

SUMMARY

Abuse of doping substances may lead to various risks for public health such as injuries due to improper use or due to the use of a product that has been prepared under suspicious circumstances, or injuries because veterinary drugs are mixed with human drugs. An important aim of the doping policy is to fight the use of doping substances in top sport and recreational sport.

To tackle the use of doping substances more effectively, an amendment of the applicable Act came into force in May 2001. The illegal trade in drugs which are used for doping has now become part of the Economic Offences Act (Wet op de Economische Delicten: WED) while before it was part of the Dutch Provision of Medicine Act (Wet op de Geneesmiddelenvoorziening: WOG). The unauthorised production and delivery of medicines as well as the preparation, selling, delivery, import, trading or keeping in stock for delivery purposes of unregistered medicines are now regarded as economic offences. The objective of the amendment of the Act is to fight the illegal production and trade in medicines and is, therefore, also an approach that can be used more effectively for fighting the production and trade in doping substances.

Experience of the investigative services has shown that the low punishment of offences of the Dutch Provision of Medicine Act in particular had an impeding effect on the investigation and prosecution of the illegal production and trade in doping substances. Therefore punishment has been increased with the amendment of the Act and the powers of the investigative services have been extended considerably.

Evaluation

INTRAVAL, bureau for research and consultancy, has evaluated the amendment to the Act on behalf of the Research and Documentation Centre (Wetenschappelijk Onderzoek- en Documentatiecentrum: WODC) of the Dutch Ministry of Justice. INTRAVAL has analysed if the fight against the illegal trade and production of doping substances has improved since the amendment of the Act. Within the framework of the research, interviews have been held with representatives of the organisations involved such as the Dutch Health Care Inspectorate (Inspectie voor de Gezondheidszorg: IGZ), the Economic Surveillance Department of the Inland Revenue Intelligence and Investigations Department (Economische Controle Dienst van de Fiscale Inlichtingen- en Opsporingsdienst: FIOD-ECD), public prosecutors and heads of regional crime squads. In addition to this INTRAVAL has analysed and compared records related to criminal cases before and after the amendment of the Act, has analysed available registration data and has made a study of literature.

The research has shown that there are different bottlenecks. Due to the low priority given to trade in doping, familiarity with doping cases amongst the police and the Public Prosecution Service (Openbaar Ministerie: OM) is slight. As a result, the available number of doping-related cases is limited. It is also quite difficult to find records of doping trade in the registrations of the police and the Public Prosecution Service. In spite of the limitations of the registrations, it seems that most doping cases have been found again. This is also due to the intensive personal approach of investigating and prosecuting officers.

Results

It seems that the number of criminal cases has not increased after the amendment of the Act, but proportionally more doping-related investigations (preliminary to prosecution) have been started. The extended investigative powers have, moreover, been used more often. The deployment of scarce and expensive investigative resources (telephone taps and surveillance teams) indicates that the Public Prosecution Service is giving higher priority to doping-related cases. A few investigations (preliminary to prosecution) have been started according to the involved parties since the amendment of the Act which would probably not have been carried out should the Act not have been amended.

The cooperation between the Public Prosecution Service and the FIOD-ECD with regard to doping investigations seems to have intensified during the last few years. The FIOD-ECD becomes involved in the fight against doping substances because of their fight against various types of fraud, including intellectual property fraud. Frequent use is made of the expertise of the IGZ by all the parties involved in the fight against doping substances and trade, as was the case before the Act was amended.

It is unknown to what extent the amendment of the Act has affected the size of the trade and the production of doping substances. Interviews with experts have, however, shown that traders are taking more care. The threat of a more severe punishment and the possible deployment of (extended) investigative resources have led to them being more selective in their choice of customers. Obtaining doping substances has become more difficult for users because of the above.

Doping substances are mainly imported from abroad into the Netherlands. No changes have occurred regarding this either, although there have been slight shifts in the countries of origin.

Conclusion

In spite of the bottlenecks encountered during the research and the information at hand, which is limited in scope, it seems that the contemplated effect of the amendment of the Act - the improvement of the fight against the illegal trade and production of doping substances - has been achieved. Visible improvements have, in any case, occurred with regard to the effectiveness of the fight against this type of crime. The options to tackle the illegal trade have become greater since the amendment of the Act. The set of instruments available has become broader which has led to more investigations (preliminary to prosecution). Due to the more severe punishments the Public Prosecution Service has become more eager in starting an investigation into the trade in doping substances. Various investigations (preliminary to prosecution) would not have been carried out without the amendment to the Act.