

Implementation of anti-doping policies in 2020 - Spain

Implementation 2020 - Questionnaire - Modified 1.0

Objective :

In order to implement the requirements of the Article 9 of the Anti-Doping Convention, the online annual questionnaire is ready for collection of data regarding anti-doping policies in 2020.

Instruction :

For detailed instructions please select the links to documentation at the top of the page.

In case you face any problems which would prevent you from filling in the questionnaire, please report it to us by e-mail sport.t-do@coe.int.

You are kindly requested to fill in, save and post your country's data for 2020 before 1 June 2021.

Questions :

1. Number of athletes

Please estimate the number of athletes in the following categories within your country:

international-level athletes

Min numeric value allowed : 0

[] your comment (optional)

[X] Data not available

national-level athletes

Min numeric value allowed : 0

[] your comment (optional)

[X] Data not available

other athletes (including recreational athletes)

Min numeric value allowed : 0

[] your comment (optional)

[X] Data not available

number of athletes in your national registered testing pool

Min numeric value allowed : 0

[310] your comment (optional)

[] Data not available

number of athletes at the last Summer Olympic games

Min numeric value allowed : 0

[306] your comment (optional)

[] Data not available

number of athletes at the last Winter Olympic games

Min numeric value allowed : 0

[13] your comment (optional)

[] Data not available

number of athletes at the last Summer Paralympic games

Min numeric value allowed : 0

[127] your comment (optional)

[] Data not available

number of athletes at the last Winter Paralympic games

Min numeric value allowed : 0

[8] your comment (optional)

[] Data not available

2. Doping definition

What is the definition of "doping in sport" used in your country?

[] Council of Europe Anti-Doping Convention. Your comment (optional)

[] UNESCO International Convention against doping in sport. Your comment (optional)

[X] World Anti-Doping Code. Your comment (optional)

[] Other, please specify (e.g. national law) :

3. Doping list

Which list of banned pharmacological classes of doping agents and doping methods (i.e. Prohibited List) is implemented in your country?

[X] Prohibited List, as adopted by the Executive Committee of WADA. Your comment (optional)

.....

[] List of banned pharmacological classes of doping agents and doping methods, as adopted by the Monitoring Group (T-DO). Your comment (optional)

[X] Prohibited List, as adopted by the Conference of Parties of the International Convention against Doping in Sport (UNESCO). Your comment (optional)

[] Other, please specify :

4. Additional doping lists

For the purposes of restricting availability of doping substances, are there other lists than those defined in the question 3?

() Yes, please specify:

(X) No. Your comment (optional)

5. Anti-doping laws




Are there any anti-doping laws in your country?


[X] Anti-doping law (other than ratification of the Convention). Your comment (optional)

[X] Other public law rules, please specify: Penal Code. Art. 362 quinquies.

[] No. Your comment (optional)

Attachments


-  Ley Orgánica 3/2013, de 20 de junio, de protección de la salud del deportista y lucha contra el dopaje en la actividad deportiva : <http://www.boe.es/eli/es/lo/2013/06/20/3/con>
-  Real Decreto-ley 3/2017, de 17 de febrero, por el que se modifica la Ley Orgánica 3/2013, de 20 de junio, de protección de la salud del deportista y lucha contra el dopaje en la actividad deportiva, y se adapta a las modificaciones introducidas por el Código Mundial Antidopaje de 2015 : <http://www.boe.es/eli/es/rdl/2017/02/17/3>
-  Ley Orgánica 10/1995, de 23 de noviembre, del Código Penal. (Consolidated Penal Code) : <http://www.boe.es/eli/es/lo/1995/11/23/10/con>


6. National Anti-Doping Organisation (NADO) 

What is the legal status of your national anti-doping organisation? Please upload the statutes, if possible

- (X) Public authority. Your comment (optional)
- () Non-governmental organisation. Your comment (optional)
- () Private company. Your comment (optional)
- () National Olympic Committee acting as a NADO. Your comment (optional)
- () Other, please specify :

Attachments


-  Real Decreto 461/2015, de 5 de junio, por el que se aprueba el Estatuto de la Agencia Española de Protección de la Salud en el Deporte. : <http://www.boe.es/eli/es/rd/2015/06/05/461>


7. NADO activities 

Which of the activities below are conducted by your national anti-doping organisation? Please upload the organisational chart, if possible

	Yes. Your comment (optional)	No, please specify which organisation is in charge
Co-ordination of action by public authorities	(X)	()
Co-ordination of the fight against trafficking	(X)	()
Testing (doping control)	(X)	()
Results management	(X)	()
Disciplinary procedures	(X)	()
Education and/or information	(X)	()
Research	(X)	()

Attachments

-  Organisational chart : <http://aepsad.culturaydeporte.gob.es/agencia/estructura-de-los-departamentos.html>

8. Funding of anti-doping programme 

What was the annual budget of the NADO for the 2020 calendar year?

Min numeric value allowed : 0

[9400000] amountEuros (€)Currency

[] Data not available

9. Funding sources

How is the NADO funded? Please select all that apply and indicate an estimate in percentages:

[X] Government96.45%

[] National Lottery programme %

[] National Olympic Committee (NOC) %

[] Other sports organisation(s) %

[X] Fee for service3.42%

[] Private %

[X] Other0.13%

10. Distribution of funding

What percentage of NADO's annual budget is put towards the following core programs?

[14.77] Testing (including equipment, transportation, sample collection personnel fees)

[29.08] Sample analysis

[0.36] Investigations

[3.89] Education

[0] Research

[0] Results Management/Legal

[27.65] Therapeutic Use Exemptions (TUEs)

[24.25] Other (e.g. remuneration, administration)

[] Data not available

11. Other funding for the anti-doping programme

Are other institutions funding any parts of the national anti-doping programme (e.g. laboratories, research, WADA contribution, Unesco Voluntary Fund)

() Yes, please describe

(X) No

12. Sport budget

What amount has been allocated to sport from the State budget through the national ministry responsible for sport for the year 2020?

[] amount currency / other information

[X] Data not available

13. Limiting public funding to organisations

Is public funding withheld from organisations that do not comply with anti-doping regulations and related legal instruments?

- Yes, all funding is withheld; your comment (optional)
- A limited amount of funding is withheld; your comment (optional)
- No financial implications; your comment (optional)
- Information not available; your comment (optional)
-

14. Limitation of public funding of persons

Is sport-related financial assistance provided by public authorities withheld from banned athletes or athlete support personnel during the period of their suspension?

- Yes, all funding is withheld; your comment (optional)
- A limited amount of funding is withheld; your comment (optional)
- No; your comment (optional)
- Not applicable (no sport-related financial assistance is provided by public authorities to athletes or support personnel); your comment (optional)
- Information not available; your comment (optional)
-

15. Testing programme


Does your country have a national testing programme?

- Yes
- No, please explain
-

16. Elements of the testing programme

What elements of the testing program are implemented by the NADO?

- Risk assessment and test distribution planning (TDP)
- Registered testing pool
- Random selection of athletes
- Targeted selection of athletes
- In-competition testing
- Out-of-competition testing
- No-advance notice testing
- Blood testing
- Athlete biological passport (ABP) modules
- Other elements, please specify Performance follow up for target testing.
- If some elements are implemented by another body, please specify which body
-

17. Quality certificate 

Is your NADO or part of its procedures certified according to a quality standard (such as ISO or any other quality assurance system)?

Yes, please specify which standard, its scope and validity ISO 9001:2015 Doping Control Department - Validity: annually renewed

In progress, please specify

No. Your comment (optional)

18. NADO staff, committee members and other anti-doping specialists 

Please outline below how many NADO staff, committees' members and other anti-doping specialists are involved in the coordination and management of your anti-doping programs (except sample collection personnel)

Min numeric value allowed : 0

[81] staff full time

[0] staff part time

[15] committees' members (including, but not limited to, members of the disciplinary panels, NADO Board, TUE, education, whereabouts, scientific, athletes, appeals, ethics and/or other committees)

[0] other specialists, please describe

Data not available

19. Sample collection personnel 

Do you have sample collection personnel (SCP) ?

Yes, within the NADO

Yes, through a service provider (Delegated third party) Also through a service provider: PWC

No, please explain

20. Number of DCOs and BCOs 

How many doping control officers (DCOs), blood control officers (BCOs) and chaperones are in your sample collection personnel programme?

Min numeric value allowed : 0

[75] DCOs; your comment (optional)

[45] BCOs; your comment (optional)

[0] Chaperones; your comment (optional)

Data not available

21. Laboratory 

Is there a doping control laboratory in your country?

Yes, accredited or approved by WADA in accordance with the International Standard for Laboratories

No, but a preparatory process is in progress to apply for accreditation or approval by WADA

No

22. Use of WADA laboratories

Which WADA-accredited or approved laboratories are used for analysis of samples collected by your NADO as a Testing authority within your national testing program in the year 2020? Please list all that applies, including the laboratory in your own country (if you use it) and indicate the percentage of samples analysed in each laboratory. Enter "0", if you don't use this laboratory

	% of NADO samples (estimate)
ANKARA, TURKEY	0
ATHENS, GREECE	0
BANGKOK, THAILAND	0
BARCELONA, SPAIN	0
BEIJING, CHINA	0
BLOEMFONTEIN, SOUTH AFRICA	0
BUCHAREST, ROMANIA	0
COLOGNE, GERMANY	0
DOHA, QATAR	0
GHENT, BELGIUM	0
HAVANA, CUBA	0
HELSINKI, FINLAND	0
KREISCHA, GERMANY	0
LAUSANNE, SWITZERLAND	0
LONDON, UNITED KINGDOM	0
LOS ANGELES, USA	0
MADRID, SPAIN	100%
MONTREAL, CANADA	0
NEW DELHI, INDIA	0

OSLO, NORWAY	0
PARIS, FRANCE	0
RIO DE JANEIRO, BRAZIL	0
ROMA, ITALY	0
SALT LAKE CITY, USA	0
SEIBERSDORF, AUSTRIA	0
SEOUL, SOUTH KOREA	0
STOCKHOLM, SWEDEN	0
SYDNEY, AUSTRALIA	0
TOKYO, JAPAN	0
WARSAW, POLAND	0

Data not available

23. Testing statistics

How many samples were collected under your national testing program in the year 2020?

	Urine	Blood (including ABP)
In-competition samples Min numeric value allowed : 0	1204	110
Out-of-competition samples Min numeric value allowed : 0	1265	329

Data not available

24. Testing abroad

Did you test athletes under your authority who reside or train abroad (directly or by subcontracting other ADOs or anti-doping service providers)?

Yes; your comment (optional)

Not in 2020, but we have authorisation to do so; your comment (optional)

No, we do not have authorisation to do so; your comment (optional)

25. Disciplinary system

Please describe the disciplinary process for the anti-doping rule violations and application of the T-DO Recommendation on ensuring the independence of hearing panels (bodies) and promoting fair trial in anti-doping cases [T-DO/Rec(2017)01]
<http://rm.coe.int/recommendation-on-ensuring-the-independence-of-hearing-panels-bodies-a/1680735159>

	-	-	-
Has your State established centralised panel/body in charge of all hearing proceedings in anti-doping matters (hearing panel)?	-	X	-
Is the hearing panel independent, and operationally independent from sport movement (i.a. national federations, National Olympic Committee, National Paralympic Committee)?	X	-	-
Is the hearing panel operationally independent from the government?	X	-	-
Is the hearing panel operationally independent from the NADO?	X	-	-
Are you aware of T-DO/Rec(2017)01?	X	-	-
Is the composition of the hearing panel in line with the requirements outlined in T-DO/Rec(2017)01?	X	-	-
Are the rights of access to justice ensured in accordance with T-DO/Rec(2017)01?	X	-	-
Other comments	The project of the new Spanish anti-doping Law is at the moment in its last phase for approval. This Law will establish an specific independent panel in charge of the resolution of sanctioning proceedings.	-	-

[] Data not available

26. Appeals system

Please describe the process for handling anti-doping rule violations appeals

Describe, upload documents or add the link to the relevant content The sanctioning decisions of the Spanish Agency for Health Protection in Sport (AEPSAD) may be appealed before the Spanish Administrative Body for disputes in Sport (TAD). The time limit for special appeals on doping matters shall be thirty days from the day following notification of the decision. Natural or legal persons affected by the decision of the AEPSAD shall have the right to appeal to TAD.

TAD is a collegiate body at state level, organically attached to the High Council for Sport, which acts independently of the latter. It is made up of seven independent and irremovable members. In the exercise of their functions, they may not receive any order or instruction from any public authority or any other person.

The decision of TAD may be appealed by the interested parties within two months of the notification of the decision before the contentious-administrative jurisdiction.

[] Data not available

27. Anti-doping rule violations (ADRV)

How many anti-doping rule violations cases were initiated in 2020 and how many of these initiated cases resulted in the imposition of a sanction?

	Initiated cases	Cases that resulted in a sanction	Cases that resulted in no sanction
Presence of a prohibited substance or its metabolites or markers in an athlete's sample Min numeric value allowed : 0	6	4	2
Use or attempted use by an athlete of a prohibited substance or a prohibited method Min numeric value allowed : 0	0	0	0
Evading, refusing or failing to submit to sample collection Min numeric value allowed : 0	0	0	0
Whereabouts failures Min numeric value allowed : 0	0	0	0
Tampering or attempted tampering with any part of doping control Min numeric value allowed : 0	0	0	0
Possession of prohibited substances and prohibited methods Min numeric value allowed : 0	0	0	0
Trafficking or attempted trafficking in any prohibited substance or prohibited method Min numeric value allowed : 0	0	0	0
Administration or attempted administration to any athlete of any prohibited method or prohibited substance Min numeric value allowed : 0	0	0	0
Complicity Min numeric value allowed : 0	0	0	0
Prohibited association Min numeric value allowed : 0	0	0	0

[] Data not available

28. Whereabouts failures

How many of the following whereabouts failures have you registered in 2020?

[98] One missed test or filing failure

[23] Any combination of two missed tests and/or filing failures

[] Data not available

29. Co-operation with law enforcement agencies

What measures have been taken to ensure co-operation between NADO and law enforcement agencies in limiting illegal availability of doping substances?

Law, please specify

Agreement, please specify Collaboration agreement between the Spanish Agency for Health Protection in Sports and Spanish Agency for Medicines and Medical Devices, Spanish Agency for Food Safety and Nutrition, Ministry of Regional Policy and Civil Service, Ministry of Justice, National Police, Civil Guard and Customs.

Ad hoc activities, please specify

Other, please specify

None; your comment (optional)

30. Sanctions for doping trafficking

Are there specific penalties or sanctions for illegal circulation of doping substances, in addition to those regulating the movement of medicines and narcotics?

Criminal penalties, please specify Penal Code

Financial penalties, please specify

Administrative or civil sanctions, please specify

Professional disciplinary actions, please specify

None of above, please explain

Not available; your comment (optional)

31. Statistics on doping trafficking

Do law enforcement agencies share data on the seizure of doping substances with the NADO?

Yes, please specify how many seizures have been reported in 2020 Approximate number of seizures made by Guardia Civil, National Police and Customs: 706. This number includes seizures of doping substances, such as anabolic agents, steroids and androgens; diuretics; hormones, insulins and hormone antagonists and modulators; and stimulants generally used in sports competitions. That is, substances that were presumably intended for the purpose of sports doping. However, if we include drugs, narcotics and psychotropic stimulants, such as cocaine, amphetamines, cannabinoids and opiates, which are also included in the WADA Prohibited List, we would be talking about a total of 262321 seizures in 2020. The data are numbers of seizures or interventions, and do not refer to the quantity of substances.

No. Your comment (optional)

Other, please specify

32. Whistleblowers


Is your NADO implementing a whistleblower policy/programme?

Yes; any comment Contra el Dopaje, COLABORA

No, but a preparatory process is in progress to develop a whistleblower policy/programme; any comment

No; any comment

Attachments

 Contra el Dopaje, COLABORA : <http://denunciasweb.aepsad.gob.es>

33. Legal background for Whistleblower policy

If your NADO implements a Whistleblower policy/programme, please describe the legal framework for this programme

National legislation

NADO Rules

Direct application of WADA Whistleblowing programme/policy and procedure for reporting misconduct

Direct application of the rules of one or more international sports organisations, if yes, please list them

.....
 Other. Please describe

Not applicable

34. Organisation of anti-doping education

Which organisations are involved in implementing anti-doping education programs?

National anti-doping organisation

Ministry responsible for sport

Ministry responsible for education

Ministry responsible for health

Other governmental body

National sport federations

Regional/municipal sport organisations

Universities

Schools

Sport clubs

Other bodies

35. Anti-doping education themes

What types of anti-doping message are provided for different target groups?

	elite athletes	young athletes	recreational athletes	sports officials	coaches	medical personnel	school pupils	media	general public	other
National and International anti-doping rules	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harm of doping to the spirit of sport	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Athletes and athlete support personnel's rights and responsibilities	[X]	[X]	[X]	[X]	[X]	[X]	[X]	[]	[X]	[]
Consequences of doping, including sanctions, health and social consequences	[X]	[X]	[X]	[X]	[X]	[X]	[X]	[]	[X]	[]
Substances and methods on the Prohibited List	[X]	[X]	[X]	[X]	[X]	[X]	[X]	[]	[X]	[]
Doping control procedures	[X]	[X]	[X]	[X]	[X]	[X]	[]	[]	[X]	[]
Therapeutic use exemptions (TUEs)	[X]	[X]	[X]	[X]	[X]	[X]	[]	[]	[X]	[]
Applicable whereabouts requirements	[X]	[X]	[X]	[X]	[X]	[X]	[]	[]	[X]	[]

36. Nutritional supplements

What measures have been taken to address the problems related to nutritional supplements in sport?

- Restrict availability
- Control of production
- Provide quality assurance
- Comprehensive labelling
- Limit advertising and promotion
- Educational and informational measures
- Other, please specify:

37. Anti-doping research

Has any anti-doping research been undertaken or supported?

- Yes; your comment (optional)
- Yes, to a limited extent; your comment (optional)
- No; your comment (optional)

38. Areas of anti-doping research

What are the areas of anti-doping research?

- Doping prevention

- [X] Detection methods
- [X] Behavioural and social aspects of doping
- [X] Health consequences of doping
- [] Physiological and psychological training programmes
- [] Emerging substances or methods
- [] Alternative testing methods
- [] None
- [] Other; your comment (optional)

39. Publication of anti-doping research ●

How many articles with the results of this research have been published in peer-reviewed scientific journals? Please upload a summary or share links to resources, if available

- [1] in 2020; your comment (optional) The use of tramadol in combination with pseudoephedrine and caffeine in sports J.G. Baltazar-Martins, G. Muñoz, D. Carreras, M.M. Plata, J. Muñoz-Guerra, J. Del Coso Drug Testing Analysis. 2020. doi: 10.1002/dta.2804
- [] Data not available

40. International agreements ●

Has your country signed any agreements with other Anti-Doping Organisations (ADOs) or agreements on anti-doping with any other organisation or State concerning the following:

	Yes or No; if applicable please explain or upload the document (below)
(a) Sharing of information	Yes
(b) Law enforcement co-operation	Yes
(c) General co-operation	Yes
(d) Other	Yes

- [] Data not available