

Report from the EU Working Group on Anti-Doping (Fifth meeting, Brussels, 27 May 2010)

1. Attendance by observers

The meeting was attended by the Council of Europe, the EOC (European Olympic Committees) EU Office (Brussels), EU Athletes, and the Professional Players' Association (PPA).

2. Entry into force of the Lisbon Treaty

The Working Group had a general discussion about the implications of the Lisbon Treaty in the field of sport, including as regards the mandate conferred upon the EU by Article 165 of the Treaty on the Functioning of the European Union (TFEU). There was an exchange of ideas regarding possible future roles of the EU in anti-doping. The Working Group invited the Commission to provide an update on its measures to implement the Lisbon Treaty, on its planned Communication on Sport and on the planned proposal for an EU Sport Programme.

3. Criminalisation of trade in doping substances

The Working Group took stock of the new provisions for criminal law harmonisation under Articles 83 (1) and 83 (2) TFEU, noting that under Article 83 (1) legislative action was possible with reference to the serious nature of a type of criminal activity, its cross-border dimension and the need to combat it on a common basis, provided that the type of activity concerned is found within the list contained in Article 83 (1). A discussion of current problems at national level as well as cooperation between anti-doping structures and law enforcement structures followed.

4. Money laundering

The Working Group revisited a report published in July 2009 by the Financial Action Task Force (FATF).¹ The report showed that doping-related aspects were involved in some money laundering practices.

5. Social dialogue

EU Athletes (a trade union) presented the results of a report on working conditions in professional basketball.² The report had been prepared by UBE (European Basketball Players Union) as part of their social dialogue project for which they had received a social dialogue grant. The survey included anti-doping, data protection and privacy aspects of players' working conditions.

¹ Financial Action Task Force (FATF): Money Laundering through the Football Sector. http://www.fatf-gafi.org/document/20/0,3343,en_32250379_32237202_43216660_1_1_1_1,00.html

² Final Technical Report VS/2008/0271: Study on the working conditions of Professional basketball players in the European Union . http://www.spinbb.net/uploads/media/Final_Report9.pdf

6. Data protection

The Working Group took stock of the on-going dialogue between the Commission, the Council of Europe and the World Anti-Doping Agency (WADA) to find solutions to outstanding data protection issues from among the issues defined by the EU's Article 29 Working Party on Data Protection. For the Commission's participation in the activities of the Council of Europe's CAHAMA Expert Group on Data Protection, the Working Group confirmed a timetable according to which topics would be treated in the following order: Retention Times, Whereabouts, Transfers, Public Disclosure. The Working Group continued its efforts to know more about the actual levels of data transfer and data sharing practised by national anti-doping structures.

7. Doping in amateur sport and fitness

The Working Group heard national reports from Belgium, Denmark, Sweden and the Netherlands on prevention work in fitness studios. The Working Group saw this as a priority for future exchange as well as for funding under the future EU Sport Programme. The Commission informed that it was covered specifically in the 2010 Preparatory Action in the field of sport (Open call EAC/22/2010).³

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³ http://ec.europa.eu/sport/preparatory_actions/doc866_en.htm