



Report on EU Anti-Doping Conference, 15 June 2016 in Amsterdam

"The fight against doping in the EU legal framework: balance between effective anti-doping measures and fundamental rights"

Organised by the Ministry of Health, Welfare and Sport in the context of the EU Presidency of the Netherlands

* The new EU legislation on the protection of personal data has far-reaching consequences for doping authorities worldwide. The World Anti-Doping Agency (WADA) underscores the necessity of this EU General Data Protection Regulation, which enters into force in May 2018. Furthermore, every country is responsible for independently legislating that doping is 'against public interest', so as to facilitate prosecution.

* The discussion surrounding doping is generally conducted over the heads of elite athletes, and too seldom in dialogue with them. To what extent can we violate privacy in order to track down doping cases? And how can we involve athletes in anti-doping policy?

* The level of collaboration in the fight against doping is quite good, but there is still much room for improvement. Attention should not only focus on the athletes themselves, but also on their surrounding network, says Edith Schippers, minister of Health, Welfare and Sport from the Netherlands. What is needed is a culture change, with clean sport becoming the norm.



President WADA Sir Craig Reedie



Buzzmaster



Incoming Director General WADA Olivier Niggli



Minister Edith Schippers

These are three highlights from the exciting knowledge exchange that took place on 15 June in Amsterdam and involved nearly 200 international expert stakeholders in the fight against doping in sports. Representatives from international sports organisations, national doping authorities and Olympic Committees, researchers and governmental institutions were all invited by the Dutch government to convene at the Europa Building in Amsterdam. Some guests came from as far as Japan or New-Zealand to attend this EU conference. The conference opened with a [speech by minister Edith Schippers](#).

The theme of the conference, 'Balance between effective anti-doping measures and fundamental rights', was explored by a wide range of leading representatives from the EU, Canada, Finland, WADA, the European Olympic Committees (EOC), EU Athletes, UNESCO and the Netherlands. The participants were actively involved in the presentations and panel discussions by questions and arguments through an interactive tool.

This conference report includes a number of boxes with remarkable results, two of which are elaborated in further detail here:

Statement: “Athletes have less right to privacy than criminals”: Among the general public, 80% agreed with this statement, while 20% disagreed. However, when we asked only doping experts, the figures were 50% for, and 50% against.



Buzzmaster



Interaction with Buzzmasters

Question: “What do we need to make the fight against doping more successful?” The answers from the general public were as follows: More money for doping control (13%), a single hearing committee per country (3%), an independent testing agency (16%), and prevention through education (33%), research (18%), enforcement (13%), and more severe penalties (3%). When asking only doping experts, we obtained remarkably different results with respect to prevention and research: 40% were for prevention and 32% for research. Among NADO (National Anti-Doping Organizations) representatives 40% were for prevention and 18% for research (as well as 18% for more money for doping control).

Quotes about Highlight 1: Data protection and doping control



Thomas Zerdick

Thomas Zerdick, DG for Justice and Consumers, European Commission: “The new General Data Protection Regulation (May 2018) represents an evolution, not a revolution. What is new is the Regulation’s scope: it will be enforced on a global scale and extend to doping control organisations that are not established under the EU. What is also new are the processor obligations. In other words: this is the law, and EU-countries are not allowed to have regulations that are different from or less restrictive than the general Regulation. Data portability is also regulated: if personal data is no longer necessary or unlawfully processed, it must be deleted.”

Marjan Olfers, Professor in Sports Law: “Athletes have no freedom of choice. Any respectful organisation needs to have its regulations challenged again and again. Otherwise, it runs the risk of drifting away from its core objectives. There is currently too much tension between justice and efficiency.”

Jeff Raymond, EU Athletes: “The higher the level of sports, the lower the level of privacy protection? This is indeed how it feels.”



Marjan Olfers

Marcellin Dally, International Convention against Doping in Sport (UNESCO): “UNESCO cannot take sanctions. But we do motivate organisations to take a look at themselves and encourage non compliant organisations to change their procedures.”

Quotes about Highlight 2: Involve the athletes



Dan Cooper, Jeff Reymond, Jean Michel Saive, Herman Ram, Marjan Olfers, Thomas Zerdick

Jeff Reymond, EU Athletes: “As elite athletes, we are losing faith in the system. We feel that it has failed us. We only have one seat at the table. And it is not always about the athletes: sometimes governments have a direct influence on their lives (...). Ask yourself: with so many regulations and breaches of privacy, how can it be that so few people are found guilty of doping abuse? The current system simply doesn’t work.”

Marjan Olfers, Professor in Sports Law: “Athletes are doing their bit, but they are not given a voice when it comes to doping. They need to be given a formal position. Their voice is sorely needed, but they are often afraid to talk.”

Jean Michel Saive (EOC, former table tennis champion): “I used to be called up at 6 am by doping controllers; they would wake up my entire family. It is hard to find the right balance between doping measures and fundamental rights: on the one hand, privacy is important, while on the other hand I do believe that elite athletes have to accept a certain level of invasion of privacy.”

Quotes about Highlight 3: Working together to make sport clean

Jens Nymand-Christensen, DG for Education and Culture, European Commission: “We need to create a culture of clean sport. Together, we should focus more on value-based education in sports. This is a global issue. If we don’t act now, our children will no longer be inspired to engage in sports or follow role models. This will undermine our society: we need to promote trust, inspiration and role models!”



Jens Nymand-Christensen

Edith Schippers, minister of Health, Welfare and Sport from the Netherlands: “We have to focus on the sports networks that facilitate the use of doping. They are responsible for institutionalising the use of doping by creating an environment within which it seems normal. (...) We need to protect our athletes from their own ambitions and from bad advice. We have to make sure that they are given a level playing field: fair, honest, and healthy. So let’s find the best balance between trust and control. And let’s do it together.”

Anders Solheim, Chair Monitoring Group Council of Europe Anti-Doping Convention:

○ What question do you have for Anders Solheim?



Buzzmaster

“The ‘House of Sports’ is built in an environment with bribery, match-fixing, doping and other interfering issues. You need to build a good structure for the house: with a legislative basement with regulations, an executive ground floor with the anti-doping programme and a judicial roof with a hearing panel and an appeal panel. The structure should be based on separation of power and each level should operate independently from government and sport organisations.”

Bart Coumans, Dutch Doping Authority: “We spend four times more on enforcement than on prevention. We should invest more in websites, social media, apps and e-learning. But knowledge is not enough to ensure good behaviour. We need more: sports authorities have to care for athletes and help them change their behaviour. For example: most Dutch elite athletes take supplements that are not tested...”



Joseph de Pencier

Joseph de Pencier, *INADO (Institute of National Anti-Doping Organisations)*: “We need more commitment on the part of sports organisations. They simply have to exclude dopers. There is still a lot of room for improvement, but much is happening already. What we lack is good governance, i.e. communication between governments, public authorities, scientists, etc. We don’t talk enough with each other about the real spirit of sports, and we don’t explain it well enough to the media.”

Tibor Navracsics, *EU Commissioner*: “Doping is essentially not a health issue, but an integrity issue. And we need to treat it that way. Let’s start sharing best practices and working more closely together on education and sports policy.”

The Canadian approach: True Sport Lives Here

In highlighting these three aspects, we are clearly running the risk of downplaying other interesting contributions to the conference. This is why we have included all PowerPoint presentations with this report. One of these concerns the Canadian approach, as presented by Doug MacQuarrie.

MacQuarrie claims that the road to anti-doping is paved with strong values. He advocates for a value-based approach, in which justice (the law), ethics (shared values) and sport (rules) work together towards a joint goal: ‘True Sport Lives Here’. Two noteworthy insights from the Canadian approach: in Canada, all threats to sport, from match-fixing to doping, fall under a single Centre for Ethics in Sport. The big question is whether Europe might not also benefit from such a construction. The other interesting insight is that whereas the WADA code fails to reach the recreational sports sector, the Canadians’ integral approach does succeed in doing so. This process does take time, however, since, in the words of Dough MacQuarrie: “This kind of culture shift is going to take a generation.”



Doug MacQuarrie

Closing session



Tibor Navracsics, Phillippe Muyters and Sir Craig Reedie

‘What is the biggest challenge for the next ten years’ was one of the main questions in the closing session. A short recap as a reminder:

- * *Marcellin Dally (UNESCO)*: “There should be a monitoring process in each country.”
- * *Doug MacQuarrie (Canada)*: “Gender inclusion. There must be a place and space for all human rights.”
- * *Harri Syväsalmi (Finland)*: “Good governance within all sport sectors.”
- * *Tibor Navracsics (EU)*: “Innovation and development.”
- * *Sir Craig Reedie (WADA)*: “Compliance and education.”
- * *Philippe Muyters (Belgium /WADA)*: “Scientific development and closing the gap between ‘hunters and users’.”

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Photographs: Sanne Bode.

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