This project received a subsidy from the UNESCO as part of its programme in the “Fund for the Elimination of Doping in Sport” <http://www.unesco.org/new/en/social-and-human-sciences/themes/anti-doping>.

In 2014, as a complement to the activities targeting young people, the AEPSAD and the Madrid Region School of Film and Audio-Visual Art (ECAM) organized a competition for micro-short films on the theme of “Living Without Cheating”. Aimed at secondary-school students throughout Spain, the goal of the competition was to promote the importance of fair play and good habits in sport.

Measures established by the State Security Forces

Although not a specific action area of any police institution, pursuant to the provisions contained in Chapter IV of the Convention (Education and Training), the Civil Guard also works to support the education programmes through the dissemination of information about the harmful effects of doping for the ethical values of sport and the consequences of doping on health.

Similarly, and within the area of qualification, the main interest of the Civil Guard is to achieve a sufficient level of technical qualification in its prevention and investigation units in order to understand the reality of doping and be able to cope with an adequate return on its efforts in the fight against the illegal distribution of prohibited substances in sport and doping.

- Training and qualifying police investigation units in the fight against doping.

Doping in sport is not a recent phenomenon, but it has undergone a considerable evolution in the last few years to become a complex phenomenon with multiple dimensions and it is highly specific from a technical standpoint.

In this sense, the investigation of these crimes is never easy, thus requiring a knowledge of forensics (dimension of the problem, structure of the networks, *modus operandi*, etc.), as well as legal knowledge of a matter with nuances that are in many cases quite subtle and a particular investigation methodology.

In the same way, it is appropriate to have a minimum technical nous (pharmacy, medicine, or the physiology of sport) that is not normally required nor frequently encountered in the members of a general police force, so the investigators have to know at least where to find out the information they need and be sufficiently documented, for which the collaboration of such specialized bodies as the AEPSAD and the AEMPS is of capital importance.

On this basis, the Civil Guard and, in particular, at the level of the judicial police, various initiatives have been adopted to improve the qualifications of the Units in the understanding of these problems.

By way of example, some of the initiatives already mentioned in the present document are cited once more, including the preparation of a Technical Instruction on investigation of doping in sport; the drafting of *Guidelines on Procedures and Good Practices on police investigations into doping in sport*, the organization of updating seminars at institutional level; participation in the training actions organized in the framework of the Collaboration Agreements signed between the SES, the AEPSAD and the AEMPS as well as attendance at fora and meetings of national and international working parties.



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The foregoing notwithstanding, and aware that the initiatives cited must be supplemented by adequate training in a problem that, as has been said, is complex, apart from the specific self-improvement seminars that may be organized at institutional level or elsewhere, it has been considered appropriate to include basic training on this subject matter in the specific specialization courses given to the judicial police, at both the basic level (agents) and at higher levels (executives).

In this sense, the specific initiatives adopted have been as follows.

- The Specialization Courses for the Judicial Police (Basic and Higher levels) have included a basic training module on *doping in sport* and *trafficking of medicinal products* (one or two sessions).
- The Higher Course programme for the Judicial Police has included the possibility of a talk by a specialist, preferably someone from the AEMPSAD.

The party responsible for implementing the contents of the said rules, their evaluation and supervision, as well as their updating, is the Civil Guard itself for its own actions, especially the structures dedicated to training.

The bodies affected (stakeholders) are the students on the Judicial Police specialization courses.

This work is executed on the basis of the general training budgets of the Civil Guard. Whenever coordinated actions are carried out with other national or international bodies, any specific funding that these bodies can provide is used.

A major effort is considered to have been made to promote the personal qualifications in the area of the fight against doping in sport within the context of a general police force such as the Civil Guard, always in line with the rest of the training needs and the availability of human, material and financial resources.

➤ Cooperating in the dissemination of an anti-doping culture

In accordance with the policy and general strategy established by the Government, the Civil Guard has a major presence on the Internet and, in particular, on the main social media, where it disseminates messages and advice aimed at prevention and the education of the citizenry about the harmful effects of using prohibited methods, the consumption of doping-related substances or the acquisition of these products over the Internet. This activity is aimed particularly at the most vulnerable sectors such as young people practising amateur and recreational sport.

Similarly, the Institution includes chapters or messages devoted to the prevention of doping in the national education plans and initiatives implemented by the Ministry for Home Affairs on co-existence and safety in the school setting, targeting parents, teachers and students at primary and secondary schools.

Finally, in coordination with the Institutions (mainly the AEPSAD) and in collaboration with the mass media, whether the general channels or those specializing in sports, the Civil Guard promotes initiatives such as the broadcasting of reports on police actions with regard to the fight against doping and the trafficking of substances prohibited under the World Anti-Doping Code, voluntary public testimonies by professional or amateur athletes involved in police investigations that contribute to disseminate the personal harm caused by the consumption of prohibited substances, etc.



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4.3.2. Promotion of codes of behaviour, good practices and ethical codes from all sources.

Models for ethical undertakings and good practices have been developed jointly with the WADA. Aimed mainly at athletes and sponsors, these have been positively welcomed by athletes and fundamentally imply a commitment to reject doping and any other practice endangering their health, the credibility of their sport and the values of fair play.

This dissemination has taken place through the different administrations directly or indirectly financing sport, and the engagement of each one has been completely different.

In this way, despite being a proposal well received by athletes, the main obstacle is the engagement of the public bodies and private entities related with sport.

Measures established by the AEPSAD

Throughout 2014, the AEPSAD has organized and/or participated in various dissemination activities related to the protection of health and the fight against doping in sport. It has also continued with the publication on its web site of scientific news stories of interest to this area.

The AEPSAD organizes a range of conferences, training seminars, etc. each year in collaboration with other educational and sporting bodies. The most significant of these organized in the last year are as follows:

- International Conference on Sport, Doping and Society.

The AEPSAD organizes the International Conference on Sport, Doping and Society in collaboration with the School of Physical Exercise and Sport (INEF) at the Polytechnic University in Madrid (UPM).

Under the slogan "Looking to the future", and focusing on the sphere of the Human and Social Sciences, the results of scientific research and new methodologies in the field of doping in sport were shared during the Conference.

The Conference also devoted a special training session targeting young students at secondary school and university discussing aspects related to the prevention of doping in sport.

During this session, the documentary entitled "The war on doping", a vision of the fight against doping over recent decades, was shown for the first time in Spain with an introduction by its producer Bjorn Bertoft (Sweden).

The event concluded with the presentation of the prizes in the Student Micro-Shorts Competition 'Living without Cheating'.

- World Cup 2014 International Volunteer Campus. Project linked to the FIBA 2014 Basketball World Cup

The goals of this Campus were to encourage and exchange good practices and the creation of networks and working groups among the different European Basketball Federations. The AEPSAD participated in their training on doping prevention and control.

The event included the participation of 120 volunteers from different countries, including players, trainers, referees, federation personnel or teams of volunteers collaborating with them.



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4.3.3. Participation of athletes and their entourage in the fight against doping.

To engage athletes and their entourage actively to achieve a clean sport and a society free from doping.

As explained in point 4.3.1., active participation in the various programmes and actions organized or coordinated by the AEPSAD.

Actions

- National training campaigns in favour of fair play, where athletes are the stars of the message.
- Inclusion of athletes in the network of anti-doping experts.
- Work platforms to carry out Activity Programmes such as “School for Parents”, “School for Trainers” at sports clubs, competitions for non-professional athletes, etc.
- Design and implementation of a Communication Plan for the different actions in the present Strategic Plan to promote its visibility.
- Design and implementation of an advisory unit for the rehabilitation of athletes subjected to penalties.
- Development of an anonymous service to provide assistance to athletes, and their entourage, with support and advice on avoiding doping.

4.3.4. Support for the creation of training programmes by sports organizers and anti-doping agencies.

In this sense and with the intention of engaging the organizers of sports events, an open programme has been designed to enable the participation of all those organizations and entities interested in taking part, in their respective scope of action, in the AEPSAD’s activities in order to disseminate the values of fair play, to encourage the safe practice of healthy sports-related activities, and to alert people to the real dangers of doping for people who enjoy sport.

The main problem is the perception by the organizers of the fight against doping as a negative aspect. Far from benefiting and strengthening their image from the standpoint of clean, healthy and safe sport, it is perceived as a negative image that could harm their brand and therefore their revenue as a private organizer of sports events.

On the other hand, the international collaboration carried out by the AEPSAD in this sense with other anti-doping agencies focuses mainly on the community of Spanish-speaking countries through support for information campaigns and education programmes for the prevention of doping.

Shortfalls

The limiting factor of this kind of collaboration is the lack of infrastructures in most of the countries in the region to be able to implement these campaigns and programmes, as well as the lack of financial resources from their governments and sports structures that facilitate the creation and consolidation of such infrastructures.

Actions

- Collaboration Agreements with clubs and sports federations defending the same interests: guaranteeing doping-free sports competitions.





4.3.5. International cooperation initiatives with relevant organizations to promote best practices.

In this area, relations are maintained not only with the WADA but also with iNADO as the organization bringing together the national anti-doping organizations, establishing a forum for exchanging experience and continuous communications among its members.

At the international level, the AEPSAD also keeps up bilateral relations with the main national anti-doping authorities and international federations. However, the exchange of experiences for continuous improvement is limited through the existence, in many cases, of different organizational structures.

In the case of Spain, the AEPSAD is a publicly-funded Authority, established as another branch of the Administration, implying that it is subject to administrative procedures. In the case of other anti-doping authorities, they belong to private entities or operate under the guise of public foundations or private foundations of public interest.

These other figures, common outside our borders, facilitate the adaptation of regulations, procedures and structures in certain matters to meet the new demands of the fight against doping, although they also present limitations in other areas.

Measures established by the AEPSAD

Over the last year, the AEPSAD has carried out or participated in the following actions:

Winter Olympics

The AEPSAD took part in the informative and training activities organized by the World Anti-Doping Agency (WADA) during the celebration of the 2014 Winter Olympics in Sochi. The head of the R&D and Education Department formed part of the group of experts convened by the WADA to inform the athletes participating at this great sporting event.

Ibero-American Seminar

The AEPSAD and the anti-doping authorities of Colombia jointly organized the “Ibero-American Seminar on the fight against doping” held in October in Cartagena de Indias (Colombia), at the facilities of the Training Centre of the Spanish Cooperation Agency (AECID).

The meeting, which attracted 34 representatives of national agencies and Olympic Committees from a score of Ibero-American countries, forms part of the working lines on international cooperation reflected in the new World Anti-Doping Code that came into force in January, 2015.

The representatives of the agencies and governments present analysed the work carried out in education, training for the prevention of doping behaviour, the planning of controls in and out of competitions, the structuring of the different agencies or the novelties implemented in questions relating to Intelligence.

The organization of the seminar received the collaboration of the World Anti-Doping Agency, through its Latin-American Regional Office.

Anti-Doping Convention of the Council of Europe Advisory Group on Compliance (T-DO COMP).

The head of the R&D and Education Department formed part of the group of experts in charge of evaluating compliance with the Council of Europe Convention by the States Parties.



4.4. RESEARCH

Strategy

To drive multidisciplinary research projects that help in the understanding of the phenomenon of doping and its eradication.

Actions

- Execution of psychological studies on perception, motivation and attitudes involved in the individual phenomenon of doping behaviour.
- Execution of sociological surveys and studies of use for approaching its social dimension.
- Scientific investigation of substances, methods and detection systems to improve prevention and control actions.
- Collaboration with the Spanish Agency for Medicines and Health-Care Products and with the Spanish Food Safety and Nutrition Agency to find solutions that can anticipate potential doping.
- Scientific dissemination actions on doping.
- Consolidation of the early alert system for the detection of new doping-related substances.
- Development and implementation of smart control programmes for the detection of possible doping among high-level athletes.
- Intensification of the work on Intelligence to understand the emergence of new emerging doping-related methods and substances, and the sports doping trafficking networks.

Scientific research is one of the cornerstones of the socio-economic growth of developed countries, transforming those with the greatest investigation skills into the holders of knowledge and patents that, in the long run, add value to their strategic growth and in turn contribute to even better development.

This scientific research helps transform society in the country where it takes place by helping in the transition of a country's economy from the primary sector (agriculture) to the tertiary sector (services).

Scientific research in Spain represents less than 2% of GDP, a figure that does not correspond the amounts devoted to research in other European Union countries and light years away from the United States and other technologically advanced countries.

Starting from this basis, the largest budget headings in research correspond mostly to the biomedical sciences and defence, with the budget headings for sport areas included within the much scatter area of the social sciences. (Please see Figure 1)





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Fig 1. Budget credits for R&D for socio-economic objectives in 2011, the latest statistic published by the Ministry of Economy and Competitiveness. Public Funding for R&D (Initial and Final Budget). GBAORD statistics.

NABS SOCIO-ECONOMIC GOALS (1)	TOTAL	%
1. Exploration and Exploitation of the Terrestrial Environment	77.394,7	1,1
2. Environment	330.664,8	4,6
3. Exploration and Exploitation of Space	355.814,3	4,9
4. Transport, Telecommunications and Other infrastructures	345.428,9	4,8
5. Energy	280.800,7	3,9
6. Production and Industrial Technology	531.819,6	7,3
7. Health	1.055.825,4	14,6
8. Agriculture	548.887,7	7,6
9. Education	79.063,9	1,1
10. Culture, Leisure, Religion and Mass Media	66.387,6	0,9
11. Political and Social Systems, Process Structures	109,925,5	1,5
12. General Advancement of Knowledge: Financed by the FGU (2)	1.921.388,0	26,5
12.1 R&D in connection with Natural Sciences	353.960,4	
12.2. R&D in connection with Engineering	493.833,2	
12.3. R&D in connection with Medical Sciences	397.907,7	
12.4. R&D in connection with Farm Sciences	173.113,6	
12.5. R&D in connection with Social Sciences	289.679,7	
12.6. R&D in connection with Human Sciences	212.893,4	
13. General Advancement of Knowledge: Except those financed by FGU	1.427.534,4	19,7
13.1 R&D in connection with Natural Sciences	511.441,2	
13.2. R&D in connection with Engineering	313.144,9	
13.3. R&D in connection with Medical Sciences	293.909,1	
13.4. R&D in connection with Farm Sciences	70.124,4	
13.5. R&D in connection with Social Sciences	167.141,4	
13.6. R&D in connection with Human Sciences	121.336,8	
14. Defence	121.336,8	1,7
99. TOTAL	7.252.316,2	100

(1) Nomenclature for the Analysis of Scientific Programmes and Budgets (NABS 2007)

(2) FGU: General University Funds

As established in the Draft Plan for the Fight against Doping in Sport, under Preventive measures, Research, the need for research in doping is stressed both to provide solidity and robustness to the methods for detecting doping-related substances and also for to understand the social perception of doping in sport.

This Comprehensive Action Plan against Doping in Sport was approved by the Spanish Cabinet on February 11th, 2005, when it adopted 59 specific measures in the fight against doping, and particularly five measures with regard to research. These fight lines have been embodied in the two fundamental laws against doping subsequently enacted.

On the other hand, the World Anti-Doping Agency (WADA) in Article 19 of its 2015 World Anti-Doping Code establishes the research lines pursued in Spain by the researchers at the doping laboratories control in Madrid and Barcelona, as well as the Spanish universities and hospitals engaged in research projects on this topic.

➤ Purpose and goals of anti-doping research.

Anti-doping research contributes to the development and implementation of efficient Doping Control programmes, and also information and education programmes for doping-free sport. All States Parties must, through mutual collaboration and the assistance of governments, encourage



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and promote such research and take all reasonable measures to ensure that the results of the research are used to pursue goals consistent with the Code's principles. Spain follows this line of work as indicated above in the goals and actions of the AEPSAD.

➤ Research types.

Relevant anti-doping research may consist, for example, in sociological, legal, ethical and behavioural studies, as well as medical, analytical and physiological research. Studies are being carried out to design and evaluate the efficacy of physiological and psychological training programmes based on scientific methods that are consistent with the Code's principles and respect the integrity of individuals, as well as studies on the use of newly-emerging substances or methods that may arise as a consequence of scientific advances.

➤ Research coordination and sharing of results.

The coordination of anti-doping research through the WADA is essential. Without prejudice to the intellectual property rights, the WADA and, where necessary, the States Parties, Athletes and other interested parties, are provided with copies of the results of the anti-doping studies.

➤ Research practices.

Anti-doping research in Spain follows internationally-acknowledged ethical principles.

➤ Research using Prohibited substances and Prohibited methods.

Anti-doping research prevents the administration of Prohibited substances or Prohibited methods. Athletes participate in the study and research programmes.

➤ Improper use of the results.

The research units adopt adequate precautionary measures so that the results of anti-doping research is not used for the benefit of doping.

4.4.1. Supporting and promoting research

Actions

- Main line: Awareness of existing research lines:

A list of research lines is established below starting from their classification as specified by the WADA:

1. Research into doping-related substances (as classified by the WADA):

- Project category:

- Detection of Prohibited Substances/Methods: classic methodologies in analytical chemistry
- Detection of Prohibited Substances/Methods: immunological and biochemical methodologies
- Detection of Prohibited Substances/Methods: novel methodologies
- Identification and/or detection of novel substances (not on the current Prohibited List) with suspected doping potential
- Pharmacological and physiological studies on doping substances/methods

- Substance/Method category (mark all that apply)

- Anabolic steroids/agents
- Hormones and related substances:
 - Erythropoietin



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- Growth hormone
- Insulin-like growth factor-I
- Gonadotrophins
- Insulin
- Other (please specify)
- Beta-2-agonists
- Hormone antagonists and modulators:
 - Anti-oestrogens
 - Myostatin inhibitors
 - Other
- Diuretics and masking agents:
 - Diuretics
 - Masking agents
- Enhancement of oxygen transfer:
 - Autologous blood transfusions
 - Homologous blood transfusions
 - Other (please specify)
- Chemical and physical manipulation
- Gene doping:
 - Gene transfer
 - Gene manipulation
- Stimulants
- Narcotics
- Cannabinoids
- Glucocorticosteroids
- Other substances or methods (please specify)

2. Social research into doping.

- Social studies of athletes
- Education.
- Psychology.
- Moral values in athletes.
- Moral values in adolescent athletes.
- Information Sciences.
- Economics.
- Philosophy.
- History.

3. Research into the legal area

- Personal data processing.
- Sports law.

Description/Strategy:

Main line: Accumulate data

From the study of the research lines listed, it is possible to develop and identify which research lines have been developed in Spain in recent years by research groups or else at doping laboratories (Madrid, Barcelona) or at universities or independent scientists.

This list has also taken into account doctoral theses produced in recent years in those areas not susceptible to other forms of research (law, social sciences).



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RESEARCH IN THE LEGAL AREA	
Processing of personal data	THE PROTECTION OF ATHLETES' CONSTITUTIONAL RIGHTS IN THE CONTEXT OF THE FIGHT AGAINST DOPING. University of Deusto. (MINECO)
	Research project SEJ2006-06663/JURI (MEC) -- LIMITS OF THE PROTECTION OF PRIVACY. University of Valencia
	Research project P07-FQM-02870 (Andalusian Regional Government) -- NEW SOCIAL CONFLICTS: THE ROLE OF PRIVACY. INTERDISCIPLINARY AND COMPARATIVE LEGAL ANALYSIS. University of Valencia
	Research project 23-UPV20-08 (MEC) -- INCIDENCE OF DOPING PREVENTION, CONTROL AND REPRESSION MEASURES ON ATHLETES' PRIVACY AND PERSONAL DATA. SPECIAL REFERENCE TO CRIMINAL LAW ASPECTS. University of Valencia
	THE PROTECTION OF ATHLETES' CONSTITUTIONAL RIGHTS IN THE CONTEXT OF THE FIGHT AGAINST DOPING: INCONSISTENCIES AND CHALLENGES. Carmen Pérez González. King Charles III University in Madrid
Sports Law	A PROBLEM WITH THE FIGHT AGAINST DOPING: RESPECT FOR ATHLETES' RIGHT TO PRIVACY. José Luis Pérez Triviño. Pompeu Fabra University
	THE RULE OF LAW AND THE FIGHT AGAINST DOPING. Julia Amada ALVAREZ VIEJO. Thesis. University of Oviedo
	ADMINISTRATIVE INTERVENTION AND THE EXERCISE OF DELEGATED PUBLIC FUNCTIONS BY THE ANDALUSIAN SPORTS FEDERATIONS. PARTICULAR STUDY OF SPORTS LICENCES, THE EXERCISE OF THE POWER TO IMPOSE DISCIPLINARY PENALTIES IN SPORT, DOPING AND VIOLENCE. Santiago PRADOS PRADOS. Thesis at the University of Cádiz
	DOPING IN SPORT AND INTERVENTION. Daniel PENALIBARS VELASCO. Thesis. University of Lerida

Fig. 4. Research into legal issue.

Goals

Main line: Improve engagement at all levels.

It is quite complex to identify research in the field of doping in view of the atomized nature of its study at universities and at research groups with independent research lines.

There is no scientific anti-doping network providing coverage through collaboration agreements with universities and the doping control laboratories in Madrid and Barcelona.

As established in the Draft Plan for the Fight against Doping in Sport, under Preventive measures, Research, this Comprehensive Action Plan against Doping in Sport was approved by the Spanish Cabinet on February 11th, 2005, when it adopted 59 specific measures in the fight against doping, and particularly five measures with regard to research. These fight lines have been embodied in the two fundamental laws against doping subsequently enacted.

Dissemination

Main line: Verification.

There are very few publications on the subject of doping by research groups.

Thus it can be seen that, as an objective statistic, only 324 of the 23,354 publications on doping in Pub Med are Spanish.

We are of the opinion that the main reasons are:

- Publication in high impact journals without prior payment makes it very difficult for Spanish publications to be accepted.
- Publication in high impact journals with prior payment involves a very high cost, approximately 2,000 dollars on average.
- Publication of research is not subsidized in Spain as at the universities of other Member States.

In conclusion, we could say that scientific teams do not receive any financial assistance for the publication of their research results and depend entirely on their personal efforts. If we add to this the cutbacks in education at Spanish Universities, these are unable to finance their own consolidated research groups and this has an impact on publications. A table is given below with the highest impact journals admitting articles related to sport and in some cases articles on doping.



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Summary of the main journals with doping publications, showing impact index and cost of publication.

- American Journal of Sport Medicine. <http://ajsm-submit.highwire.org>
- British Journal of Sports Medicine. <http://submit-bjism.bmjournals.com>
- International Journal of Sports Medicine. <http://mc.manuscriptcentral.com/ijsm>
- Journal of Applied Physiology. www.apscentral.org
- Medicine and Science in Sports and Exercise.
- Journal of Sports Sciences and Medicine www.editorialmanager.com/msse
- Scandinavian Journal of Medicine & Science in Sports.
<http://mc.manuscriptcentral.com/sjmss>
- Exercise and Sport Sciences Reviews.
- Journal of Motor Behaviour.
<http://www.tandfonline.com/pricing/journal/vjmb20#VGH53zSG88k>
- Sports Medicine. <https://www.editorialmanager.com/spoa/>
- Archives of physical medicine and rehabilitation.
<https://secure.jbs.elsevierhealth.com/action/activateClaim?code=yapmr-site>
- Journal of Shoulder and Elbow Surgery.
<https://secure.jbs.elsevierhealth.com/action/e-commerce?code=ymse-site>
- European Journal of Sport Science (EJSS). <http://www.jssm.org/submission.php>

Among national publications (none with an impact index), there are no specific journals on research into doping.

Special mention should be made of the presence of a National Research Prize in Sports Medicine at the University of Oviedo, which has given rise to medical research in the area of doping. Over the last few years, this award has recognized the efforts of over 10 research projects related with investigation into the use and consumption of doping-related substances.

Persons Responsible for Research

Main line: Depending on each project.

The atomization of work groups means that the person leading each project is responsible for both the research and its dissemination.

To achieve results, research groups have to be consolidated and maintain a history of at least 8 years to achieve the results expected from the hypotheses posited. Research grants, however, are for 3 or 4 years. This makes it necessary for projects to be presented and financed at least 2 or 3 times to obtain a happy outcome with their results.

Despite the funding obtained by research groups, a large part of their budgets is devoted to acquiring equipment and material for experiments, with the financing barely covering the hiring of research personnel (FPI: training of research personnel; FPU: training of university personnel). In the last year, only one project in the sports area opted for FPI.

This means that in most cases the researchers in the group have to make a huge effort as they must combine their teaching activities with their research.

Stakeholders

Main line: Media

Serious difficulties confront dissemination. Not only publication but also access to other intercommunication systems in the scientific, legal, social communities.



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As mentioned in the previous point and later in section VII, there are real economic difficulties facing research: endowments are very small and it is necessary to skimp on publication and dissemination expenses for scientific studies and research.

We feel that this is a mistake as it is throwing away the social return on the project namely the awareness of the research and the benefits for the scientific community and for sport in general.

In recent years, the presence of news about research in doping has been very scant in the scientific dissemination networks such as “Madrid I+D”, “Fecyt”, “Red Iris”, etc.

“researchGate” is a portal for researcher to exchange their findings, scientific achievements and articles. It contains items on doping and has provided for contact among these researchers, particularly in this field.

Evaluation/Supervision

Main line: Scant contribution by the MINECO and the WADA

According to 2014 data from the Directorate-General for Scientific and Technical Research’s Subdirectorate-General for Research Projects on projects submitted for the 2013 call for proposals on research projects on “excellence”, “research challenges” and “explore” projects (Please see Figure 5 and Figure 6).

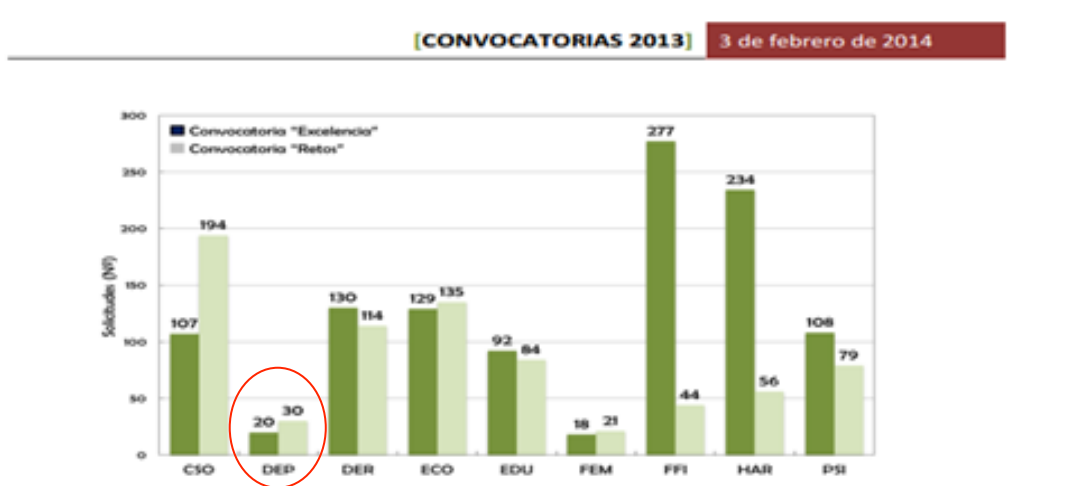


Fig. 5. Research projects submitted to the 2013 call for proposals on “excellence” “challenges” and “explore” (sports projects circled in red)

<i>CSO</i>	<i>Social Sciences</i>	<i>FEM</i>	<i>Feminist studies on women and gender</i>
<i>DEP</i>	<i>Sports Sciences</i>	<i>FFI</i>	<i>Language and Philosophy</i>
<i>DER</i>	<i>Legal Sciences</i>	<i>HAR</i>	<i>History and Art</i>
<i>ECO</i>	<i>Economics</i>	<i>PSI</i>	<i>Psychology</i>
<i>EDU</i>	<i>Education Sciences</i>		





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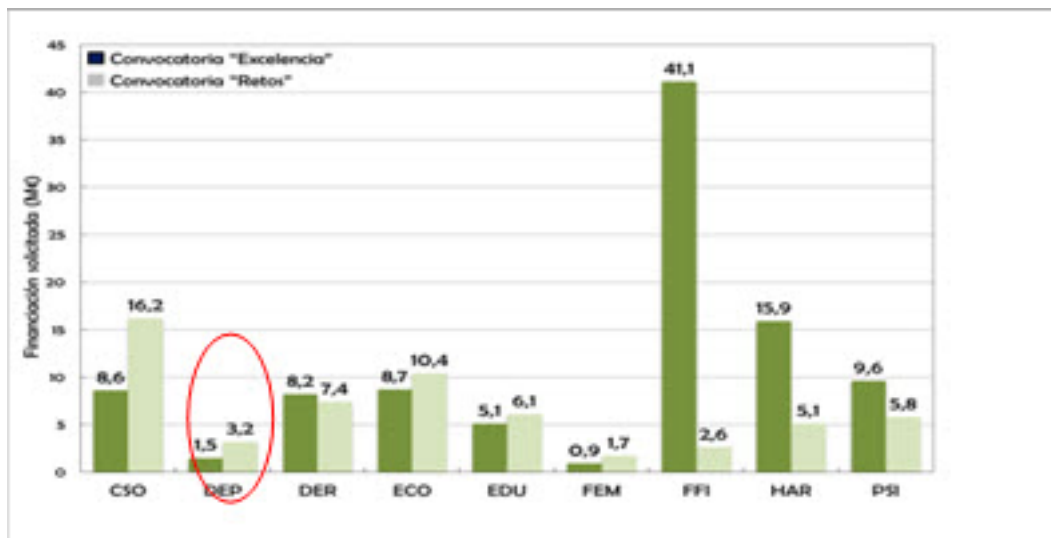


Fig. 6. Research projects funded in the 2013 call on "excellence" "challenges" and "explore" (sports projects circled in red)

CSO	Social Sciences	FEM	Feminist studies on women and gender
DEP	Sports Sciences	FFI	Language and Philosophy
DER	Legal Sciences	HAR	History and Art
ECO	Economics	PSI	Psychology
EDU	Education Sciences		

- Financial aid from the World Anti-Doping Agency (WADA):
 - Very few of the projects approved by the WADA are from Spain.
 - Preliminary studies are required in order to obtain the award of funding by the WADA.
 - Of the 40 awarded in the area of doping-related substances, 5 are for Spain, the rest for other countries.
 - In the social area, the projects funded by the WADA in Spain are even harder to find.
- Partnership for Clean Competition (PCC): (www.cleancompetition.org)

This association founded in 2008 by the US Olympic Committee, the American Football League, the American Baseball League and the US Anti-Doping Agency is a not-for-profit organization working to protect the integrity of sport and public health through participation in and support for the best scientists and innovators in the world for high quality research and the development of anti-doping rules. The PCC supports independent scientific research through subsidies aimed at different universities and other world-class research institutions contributing to combat the fundamental causes of doping and, ultimately, to reduce the use of drugs to improve the performance of participants in all sports and at all levels.

Funding has to be sought collectively for multiple anti-doping laboratories; it is very difficult to achieve funding through these channels unless there are prior results to call on.

- European Union

Years ago, the European Parliament approved a Resolution based on the report submitted by the Greek MEP Manolis Mavrommatis setting out the White Paper on Sport and proposing a series of measures to fight against doping, including the following:

- Fight against irregularities through long-term testing, research, trials and controls using independent physicians and developing prevention and training measures;



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- Declare the trade in illegal doping-related substances equivalent to drug trafficking and adapt national legislations in this sense;
- Establish shared positions with respect to the Council of Europe, the World Anti-Doping Agency (WADA) and the UNESCO through the exchange of information and good practices between governments, national organizations for the fight against doping and laboratories.
- Request the Member States that have not yet done so to sign the Unesco Convention against doping in sport;
- Ask the Union, as a participant in the WADA, to strengthen existing networks first of all to fight doping, and only afterwards to create new associations between those responsible for enforcing the law, the laboratories accredited by the WADA, Europol and Interpol with a view to exchanging information about new substances and doping practices in a timely and secure fashion;
- Create a policy aimed at preventing and combating doping that avoids excessively overloaded calendars putting athletes under pressure;
- Ask professional clubs and sports organizations to adopt the undertaking to fight against doping and to monitor its compliance through independent internal and external checks;
- Request the research framework programme and the public health programme to assign funds for research into doping;
- Ask Member States to ensure that young athletes receive better information and education about doping-related substances, medicines subject to medical prescription that may contain such substances, as well as the implications these may have for health;
- As of this date, there are no specific items on doping matters in the Horizon 2020 aid plan for development in 2016-17.
- The inclusion of the following items has recently been requested in the health and lifestyle are through the King Charles III Institute. They come from proposals submitted by the Research Committee at the “San Carlos” Teaching Hospital:

1. PM06.- 2017: It is necessary to implement :

- Efficacy of diet, nutrition and physical activity on obesity in the youth. (SME target 30%). Combining diet with physical exercise are two of the basics actions in the fight against childhood obesity.
- Effects of physical activity in cardiovascular diseases (therapy and prevention). Preventing programs for sudden death in sports. Pre-participation screening for detecting cardiovascular abnormalities in sport. (SME Target 100%).

It is crucial to perform exercise programmes to prevent cardiovascular disease and sudden death. These programmes should include healthy habits, nutrition and certain physical characteristics. On the other hand, people who play intense sports activity have a higher incidence of sudden death than non-athletes (athletes 1.6 deaths per 100,000 versus 0.75 per 100,000 non-athletes) according to epidemiological studies.

In terms of age and prevalence (defined as the proportion of individuals in a group or population who have a particular feature or event at a time or in a given period) of sudden death during sports activity, and in athletes younger than 35 years, the risk is exceptionally small and estimated incidence of 1/200.000 persons / year, while in those over 35 years, the risk of sudden death is estimated at 1/18.000 persons / year.

One of the strong points in the fight against sudden death in athletes is the pre-medical sport examination.

2. PM08- 2016: Reduction of pharmaceutical expenditure due to the application of physical activity programmes in chronic disease management. (SME Target 100%).

The practice of regular physical exercise reduces the consumption of drugs used in managing chronic diseases, such as diabetes, metabolic syndrome, hypertension, rheumatic diseases, heart disease.



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3. PM14- 2016: Active and Healthy Ageing based on the Prescription of Exercise

4. PM18- 2017: Personalized coaching for well-being of older persons through the realization of physical activity or exercise.

5. HOA XX- 2016/2017: Prevention and control of health protection in the fight against doping in sport. The development of new methods to detect doping substances and the creation of an International Standard for Laboratories (ISL) to ensure production of valid test results in doping controls.

- Most of the doping substances are dangerous for the health, they have well documented negative consequences in short and long term, in some cases with serious psychological effects, there are many examples of doped athletes that became addicted to social drugs.
- To remove doping in sport is a key point to transmit “fair play” to our European community. Elite athletes are, all over the world, an icon followed by young people and to avoid doping in sport is a key element to preserve ethics and education for the well-being of our European society.
- Throughout sport there are strong economic interests where interested parties that practice doping could have knowledge and resources to develop new strategies (new EPOs, gene doping, specially designed steroids, etc.). So as to close the gap between people promoting doping and the anti-doping authorities, it is necessary to invest money in new methods and strategies.
- There is a really active group of researchers in the anti-doping field in Europe. More than the 40% of WADA accredited laboratories are located in Europe, to invest in these efforts signifies the promotion of Europe through their research.

Shortfalls

The Comprehensive Action Plan against Doping in Sport was approved by the Spanish Cabinet on February 11th, 2005, when it adopted 59 specific measures in the fight against doping, and particularly five measures with regard to research. These fight lines have been embodied in the two fundamental laws against doping subsequently enacted and include the following.

- 34. Science and Sports in the National R&D+i Plan

Drive the actions necessary to develop, as part of the National R&D+i Plan coordinated by the Interministerial Commission for Science and Technology, a programme on science in sport, with three specific sub-programmes: research lines against doping; sports technology and performance; and promotion of physical exercise and sport.

- 35. Scientific anti-doping network

Signing of a collaboration agreement between the two internationally recognized anti-doping laboratories in Spain. Establish a strategic collaboration framework with university departments, public research bodies and laboratories.

- 36. More detection methods

Development of new certified methods enabling the detection in blood samples of synthetic haemoglobins, plasma expanders and different types of blood transfusion.

- 37. Sport Administration and Management System.

Explore the technical and legal possibilities to adapt the computer software developed by the WADA, Anti-Doping Administration and Management System (ADAMS), including the handling of information about the whereabouts of athletes, a digital information centre and a database of the controls performed.



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- 38. Evaluate the social perception of doping in sport

Include in the Survey on Spaniard's Sports Habits, conducted by the Sociological Research Centre (CIS) as the continuation of the historical series begun in 1975, a specific section enabling the evaluation of the social perception of doping in sport, its dimension, as well as the attitudes, behaviour and predominant valuations among the population.

Budgets/Resources

1. Research budgets have been analysed previously and it can be seen that it is complicated to obtain a subsidy for a project from the Spanish public administration.
2. Doctoral theses are funded by the interested parties themselves, except for university lecturers who receive assistance from the university administration to complete their doctoral theses.
3. There are few private organizations in Spain that finance research and so far none, as far as we are aware, financing research into doping. (Please refer, by way of example, to the Ramón Areces Foundation, or other national research prizes, or assistance with private research).

However, it is necessary to highlight the presence of the National Prize for Research in Sports Medicine, that has recognized over 10 research projects on doping in the last 5 years.

By way of example, it should be indicated that an even greater cutback took place in Spain in 2012: 6.4 billion in R&D, 25.5% less than the previous year: a reduction of 2.2 billion.

Conclusion

In conclusion, it can be established that the resources for research are scant, research into sport only obtains 1.5% of the total; the percentage of that research dedicated to doping is very low. When funding is obtained, travel expenses for the research team to visit other centres and universities too share knowledge are eliminated, as are publication expenses, seriously hindering what has been mentioned above regarding publication and dissemination of research.

4. 4.2. Exchange of results from anti-doping research

The exchange of anti-doping research outcomes is not adequate and should be enhanced with other countries and other universities.

From a national perspective, the scant number of research projects at national level does not facilitate the inclusion of research groups in other countries nor the realization of work through European projects as they are not contextualized in a specific area and it is necessary to compete in both biomedical and social areas.

Research projects or transcultural adaptations from other countries are few and far between, barring a minimal number of exceptions in the Social area. It should be stressed that the latest research proposals from the WADA and the IOC are to boost differential research projects between countries for a better understanding and improvement of the anti-doping battle from a global perspective.

Attempts have been made to boost anti-doping agreements with Australia, and an agreement has been signed in this regard, but these have not enabled research projects in the field of doping. (The agreement signed and the letter of support from the AEPSAD are attached).

Collaboration exists between different laboratories and the Madrid and Barcelona laboratories, however this collaboration is still scant and should be boosted in both the technical area and also in research. Some of these are:



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- Technical assistance for the Doping Control Laboratory in Buenos Aires, currently seeking accreditation by the World Anti-Doping Agency. During 2013, the analyst specializing in LC-MS and quality assurance, Gloria Muñoz García, travelled to Buenos Aires to inspect *in situ* the degree of development and implantation of the different methodologies and team management.
- Scientific collaboration with the Doping Control Laboratory in Beijing (China) to exchange knowledge in various areas. In 2013, two analysts from the Beijing laboratory carried out technical activities at the Laboratory in Madrid. This collaboration is expected to have a reciprocal exchange in 2014.

4.4.3. Support for research into sport sciences in fulfilment of the Code's principles and the use of the results by athletes and sports entities

As explained above, the overall vision is that research is difficult, disjointed, atomized and a titanic effort with little repercussion in terms of the exchange of doping research results or its repercussion on the sporting community (athletes and sports entities).

As already indicated, the 2015 World Anti-Doping Code places special emphasis on:

- Coordination of research projects and sharing of outcomes.

The coordination of anti-doping research through the WADA is essential. Without prejudice to the intellectual property rights, the WADA and, where necessary, the States Parties, Athletes and other interested parties, are provided with copies of the results of the anti-doping studies.

Unfortunately, research at the WADA is only a research group level, there are no efforts to integrate research projects to combine the efforts of the groups themselves, thus hindering the achievement of a higher number of outcomes.

- Research practices.

Anti-doping research must abide by internationally recognized ethical principles.

Practically all research projects conducted in Spain abide by internationally recognized ethical principles such as the Helsinki declaration on ethical aspects in research with humans. Also, almost all national research projects observe the personal data protection regulations (Personal Data Protection Act (Fundamental Law 15 dated December 13th, 1999)).

Although not all research projects into doping-related substances include the concept of a physician responsible for monitoring and complying with the applicable regulations when using doping-related substances applied to athletes, most of these are approved in advance by the ethical review boards of Hospitals or Universities as well as by the Medicines Agency when clinical trials are involved.

- Research using Prohibited Substances and Prohibited Methods.

Anti-doping research must avoid the administration of Prohibited Substances or Prohibited Methods to Athletes.

As specified in the preceding section, it is however regrettably necessary to conduct research using prohibited substances and methods in order to improve the detection of these substances by laboratories.

In all these cases and to safeguard the Health of Athletes participating in the study, these projects are based on ethical principles such as the Helsinki Declaration, the Personal Data Protection Act



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(Fundamental Law 15 dated December 13th, 1999), and are Authorized by the Medicines Agency when they involve clinical trials.





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V. EVALUATION OF THE POLICIES APPLIED

Evaluation of Analytical Statistics

There is no doubt that the leading indicator for measuring the efficacy and efficiency of policies would be to analyse the number of controls performed each year, and what percentage of these give a positive result, and to view the evolution of these figures over the years.

The statistics below show the number of trials conducted in Spain in the last 4 years; they include Spanish and foreign athletes competing and/or training in Spain.

The number of tests carried out and adverse cases detected during 2011 at the Doping Control Laboratory was as follows:

	Urine				Blood			
	In Competition		Out of Competition					
	Samples analysed	Adverse cases	Samples analysed	Adverse cases	Samples analysed	Adverse cases		
National	3,852	78	1,906	18				
International	1,143	25	312	1				
Subtotal	4,995	103	2,218	19	70	0		
	Samples analysed for haematological profile (ABP)							
	563							
TOTAL OF SAMPLES ANALYSED	7,846							

The number of tests carried out and adverse cases detected during 2012 at the Doping Control Laboratory was as follows:

	Urine				Blood			
	In Competition		Out of Competition		In Competition		Out of Competition	
	Samples analysed	Adverse cases	Samples analysed	Adverse cases	Samples analysed	Adverse cases	Samples analysed	Adverse cases
National	3,476	75	1,864	6	3	0	173	0
International	937	33	177	0	6	0	13	0
Subtotal	4,413	108	2,041	6	9	0	186	0
	Samples analysed for haematological profile (ABP)							
	447							
TOTAL OF SAMPLES ANALYSED	7,096							



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The number of tests carried out and adverse cases detected during 2013 at the Doping Control Laboratory was as follows:

	Urine				Blood			
	In Competition		Out of Competition		In Competition		Out of Competition	
	Samples analysed	Adverse cases	Samples analysed	Adverse cases	Samples analysed	Adverse cases	Samples analysed	Adverse cases
National	2.647	44	1.030	2	28	1	11	0
International	653	9	188	2	37	0	6	0
Subtotal	3.300	53	1.218	4	65	1	17	0
	Samples analysed for haematological profile (ABP)							
	112							
TOTAL OF SAMPLES ANALYSED	4.712							

The number of tests carried out and adverse cases detected during 2014 at the Doping Control Laboratory was as follows:

	Urine				Blood			
	In Competition		Out of Competition		In Competition		Out of Competition	
	Samples analysed	Adverse cases	Samples analysed	Adverse cases	Samples analysed	Adverse cases	Samples analysed	Adverse cases
National	3,017	40	735	2	30	0	71	0
International	1,335	12	252	2	74	1	84	0
Subtotal	4,352	52	987	4	104	1	155	0
	Samples analysed for haematological profile (ABP)							
	798							
TOTAL OF SAMPLES ANALYSED	6,396							

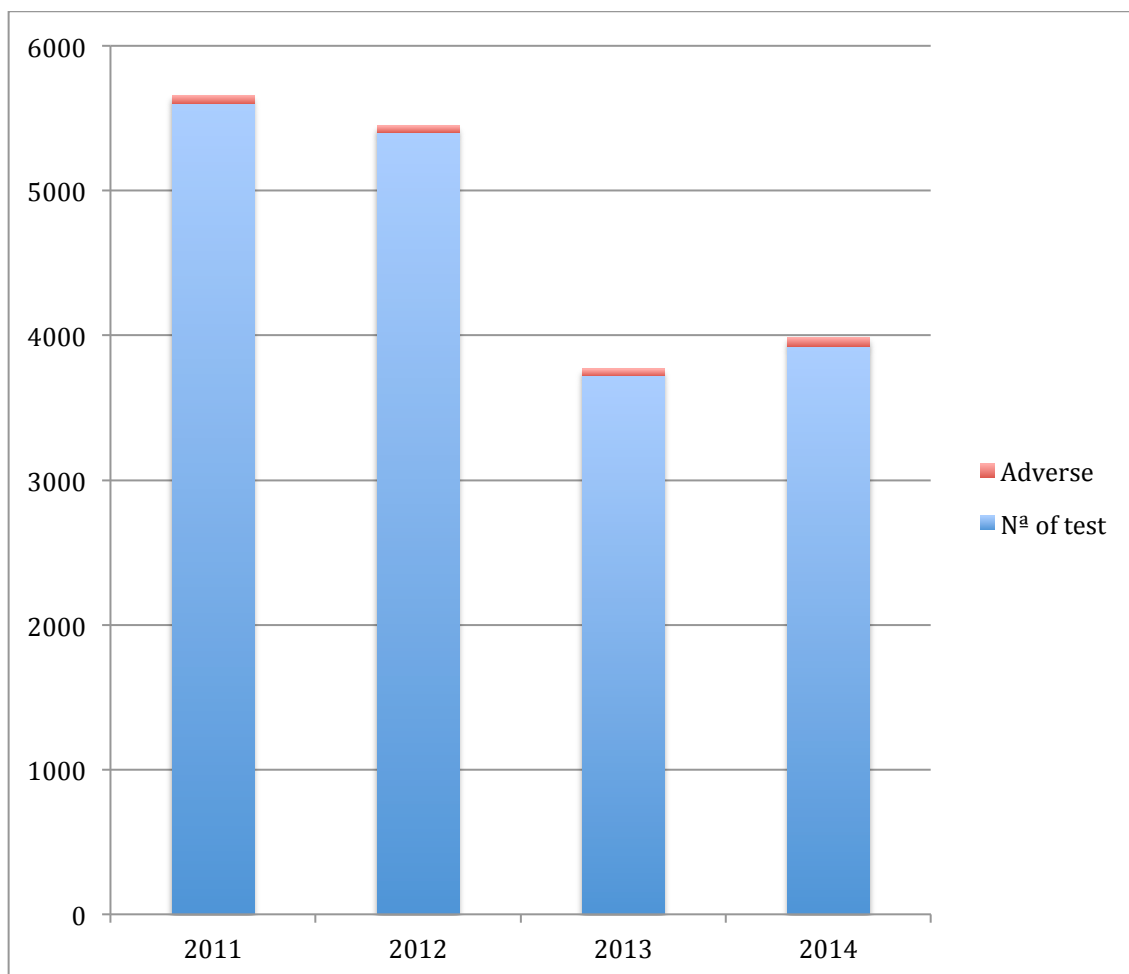
These tables reflect that Spain, in its firm commitment to fight doping, is one of the countries effecting the largest number of analyses among the athletes competing and training in Spain, both in and out of competition.





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Comparison of the last 4 years in the number of analyses performed on athletes with a Spanish federation licence and the number of adverse controls:



As can be observed, the data show that the percentage of cases of doping in Spain is very small and similar to that in our neighbouring countries.

The results of the analysis of the samples indicate that most of the samples, on average around 99% each year, show no presence of any prohibited substance nor evidence of the use of prohibited methods by the athlete.

Versus this, approximately 1% (annual average over the last 4 years) gave an adverse result, with the presence of substances not justified by any Therapeutic Use Exemptions. The average percentage per year in the analyses performed by the WADA is around 1.1-1.3%.

It can also be seen that, since 2013, the number of controls conducted in Spain has come down. The main reason is that the controls were previously carried out by the different National Sports Federations and after 2013 the AEPSAD assumed responsibility for performing all controls within national territory. This has enabled better planning and a much more coordinated and independent way of working, leading to an improvement in the efficacy and efficiency of the actions, at the same time as it has optimized the resources used for the purpose.

It could therefore be concluded that the efforts being made in Spain in recent years to prevent, deter and control doping are giving positive results, and are in line with nearby countries applying similar policies in favour of the fight against doping.



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Evaluation of the actions of the State Security Forces

On the basis of the foregoing, the following is established:

- The Spanish Security Forces (FCSE) and, in particular the Civil Guard, participate actively in the fight against doping in sport through multiple actions and initiatives, in accordance with the provisions contained in the international Convention against Doping in Sport (UNESCO).
- The FCSE are comprehensive police forces and so their efforts in the fight against doping are not exclusive to this area but must be construed within their general mission of protecting the free exercise of rights and freedoms, ensuring the safety of the citizenry, the investigation of crimes and the capture of criminals.
- For this reason, despite being obliged to dedicate effort, resources and budget to all these issues and threats related to security, the problem of fighting doping is handled with particular attention and interest.
- The treatment given, although guided by an essentially policing approach and adjusted to the legal provisions in force in Spain, is viewed from a multidisciplinary standpoint through the integration of their capacity and under the general principle of national and international cooperation and coordination with the various players and public and private bodies affected.
- The efforts made are considered to be major and highly satisfactory, although, as with any aspect, they can always be improved, taking into account on this point the natural limitations on resources and budget.

Evaluation of the measures based on the opinion of the mass media.

These conclusions are based on journalistic articles and opinions published in the media.

- Doping is considered by the media as one of the worst scourges in sport, not only because it alters the outcomes of sports competitions but, above all, because of the harm it causes to athletes' health. Laws have been enacted in Spain to combat doping with a major public intervention on this matter.
- There has been a change in Spain since 2005, when the governmental authorities adopted a zero tolerance stance against doping as an over-arching action by the public powers extending beyond the strictly sporting arena. Although it has encountered obstacles and difficulties along the way, the general impression is that these policies are bearing fruit.
- Spain is at the same level as those countries receiving one of the highest scores in term of compliance with the UNESCO International Convention against Doping in Sport, with 93 per cent. This evaluation takes into account such aspects as national activities against doping, the initiatives undertaken in education and training, research and international cooperation.
- To a certain extent, both the IOC and the WADA have taken advantage of the various Olympic Bids submitted by Spain in recent years to accelerate the speedy adaptation of national legislation and regulations to international standards. In view of their power and influence at the time, full compliance with the WADA regulations was a necessary condition.
- Doping in recreational sport and its related settings, such as gyms, is a major problem affecting Spain.
- International cooperation is going well with regard to the fight against doping in elite sport, but so far cooperation between EU Member States at the international level in the fight against doping in recreational sport has been very limited.



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Evaluation of the measures based on the opinion of athletes.

These conclusions are based on conversations held with athletes and representatives of associations of Spanish athletes.

- Many of them consider both the WADA and the AEPSAD to be carrying out a magnificent task in the fight against doping and believe that they should continue seeking new formulas for analysis and also for prevention policies. They positively rate all the efforts being made in the promotion of clean sport, education in values for the very young (a fundamental aspect for the education of fully rounded individuals, not just athletes), concern for athletes' health, for anti-doping controls, ...
- Although international cooperation has improved in terms of the fight against doping, work has to continue in this direction, as they consider it a key aspect. Particularly with regard to athletes' entourage.
- They view with some concern the data privacy policy and data management.
- Work has to continue on the training programmes aimed at preventing doping, especially among the very young. Not only with respect to elite sport but also recreational sport (gyms). For this purpose, collaboration between the sports entities, governments and leading athletes is of vital importance.
- No resources should be spared when it comes to the fight against doping, especially considering this aspect important in the policy on athletes' whereabouts and the controls performed out of competition.
- As of today, the collective of Spanish athletes is much more committed to the fight against doping. This undertaking is shown in their active involvement in the campaigns and programmes carried out through the AESAP in collaboration with their associations. This commitment is also evident in the social media where campaigns against doping and athletes taking drugs are promoted by Spanish athletes. For example //dopingforlosers//
- Most of them also feel that the situation with doping in Spain has improved markedly and both the operations carried out against doping and the constant prosecution of those persons in athletes' entourages who do not act within the rules have generated a feeling of NO tolerance towards doping.
- Nonetheless, many of them still see this problem with some concern and cite as reasons for this concern:
 - The emergence of new medicines and methods for doping that, albeit no proven to exist, are rumoured and may already be in operation, such as gene doping for instance.
 - The lack of resolution, for legal and administrative reasons, regarding some of the operations carried out against doping in Spain. For example, "Operation Puerto" and "Operation Galgo", among others (both prior to the approval of Fundamental Law 03/2013)
 - The lack of unification in the criteria from one country to another when establishing procedures for the resolution of doping cases through administrative and judicial routes.
 - Lack of unification in the procedure for taking doping control samples by the different organizations, such as the UEFA or other bodies, who do not follow the procedures established by the WADA when taking doping control samples from athletes, such as being able to take a shower before the doping control, etc. This creates concern and unrest among athletes, as well as being grounds for the cancellation of some doping tests through discrepancies with the procedure.

Evaluation of the measures based on social aspects.

During the preparation of this report, we have not encountered practically any study of how doping is perceived in society. The few papers that exist do not have any scientific rigour in their preparation, or else the questions do not conform to the interest of this study.



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For this reason, we will use as a sample a survey conducted by the AEPSAD in its “Living without cheating” programme among primary and secondary school students between 12 and 16 years of age. The data shown in this report correspond to the questionnaire completed by students at all the participating centres before and after their participation in the programme. Furthermore, part of the teaching staff also took part and completed the questionnaire.

The data shown reflect a first impression of the opinions held by Spanish schoolchildren about doping, and may be used as the basis for future research. In addition, the results enable certain recommendations to be made for consideration in future editions of this or other similar programmes.

Goal

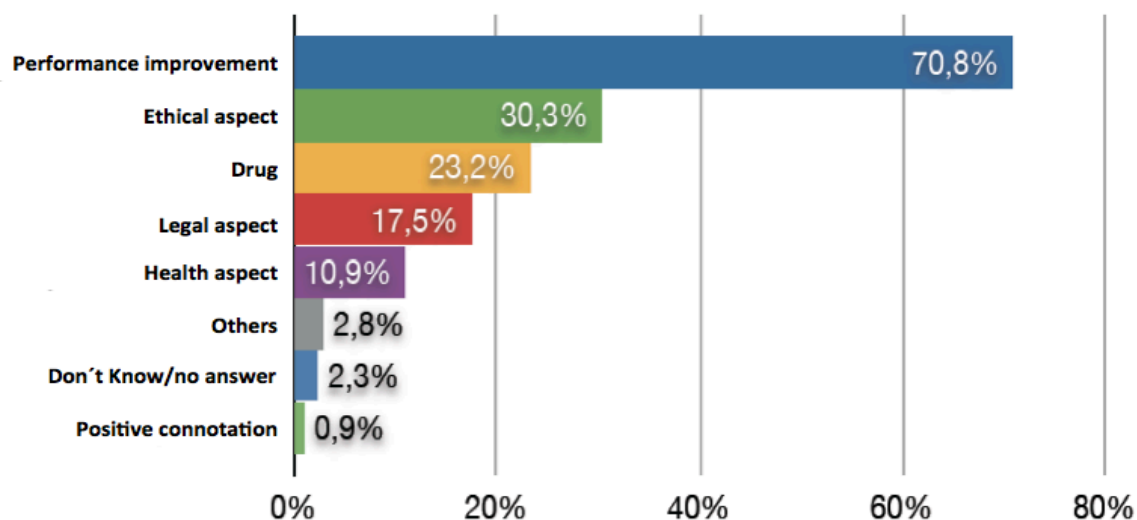
The main goal of this survey is to have available valid and up to date information about the opinions and attitudes of Spanish schoolchildren on doping.

Sample

The final valid sample for this study is 1,026 people.

Opinion about doping

- Question: What does doping mean for you?

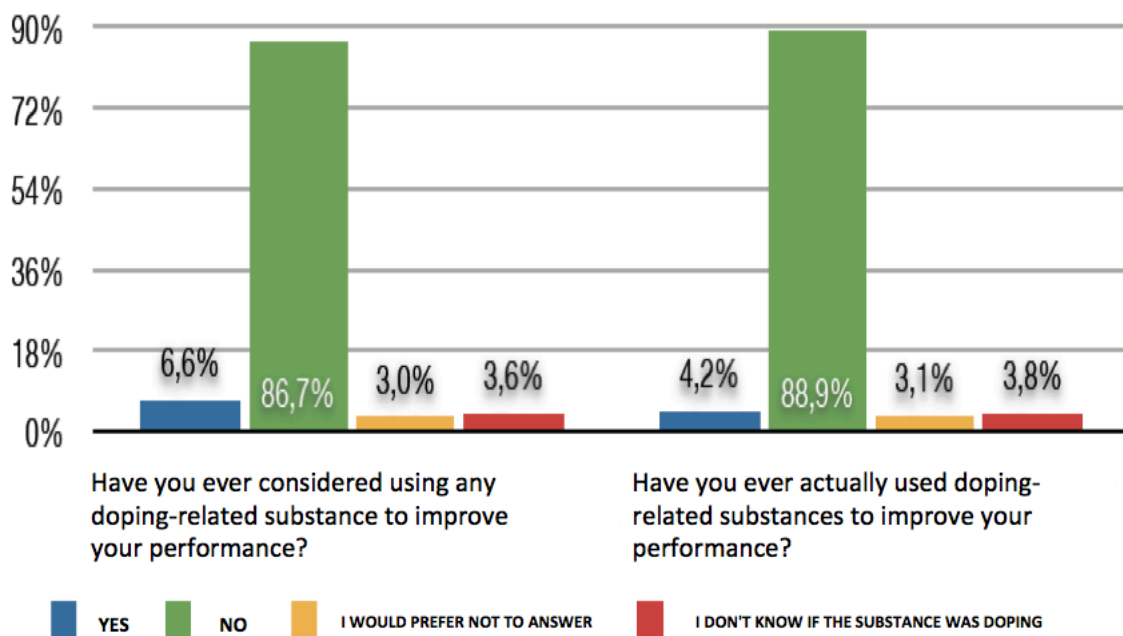




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➤ Questions:

- Have you ever considered using any doping-related substance to improve your performance?
- Have you ever actually used doping-related substances to improve your performance?



Conclusions

- The implementation of educational and prevention programmes such as ‘Living Without Cheating’ is effective to reduce the perception of tolerance towards doping among schoolchildren, with a message focusing on ethical issues of health as the ideal vehicle for addressing these prevention campaigns.
- Although the vast majority of the interviewees claimed not to have used or considered using doping-related substances, the school students reveal a certain lack of understanding about what doping really is.
- Activities in gyms and racket sports have been the two disciplines where the level of tolerance towards doping is highest.
- The figure of the athlete was the best valued in the ‘Living Without Cheating’ programme and is the model for transmitting values.

Evaluation of the measures based on legal and regulatory aspects.

The publication of Law 3/2013, with a content faithfully reflecting the global regulatory provisions for the repression of doping in sport, was not and is still not free from controversy, with great diversity and disparity of viewpoints that experts in the subject have expressed with respect to the law.

In principle and speaking in general, it must be said that it is a necessary law enabling an *rapprochement* but not the harmonization of Spanish legislation on the fight against doping towards the most universal positions, by giving priority in its contents to the models followed in the International Convention against Doping in Sport and the World Anti-Doping Code.



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But it is precisely that *rapprochement* that has caused tensions and even confrontations with the Spanish legal system on such aspects as, for instance, the procedure for out-of-competition controls, where there are distortions due to the greater guarantees offered in the regulation of the constitutional rights of individuals (in this case, of athletes) by our statutes. Differences such as these will require the Courts to nuance, limit or confirm the legitimacy of the procedures and measures contemplated in the Spanish anti-doping regulations.

Having said that, the efficacy of the measures introduced into our legal system by Law 3/2013 lies in the measures themselves and in the unification of the fight against doping, thus generating legal certainty by eliminating clear and evident discrepancies between the measures adopted at national level and those applicable internationally. In this way, the rules applied to Spanish athletes while competing or training in other countries will be very similar, often identical, to those regulating their activities with regard to their health and the prevention of doping in Spain.

As we have indicated, one of the procedures that has generated most conflict is that referring to the communication of athletes' whereabouts for submission to out-of-competition doping controls, as the mere communication of such data, insofar as they may affect third parties (such as, for example, private homes), even when furnished voluntarily by the athletes, might affect fundamental rights such as privacy, protected by the Spanish Constitution and other legislation in our legal system that outrank Law 3/2013 in the regulatory hierarchy. Without a doubt, this places athletes in a position of conflict between complying with their obligations as such and the respect for third-party rights.

On the other hand, Law 3/2013 has resolved, albeit not totally or perfectly, the absence of any specific regulation on the subject of collaboration between the Criminal Courts and the disciplinary tribunals or committees, even the AEPSAD. This lack of regulation was one of the reasons leading to the breakdown in understanding by many of the countries around us with regard to how to proceed in the regrettably famous and internationally renowned "Operation Puerto" case. As soon as the investigation report was published and it was confirmed that a number of athletes (cyclists) were involved in the activities under prosecution, the Spanish federation (which has the power to open and resolve on the corresponding disciplinary proceedings) was unable to make use of the incriminating evidence obtained within the scope of the criminal investigation because the case law of the Supreme Court prevented such use in an administrative proceeding on the grounds that it had been obtained with a breach of constitutional rights (e.g. privacy of telephone conversations), justified in a criminal case but not in a disciplinary hearing for a breach of anti-doping regulations. That limitation ultimately prevented the processing of the disciplinary case files and their conclusion with the imposition of a penalty.

Law 3/2013, at the same time as it excluded the sports federations from the processing of disciplinary case files with regard to doping, overcomes that obstacle by regulating collaboration between the criminal and disciplinary courts, as well as the way and timing of when the disciplinary courts are able to have access to the evidence obtain in the criminal arena.

This collaboration system, together with the criminal liability of the athlete's entourage, will enable the prosecution and repression of doping practices by athletes, even when they are not actively responsible for the criminal act in question, as the consumption of substances or the use of prohibited methods is not classified as a crime in our legal system, even though a part of our society is demanding the extension of criminal status to these acts.

Finally, and with respect to the penalties consisting in the loss of funding and financial assistance for athletes considered responsible for violations of the anti-doping regulations, this is not contemplated in the current legal regulations, but has to be resolved according to the regulations governing each type of assistance or funding (adopted in the form of standard rules or contracts) in order to be able to request and, where applicable, obtain such a penalty. On this point, there is still a long way to go in terms of training individuals and bodies corporate in the area of sports-related doping (financial entities, Mycenae, sponsors) so that they become aware of the economic harm and



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the damage to their image that may be caused by an adverse result affecting one of the athletes they support.

In this sense, an initiative undertaken by fifty large Spanish companies achieved great media impact and was very well received. These regular sponsors of sport publicly announced their signing, in June, 2013, of a document entitled “Business Undertaking in favour of Clean Sport”, whereby the signatories:

- Condemned doping in sport in all its forms.
- Declared their support for a zero tolerance policy with respect to doping practices.
- and Undertook:
 - to collaborate with anti-doping organizations and report any violations of the anti-doping regulations that may come to their attention;
 - to develop internal policies to prevent doping at sponsored events or by the athletes they sponsor or any supporting personnel;
 - to organize or support training activities and programmes dealing with the fight against doping;
 - to evaluate, in collaboration with anti-doping organizations, the related risks in connection with future sponsorship agreements in order to avoid:
 - sponsoring events in countries that have not ratified the International Convention against Doping in Sport;
 - sponsoring events that include sports whose international federation has not subscribed the World Anti-Doping Code;
 - sponsoring athletes on whom penalties have previously been imposed for serious violations of the anti-doping regulations;
 - to demand, as a pre-requisite to the signing of any sponsorship agreement:
 - that all athletes confirm in writing that they have never engaged, and never will engage, in doping-related practices;
 - that the club or federation to receive the sponsorship confirms in writing its commitment to doping-free sport and its respect for the World Anti-Doping Code;
 - that the organizer of the event to be sponsored confirms in writing that it will do everything possible to ensure that the event is free from doping and is held with full respect for the World Anti-Doping Code.
- Would strive to the best of their abilities to strengthen their sponsorship agreements through the inclusion of criminal clauses for those cases where any athletes or organizations receiving sponsorship become involved in doping-related activities (immediate termination of the sponsorship, reimbursement of any funds received in the course of the sponsorship and the possibility of suing for damages in order to protect the sponsor’s image).



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Initiatives of this type are necessary in the field of sport in Spain, as fudged or ill-defined positionings do not contribute to the achievement of good outcomes in the fight against Doping, a fight that remains, without any doubt, very strong.





VI. IDENTIFICATION OF CHALLENGES AND DIFFICULTIES

In addition to the shortfalls, difficulties and challenges that have been indicated in the course of this report under each of the respective sections, the following general challenges have been identified:

- The challenge facing bodies in charge of protecting athletes' health and defending competition on an even footing, involves continuing to drive scientific research while at the same time boosting the working lines in the field of individual intelligence and the continuous longitudinal evaluation of each athlete through the study of their biological and steroid profile (biological passport).
- During the preparation of this report, difficulties have been encountered in assessing the outcomes of the policies, both at the qualitative level but most particularly in quantitative terms, beyond their governmental and institutional scope. There are extremely few studies conducted on the impact of the measures and policies applied, as well as the perception people have of these impacts at the social level.

It is especially striking that such studies are not carried out to be able to evaluate the effectiveness and efficiency of the policies among the different stakeholders involved (athletes, federations, doctors, pharmacists, ...).

Main challenges to the Member States (EU) regarding implementation of the Code

During the EU Sports Directors Meeting, the following tasks were defined for the EU Member States. As a member of the EU, Spain participates in the conclusions reached.

The 2015 Code creates new tasks for the national anti-doping organizations, namely:

- Anti-Doping Organizations' research and intelligence-gathering responsibilities

The roles and responsibilities of international Federations, National Olympic Committees, Athletes, and Athlete support personnel have been expanded to require cooperation with Anti-doping organizations investigating anti-doping rule violations. Governments are expected to put in place legislation, regulation, policies or administrative practices for cooperation in the sharing of information with Anti-doping Organizations.

- Concepts of smart test distribution planning, and smart menus for sample analysis

Anti-Doping Organizations are to use risk assessment as the basis for developing their Test Distribution Plan. The sport-specific sample analysis menu shall be the basis for testing in particular sports and disciplines, and as a first step increased EPOs and growth hormone testing. Implementation of both principles requires substantial additional resources for the anti-doping program.

- Data protection aspects

All Anti-Doping Organizations must comply with the International Standard on the Protection of Privacy and Personal Information, even when its requirements exceed those arising under the Anti-Doping Organization's applicable data protection and/or privacy laws, reflecting the vital need to protect the privacy of Participants and other Persons involved in and associated with anti-doping in sport. It is closely connected to the compulsory requirement for Anti-Doping Organizations to use ADAMS or another system approved by WADA for the Therapeutic Use Exemptions and Athlete Whereabouts Information.



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VII. CONCLUSIONS AND RECOMMENDATIONS FOR IMPROVEMENT

“The lawmakers of this Iberian nation, the fatherland of such champions as tennis player Rafa Nadal, Formula One driver Fernando Alonso or the world’s best soccer club, have established a new body to replace the national anti-doping agency (AEA) and has equipped it greater powers thanks to a new norm that came into force in July.”

“The Agency for Health Protection in Sport (AEPSAD) is an independent organization responsible for the management and execution of doping controls, instead of leaving them in the hands of the national sports federations, as was the case to date”.

“I believe Spain’s reputation has enormously improved with the changes they have made.”

“But now that the new rules are in place, we have to monitor how they are enforced.”

David Howmann,
WADA chief executive.

As reflected in those statements by Mr. David Howmann (Chief Executive of the WADA) to the Reuters news agency, it is obvious that, since the entry into force of the new anti-doping law in July, 2013, the number of positive results in Spain has come down dramatically after years of scandals related to the consumption of Prohibited Substances. These scandals even called into question the anti-doping policy of the Spanish authorities.

This improvement in the results has, in turn, brought about a significant improvement in Spain’s image abroad, in the prestige of the Spanish authorities, Spanish sport and Spanish athletes. At the same time, it has generated a climate of confidence in the results achieved by our athletes.

This recognition stems from international authorities and bodies, the media and public opinion in general beyond our borders and it can serve as collateral to state that the policies and measures adopted have been effective and efficient thanks to the efforts made in Spain in recent years and to the determination of our authorities to put an end to doping.

Recommendations

In the realm of doping, as in other areas of society, doping techniques and methods are constantly evolving. That is why it is fundamental for the organizations in charge of protecting athletes’ health and defending the integrity of competitions to back scientific research and opt for new working lines aimed at the exchange of information and the boosting of intelligence activities through collaboration with all sectors involved. Nor should it be forgotten that one of the cornerstones for curtailing doping in sport is prevention.

Recommendations/conclusions related to social and legal research

As indicated above, one of the great difficulties we have encountered in preparing this final report has been the lack of research and studies enabling us to evaluate the efficacy and efficiency of the policies applied.

- For this reason, it would be important to undertake research and studies in the various member states, in both the social and legal fields, in order to enable the evaluation of the application of the techniques for imposing penalties in the convention and the application of the World Code, as well as the effectiveness and efficiency of the policies applied. That is to say, whether or not they are really suitable, what effects they are having and what new challenges or difficulties arise in future.



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- In addition, in order to be able to carry out a more effective analysis of how the measures adopted by the Convention are doing, it would also be necessary to analyse the influence of doping at an individual level, bearing in mind the uniqueness of each sport. For instance, what is the influence of factors like professionalism in sport, where there are economic interests at play, or amateur sports, where the financial interest is lower.
- Another factor to consider would be the popularity or following sports have within society or their media impact, even each sport's cultural and historic relevance in each country. For all these reasons, it seems clear that the measures adopted in the various cases would have to be studied to be able to put forward measures to increase deterrence and re-integration, effective penalties and preventive measures that can really reach the collectives involved in these sports.
- In connection with the foregoing but in the international arena, a future recommendation might be the creation of an International Centre for Knowledge Transfer with regard to doping. This body would centralize all work (surveys, regulations, research projects, publications, opinion articles, etc.) produced in the Member States. In this way, in addition to boosting international cooperation, it would enormously strengthen the impact of these studies by helping to standardize the methods used and it would be useful as a launchpad for the training of professionals in the various sectors involved in each Member State.

Recommendations/conclusions related to scientific research

- Creation of an anti-doping scientific network, as established in art. 35, to enable the formation of a strategic framework for collaboration with university departments, publicly-funded research bodies and laboratories.
- Boost the creation of items pertaining specifically to doping so as to enable the existence of targeted funding for this subject with current limitations, but enabling co-existence with other social, medical and sport projects with at least some possibility of competitiveness.
- Creation of a channel for the dissemination of multidisciplinary research on doping-related matters.
- Achieve social and economic return on doping-related research by facilitating the dissemination of research outputs in a straightforward, educational and accessible way to the whole world of sport, athletes and their entourage.
- It is necessary for institutions to develop and carry out retrospective research into the health-related impacts of the use of doping-related substances by athletes. It is becoming more and more frequent for amateur athletes who have misused substances and supplement nutritional without supervision to require medical treatment years later for the subsequent sequelae and health impacts due to the use of these substances.
- The new research projects included in the list given below have great potential but cannot currently find funding.
 - Development of oestrogenic receptor (AR) in cell lines
 - Software app to predict doping controls
 - Improvements in the ABP (Athletes' Biological Passport)
 - The Detection of hGH and other Pituitary Hormones.
Sensing platforms based on biocompatible materials and screen-printed electrodes for the multiplexed detection of pituitary hormones hGH, prolactin and IGF-1 used or suspected to be used as doping substances.



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APPENDIX I. List of participants

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APPENDIX II. Publications/Bibliography

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