

PUBLIC ADMINISTRATION IN THE FIELD OF PREVENTION AND ELIMINATION OF THE USE OF DOPING IN SPORT: ADMINISTRATIVE AND LEGAL ASPECTS

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Abstract: *The Article is devoted to systematisation of public administration instruments and public policy in the field of prevention and elimination of the use of doping in sport, based on foreign experience. The legislative experience of foreign countries was investigated and involved.*

Keywords: *doping in sports, public administration in the field of sport, anti-doping support for sports, sport, administrative law.*

Keywords: Sport, doping, public administration, WADA, administrative law, sports law

Introduction

The doping problem in sports is still more than relevant. Public administration and the state policy in the field of combating doping in sports is still far from being ideal in all countries worldwide, have both many shortcomings and generic, long time unsolved, problems and issues (the problem of abuse of Therapeutic Use Exemption of doping drugs in sports, the intentional avoidance by some organisations (e.g., in the USA) of the interference of WADA representatives in their business, developments in the field of difficult to detect gene doping in sports, and other).

At a fundamental level of understanding and with a significant scope of coverage national science hardly contains analytical systematisation of public administration tools in the field of doping elimination in sport. However, in recent years this topic has become more relevant than ever and deserves a more fundamental scientific understanding and legal interpretation, especially in administrative law and state management aspects.

The main idea of the dissertation research was to provide sample reference due to the study covering a sufficiently large number of countries (and a sufficiently large volume of investigated regulatory legal acts) - from different continents, with legal systems from different legal families.

In this paper we provide extracts not from all the foreign regulatory legal acts we analysed by on the studied thematic horizon (this was made not to overload the text with unnecessary duplications or analogues).

While conducting our scientific research, we have studied the legislative ex-

perience (the experience of legal regulation of these issues) of 33 foreign countries (the author has examined the current versions of the relevant regulatory acts in the original languages, in the author's translations), including legal regulation of Austria, Bulgaria, Hungary, Germany, Denmark, Ireland, Spain, Italy, Luxembourg, Norway, Poland, Portugal, Romania, France, Switzerland, Argentina, Brazil, Colombia, Peru, Uruguay, Chile, Ecuador, Canada, Mexico, Australia, China, New Zealand, Israel, Egypt, Kenya, Morocco, Tunisia, South Africa.

It is this selection that allows us to provide the necessary reference, relevance and objectivity of the study, to create the prerequisites for a fundamental understanding of the challenge our civilisation faces, formed by the problem of doping in sport.

We have identified the following noteworthy, necessary to be taken into account and objectively relevant public administration and state policy instruments in the field of elimination of doping in the field of sports:

1). Measures to prevent and eliminate doping in sports:

1.1) doping control at sporting events (a number of articles of the Italian Law No. 376 dated 14.12.2000 "On the procedure for protecting health in the field of sports and on the combating doping"; § 12 of the Austrian Federal Law dated 29.06.2007 (amended on 14.06.2018) "On combating doping in sports";

1.2) the implementation of doping control at training events (§ 13 of the Austrian Federal Law dated 29.06.2007 (amended on 14.06.2018) "On combating against doping in sport"; clauses 1 and 2 of Article 11 of the Organic Law of Spain No. 3 / 2013 dated 21.06.2013 (amended on 18.02.2017) "On the protection of the athlete health and on combating doping in sports";

1.3) imposing obligations on sports organisations to assist in the implementation of anti-doping control (clauses 1, 2 and 3 § 18 of the Federal Law of Austria dated 29.06.2007 (amended on 14.06.2018) "On combating doping in sport");

1.4) imposing the obligation on athletes to confirm in writing their agreement with the anti-doping rules and consent to participate in anti-doping control (subparagraphs 1, 2 and 4 of paragraph 1 and paragraph 2 of § 19 of the Austrian Federal Law dated 29.06.2007 (amended on 14.06.2018) "On combating doping in sport ");

1.5) imposing on athletes the obligation to be available for taking doping samples (paragraph "b" of Article 4 of the Law of Argentina No. 26.912 dated 13.11.2013 "On the system of legal regulation of the prevention and control of doping in sport");

1.6) imposing on athletes the obligation to notify medical workers of their status and the prohibitions applicable to it, that are related to medical treatment and medication (paragraph "d" of Article 4 of the Law of Argentina No. 26.912 dated 13.11.2013 "On the system of legal regulation of prevention and control of doping in sports "; article L. 232-2 of the French Sports Code (amended on 23.08.2019));

1.7) imposing on the athlete's auxiliary personnel the duty to monitor the implementation of the anti-doping rules, prevent violations and report (when it is found necessary) to the authorised bodies about violations (article 5 of the Law of Argentina No. 26.912 dated 13.11.2013 "On the system of legal regulation of the prevention and control of doping in sports ");

1.8) imposing obligations on sports organisations to monitor the implementation of anti-doping rules, prevent violations and report (where possible) to the authorised bodies about the facts of violations (clause 2 of Article 90 of the Law of Bulgaria dated 18.10.2018 "On Physical Education and Sport");

1.9) imposing on athletes direct responsibility for ensuring the absence of prohibited drugs, their metabolites or markers in the athletes' bodies, as well as traces of the use of prohibited methods (paragraph "c" of Article 4, paragraph "a" of Article 8 of the Law of Argentina No. 26.912 dated 13.11.2013 "On the system of legal regulation of the prevention and control of doping in sports");

1.10) conducting educational programs and information campaigns aimed at promoting zero tolerance for the doping drugs usage in sports, and at preventing the use of doping substances and methods in sports (clause 1 § 2 of the Austrian Federal Law dated 29.06.2007 (amended on 14.06.2018) "On combating doping in sports"; Article 39 of the Law of Colombia No. 845 dated 21.10.2003 "On the establishment of rules for the prevention and combating doping, on amendments to the Law No. 49 of 1993 and on the establishment of other provisions");

1.11) fixing the requirement of issuing (first and subsequent), reinstatement or renewal of an athlete's sports license (issued by the sports federation), as well as authorisation of the athlete to participate in a sports competition, subject to they provide a medical document indicating the current lack of data on the use of doping drugs by an athlete (Articles L. 231-2, L. 231-2-1, L. 231-3, L. 231-8, clause 1, article L. 232-3 of the Sports Code of France (amended on 23.08.2019));

1.12) the organisation and conduction of confidential medical consultations for people who use doping substances and methods, and for people at risk (Article L. 232-1 of the Sport Code of France (amended on 23.08.2019));

1.13) imposing on athletes the obligation to provide the authorised bodies with accurate and current information about their whereabouts in the interests of anti-doping checks (Article L. 232-15 of the Sports Code of France (amended on 23.08.2019));

1.14) provision of a mechanism for interaction between law enforcement agencies and other persons with organisations authorised to carry out anti-doping control in order to comply with anti-doping rules and to prevent violations of such rules (Article 28 of the Law of New Zealand dated November 7, 2006 No. 58 (amended on October 17, 2016) "On Combating Doping in sports ");

1.15) the organisation and maintenance of an electronic register of anti-doping rule violators available to sports organisations, associations and other

persons who have entered into an agreement with the anti-doping authority in order to counter doping in sport (Article 6 of Order of the Ministry of Culture of Denmark No. 1582 dated 17.12.2018 “On the Promotion of Honesty in sports”; Article 9-b of the Order of the Ministry of Culture of Denmark No. 1168 dated 07.10.2015 “On the Promotion of Honesty in Sports”).

2). Prohibitions and restrictions: 2.1) the prohibition of the use or attempted use of prohibited doping substances and methods, including gene doping, without therapeutic (medical) indications (clause 1 § 22a of the Federal Law of Austria dated 29.06.2007 (amended on 14.06.2018) “On combating doping in sports”; article 9 of the Law of Argentina No. 26.912 dated 13.11.2013 “On the system of legal regulation of the prevention and control of doping in sports”;

2.2) foundation for prohibition of the use of prohibited anabolic drugs, peptide hormones, growth enhancers, and related drugs, as well as mimetics, hormones, and metabolic modulators (clause 3 § 22a of the Federal Law of Austria dated 29.06.2007 (amended on 14.06.2018) “On combating doping in sport”);

2.3) foundation for prohibition of the presence in the biological samples of an athlete of any prohibited substances, their metabolites or markers, as well as traces of the use of prohibited methods (Article 8 of the Law of Argentina No. 26.912 dated 13.11.2013 “On the system of legal regulation of the prevention and control of doping in sports”; subparagraph “A” of clause I of article 151 of the General Law of Mexico dated 07.06.2013 (amended on 19.01.2018) “On physical education and sports”;

2.4) foundation for prohibition of the acquisition, import and storage of prohibited substances and methods (Article 13 of the Law of Argentina No. 26.912 dated 13.11.2013 “On the system of legal regulation of the prevention and control of doping in sport”; subparagraph 6 of paragraph 4 of Article 90 of the Law of Bulgaria dated 18.10.2018 “On Physical Education and Sport”;

2.5) foundation for prohibition of unlawful obstruction, evasion, and refusal to take a doping test (article 10 of the Law of Argentina No. 26.912 dated 13.11.2013 “On the system of legal regulation of the prevention and control of doping in sport”; paragraph “e” of Article 11 of the Law of Colombia No. 49 dated 08.03.1993 (amended on 21.10.2003) “On the establishment of a disciplinary regime in sports”;

2.6) foundation for prohibition of any manipulations with the anti-doping control process, including falsification, misleading authorised persons, intimidation of witnesses, or attempting to perform any of the above actions (Article 11 of the Law of Argentina No. 26.912 dated 13.11.2013 “On the system of legal regulation of prevention and control doping in sports”; paragraph “e” of Article 11 of the Law of Colombia No. 49 dated 08.03.1993 (amended on 21.10.2003) “On the establishment of a disciplinary regime in sports”;

2.7) foundation for prohibition of trafficking or attempted trafficking in prohibited substances or methods (Article 14 of the Law of Argentina No. 26.912

dated 13.11.2013 “On the system of legal regulation of the prevention and control of doping in sport”; subparagraph “g” of paragraph I of article 151 of the General Law of Mexico dated 07.06.2013 (amended on 19.01.2018) “On physical culture and sport”;

2.8) foundation for prohibition of organising the use or usage of a prohibited substance or method against another person, as well as assistance, inducement, participation, incitement, concealment or any other complicity in violation of anti-doping rules (Article 15 of the Law of Argentina No. 26.912 dated 13.11.2013 “On the system of legal regulation of the prevention and control of doping in sport”; paragraph “e” of Article 11 of the Law of Colombia No. 49 dated 08.03.1993 (amended on 21.10.2003) “On the establishment of a disciplinary regime in sports”;

2.9 foundation for prohibition of evading the requirements related to the provision of information on the whereabouts and ensuring the availability of the athlete in and out of competitions (Article 11 of the Law of Argentina No. 26.912 dated 13.11.2013 “On the system of legal regulation of the prevention and control of doping in sports”; subparagraph 4 of paragraph 4 of Article 90 of the Law of Bulgaria dated 18.10.2018 “On Physical Education and Sport”;

3). Responsibility measures: 3.1) measures of sports and disciplinary responsibility and administrative responsibility: 3.1.1) measures of responsibility of athletes: 3.1.1.1) measures of responsibility for the use or attempted use of prohibited doping substances and methods, including gene doping, without medical indications:

- punishment in the form of disqualification for a period of two years (article 24 in conjunction with article 9 of the Law of Argentina No. 26.912 dated 13.11.2013 “On the system of legal regulation of the prevention and control of doping in sport”);

- punishment in the form of suspension of a license of a sports federation for between two and four years and a fine of between 3,001 to 12,000 euros (paragraph 1 of Article 23 in conjunction with subparagraph “b” of paragraph 1 of Article 22 of the Organic Law of Spain No. 3 / 2013 dated 21.06.2013 (amended on 18.02.2017) “On protecting the health of an athlete and on combating doping in sports”);

3.1.1.2) measures of responsibility for the presence in the biological samples of an athlete of any prohibited substances, their metabolites or markers, as well as traces of the use of prohibited methods:

- punishment in the form of disqualification for a period of two years (article 24 in conjunction with article 8 of the Law of Argentina No. 26.912 dated 13.11.2013 “On the system of legal regulation of the prevention and control of doping in sport”);

- punishment in the form of suspension of a license of a sports federation for between two and four years and a fine of between 3,001 and 12,000 euros

(clause 1 of article 23 in conjunction with subparagraph “a” of paragraph 1 of article 22 of the Organic Law of Spain No. 3 / 2013 dated 21.06.2013 (amended on 18.02.2017) “On protecting the health of an athlete and on combating doping in sports”);

3.1.1.3) measures of responsibility for the storage of prohibited substances and methods:

- punishment in the form of disqualification for a period of two years (article 24 in conjunction with paragraph “a” of article 13 of the Law of Argentina No. 26.912 dated 13.11.2013 “On the system of legal regulation of the prevention and control of doping in sport”);

- punishment in the form of suspension of a license of a sports federation for a period of two to four years and a fine of 3,001 to 12,000 euros (clause 1 of article 23 in conjunction with subparagraph “f” of clause 1 of article 22 of the Organic Law of Spain No. 3 / 2013 dated 21.06.2013 (amended on 18.02.2017) “On protecting the health of an athlete and on combating doping in sports”);

3.1.1.4) measures of responsibility for unlawful obstruction of doping sampling, evasion of doping sampling:

- punishment in the form of disqualification for a period of two years (paragraph “a” of Article 25 in conjunction with Article 10 of the Law of Argentina No. 26.912 dated 13.11.2013 “On the system of legal regulation of the prevention and control of doping in sport”);

- punishment in the form of disqualification for a period of two to four years (clause 1 article 58 of the Law of Romania No. 227/2006 dated 07.06.2006 (amended on 26.10.2015) “On prevention and combating doping in sport”; clause “b” of part 1 of article 24 in conjunction with paragraph “c” of part 1 of article 12 of the Government of Hungary No. 43/2011 (III. 23) dated 23.03.2011 (amended on 27.12.2016) “On anti-doping rules”);

3.1.1.5) measures of responsibility for any manipulations with the anti-doping control process, including falsification, misleading authorised persons (anti-doping control), intimidation of witnesses or attempt to perform any of the mentioned actions:

- punishment in the form of disqualification for a period of two years (paragraph “a” of Article 25 in conjunction with Article 11 of the Law of Argentina No. 26.912 dated 13.11.2013 “On the System of legal regulation of the prevention and control of doping in sport”);

- punishment in the form of suspension of a license of a sports federation for a period of two to four years and a fine of 12001 to 40,000 euros (clause 2 of article 23 in conjunction with subparagraph “c” of paragraph 1 of article 22 of the Organic Law of Spain No. 3/2013 dated 21.06.2013 (amended on 18.02.2017) “On protecting the health of an athlete and on combating doping in sports”);

3.1.1.6) measures of responsibility for trafficking or attempted trafficking of prohibited substances or methods:

– punishment in the form of suspension of the license of the sports federation for a period of four years to the term of life and a fine of 40,000 to 100,000 euros (clause 3 of article 23 in conjunction with subparagraph “h” of paragraph 1 of article 22 of the Organic Law of Spain No. 3 / 2013 dated 21.06.2013 (amended on 18.02.2017) “On protecting the health of an athlete and on combating doping in sports”);

– punishment in the form of disqualification for a period of four to twenty five years in addition to criminal punishment (clause 4 of article 63 in conjunction with article 44 of the Portuguese Law No. 38/2012 dated 28.08.2012 (amended on 13.08.2015) “On combating doping in sports ”;

3.1.1.7) measures of responsibility for the injection or use of a prohibited substance or method against the other person, as well as assistance, inducement, participation, incitement, concealment or any other complicity in violation of anti-doping rules:

– punishment in the form of disqualification for a period of two to four years (Article 7 of the Decree-Law of Uruguay No. 14.996 dated 09.04.1980 “On regulation of sports activities and on classification of offenses in sports”);

– punishment in the form of disqualification for a period of from four years to the term of life or from two years to life (clauses 4 and 6 of Article 58 of the Law of Romania No. 227/2006 dated 07.06.2006 (amended on 26.10.2015) “On prevention and combating doping in sports ”);

3.1.1.8) measures of responsibility for evading the requirements for the provision of information on the whereabouts of the athlete and ensuring the availability of the athlete (for anti-doping control) in and out of competition:

– punishment in the form of disqualification for a period of one year to two years (clause “c” of article 25 in conjunction with article 11 of the Law of Argentina No. 26.912 dated 13.11.2013 “On the system of legal regulation of the prevention and control of doping in sport”);

– punishment in the form of disqualification for a period of one to two years (clause 2 of article 58 of the Law of Romania No. 227/2006 dated 07.06.2006 (amended on 26.10.2015) “On prevention and combating doping in sport”; clause “c” of part 1 of article 24 in conjunction with paragraph “d” of part 1 of article 12 of the Government of Hungary No. 43/2011 (III. 23) dated 23.03.2011 (amended on 27.12.2016) “On anti-doping rules”);

3.1.1.9) measures of responsibility for repeated violations of anti-doping rules:

– punishment in the form of disqualification for a period of one year to the term of life (articles 33–45, 47, 48 of the Law of Argentina No. 26.912 dated 13.11.2013 “On the system of legal regulation of the prevention and control of doping in sport”);

– a fine of 3,000 levas (paragraph 2 of Article 148 of the Law of Bulgaria dated 18.10.2018 “On Physical Education and Sport”);

– punishment in the form of disqualification for a period of six months to the term of life (article 72 of the Law of Romania No. 227/2006 dated 07.06.2006 (amended on 26.10.2015) “On prevention and combating doping in sport”);

3.1.1.10) general measures of responsibility for anti-doping rule violation:

– punishment in the form of disqualification, suspension or deprivation of membership in a club, league, division or federation, or a license of a sports federation, temporarily or for the term of life, in proportion to the committed violations (paragraph “a” of Article 19 of the Law of Colombia No. 49 dated 08.03.1993 (amended on 21.10.2003) “On the establishment of a disciplinary regime in sports”);

– punishment in the form of a confidential or public warning, or restriction, reduction or cancellation of financial support, or temporary or lifelong suspension of registration in the national system of physical education and sports (clause III of Article 152 of the General Law of Mexico dated 07.06.2013 (amended on 19.01.2018) “On physical education and sport”);

3.1.2) measures of responsibility of sports officials and sports support personnel: 3.1.2.1) measures of responsibility for the storage of prohibited substances and methods:

– the punishment in the form of suspension from work for a period of two years (article 24 in conjunction with paragraph “b” of article 13 of the Law of Argentina No. 26.912 dated 13.11.2013 “On the system of legal regulation of the prevention and control of doping in sport”);

3.1.2.2) measures of responsibility for the injection or use of a prohibited substance or method against young person, as well as assistance, inducement, participation, incitement, concealment or any other complicity in violation of anti-doping rules:

– the punishment of lifelong exclude from participation (Article 25 in conjunction with Article 15 of the Law of Argentina No. 26.912 dated 13.11.2013 “On the system of legal regulation of the prevention and control of doping in sport”);

– the punishment in the form of suspension for a period of two years (Article 25 of the Law of Colombia No. 845 dated 21.10.2003 “On the establishment of rules for the prevention and combating doping, on amendments to the Law No. 49 of 1993 and on the establishment of other provisions”);

3.1.2.3) measures of responsibility for the injection or use of a prohibited substance or method against the other person, as well as assistance, inducement, participation, incitement, concealment or any other complicity in violation of anti-doping rules:

– a fine in the amount of from 7,500 lei to 15,000 lei (paragraph 6 of Article 91 of the Law of Romania No. 227/2006 dated 06.06.2006 (amended on 26.10.2015) “On prevention and combating doping in sport”);

3.1.2.4) measures of responsibility for trafficking or attempted trafficking prohibited substances and methods:

- the punishment of lifelong exclude from participation(paragraph 5 of Article 58 of the Law of Romania No. 227/2006 dated 06.06.2006 (amended on 26.10.2015) “On prevention and combating doping in sport”);

3.1.2.5) general measures of responsibility for anti-doping rule violation:

- punishment for "very serious" anti-doping rule violations in the form of deprivation of the right to perform medical and professional functions related to athletes, organisations, clubs, teams, federations or sports grounds for a period of four years (clause 1 of article 26 of the Organic Law of Spain No. 3/2013 dated 21.06. 2013 (amended on 18.02.2017) “On the protection of the health of an athlete and on combating doping in sports”);

- punishment for “serious” anti-doping rule violations in the form of deprivation of the right to perform professional functions related to athletes, organisations, clubs, teams, federations or sports facilities for a period of two years (clause 2 of article 26 of the Organic Law of Spain No. 3/2013 dated 21.07.2013 (amended on 18.02.2017) “On protecting the health of an athlete and on combating doping in sports”);

3.1.3) measures of responsibility of sports medicine personnel:

- punishment for “serious” anti-doping rule violations in the form of deprivation of the right to perform medical functions in relation to athletes, organisations, clubs, teams, federations or sports facilities for a period of two years (clause 2 of article 26 of the Organic Law of Spain No. 3/2013 dated 21.07.2013 (amended on 18.02.2017) “On protecting the health of an athlete and on combating doping in sports”);

- disqualification for a period of 2 to 8 years (clause 3 of article 64 of the Law of Portugal No. 38/2012 dated 28.08.2012 (amended on 08.13.2015) “On combating doping in sport”);

3.1.4) measures of responsibility of organisations, sports clubs and teams, within the framework (the area of responsibility) of which an anti-doping rule violation has been occurred:

- punishment of sports organisations that do not fulfill their obligations to prevent anti-doping rule violations in the form of a warning, suspension of the organisation’s membership in sports federations or termination of financial support (paragraphs a and b of article 83 in conjunction with article 82 of the Law of Argentina of 13.11 .2013 No. 26.912 “On the system of legal regulation of the prevention and control of doping in sport”);

- punishment of sports organisations that allow anti-doping rule violations in the form of a fine of from BGN 1,000 to BGN 4,000 for each violation (paragraph 1 of Article 149 of the Law of Bulgaria dated 18.10.2018 “On physical education and sport”);

3.2) criminal responsibility measures: 3.2.1) criminal responsibility for the

use of prohibited doping substances and methods, including gene doping, without medical indications:

- punishment in the form of imprisonment for a term of up to one year (clause 3 § 22a of the Federal Law of Austria dated 29.06.2007 (amended on 14.06.2018) “On combating doping in sport”);

- punishment in the form of imprisonment for a term of up to three years or a fine (subparagraph 4 of paragraph 1 of § 4 in conjunction with paragraph 1 of § 3 of the Law of Germany dated 10.12.2015 (amended on 13.04.2017) “On combating doping in sport”);

3.2.2) criminal responsibility for violation of anti-doping rules regarding young persons:

- punishment in the form of imprisonment for a term of up to three years (clause 4 § 22a of the Federal Law of Austria dated 29.06.2007 (amended on 14.06.2018) “On combating doping in sport”);

- punishment in the form of imprisonment for a term of one to ten years (subparagraph 2a of paragraph 4 § 4 of the Law of Germany dated 10.12.2015 (amended on 13.04.2017) “On combating doping in sport”);

3.2.3) criminal responsibility for repeated violation of anti-doping rules:

- punishment in the form of imprisonment for a term of up to three years (clause 4 § 22a of the Federal Law of Austria of 29.06.2007 (amended on 14.06.2018) “On combating doping in sport”);

- punishment in the form of imprisonment for a term of up to 6 years (article 235 of the Criminal Code of Norway of 2005 (amended on 20.12.2018));

3.2.4) criminal responsibility for the introduction or use of a prohibited substance or method against another person, as well as assistance, inducement, participation, incitement, concealment or any other complicity in violation of anti-doping rules:

- punishment in the form of imprisonment for a term of up to five years or a fine (clauses 1 and 2 of article 22 of the Union Law of Switzerland dated 17.06.2011 (amended on 29.09.2017) “On promotion of sport and physical culture activities”);

- punishment in the form of imprisonment for a term of three months to three years (Article 7 of the

3.2.5) criminal responsibility for any manipulations with the anti-doping control process, including falsification, misleading authorised persons (anti-doping control), intimidation of witnesses or attempt to perform any of the following actions:

- punishment in the form of imprisonment for a term of five years and a fine of 75,000 euros, confiscation of the instrument of crime, public announcement of the court’s decision, a ban on professional activities in which the crime was committed, and a ban on filling public service posts (clause 3 part II of article L. 232-26 and article L. 232-27 of the Sports Code of France (amended on 23.08.2019));

– a fine of at least one hundred thousand shillings and / or imprisonment for a term not exceeding one year (paragraph 1 of Article 42 of the Law of Kenya No. 5 dated 04.04.2016 “On combating doping”);

3.2.6) criminal responsibility for trafficking or attempted trafficking of prohibited substances or methods:

– punishment in the form of imprisonment for a term of up to three years or a fine (subparagraph 1 of paragraph 1 of § 4 in conjunction with paragraph 1 of § 2 of the Law of Germany dated 10.12.2015 (amended on 13.04.2017) “On combating doping in sport”);

– punishment in the form of imprisonment for a term of up to five years or a fine (clauses 1 and 2 of article 22 of the Union Law of Switzerland dated 17.06.2011 (amended on 29.09.2017) “On promotion of sport and physical culture activities”);

3.2.7) criminal responsibility for the acquisition, storage or transfer of prohibited means or methods:

– punishment in the form of imprisonment for up to three years or a fine (subparagraph 3 of paragraph 1 of § 4 in conjunction with paragraph 3 of § 2 of the Law of Germany dated 10.12.2015 (amended on 13.04.2017) “On combating doping in sport”);

– punishment in the form of imprisonment for a term of up to five years or a fine (clauses 1 and 2 of article 22 of the Union Law of Switzerland dated 17.06.2011 (amended on 29.09.2017) “On promotion of sport and physical culture activities”);

3.2.8) criminal responsibility for committing anti-doping rule violations as a member of an organised criminal group:

– punishment in the form of imprisonment for a term of one to ten years (subparagraph 2b of paragraph 4 § 4 of the Law of Germany dated 10.12.2015 (amended on 13.04.2017) “On combating doping in sport”);

– punishment in the form of imprisonment for a term of six months to five years (clause 1 of article 46 of the Law of Portugal No. 38/2012 dated 28.08.2012 (amended on 13.08.2015) “On combating doping in sport”);

3.2.9) criminal responsibility for the use in relation to other persons of prohibited substances and methods in such quantities or in a manner that poses a threat to life and health, or the use of substances recognised as narcotic:

– punishment in the form of imprisonment for a term of up to five years (clause 5 § 22a of the Federal Law of Austria dated 29.06.2007 (amended on 14.06.2018) “On combating doping in sport”);

– punishment in the form of imprisonment for a term of one to ten years (subparagraph 1-b of paragraph 4 § 4 of the Law of Germany dated 10.12.2015 (amended on 13.04.2017) “On combating doping in sport”);

3.2.10) criminal responsibility for the obvious obstruction of the fulfillment by the authorised persons of the anti-doping control functions:

- punishment in the form of imprisonment for a term of six months and a fine of 7500 euros (Article L. 232-25 of the Sports Code of France (amended on 23.08.2019));

3.2.11) legal entities criminal responsibility for violation of anti-doping rules:

- punishment in the form of a temporary (up to five years) or lifelong prohibition of professional activities (clause 2 of article 131-39 of the Penal Code of France (amended on 03.08.2019) in conjunction with article L. 232-28 of the Sport Code of France (amended on 23.08.2019);

- punishment in the form of confiscation of property (clause 8 of article 131-39 of the Penal Code of France (amended on 03.08.2019) in conjunction with article L. 232-28 of the Sport Code of France (amended on 23.08.2019), in the conditions and in the manner prescribed in Articles 131-21 of the Penal Code of France (amended on 03.08.2019);

3.2.12) medical professionals criminal responsibility for violation of anti-doping rules:

- a fine of at least three million shillings and / or imprisonment for a term of at least three years, as well as the deprivation of a professional medical license for a term of at least one year (subparagraphs “a” and “b” of paragraph 4 of Article 42 of the Law of Kenya No. 5 dated 22.04.2016 "On combating doping");

- punishment in the form of imprisonment for a term of eight days to three years and / or a fine of 1250 euros to 50000 euros (clause 2 of the fourth paragraph (without numbering) of Article 16 of the Law of Luxembourg dated 03.08.2005 (amended on 24.11.2006) "On sport...");

3.2.13) general measures of criminal responsibility for violation of the anti-doping rules (unless otherwise provided for the commission of such a violation):

- a fine of at least one million shillings and / or imprisonment for a term of not less than one year (Article 43 of the Law of Kenya No. 5 dated 04.04.2016 “On combating doping”).

The above selection was the basis for our subsequent research studies of the thematic horizon.

Conclusion. The above topological selection (in the most detailed way possible for our research purposes) of the instruments of state administration and state policy in the field of combating doping in sports creates the prerequisites and allows developing an improved layout of these instruments with an exponentially high degree of efficiency for the conditions of a particular country (for example, Russia)

Since the sphere of public relations related to illegal production, trafficking, use, facilitating the use and concealment of the use of doping drugs in sports is an extremely dissociated networking (unconnected or “broken” relations and connections) and too widely distributed (even “ smeared ”) set (in fact, an entro-

pic "cloud ") of these actions prohibited by the state (related to doping), as the effective management of this area taking into account public interests is possible only with the help of streaming management tools and through the “upgrade” by the state of this sphere of relations with the help of the strict administrative-legal normative order, created to frame the behavior of not only athletes, but also of maintenance and support personnel, sports organisations.

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