



**ANTIDOPING  
SVERIGE**

June 17, 2024

## Comparision of the Doping Act in the Nordic countries

*Difference between Sports movement's Anti-Doping  
Regulations & the Swedish Doping Act*

Jessica Wissman  
Legal Advisor



## Legislation in Sweden to combat doping

- The Act Prohibiting Certain Doping Substances (1991:1969) (“the Doping Act”) (July 1, 1992)
  - Amendment in 1999, *use* was added and increase in penalty from two till four years imprisonment
  - Amendment in 2011, the penalty was increased from four years to **six years** imprisonment
- The Narcotic Drugs (Penalties) Act (1968:64) and The Narcotic Drug Controls Act (1992:860)
- The Medicinal Products Act (2015:315)
  - The Medicinal Products Act is applicable in its entirety to substances regulated in the Doping Act.
- The Food Act (2006:804)
  - Applicable to all food, including food supplements.
- The Smuggling of Goods (Penalties) Act (2000:1225)

## The Swedish Doping Act

### 1§ The Doping Act comprises:

1. synthetic anabolic steroids,
2. testosterone and its derivatives,
3. growth hormones,
4. chemical substances, which enhance the production or release of testosterone and its derivatives or of growth hormones.

### 2 § Substances stated in 1 § may not for any other than medical or scientific purposes be

1. imported in the country,
2. transferred,
3. manufactured,
4. acquired for the purpose of transfer,
5. offered for sale,
6. possession, or
7. use.

## Punishment

- Maximum of two years' imprisonment (intended crime)
- Minor offence: minimum a **fine** up to a maximum of **six months**
- Aggravating circumstances: minimum six months up to maximum six years
  - Consideration if the activity was carried out on a larger scale or professionally, a particularly large quantity or a particularly dangerous or reckless nature
- Responsibility is imposed for attempts or preparation for doping offenses that are not to be considered minor
- Funds that have been the subject of a crime according to the Doping Act shall be declared forfeited, unless it is manifestly unreasonable

## The Doping Act in the Nordic countries

- **Sweden:** The Doping Act, entered into force 1992
- **Denmark:** Act on the Prohibition of Certain Doping Substances (Act nr. L232) entered into force on april 21, 1999. Amended 2009 and penalties increased in 2013.
- **Finland:** Regulation of doping substances (Government Decree 705/2002), entered into force 2002
- **Norway:** Regulation on the Prohibition of Certain Doping Substances, entered into force 2013.
  - Prior to 2013, some offences, for example distribution, were illegal in accordance with the Penal Code

## Comparison- Offences

Offence	Sweden	Denmark	Norway	Finland
Use	YES	NO	YES	NO
Possession	YES	YES	YES	YES (for distribution purposes)
Distribution	YES	YES	YES	YES
Manufacturing	YES	YES	YES	YES
Importing	YES	YES	YES	YES
Transferring	YES	YES	YES	NO
Acquire for purpose of transfer	YES	-	-	-

## Comparison - Prohibited substances

Substances	Sweden	Denmark	Norway	Finland
AAS	YES (synthetic AAS)	YES	YES	YES (synthetic AAS)
Testosterone and its derivatives	YES	YES	YES	YES
Growth hormone	YES	YES	YES	YES
Chemical substances that increase the production and release of testosterone and its derivatives or of growth hormones	YES	YES	YES	YES

## Comparison- Punishment

Punishment	Sweden	Denmark	Norway	Finland
General	<b>Fine</b> up to maximum <u>2 years</u> imprisonment	<b>Fine</b> up to maximum <u>2 years</u> imprisonment	<b>Fine up to maximum</b> <u>2 years</u> imprisonment <b>Negligent</b> offence, maximum 1 year	<b>Fine</b> up to maximum <u>2 years</u> imprisonment
Aggravating circumstances	Minimum <u>6 months</u> , maximum <u>6 years</u>  Consideration if the activity was carried out on a <u>larger scale</u> or <u>professionally</u> , a <u>particularly large quantity</u> or a particularly <u>dangerous</u> or <u>reckless nature</u>	Max 6 years for the transfer of doping to a large number of people, against significant remuneration or under other particularly aggravating circumstances  Max 6 years for manufacturing, importing, exporting, handing over, distributing or possessing such doping with the intention of transferring them as mentioned above	Imprisonment up to <u>10 years</u>  Consideration- type of substance; amount; nature of the violation  Very significant amount- imprisonment <b>3 to 15 years. In particular aggravated up to 21 years imprisonment.</b>	Minimum <u>4 months</u> , maximum <u>4 years</u>  Consideration- amount; substantial economic benefits; if a person is a member of an organized group which deals in doping crimes or distributes substances to minors



## Sports movement's anti-doping regulations



## Differences between the Doping Act & the WADC

### → Cover different ranges of substances

- Fewer in the Doping Act than in the WADA Prohibited List

### → Different definitions of what constitutes an offence

- A person found guilty of doping in sport under the latter rules will not necessarily have committed a criminal offence

### → Conducting doping controls in private gyms vs. for athletes covered by WADC

- WADC-Any athlete may be required to provide a sample at any time and at any place by any Anti-Doping Organization with authority over him or her.
- The Police Authority can carry out doping controls after a *reasonable suspicion* in according to law

### → Burden of proof

- WADC- presence of a prohibited substance- strict liability. Burden of proof is “on a balance of probabilities”
- The Doping Act- presumption of innocence. The prosecutor must prove intent and beyond reasonable doubt



Thank you!