



ANTIDOPING NORWAY 20-Year Anniversary Seminar:

Preparing for the Future of Anti-Doping

6-8 June 2023, Homenkiollen, Oslo



CELAD

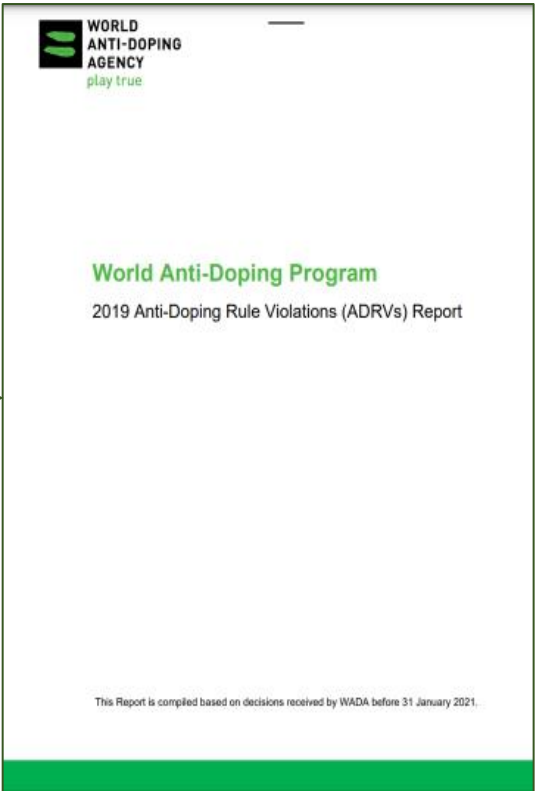
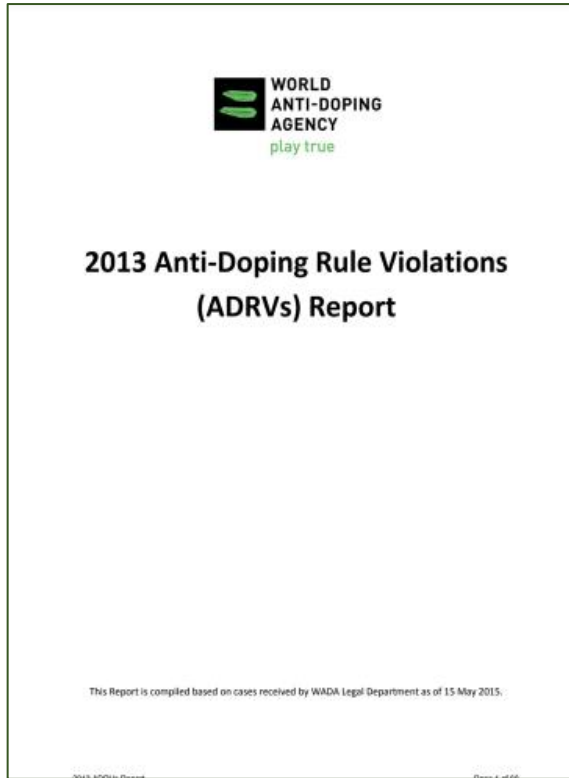
Comisión Española
para la Lucha Antidopaje
en el Deporte

**STRENGTHENING TODAY'S ANTI-DOPING SYSTEM.
AN INTELLIGENCE PERSPECTIVE FROM SPAIN.**

José Luis Terreros. Director of CELAD (NADO Spain)



DATA SOURCE



2013

2014

2015

2016

2017

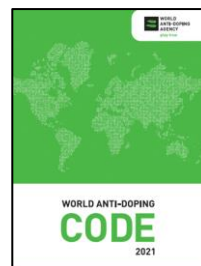
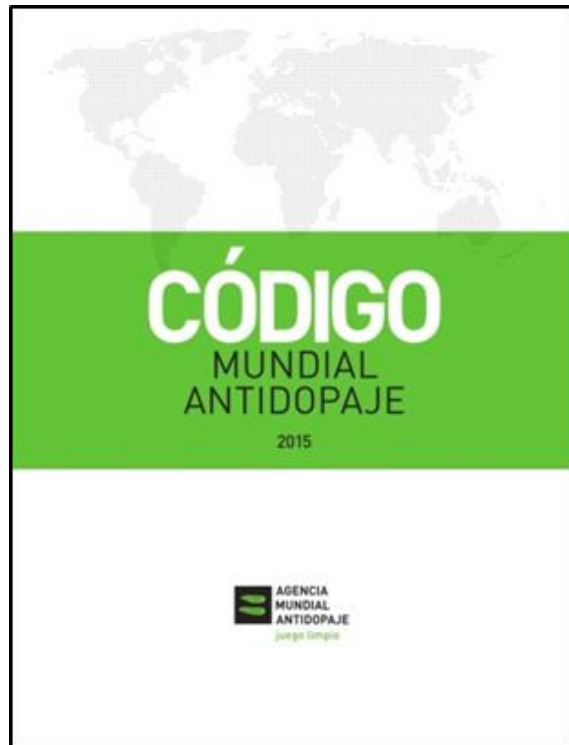
2018

2019

WADA Anti-doping Rule Violations (ADRVs) Report 2013-2019

11 ANTI-DOPING RULE VIOLATIONS

ARTICLE 2 ANTI-DOPING RULE VIOLATIONS. CODE 2015



PRESENCE (ANALYSIS AD LABORATORY)	Art. 2.1
USE (OR ATTEMPTED USE)	Art. 2.2
EVADING, REFUSING, FALLING TO SUBMIT A SAMPLE	Art. 2.3
WHEREABOUTS FAILURES	Art. 2.4
TAMPERING (OR ATTEMPTED TAMPERING)	Art. 2.5
POSSESSION OF P. SUBSTANCE O METHOD	Art. 2.6
TRAFFICKING (OR ATTEMPTED TRAFFICKING)	Art. 2.7
ADMINISTRATION (OR ATTEMPTED ADMINISTRATION)	Art. 2.8
COMPLICITY NO CODE 2009	Art. 2.9
PROHIBITED ASSOCIATION NO CODE 2009	Art. 2.10

DISCOURAGE OR RETALIATE AGAINST REPORTING Art. 2.11
(CODE 2021)



EFFORTS TOO FOCUSED ON ONE TOOL?

YEAR	SAMPLES
2013	207.513
2014	217.762
2015	229.412
2016	229.514
2017	245.232
2018	263.519
2019	278.047
TOTAL	1.670.999



ARTICLE 2 ANTI-DOPING RULE VIOLATIONS. CODE 2015

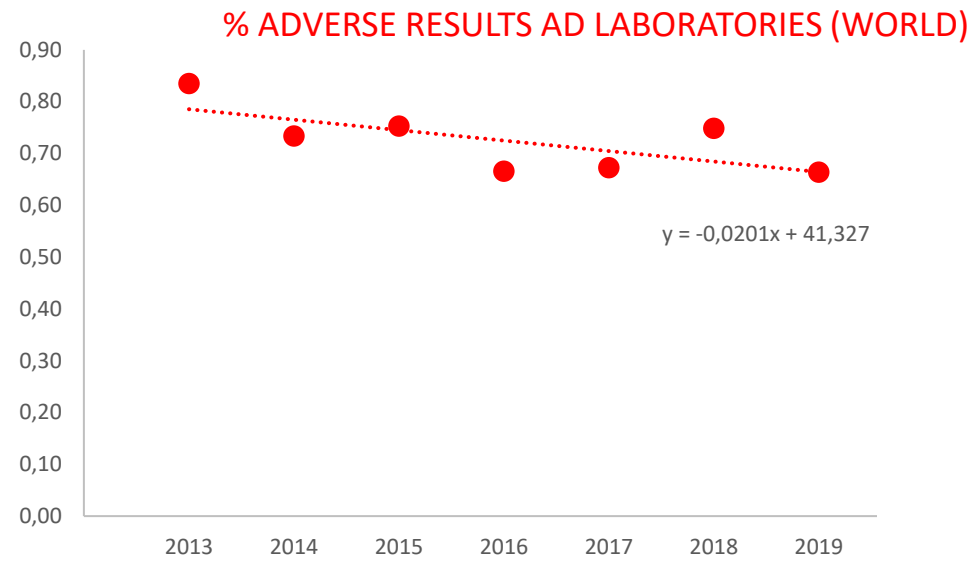
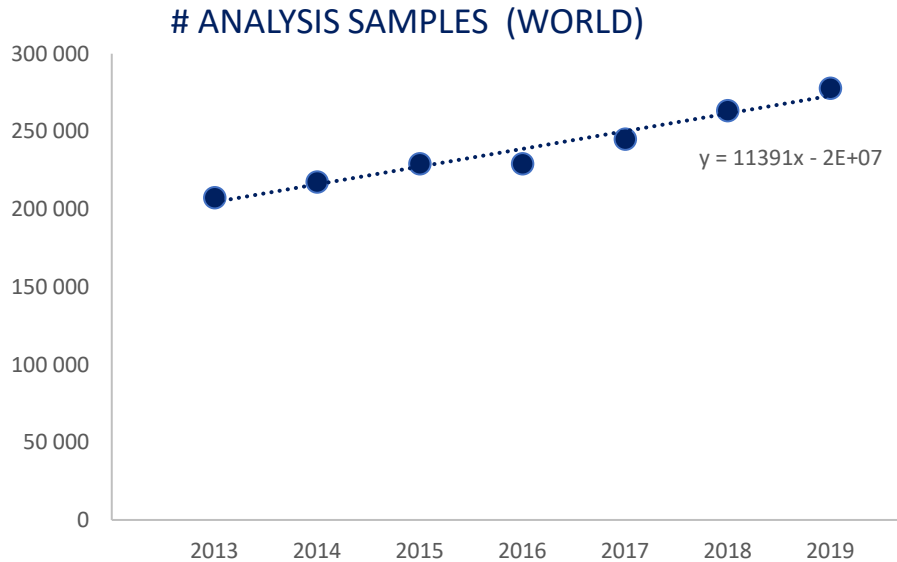
Art. 2

- PRESENCE (ANALISYS AD LABORATORY)** Art. 2.1
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207.047 attempts to prove 2.1 violation in 2019



EFFORTS TOO FOCUSED ON ONE TOOL?



THERE IS A CLEAR ANNUAL INCREASING TREND IN AD EFFORT (MEASURED AS NUMBER OF SAMPLES ANALYSED = +7%)

THERE IS A CLEAR ANNUAL DECREASING TREND IN AD EFFICIENCY (MEASURED AS % ADVERSE RESULTS)

EFFORTS TOO FOCUSED ON ONE TOOL?

PRESENCE (ANALYSIS AD LABORATORY)

Art. 2.1

An expensive tool
A limited tool to violations of Article 2.1 by individual athletes
An inefficient tool
An increasingly inefficient tool



WE THINK: ¡YES! MAY BE ,WE ARE TOO FOCUSED

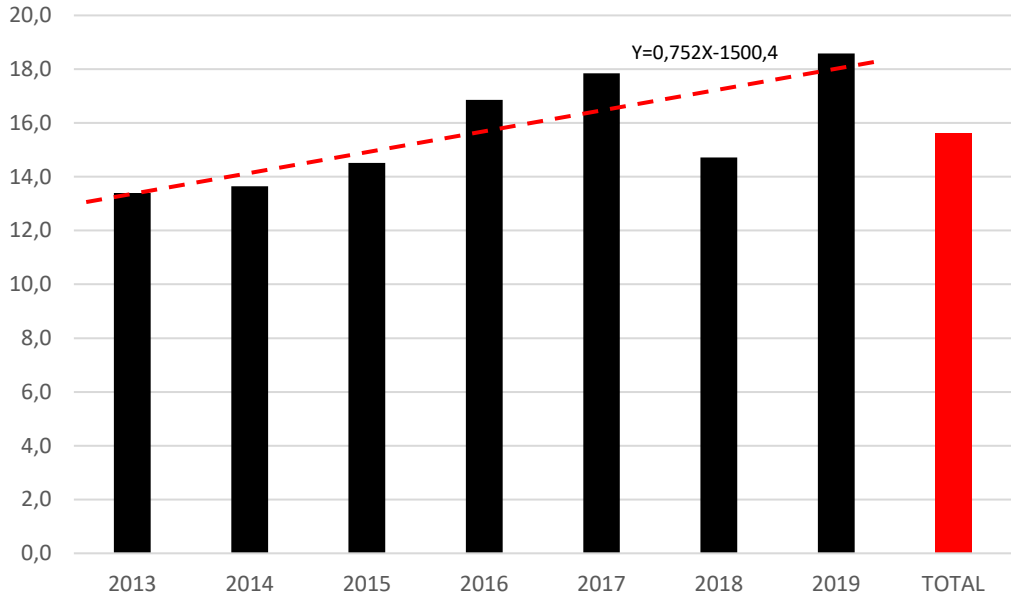


IT MAYBE THAT NOW IS THE TIME TO DIVERSIFY OUR TOOLS



IT MAYBE THAT NOW IS THE TIME TO DIVERSIFY OUR TOOLS

NON ANALYTICAL VIOLATIONS %



NON ANALYTICAL VIOLATIONS (NON ARTICLE 2.1?)

- USE (OR ATTEMPTED USE) Art. 2.2
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From 2013 to 2019 15,6% of violations were NON-ANALYTICAL

From 2013 to 2019 there was a strong increase of NON-ANALYTICAL violations

But there is a great capacity for improvement between 15.6% and 46% (In 2021 46.2 % violations in Spain were NON-ANALYTICAL)

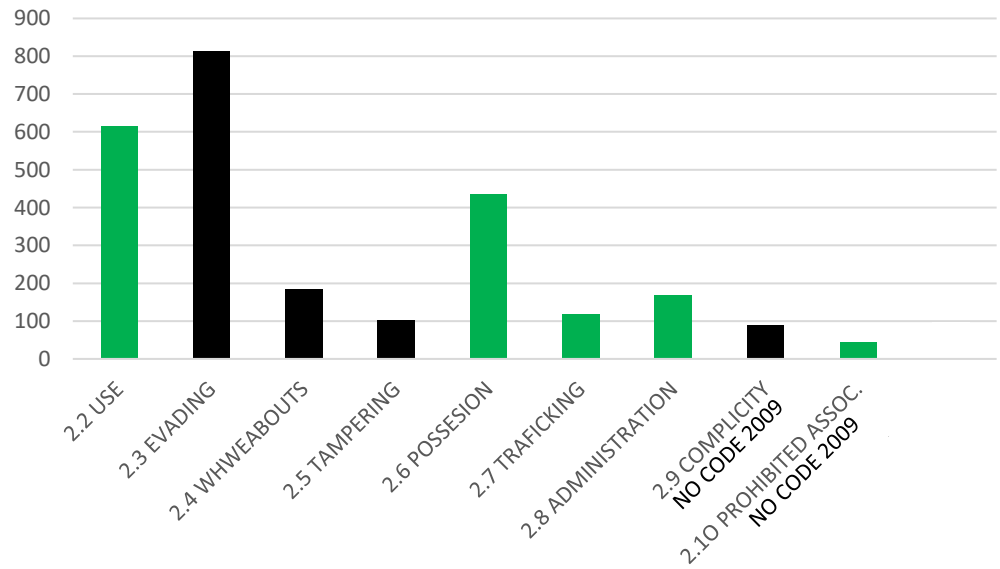


WORKING IN NON-ANALYTICAL VIOLATIONS ¿INTELLIGENCE?

NON-ANALYTICAL VIOLATIONS POSSIBLE TO DISCOVER THROUGH INTELLIGENCE

OTHER NON-ANALYTICAL VIOLATIONS

VIOLATIONS 2013-2019



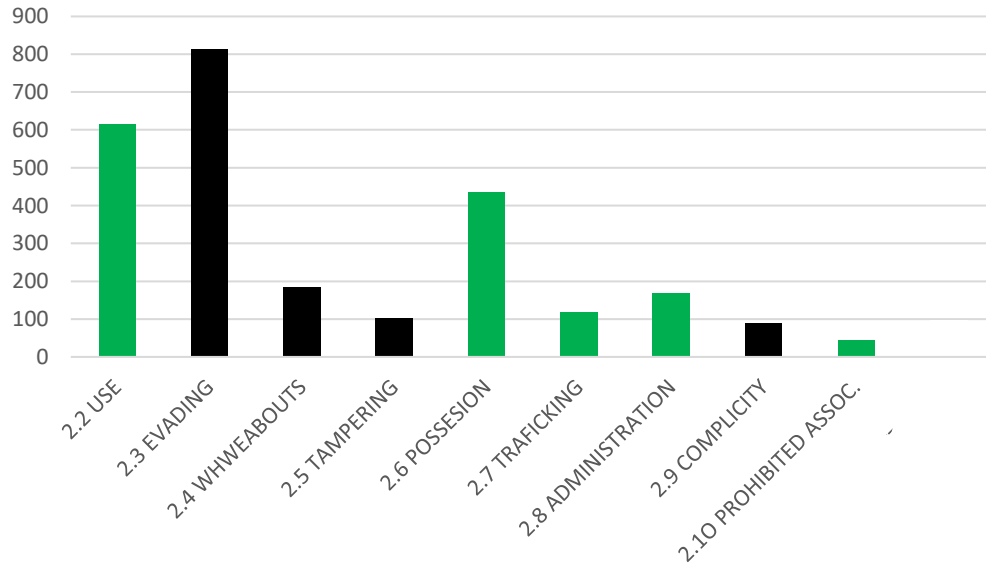
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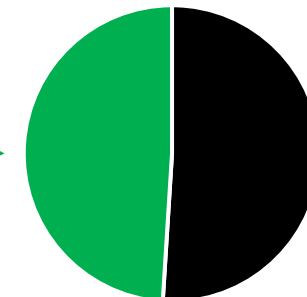
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INTELLIGENCE AS A TOOL: 51% →

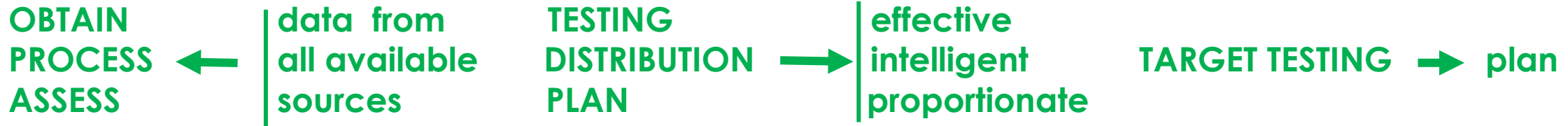




WHY NOT IMPLEMENTING INTELLIGENCE AS AN AD TOOL?

BUT REALLY SERIOUS INTELLIGENCE?

INTELLIGENCE (AS IN CODE 5.7 AND ISTI 11)



CAPTURE OR RECEIVE INFORMATION FROM ATHLETES, SUPPORT PERSONEL PUBLIC CONTROL PERSONNEL, AD. LABS, PHARMA COMPANIES, WADA, ADOS, LAW ENFORCEMENT, MEDIA.

SERIOUS INTELLIGENCE (AS IN ISTI 12 AND 13 AND BEYOND)

BE ABLE TO INVESTIGATE CONFIDENTIALLY AND EFFECTIVELY ANY ANALYTICAL OR NON-ANALYTICAL INFORMATION OR INTELLIGENCE THAT INDICATES THERE IS REASONABLE CAUSE TO SUSPECT THAT AN ANTI-DOPING RULE VIOLATION MAY HAVE BEEN COMMITTED, IN ACCORDANCE WITH THE ISRM.

BE ABLE TO CONDUCT A FULL INVESTIGACION WITH PROFESSIONAL TECHNIQS, RECEIVING INFORMATION OF CRIMINAL PROCESS AND SHARING INFORMATION WITH CRIMINAL COURTS TO BE ABLE TO DESTROY PLOTS OF TRAFFICKING AND ADMINISTRATION.

WHY NOT IMPLEMENTING INTELLIGENCE AS AN AD TOOL?

BUT REALLY SERIOUS INTELLIGENCE?

SERIOUS INTELLIGENCE WILL NEED THE COLLABORATION OF:

- **WITH COURTS AND JUDGES**
- **WITH STATE PROSECUTORS**
- **WITH POLICE BODIES**

IT IS A LONG AND WORKFUL PROCESS

IN CELAD INTELLIGENCE STARTED IN 2013 (10 YEARS)

SERIOUS INTELLIGENCE IN 2017 (6 YEARS)

AND INTELLIGENCE UNIT IN 2022 (1 YEAR)

WHY NOT IMPLEMENTING INTELLIGENCE?

SERIOUS INTELLIGENCE, HOW WE DID IN SPAIN:

STEPS

- **DOPING AS AN OFFENSE IN CRIMINAL CODE**
- **PERMEABILITY BETWEEN CRIMINAL LAW AND ANTI-DOPING LAW**
- **LEGAL BASIS FOR POLICE INTEGRATION IN AN INTELLIGENCE UNIT IN A NADO**
- **STABLISHING LINKS WITH STATE PROSECUTION**
- **ARMONISING INTERNAL INVESTIGATION WORK, POLICE WORK, PROSECUTION WORK AND JUSTICE WORK**

SERIOUS INTELLIGENCE. HOW WE DID IN SPAIN:

DOPING AS A FAULT IN CRIMINAL CODE



Artículo 362. Los que, sin justificación terapéutica, prescriban, proporcionen, dispensen, suministren, administren, ofrezcan o faciliten a deportistas federados no competitivos, deportistas no federados que practiquen el deporte por recreo, o deportistas que participen en competiciones organizadas en España por entidades deportivas, sustancias o grupos farmacológicos prohibidos, así como métodos no reglamentarios, destinados a aumentar sus capacidades físicas o a modificar los resultados de las competiciones, que por su contenido, reiteración de la ingesta u otras circunstancias concurrentes, pongan en peligro la vida o la salud de los mismos, serán castigados con las penas de prisión de seis meses a dos años, multa de seis a dieciocho meses e inhabilitación especial para empleo o cargo público, profesión u oficio, de dos a cinco años.

2. Se impondrán las penas previstas en el apartado anterior en su mitad superior cuando el delito se perpetre concurriendo alguna de las circunstancias siguientes:

- 1.ª Que la víctima sea menor de edad.
- 2.ª Que se haya empleado engaño o intimidación.
- 3.ª Que el responsable se haya prevalido de una relación de superioridad laboral o profesional

Article 362. Those who, without therapeutic justification, prescribe, provide, dispense, supply, manage, offer or facilitate to non-competitive federated athletes, non-federated athletes who practice sports for recreation, or athletes who participate in competitions organized in Spain by entities sports activities, prohibited substances or pharmacological groups, as well as non-regulatory methods, intended to increase their physical capacities or to modify the results of competitions, which due to their content, reiteration of ingestion or other concurrent circumstances, endanger life or health of the same, will be punished with prison terms of six months to two years, a fine of six to eighteen months and special disqualification for public employment or office, profession or trade, from two to five years.

2. The penalties provided for in the previous section will be imposed in its upper half when the crime is perpetrated under any of the following circumstances:

- 1st That the victim is a minor.
- 2nd that deception or intimidation has been used.
- 3rd That the person in charge has taken advantage of a relationship of labor or professional superiority

DOPING AS AN OFFENSE IN CRIMINAL CODE. Art. 362.

Prison of **six months to two years**, a fine of **six to eighteen months and special disqualification for public employment or office, profession or trade, from two to five years**. To those who, without therapeutic justification, **prescribe, provide, dispense, supply, manage, offer or facilitate** to non-competitive federated athletes, non-federated athletes, prohibited substances or methods.

SERIOUS INTELLIGENCE. HOW WE DID IN SPAIN:

DOPING AS A FAULT IN CRIMINAL CODE



Allows the use of any police mean and technique in the doping investigation

SERIOUS INTELLIGENCE. HOW WE DID IN SPAIN:

PERMEABILITY BETWEEN CRIMINAL LAW AND A-D LAW

Organic Anti-doping Law 2021



BOLETÍN OFICIAL DEL ESTADO



Núm. 312

Miércoles 29 de diciembre de 2021

Sec. I. Pág. 165009

I. DISPOSICIONES GENERALES

JEFATURA DEL ESTADO

21650 Ley Orgánica 11/2021, de 28 de diciembre, de lucha contra el dopaje en el deporte.

If CELAD becomes aware, in the exercise of its functions, of the possible existence of conduct that could constitute the offense provided for in article 362 of the Criminal Code, it will immediately notify the authorities. State Security Forces and Corps, the Public Prosecutor's Office or the competent Judge for the investigation of the corresponding process

Artículo 31. *Colaboración con las autoridades judiciales.*

1. Si la Agencia Estatal Comisión Española para la Lucha Antidopaje en el Deporte tuviera conocimiento en el ejercicio de sus funciones de la posible existencia de conductas que pudieran ser constitutivas del delito previsto en el artículo 362 del Código Penal, lo pondrá de inmediato en conocimiento de las Fuerzas y Cuerpos de Seguridad del Estado, del Ministerio Fiscal o del Juez competente para la instrucción del correspondiente proceso.



CELAD

Comisión Española
para la Lucha Antidopaje
en el Deporte



To Authorities. Police Force, Public Prosecutor's Office or the competent Judge

SERIOUS INTELLIGENCE. HOW WE DID IN SPAIN:

PERMEABILITY BETWEEN CRIMINAL LAW AND A-D LAW

Organic Anti-doping Law 2021

Artículo 31. *Colaboración con las autoridades judiciales*

6. Cuando cualquier Juez o Tribunal tenga conocimiento de la posible existencia de una infracción administrativa en materia de dopaje, podrá, a solicitud de la Agencia Estatal Comisión Española para la Lucha Antidopaje en el Deporte, pasar a esta el correspondiente tanto de culpa.



BOLETÍN OFICIAL DEL ESTADO



Núm. 312

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Sec. I. Pág. 165009

I. DISPOSICIONES GENERALES

JEFATURA DEL ESTADO

21650 Ley Orgánica 11/2021, de 28 de diciembre, de lucha contra el dopaje en el deporte.

When any Judge or Court becomes aware of the possible existence of an sport infraction in the matter of doping, they may, at the request of the CELAD, assign the corresponding amount of blame to it.

If any Judge or Court detects the existence of a doping infraction

NOTIFIES with all relevant data.



CELAD

Comisión Española
para la Lucha Antidopaje
en el Deporte

SERIOUS INTELLIGENCE. HOW WE DID IN SPAIN:

LEGAL BASIS FOR POLICE INTEGRATION IN AN INTELLIGENCE UNIT IN A NADO

Royal Decree CELAD 2022

Artículo 13. La Dirección de la Agencia Estatal Comisión Española para la Lucha Antidopaje en el Deporte.

...

Corresponde a la Dirección:

...

ñ) Coordinar la colaboración con las Fuerzas y Cuerpos de Seguridad del Estado, con la policía judicial y con los demás poderes públicos en materia de investigaciones relacionadas con dopaje en el deporte, y a requerimiento de tales poderes públicos, con los jueces y tribunales, así como la dirección de cuantas actuaciones se consideren precisas en las labores de inteligencia, investigación y averiguación en el ámbito de conductas sospechosas en materia de dopaje en el deporte



The Director of CELAD coordinates the collaboration with the Police Forces and Bodies, with the judicial police and with the other public powers in matters of investigations related to doping in sport,



SERIOUS INTELLIGENCE. HOW WE DID IN SPAIN:

LEGAL BASIS FOR POLICE INTEGRATION IN AN INTELLIGENCE UNIT IN A NADO

Royal Decree CELAD 2022

Directly under the Direction

THE CELAD INTELLIGENCE UNIT IS FULLY INTEGRATED, INDOORS, WITH ONE MEMBER FROM EACH OF THE GUARDIA CIVIL AND POLICÍA NACIONAL ANTI-DOPING UNITS.

CELAD INTELLIGENCE UNIT

- DIRECTOR OF CELAD
- INTELLIGENCE TECHNICIAN OF CELAD
- GUARDIA CIVIL OFFICER
- POLICIA NACIONAL AGENT



SERIOUS INTELLIGENCE. HOW WE DID IN SPAIN:

STABLISHING LINKS WITH STATE PROSECUTION

Directly under the Direction



2023: Direct collaboration with State Prosecutor





AN OPERATION OF CELAD'S. INTELLIGENCE UNIT: OPERATION HIPOXIANET

**AN ADVERSE
RESULT IN
CYCLING: EPO**

**OFFERING
SUBSTANTIAL
ASSISTANCE**

**DIFFICULTIES
WITH WADA
TO ALLOW A
REDUCED
SANCTION**

**SUBSTANTIAL
ASSISTANCE:**

**IDENTIFYING
A DOCTOR
STEALING EPO
FROM A HAEMODIALYSIS CLINIC
(AROUND 5M€)**



**IDENTIFYING
A NET SELLING EPO BY
INTERNET**

**Penal Punishment
6 PERSONS IN CRIMINAL
COURT AND IN JAIL**

**IDENTIFIED 59 EPO BUYERS
AND USERS IN EUROPE**

**Sport Punishment
14 ATHLETES SANCTIONED BY
CODE ARTICLE 2.2
(POSSESSION)**

STATISTICS 2018-2022

YEAR	POLICE FORCE	OPERATION NAME	SANCTIONS	ARRESTED
2013	NATIONAL POLICE	JIMBO	5	41
2014	NATIONAL POLICE		1	-
2015	NATIONAL POLICE	ASTUR	-	10
2016	GUARDIA CIVIL	VALONIA	1	16
2017	DIANU		-	14
2017	NATIONAL POLICE	CHAMBERÍ	6	20
2017	CRIMINAL COURT SALAMANCA		6	-

YEAR	POLICE FORCE	OPERATION NAME	SANCTIONS	ARRESTED
2018	NATIONAL POLICE	RELEVO	1	6
2018	NATIONAL POLICE	BARINAS	-	11
2019	GUARDIA CIVIL	HIPOXIANET	12+2	6
2019	CRIMINAL COURT GANDÍA		3	-
2020	NATIONAL POLICE	CATTLEYA	-	13
2021	NATIONAL POLICE	GRELO	-	3
2022	GUARDIA CIVIL	ILEX	OPEN	5

14 OPERATIONS

27 DOPING SANCTIONS

145 ARRESTED



**THANKS FOR YOUR
ATTENTION**



**GRACIAS POR SU
ATENCIÓN**

