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Subject: Future challenges in the fight against doping including in recreational sport  
- *Policy debate*  
(Public debate pursuant to Article 8(2) CRP [proposed by the Presidency])

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Following consultation of the Working Party on Sport, the Presidency has drawn up the attached discussion paper as a basis for the policy debate on the above subject at the EYCS Council meeting on 10 May 2012.

# **Future challenges in the fight against doping, including in recreational sport**

## **Presidency discussion paper**

### **I. Introduction**

The EU takes an active role in the fight against doping in sport. However, doping in sport continues to be a problem, and it is a problem which evolves over time. New doping methods and substances are developed, new practical and ethical dilemmas arise, and technical and legal issues evolve. In addition, doping is not just found in elite sport, but also in recreational sport.

Against this background, the Presidency wishes to engage Member States in a debate on the future challenges in the fight against doping in sport, including in recreational sport. The aim of the debate is to provide a platform for views on the direction of future EU cooperation in the fight against doping.

### **II. EU cooperation in the fight against doping: Steps so far**

The EU cooperation in the fight against doping is principally based on Article 165 of the TFEU, in which it is stated that EU action in the field of sport should be aimed at developing the European dimension in sport, by promoting fairness and openness in sporting competitions and cooperation between bodies responsible for sports, and by protecting the physical and moral integrity of sportsmen and sportswomen, especially the youngest sportsmen and sportswomen.

**The Council** has dealt with the issue of doping on several occasions both before and after the entry into force of the Lisbon Treaty. In its conclusions of 4 December 2000<sup>1</sup>, Council agreed, *inter alia*, to conduct coordination among Member States prior to meetings in the World Anti-Doping Agency (WADA). In its conclusions of November 2010<sup>2</sup>, Council renewed this commitment in light of the provisions of the Lisbon Treaty. In its resolution of November 2011<sup>3</sup>, Council specified the modalities of the representation of the EU Member States in the Foundation Board of WADA and the modalities of the coordination of the EU and its Member States' positions prior to WADA meetings.

The fight against doping also features in the EU Work Plan for Sport 2011-2014 adopted by Council in May 2011<sup>4</sup>. The Work Plan pointed to the fight against doping as a priority theme for EU action in the field of sport and also set up a Commission and Member States Expert Group on anti-doping, which has already delivered an important contribution to the preparation within the Council of EU comments to the first phase of the revision of the World Anti-Doping Code.

The **Commission** has also had a continuous focus on the fight against doping. In its 2007 White Paper on Sport<sup>5</sup>, the Commission referred to doping as a threat to sport worldwide, and in its 2011 Communication on the European Dimension in Sport<sup>6</sup> the Commission elaborated further on the issue. The fight against doping has also received project support through the Preparatory Actions in the field of sport.

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<sup>1</sup> OJ C 356, 12.12.2000, p. 1.

<sup>2</sup> OJ C 324, 1.12.2010, p. 18.

<sup>3</sup> OJ C 372, 20.12.2011, p. 7.

<sup>4</sup> OJ C 162, 1.6.2011, p. 1.

<sup>5</sup> COM(2007) 391 final

<sup>6</sup> COM(2011) 12 final

The **European Parliament** has also focused on the fight against doping in sport. In its resolution of April 2005 on doping in sport<sup>7</sup>, Parliament stated, among other things, that doping is a genuine public health problem and concerns everyone involved in sport, including young people and amateurs who obtain illegal substances in, for example, fitness centres and, increasingly, via the Internet. Parliament also touched upon the issue in its 2008 resolution on the White Paper on Sport<sup>8</sup> and its 2012 resolution on the European Dimension in Sport<sup>9</sup>.

EU cooperation in the fight against doping is closely linked to the work done within the **Council of Europe**, of which all EU Member States are members. The importance of close cooperation with the Council of Europe is recognised both in Article 165 of the Treaty, in the EU Work Plan for Sport and in other Council documents dealing with the fight against doping.

It should also be mentioned that all EU Member States are parties to the Council of Europe Anti-Doping Convention as well as the UNESCO International Convention against Doping in Sport.

### **III. EU cooperation in the fight against doping: Future challenges**

The steps taken so far in the fight against doping demonstrate that the EU and its Member States have played an active role in the fight against doping. However, doping in sport continues to be a problem and a problem that evolves. Considering that anti-doping has been and will continue to be a priority theme for the EU, it seems pertinent to ensure a discussion at the political level on future challenges and possible directions for the EU's work in the field of anti-doping.

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<sup>7</sup> OJ C 33 E, 9.2.2006, p. 590.

<sup>8</sup> OJ C 271 E, 12.11.2009, p. 51.

<sup>9</sup> P7\_TA(2012)0025

Future challenges may concern several aspects of work on anti-doping. One aspect could be the **legal issues and ethical dilemmas** associated with the fight against doping. These issues include, for example, discussions on athletes' privacy, athletes' legal rights and proportionality in anti-doping measures.

Another aspect could be the **focus areas** of the fight against doping. So far, cooperation in the field of anti-doping has focused on doping in elite sport. Doping is also used in recreational sport by amateur athletes, and there may be an EU added value related to strengthening cooperation in this field.

A third aspect which may entail future challenges relates to **operational issues**. The sophistication of doping methods continues to evolve, and this calls for continuous evaluation – also at the political level – of how resources are most effectively applied in the fight against doping.

A fourth aspect relates to issues of **cooperation**. Today, close cooperation exists between the EU and the Council of Europe in the field of anti-doping, not least when forming the European mandate in preparation of WADA meetings. Internationally, WADA is the focal point for the cooperation in the fight against doping with Europol, Interpol and the World Customs Organization being other important actors. Nationally, within Member States, a great deal of coordination also takes place among relevant national authorities. The question is where and how it would make sense to strengthen cooperation in order to overcome future challenges.

#### **IV. Policy debate**

In addition to the aspects mentioned above, there may be several other aspects of the fight against doping which deserve particular attention. The Presidency would like to invite Ministers to elaborate on how they see the main challenges facing the EU and its Member States in the anti-doping field and on which aspects, in their view, should the future fight against doping focus. In particular:

1. What are the main challenges for the EU and its Members States in the future anti-doping work?
2. How should we in the future seek to strike a balance between concerns about athlete privacy, legal rights and proportionality on the one hand and the need to keep sport clean and safe on the other?
3. How can and should the fight against doping in recreational sport be promoted – and how does this relate to the work done in the fight against doping in elite sport?
4. Which areas of cooperation and coordination will need to be strengthened or changed in order to counter future challenges in the fight against doping – and how could this be done?

In order to ensure a diverse debate, the Presidency would like to encourage Ministers to answer question 1 as well as one of the other three questions.

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