

## **Report from the EU Working Group on Anti-Doping (First meeting, Brussels, 18 June 2008)**

### ***1. Terms of Reference and members of the Working Group***

The EU Working Group on Anti-Doping had been created following a decision taken by Member States' Sport Directors (Brdo, Slovenia, 4-5 February 2008). The definitive Terms of Reference are enclosed (Annex 1).

The following Member States had decided to join the Working Group: Austria, Belgium, Cyprus, Denmark, Finland, France, Germany, Greece, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain and Sweden. The European Commission is also represented.

During a general discussion, it was emphasised that for the time being, the WG would focus on issues linked to the *acquis communautaire* (the existing EU law in force) and the strategy set out in the Commission's *White Paper on Sport* (COM (2007) 391).

### ***2. Relationship with the Council of Europe***

The Terms of Reference had been prepared in close cooperation with the Council of Europe and the Working Group is set to plan its work in such a way as to avoid overlap between the EU and the Council of Europe. Therefore, the Council of Europe was invited to the meeting and will be invited to future meetings as well. With its 1989 Convention against Doping and a variety of working groups, the Council of Europe is a key player in the field of anti-doping, and the EU (represented by the Commission) is invited to all relevant Council of Europe meetings in the field.

### ***3. Transportation of samples and aviation security***

The discussion on this issue started in the summer of 2006 within the Council of Europe and there have been contacts at working level between the Council of Europe and the Commission since then.

For the purpose of this discussion, the Commission was represented by its Aviation Security Unit (Directorate General Transport & Energy) in addition to the Sport Unit (Directorate General Education & Culture) chairing the meeting.

Aviation security at EU level seems to pose some problems for Doping Control Officers travelling with samples. While this EU legislation aims at counteracting terrorism by imposing a ban on liquids in amounts over 100 ml, it is equally true that the State Parties to the 1989 Convention of the Council of Europe have a general obligation to facilitate anti-doping work.

A detailed discussion took place and it was decided that the dialogue between the Council of Europe and the EU (represented by the Commission) should continue with a view to finding a solution that would be acceptable both from an aviation security and for the anti-doping Community.

#### ***4. Criminalisation of trade in doping substances***

In its *White Paper on Sport* (COM (2007) 391), the Commission "*recommends that trade in illicit doping substances be treated in the same manner as trade in illicit drugs throughout the EU*" (p. 5). This recommendation is not binding for Member States but its publication started a debate on the issue. When convening this meeting, the Commission wished to know more about legislation in those Member States who have decided to participate in the Working Group. In particular, the Commission was keen to know if legislation had been amended recently in ways that would confirm a general trend toward the criminalisation of trade in doping substances.

During the discussion, it became clear that a vast majority of Member States represented in the Working Group currently had penal sanctions for doping trade, while some Member States were currently in the process of introducing new penal sanctions or of strengthening existing ones, while other Member States had done so in recent years.

During its last EU Presidency, Germany had launched a questionnaire with a few to know more about legislation in Member States and the final report was due to be available soon. It was decided that the Working Group should help to disseminate this report.

#### ***5. Data protection and WADA's draft International Standard for the Protection of Privacy***

The World Anti-Doping Agency's draft International Standard for the Protection of Privacy and Data Protection (revised version, June 2008) is currently in consultation with stakeholders, including the Council of Europe. As part of their close cooperation on anti-doping, the Council of Europe and the EU (represented by the Commission) had decided to look jointly at the draft to ensure compliance with the Council of Europe's Data Protection Convention as well as with the EU's Directive 95/46/EC.

For the purpose of this discussion, the Commission was represented by its Data Protection Unit (Directorate General Justice, Freedom & Security) in addition to the Sport Unit (Directorate General Education & Culture) chairing the meeting.

A detailed discussion took place and it was decided that the Council of Europe and the Commission should continue this joint work and find appropriate ways to communicate possible queries regarding the draft text to WADA. To this end, the Article 29 Working Party has been consulted to issue an Opinion on compliance of the International Standard with EU Directive 95/46/EC.

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**Terms of Reference  
EU Working Group on Anti-Doping**

***Objective***

1. An informal EU Working Group on Anti-Doping is established between anti-doping authorities to exchange information and best practices.

***Membership***

2. The members of the Working Group are appointed by the Governments of the Member States. The Working Group consists of 1-2 representatives from the following Member States: Austria, Belgium, Cyprus, Denmark, Finland, France, Germany, Greece, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain and Sweden. The European Commission is also represented.
3. External participants, including participants from the Secretariat of the Anti-Doping Convention of the Council of Europe, may contribute to the tasks of the Working Group.

***Mandate***

4. The focus of the Working Group will be on activities which are complementary to those of other European or international anti-doping structures, such as notably doping practices in the amateur and non-organised sectors (sport, physical activity, recreation). The Working Group will:
  - a. Organise meetings to discuss issues of common interest and exchange information and best practices, notably regarding the following issues:
    - i. Education, prevention and information campaigns;
    - ii. Research in areas of science related to the fight against doping;
    - iii. Acquis-related legal issues (e.g. data protection, transport of samples);
    - iv. Medicinal issues, including possibilities to protect athletes from inadvertent doping in connection with medicinal products;
    - v. Public health aspects;
    - vi. Trade in illicit doping substances and related cooperation among law-enforcement services;
    - vii. EU funding opportunities;
    - viii. Other issues, as deemed relevant and appropriate by the Working Group.
  - b. As appropriate, continue discussions through e-mail correspondence in the framework of a "virtual network" between the meetings.

- c. Maintain a dialogue with the Council of Europe's anti-doping bodies to further cooperation and thereby avoid duplication.

### ***Internal organisation***

5. The Commission will convene meetings of the Working Group. Meetings will take place, as a rule, twice a year.
6. The Commission will chair the Working Group.
7. The Commission will draft the minutes and play a facilitating role. Reports from the Working Group will be presented to Member State Sport Directors at their meetings.
8. Participants will bear their own costs.