



Explanatory Memorandum to Recommendation (94/2)

A. Present situation

1. Article 4.1 of the Anti-Doping Convention states: "The Parties shall where appropriate adopt measures to restrict the availability (including provisions to control movement, possession, importation, distribution and sale) as well as the use in sport of banned doping agents and doping methods and, in particular, anabolic steroids".
2. Denmark, Norway and Sweden have adopted legislation making transfer, import or acquisition for the purpose of (financial) gain a crime. Canada has adopted legislation to reschedule anabolic steroids in the Food and Drugs Act, making it a criminal offence to import, export, traffic, manufacture or distribute all (human) steroid products, except by authorised persons or for authorised purposes. In Denmark and Sweden, use and in Norway, possession and use, remain unpenalised. Finland is contemplating similar legislation.
3. The United States of America has implemented the Steroid Control Act of 1990 which brings all steroids intended for human use under the provisions of the Controlled Substances Act. This criminalises production, trafficking, non-medical use, possession, or distribution of steroids with penalties of up to 20 years imprisonment, and/or \$1m fine and/or asset forfeiture.
4. In most European countries other than those mentioned in paragraph 2 above, controls on anabolic steroids are exercised through existing medical drug control acts or regulations. These usually stipulate that obtaining drugs or pharmaceutical preparations containing steroid compounds is subject to appropriate medical prescriptions. However, it is believed that it is possible to obtain some such preparations in Belgium and Portugal over the counter (OTC) from a pharmacy. Unauthorised or unprescribed possession or use of such compounds is not usually penalised. Some doctors and pharmacists have however suffered penalties either under law or under their appropriate professional codes for illicit distribution of these drugs.
5. In addition, there is growing evidence of illicit trade in these substances in the world of organised crime, independent of medical/pharmaceutical circles.

B. Scale of problem

6. Steroid abuse is widespread at all levels and in all kinds of sport.

7. It is not, however, limited to organised sport. Anabolic steroids are commonly abused in gyms/fitness centres, etc., by people who want to 'look good' and by people who have a professional need to remain/keep physically fit and strong. Such people are not necessarily covered by the testing programmes carried out by sports organisations.

8. Studies carried out in recent years indicate that millions of people in sporting and para-sporting circles are at risk from anabolic steroid abuse, and the illegal market in such substances is worth hundreds of millions of dollars.

C. Social and other consequences

9. Besides the undermining of sports ethics by drug abuse, there are 4 principal reasons why public authorities should be concerned at this high level of steroid misuse:

(a) the young age at which much abuse starts. 14 years old is not unheard of; 16 years old is common; by 18 many are psychologically dependent. The role of sports heroes as models for impressionable young people is decisive here;

(b) the quantities that are often involved. Stacking (taking several different steroids simultaneously) and cycling (taking them in accordance with successive timetables) lead to excessively large quantities of steroids being misused, greatly in excess of any dose which might be considered therapeutic;

(c) the types of steroid being abused. Amongst these are a large number of steroids originally designed for veterinary use and therefore not suited for human ingestion, as well as various kinds of illicitly produced compounds, with varying levels of impurity.

(d) the health consequences of abuse. Apart from the pronounced physiological changes in both men and women which steroid abuse causes (such changes are well known and documented) and the risk of specific types of cancer and cardiological disorders, it can also cause unpleasant and dangerous psychological alterations, increasing aggressiveness and violence. There are also studies which show a strong degree of addictiveness/dependence on steroids which continues after the sporting or other original motivation/purpose has ceased.

D. Proposals

10. The Working Party on Legal Issues therefore proposed that the Monitoring Group should adopt a Recommendation to Parties with a view to Parties' instituting stricter controls on the availability of anabolic steroids. Because of the international nature of the 'trade' in steroids, these controls should contain common provisions making illegal the unauthorised production, import/export, distribution, supply, transfer, sale and, where

appropriate, possession of anabolic steroids, whether for human or veterinary use. Given the various legal situations in the different States, each Party should look for the most efficient legal means of achieving these goals and enforcing a control system with appropriate scope and penalties.

11. The Working Party, recalling that the term "anabolic steroids" appears in the text of the Convention (see Article 4.1) and is expanded upon in the Explanatory Report thereto (see "Notes on the Appendix to the Convention", section C), took the view that it is unnecessary, and would perhaps even be counterproductive, to enshrine a definition in the proposed draft Recommendation.

12. The same argument applies to appending a definitive list of the substances coming within the scope of the proposed text, since product development could easily render such a list out-of-date and therefore less effective.

However, reference is made to the Appendix to the Anti-doping Convention: "Reference list of pharmacological classes of doping agents and doping methods" (which is updated as needed by the Monitoring Group), "Androgenic/anabolic steroids".

13. Finally, consideration may have to be given in the future to a similar Recommendation on the subject of certain polypeptide hormones, as and when concrete evidence of their abuse for sporting purposes becomes available.