

# The Cat-and-Mouse Game in Sports: A Review of Research on Doping Violations and Sanctions

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**Abstract:** *The phenomenon of enhancing athletic performance through the consumption of various substances has a long history, and the issue of doping has persisted as an unending battle that plagues the global sports community. In response, the World Anti-Doping Agency (WADA) was established in 1999, and after four revisions, the 2021 version of the World Anti-Doping Code (WADC) was finally enacted and implemented. This led to the formation of an anti-doping system led by WADA and centered on the WADC. The book *Research on Doping Violations and Sanctions* uncovers the inherent logical structure of the anti-doping system, which is the first monograph on doping in China. Apart from discussing the anti-doping system at the substantive law level, the book also delves into diversified standards of proof and the protection of athletes' procedural rights at the procedural law level. To prevent the abuse of doping in sports, safeguard athletes' physical and mental health, and maintain fair competition, China has established a regulatory framework for anti-doping through a series of normative legal documents, including laws, administrative regulations, departmental rules, and judicial interpretations. Meanwhile, to ensure alignment with international anti-doping standards, countries need to continuously strengthen their domestic anti-doping legislation in accordance with the WADC. On November 20, 2024, the General Administration of Sport of China officially released a revised version of the Anti-Doping Rules, marking significant changes from the 2020 edition. This move fully demonstrates China's high regard for and continuous improvement in anti-doping efforts.*

**Keywords:** *World Anti-Doping Code, Anti-Doping System, Research on Doping Violations and Sanctions, Anti-Doping Rules.*

## 1. The History of Anti-Doping Regulations

The "fraudulent" behavior of using doping to achieve exceptional performance in competitions has long been a thorny issue plaguing the global sports community. In fact, the phenomenon of consuming various substances to enhance athletic performance dates back to ancient Greece and Egypt. By the 20th century, the issue of doping had come to the fore. Especially after the large-scale systematic doping incident in France in 1998, known as the Festina scandal, the international community established an independent anti-doping organization, the World Anti-Doping Agency (WADA), on November 10, 1999, in Lausanne, Switzerland, to unify the anti-doping policies within the Olympic Movement.

Under WADA's leadership, four versions of the *World Anti-Doping Code* (WADC) have been formulated: the 2003 WADC, the 2009 WADC, the 2015 WADC, and the 2021 WADC. Each revision addressed specific issues. For instance, the 2003 WADC aimed to harmonize anti-doping rules across international sports federations and countries; the 2009 revision sought to balance the necessity of penalties for doping violations with the principle of proportionality; the 2015 reform tackled issues highlighted by the Armstrong doping scandal [1], improved intelligence-gathering methods, regulated athlete support personnel, and enhanced deterrence [2]. The latest revision of the World Anti-Doping Code (WADC) in 2021 began in 2017 and concluded in November 2019. At the World Anti-Doping Conference held in Katowice, considering that the 2015 edition of the WADC had generally functioned well [3], stakeholders primarily focused on addressing the structural and organized doping violations highlighted by the Russian doping scandal. The aim was to ensure that the WADC could swiftly respond to emerging issues, such as retesting, drug abuse, and regulatory compliance.

Thus, a WADA-led anti-doping system with the *World Anti-Doping Code* as its core has been established. *Research on Doping Violations and Sanctions* unveils the intrinsic logical structure of this system. This book is a masterpiece in the field of sports law, embodying the author Yang Chunran's in-depth exploration and meticulous analysis of numerous judgments from the Court of Arbitration for Sport. Building on this solid foundation, the book provides an unprecedented deep interpretation of the WADC and its complex annexes.

Yang Chunran points out in the book that the advantage of this system lies in WADA's independence. It is not loyal to the International Olympic Committee, any country, team, or sport, thereby fundamentally resolving the conflict of interest inherent in anti-doping efforts. This ensures that anti-doping work is not compromised by concerns about affecting the spectator appeal of sports competitions or TV audiences' interest in them [4].

## 2. China's Anti-Doping Legislation

The *World Anti-Doping Code* has become an important basis and reference for countries to continuously improve their domestic anti-doping systems, facilitating international cooperation and exchange in anti-doping efforts. Particularly, the 2021 WADC stipulates that anti-doping rules formulated by international federations and member states must be substantially consistent with the WADC, disallowing any substantial changes. This achieves legislative uniformity in anti-doping systems.

Of course, China also attaches great importance to anti-doping work. To prevent the abuse of doping in sports, protect athletes' physical and mental health, and maintain fair competition, China has legislated on this issue very early. Firstly, the *Sports Law*, enacted in 1995, explicitly prohibits the use of prohibited drugs and methods in sports. On June 24, 2022, the revised *Sports Law* added a dedicated chapter on

anti-doping. On December 26, 2020, the Criminal Law Amendment (XI) was passed, introducing the crime of obstructing doping management, which criminalizes inducing, instigating, deceiving, organizing, or forcing athletes to use doping, as well as providing doping to athletes. Secondly, in 2004, the State Council issued the *Anti-Doping Regulations*, implementing strict management over the production, sale, import, and export of substances listed in the doping catalog. Additionally, the General Administration of Sport and other departments have successively formulated a series of normative documents on doping violations and penalties, including the *Interim Provisions on Strictly Prohibiting the Use of Doping in Sports* (1998), the *Anti-Doping Rules* (2020), the *Anti-Doping Management Measure* (2021), the *Implementation Details for Athlete Whereabouts Information Management* (2021), the *Implementation Details for Therapeutic Use Exemptions* (2022), and the *Measures for the Management of Doping Control Personnel* (2023), etc. Lastly, regarding judicial interpretations on anti-doping, the Supreme People's Court issued the *Judicial Interpretation on the Application of Laws in Criminal Cases Involving Smuggling, Illegal Operation, and Illegal Use of Doping* on November 12, 2019. These documents constitute China's anti-doping regulatory framework, which is crucial for conducting anti-doping work in accordance with the law and regulations and maintaining high quality [4].

In summary, according to China's anti-doping legislation, athletes are prohibited from using prohibited substances or methods listed in the *Prohibited List*, or they will face various disciplinary penalties. Meanwhile, the production, import, and sale of doping substances are also strictly regulated by law, with violators subject to administrative penalties and even criminal liability.

### 3. The Revision of the Anti-Doping Rules

China's relatively comprehensive anti-doping legislation has effectively reduced the abuse of doping in sports, protecting athletes' physical and mental health and ensuring the fairness of sports competitions. However, factors such as the expanding use of doping and advancements in science and technology continue to pose new challenges to anti-doping efforts. To uphold the principle of fair competition in sports and maintain alignment with international anti-doping standards, countries must continuously strengthen their domestic anti-doping legislation in accordance with the *World Anti-Doping Code*. Recently, on November 20, 2024, China's General Administration of Sport officially released the revised version of the 2020 *Anti-Doping Rules* (hereinafter referred to as the *Rules*). This move fully demonstrates China's high regard for and continuous improvement of anti-doping efforts.

The importance of doping testing in safeguarding the fairness and purity of sports competition goes without saying. With technological advancements, new types of doping substances are constantly emerging, becoming increasingly concealed and complex. Traditional detection methods are no longer effective against these new doping substances. The revised *Rules* have significantly upgraded detection technologies, including the introduction of more advanced instruments and equipment, as well as the adoption of more precise and sensitive analysis methods. For example, GC-MS and LC-

MS/MS technologies, known for their exceptional sensitivity and selectivity, play crucial roles in chemical analysis, particularly in doping testing. These technologies can accurately identify and quantify compounds in samples by analyzing the m/z ratio of ions and matching them with mass spectra of standard substances [5]. Furthermore, advanced detection technologies such as immunoassay have been widely applied in doping testing, further enhancing the accuracy and efficiency of detection. The new rules also emphasize the continuous updating and upgrading of detection technologies to adapt to new types of doping and detection methods.

Establishing strict criteria and penalties for doping violations can, to a certain extent, curb the use of doping and prevent improper means from interfering with competition results. Before the revision of the *Rules*, the criteria for identifying doping violations were not clear and unified enough, and there were also differences in the intensity of punishment. This seriously undermined the fairness of sports competitions, increased the management difficulty for sports organizations, and harmed athletes' rights. To effectively address these issues, the revised *Rules* clearly specify the criteria and procedures for identifying doping violations, ensuring that there are rules to follow and evidence to rely on when handling doping cases. These criteria not only enumerate in detail which behaviors constitute doping violations but also clarify the specific procedures and evidentiary requirements for identifying these behaviors. At the same time, the intensity of punishment for doping violations have been increased, including extended suspensions period, disqualification of competition results, and financial penalties. Particularly noteworthy is that the new rules also emphasize penalties for deliberate doping violations and athlete support personnel.

Compared to severe punishments for doping violations afterward, education and training conducted beforehand have a far-reaching and lasting impact in building a solid defense line against doping violations. Therefore, under the framework of the *Rules*, the new rules emphasize strengthening anti-doping education and training for athletes and their support personnel, highlighting the importance of such education and training in maintaining a fair competitive environment in sports. The *Rules* clearly define the core responsibilities of sports organizations at all levels in promoting anti-doping education and training to ensure effective implementation of each step. Additionally, the *Rules* innovatively incorporate athletes' families and coaches into the education system, constructing a comprehensive, multi-layered, and closely coordinated anti-doping work network. This systematic layout not only ensures the smooth implementation of the *Rules* but also greatly promotes positive interaction and joint participation between athletes' families and sports organizations, laying a solid foundation for creating a pure and healthy sports ecosystem.

The book, *Research on Doping Violations and Sanctions*, not only discusses the anti-doping system at the substantive law level but also delves into diversified standards of proof and the protection of athletes' procedural rights at the procedural law level. Coinciding with this, the revised *Rules* also clarify and strengthen the central position of athletes in anti-doping efforts and their procedural rights. Firstly, the subjective status

of athletes has received unprecedented attention. When facing doping accusations, they not only enjoy full rights to defend themselves but also have the right to appeal to ensure their voices are heard and their rights are protected. Secondly, the new rules impose higher requirements on anti-doping agencies and organizations. When accusing athletes of using doping substance, these agencies and organizations must bear strict proof responsibilities to ensure the accuracy and fairness of the accusations. At the same time, they also have the obligation to protect the rights and interests of athletes, requiring them to take all necessary measures to ensure that athletes' legitimate rights and interests are not infringed upon in anti-doping efforts.

The *Rules* set clear frameworks and boundaries for the behavior of all participating entities, while the execution and supervision of it are keys to ensuring these frameworks and boundaries are adhered to. When it is effectively executed, every member knows their behavioral boundaries, thereby avoiding confusion and conflicts and maintaining harmony and order in the anti-doping work environment. Prior to the revision, there may have been deficiencies in the execution and supervision of the *Rules*, resulting in certain violations not being swiftly and effectively contained. However, the revised rule system has significantly strengthened the execution and supervision efforts, not only reinforcing the implementation of the *Rules* but also building a comprehensive and rigorous anti-doping work system on this basis. The establishment and improvement of this system clearly define the specific responsibilities and tasks of sports organizations at all levels, requiring that anti-doping work be carried out strictly in accordance with the new rules to ensure seamless connection from the grassroots to the top levels. More crucially, the new rules actively advocate for and encourage widespread participation from all sectors of society, urging them to join the cause of anti-doping and form a joint anti-doping force.

#### 4. Future Prospects

Furthermore, in *Research on Doping Violations and Sanctions*, author Yang Chunran outlines the future direction of the anti-doping system. He advocates that, in the face of persistent doping scandals, reforms to the current anti-doping governance mechanism should adhere to the following positions based on the amendments to the WADC and the specific situation in China:

Firstly, he supports the independence of anti-doping efforts and opposes the expansion of doping violation entities. He believes that expanding violation entities faces legal, political, and judicial obstacles that are currently difficult to overcome. To keep sports free from politics, it is unwise to blindly expand the scope of doping violation entities.

Secondly, at the international level, he advocates for enhancing the transparency of the Therapeutic Use Exemption (TUE) system. Specifically, details of any athlete who applies for and obtains a TUE should be publicly disclosed [6]. Currently, WADA only agrees to limited disclosure to protect athletes' privacy. We believe that enhancing the transparency of the TUE system, by fully disclosing the circumstances of athletes granted exemptions, is necessary.

Thirdly, with the increasing independence of the international

anti-doping organization system, laboratories certified by WADA in various countries will gradually become independent from government ties and conduct anti-doping tests autonomously. This requires relevant departments in China to prioritize the cultivation of technical talents for anti-doping work and legal professionals familiar with the anti-doping system, facilitating their recommendation to international sports organizations. This will help enhance China's influence in the global anti-doping field, ensure the current anti-doping system reflects China's aspirations, and maximize the protection of Chinese athletes' rights and interests.

Lastly, he proposes criminalizing doping violations. Many countries have already criminalized doping violations. However, due to legal obstacles (such as the principle of double jeopardy, which prohibits further criminal liability for violations already punished by anti-doping organizations), such legislation may be more symbolic than substantive [7]. Nevertheless, such legislation helps demonstrate China's zero-tolerance attitude towards doping to the international community, proves the formation of an anti-doping culture in China, facilitates the acquisition of international event hosting rights, protects Chinese athletes' legitimate rights and interests from the threat of foreign criminal law, and safeguards China's judicial sovereignty.

#### 5. Summary

In today's increasingly competitive sports environment, with the deepening commercialization of sports, more athletes and teams are tempted to "take risks" in pursuit of better performance and higher economic benefits. The issue of doping is an ongoing battle and a severe challenge that the global sports community must long face. As a major and strong sporting nation, China has always been committed to promoting the healthy development of sports and has demonstrated its high commitment to maintaining a fair competitive environment in sports by continuously revising and improving the anti-doping system. Looking ahead, anti-doping is not only the responsibility of the sports community but also requires the joint participation and support of the whole society. The book "Doping Violations and Penalties," through detailed case analyses, clear rule interpretations, and practical operational guidelines in its three chapters on substantive law, procedural law, and reform, provides strong theoretical support and practical guidance for anti-doping efforts. It is of immeasurable value in promoting the healthy development of sports and safeguarding the purity of the sports spirit. With profound theoretical support and rich practical experience, we hope to inspire enthusiasm and strength from all sectors of society, forming a strong social consensus and support, and jointly creating a benign environment that tolerates zero doping and is supervised and supported by the whole society.

#### References

- [1] Cf. for an overview, HAAS, *Background to the World Anti-Doping Code 2015*, Doping in Sport and the Law, p.19 seq. (2016).
- [2] Cf. HAAS, *Background to the World Anti-Doping Code 2015*, Doping in Sport and the Law, pp.19, 24 (2016).

- [3] From December 2017 to March 2018, June 2018 to September 2018, and December 2018 to March 2019. Between May 2019 and September 2019, WADA allowed for further and continued stakeholder feedback.
- [4] Yang Chunran. *Research on Doping Violations and Sanctions*. Legal Press, 2024 edition.
- [5] Yang Chunran and Zhang Mei. *Conflicts and Limitations between the World Anti-Doping Agency's Whereabouts Rules and the Law*. Chengdu Sport University Journal, No. 1, 2018.
- [6] Li Zhen. *A Preliminary Exploration of the Therapeutic Use Exemption (TUE) Rules: An Analysis of the First TUE Case*. Tianjin Sport University Journal, No. 3, 2013.
- [7] Yang Chunran. *Research on the Boundaries of Criminal Law*. China People's Public Security University Press, 2013 edition.