

EUROPEAN PARLIAMENT

1999



2004

Session document

FINAL
A5-0203/2000

17 July 2000

REPORT

on the Commission communication to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions on
Community support plan to combat doping in sport
(COM(1999) 643 – C5-0087/2000 – 2000/2056(COS))

Committee on Culture, Youth, Education, the Media and Sport

Rapporteur: Teresa Zabell

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PROCEDURAL PAGE

By letter of 3 December 1999 the Commission forwarded its Communication on Community support plan to combat doping in sport (COM(1999) 643 – 2000/2056(COS)).

At the sitting of 18 February 2000 the President of Parliament announced that she had referred the Communication to the Committee on Culture, Youth, Education, the Media and Sport as the committee responsible and to the Committee on Industry, External Trade, Research and Energy, to the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs and to the Committee on the Environment, Public Health and Consumer Policy for their opinions (C5-087/2000).

The Committee on Culture, Youth, Education, the Media and Sport had appointed Teresa Zabell rapporteur at its meeting of 27 January 2000.

The Committee on Culture, Youth, Education, the Media and Sport considered the Commission communication and the draft report at its meetings of 29 February, 22 June and 13 July 2000.

At the last meeting it adopted the motion for a resolution unanimously.

The following were present for the vote: Giuseppe Gargani, chairman; Vasco Graça Moura, vice-chairman; Giorgio Ruffolo, vice-chairman; Ulpu Iivari, vice-chairman; Teresa Zabell, rapporteur; Konstantinos Alyssandrakis (for Alexandros Alavanos), Roberta Angelilli (for Thierry de La Perriere), Ole Andreasen, Pedro Aparicio Sánchez, Per-Arne Arvidsson (for Christopher Heaton-Harris), Carlo Fatuzzo (pursuant to Rule 153(2)), Enrico Ferri (pursuant to Rule 153(2)), Geneviève Fraisse, Vitalino Gemelli (pursuant to Rule 153(2)), Lissy Gröner, Cristina Gutiérrez Cortines (for Mónica Ridruejo), Ruth Hieronymi, Magdalene Hoff (for Barbara O'Toole), Lucio Manisco, Maria Martens, Mario Walter Mauro, Pietro-Paolo Mennea, Jens Dyhr Okking, Doris Pack, Roy James Perry, Christa Prets, Frédérique Ries (for Marieke Sanders-ten Holte), Martine Roure, The Earl of Stockton (for Vittorio Sgarbi), Christine de Veyrac, Kathleen Van Brempt, Luckas Vander Taelen, Valter Veltroni, Eurig Wyn, Sabine Zissener and Myrsini Zorba.

The opinion of the Committee on the Environment, Public Health and Consumer Policy is attached; the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs decided on 21 June 2000 not to deliver an opinion and the Committee on Industry, External Trade, Research and Energy decided on 24 February 2000 not to deliver an opinion.

The report was tabled on 17 July 2000.

The deadline for tabling amendments will be indicated in the draft agenda for the relevant part-session.

MOTION FOR A RESOLUTION

European Parliament resolution on the Commission communication on Community support plan to combat doping in sport (COM(1999) 643 – C5-0087/2000 – 2000/2056(COS))

The European Parliament,

- having regard to the Commission communication (COM(1999) 643 - C5-0087/2000 ¹),
- having regard to Article 152(1) of the EC Treaty,
- having regard to Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work,²
- having regard to Declaration No. 29 on sport, appended to the Amsterdam Treaty,
- having regard to the Council of Europe Anti-Doping Convention adopted on 16 November 1989,
- having regard to its Resolution of 13 June 1997 on the role of the European Union in the field of sport ³,
- having regard to the Committee of the Regions opinion on the "European Model of Sport" ⁴,
- having regard to the opinion of the Economic and Social Committee ⁵,
- having regard to the Presidency conclusions of the Vienna Council of 11-12 December 1998 on doping in sport,
- having regard to its Resolution of 17 December 1998 on urgent measures to be taken against doping in sport ⁶,
- having regard to the conclusions of the European Union Conference on Sport in Olympia in May 1999,
- having regard to the Report from the Commission to the European Council with a view to safeguarding current sports structures and maintaining the social function of sport within the Community framework – the Helsinki Report on Sport (COM(1999) 644),

¹ OJ C not yet published

² OJ L 216, 20.8.94 p. 12

³ OJ C 200, 30.6.97, p. 252

⁴ Opinion of the Committee of the Regions 37/99 fin of 16.9.99

⁵ CES 589/2000

⁶ OJ C 98, 9.4.99, p. 291

- having regard to Rule 47(1) of its Rules of Procedure,
 - having regard to the report of the Committee on Culture, Youth, Education, the Media and Sport and the opinion of the Committee on the Environment, Public Health and Consumer Policy (A5-0203/2000),
- A. whereas more than half of the citizens of the European Union participate in sporting activities on a regular basis and whereas almost two million teachers, instructors and voluntary workers spend their working or leisure time organising sporting activities,
 - B. whereas, in addition to its economic significance, professional and amateur sport has an important educational and social function, fostering a spirit of friendship, solidarity, and fair play, and helping to overcome xenophobia and racism,
 - C. whereas sportsmen and women set an example to many Europeans, especially the young,
 - D. whereas the over-commercialisation of sport, overcrowding of the sporting calendar, and the growing physical and mental demands made of sportsmen and women, have led to ever-greater competitive pressure,
 - E. whereas there is evidence not only that such pressure is damaging to sportsmen and women's health but also that this pressure causes an increase in the use of doping products,
 - F. whereas the use of doping products by sportsmen and women contradicts the spirit of honesty, solidarity and fair play which should characterise sport,
 - G. whereas the use or consumption of doping products by sportsmen and women can damage their health and cancel out the positive health benefits of participating in sport,
 - H. whereas more and more of the time sportsmen and women are travelling and competing within the EU and outside their Member States,
 - I. whereas most Member States have their own legislation to combat doping,
 - J. whereas this is a supra-national problem, which cannot be overcome by states acting in isolation,
 - K. whereas, while there is no legal base in the Treaty for Community action in the field of sport as such, a host of Community policies and instruments at European and national level can be mobilised in the fight against doping,
 - L. whereas commercial sponsors also have an interest in avoiding doping,
 - M. whereas the pharmaceutical industry cares about the health of sportsmen and women,
 - N. whereas it should be acknowledged that not all doping is intentional and that it does not always necessarily enhance the performance of the sportsman or woman,
 - O. whereas doping exists not only in professional sports and at professional level, but also in

amateur sports and at amateur level, and that it is therefore important to separate intentional from accidental doping,

- P. whereas one of the principles protected by the charter on human rights is that of defence, a principle based on the right to the presumption of innocence and to the principle of contradiction,
 - Q. whereas a sportsman or woman must have the right to prove his or her innocence in the same way as he or she may in respect of any other punishable act inside or outside sport;
 - R. whereas the protection and the confidentiality of data relating to the taking of samples and the conduct of disciplinary proceedings must be increased under Community law in order to protect sportsmen's and sportswomen's honour and their right to privacy;
 - S. whereas just as there is a very high level of protection for the work of children in employment, so too should the health of child and adolescent sportsmen and women be protected;
1. Calls for the inclusion in the Treaty of a legal base for Community action in the field of sport;
 2. Recalls that recent rulings by the European Court of Justice have confirmed that sport does have specific characteristics which allow special treatment in the application of EU law, making obvious the need for a legal base for sport in the Treaty;
 3. Welcomes the Commission's Communication and the proposed action set out in it, but calls on it to analyse the causes of doping in different sports and at different levels;
 4. Urges the Commission and the Member States to give careful consideration to possible measures to combat doping in sport outlined by the European Group on Ethics;
 5. Calls on the multinationals associated with sport to reinvest a proportion of their profits in the fight against doping, in whichever ways they consider most appropriate;
 6. Calls on the Commission to urge the IOC to review the list of doping substances periodically, and at least once a year;
 7. Notes that the use of performance-enhancing drugs is not confined to professional sports but is also very common in amateur sports (e.g. fitness, bodybuilding, etc.), which makes the use of performance-enhancing drugs a public health problem, a new form of drug dependency and a serious threat to the ethics of sport;
 8. Urges the Commission, therefore, to give in-depth consideration to the problem of the use of performance-enhancing drugs as part of the new Public Health Action Programme;
 9. Calls on the Commission, within the Fifth framework Programme, to intensify research into doping substances, detection methods, the impact of the use of doping substances on health, and the limits of natural hormones produced by the human body;

10. Welcomes the Commission's plan to mobilise the European Union's education, vocational training and youth programmes to inform young people about the hazards of doping products, but urges the Commission to undertake with well-known athletes an information campaign based on setting good examples in all fields of sport;
11. Takes the view that information policy, particularly in the media, should inform the general public about athletes' training programmes, and not simply the results of sports competitions, and should provide useful information about the adverse effects that the taking of performance-enhancing drugs may have on health;
12. Welcomes the intention of the Directorate-General for Education and Culture to support an information and awareness-raising campaign about doping in sport;
13. Notes that the production and distribution of performance-enhancing drugs has become an international business run by well-organised criminal networks;
14. Welcomes the Commission's plan to use Community programmes to improve police and judicial cooperation between Member States;
15. Urges the Commission to make full use of its powers under Article 12 of Council Directive 92/27/EEC to explore the feasibility of placing on the box of pharmaceutical products a standard 'traffic-light' logo indicating at a glance whether a particular product would definitely/might/definitely not lead to a sportsman or woman testing positive in an anti-doping test;
16. Calls on the Commission, using Article 152 of the Treaty, to strive for greater coordination of policies on doping in sport; and to put forward a proposal for a Council recommendation on prevention of doping in sport, especially amateur sport;
17. Welcomes the provision under budget line B3-2020 of funding for pilot projects to assist campaigns to combat doping products in sport in Europe;
18. Calls on the Commission, under Article 152 of the Treaty, to include in its information campaigns about the dangers of doping products information about the possible harmful effects of 'nearly-doping products', as well as discouraging leading sports shops, gymnasia, etc. from selling these products, and discouraging the routine resort to medicinal remedies for very minor ailments;
19. Calls on the Commission to put pressure on sports organisations to introduce 'gender mainstreaming' and insist on the involvement of women in all decision-making processes and the anti-doping agency;
20. Calls on the Commission and the Member States to urge the sporting organisations to give priority to the health of sportsmen and women when deciding the time of day at which sporting events take place, sporting calendars, length of competitions, etc.;

21. Calls on the Commission and the Member States to urge the sporting federations to insist that sportsmen and women undergo a compulsory medical test before receiving the federation licence;
22. Calls on the Commission to present as soon as possible a recommendation to the Council under Article 300 of the Treaty with a view to the European Community acceding to the Council of Europe Anti-Doping Convention;
23. Supports the establishment of a World Anti-Doping Agency based on the principles of independence, transparency and neutrality and calls on the EU Member States who participate in the Agency to act in a more coordinated and more decisive fashion;
24. Calls on the Commission to present as soon as possible a proposal to the Parliament and Council with a view to formalising active and effective Community participation in the World Anti-Doping Agency (WADA);
25. Calls on the Commission to press the WADA, together with the International Olympic Committee, to establish ISO standards in IOC-accredited laboratories and, in particular, to explore the merits of adoption of ISO standard 17025 and a harmonised procedure for collecting samples that also includes the standardisation of equipment, personnel and authorisation of the personnel responsible for collection;
26. Calls on the Commission to press the WADA to give high priority to the protection of legal minors (and to consider who should be held responsible if they consume doping substances); to out-of-competition controls; to elaborating a single list of banned substances and methods for the EU and, if possible, worldwide;
27. Calls on the Commission to press the WADA to consider carefully whether medicines for ailments such as the common cold should be on this list;
28. Calls on the Commission to press the WADA to give high priority to establishing uniform and effective sanctions to be applied to sportsmen and women in any sport and any country who consume doping substances; and, bearing in mind that sporting clubs, associations and federations may also be involved in doping, to make these also subject to sanctions;
29. Calls on the Commission to press the WADA to establish a harmonised disciplinary procedure that will safeguard the rights of athletes;
30. Calls on the Commission to press the WADA to tackle the coordination of the various national systems, so as to avoid duplication and overlapping between controls by the public authorities, sports organisations and the Agency itself, both within and outside competitions; and to give special support and attention to countries which are unable to develop and apply a national anti-doping policy for lack of resources;
31. Calls on the Commission to submit regular reports on the work of the Agency and the results obtained;
32. Calls on the Commission to convene, in conjunction with the Council of Europe and by 1

April 2001, a conference to draft a code of good conduct in sport;

33. Urges the Commission, in mobilising EU policies and instruments, to underline the message that participation in sport is not simply about winning or losing, but has health benefits for the individual and broader social benefits;
34. Instructs its President to forward this resolution to to the Commission, the Council, the Economic and Social Committee, the Committee of the Regions and the governments of the Member States.

EXPLANATORY STATEMENT

INTRODUCTION

1. According to the Olympic Charter, sport should embody "a spirit of friendship, solidarity and fair play". "Doping" in sport - drug-taking by sportsmen and women - plainly runs contrary to these ideals.
2. It is difficult to tell how widespread doping is. On the one hand, the systematic and state-sponsored doping programmes, which we know to have existed in some communist bloc countries in Europe during the 1970s and 1980s, have now ceased. On the other hand, there is evidence that, as testing has become more expert, so drug users and their suppliers have become more adept at concealing doping. Moreover, many of the testing parameters are very wide and some doping methods cannot be satisfactorily detected by the testing methods currently in use: for example, some drugs cannot be detected by testing a sportsman's urine and, for a number of reasons, the International Olympic Committee has been unwilling to require blood tests. Again, the absence of an isostandard in the 27 laboratories which are accredited by the IOC vitiates the effectiveness of laboratory testing for prohibited substances. Finally, many sports organizations feel legally vulnerable, since even the smallest mistake in a testing procedure may provoke an expensive lawsuit by a sportsman who claims that his livelihood has been threatened.
3. Despite the difficulty in establishing precisely how big the problem is, in recent years the conviction has grown that drug-taking by sportsmen and women has increased. A number of high-profile scandals in 1998 (e.g. during the Tour de France) led the International Olympic Committee to convene an international conference to create a world agency to fight doping. In December 1998, the Vienna European Council expressed its concern about doping in sport and stressed the need for action at EU level. In the same month, the European Parliament adopted a resolution calling on the Commission to propose what action might be taken at Community level and to suggest how measures to fight doping at European and national levels might be better coordinated.
4. The Communication from the Commission describes the measures that it has taken and sets out future measures which may be taken.

THE COMMISSION COMMUNICATION

5. The Communication argues that doping now generally takes the form of systematic and organized drug-abuse by teams rather than of isolated acts. Sport is now big business and, it suggests, this is an important cause of the spread of doping. An increase in the number of sporting competitions, a shortening of the professional sportsman's career, the perverse effects of contracts between some sports associations and their sponsors, the pressure that is commonly put on young sportsmen – all stem from over-commercialisation and all increase the temptation to take drugs to enhance one's sporting performance.
6. Given that sport is increasingly international in character, the Communication argues, the

fight against doping in sport must also have an supra-national dimension. While respecting subsidiarity and the autonomy of sporting organisations, it suggests, the EU can contribute to the international fight against doping by encouraging different countries to adopt a similar approach and by making use of existing Community policies and resources. The Commission proposes a three-pronged strategy: assembling expert opinion on doping; participating in the creation of a World Anti-Doping Agency; and mobilising the resources at the disposal of the Community.

7. **Expert Opinion:** The Commission has consulted the European Group on Ethics. In its opinion, delivered in November 1999, the Group recalled a number of basic ethical principles which should underpin all Community measures and pointed out how these applied to drug-taking by sportsmen and women: the right of all to health and safety (sportsmen and women need to be shielded from pressures to take drugs); the need for integrity and transparency (sports competitions must be fair); the duty to protect the weak and the vulnerable (children and young people in sport must be protected). The Group also proposed a number of practical steps, such as: health checks for sportsmen and women; including specific references to drug-taking in sportsmen's and women's contracts; greater cooperation between the police and judicial authorities in the Member States; a Directive on the protection of young people in sport; and assembling a conference of interested parties to draft a code of good conduct in sport. The Commission has undertaken to consider these proposals.
8. **The World Anti-Doping Agency:** The Member States and the Commission accepted the invitation from the International Olympic Committee to participate in the establishment of a World Anti-Doping Agency. The Agency, created in November 1999, will, it is hoped, be fully operational in time for the Sydney Olympic games in September 2000. The job of the Agency will be, among other things: to adopt and modify the list of banned substances drawn up by the IOC's Medical Commission; to accredit testing laboratories and harmonize testing methods; and, in cooperation with international sporting federations and the public authorities, to plan and coordinate out-of-competition testing.
9. The public authorities and the sports organizations are to have equal representation on the Agency's Foundation Board, which is to be independent of outside interests. Down to 1 January 2002, the EU will have two representatives on the Board, appointed ad personam: the Commission will have observer status. The Board's decisions will be based on consensus. For the time being, the Board's headquarters are to be in Lausanne: the Board is to decide, as soon as possible, on a permanent home for these. The IOC will fund the Agency down to January 2002.
10. **Making the most of Community policies and regulatory measures:** The Commission argues that, if the battle against drug-taking is to be won, there must be better coordination between the policies of the sports community, the Member States, international organizations, the EU and the World Anti-Doping Agency. It also suggests that existing Community policies can play a role in fighting drug-taking. For example, support can be provided within the Fifth Framework Programme for more research into drugs, ways of detecting them, the consequences for users' health of taking drugs, and the social pressures which may lead to drug-taking. Again, the SOCRATES, LEONARDO, and YOUTH programmes offer means, albeit indirect, of providing information and raising awareness

about drugs. Community programmes to promote exchanges between law enforcement officers (OISIN) and lawyers (GROTIUS) from the different Member States can play a role by encouraging, for example, pooling of information and targeted training. Under Article 12 of the 1992 Council Directive 92/27/EEC on labelling medicinal products, the Commission may publish guidelines on special warnings for some categories of medicinal products: the Commission intends to open up a discussion with Member States to ensure that, where medicinal products contain active principles which may lead to a positive result in doping tests, this is clearly indicated on the product label.

11. The Commission plans to put forward a proposal for a Council recommendation under Article 152 of the Treaty (which deals with public health) on the prevention of drug-taking in sport (especially in amateur sport). The main objective of this recommendation will be for Member States to promote awareness of the health benefits of participating in sport and the harmful effects of drug-taking. The Commission will be called upon, inter alia, to prepare a report on the prevalence of, and reasons for, drug-taking in sport; to carry out research into the effectiveness of programmes intended to fight drug-taking; to support exchanges of personnel and information about prevention of drug-taking in sport. Moreover, the new framework Public Health Action Plan, to be proposed shortly, will provide another opportunity to focus on anti-doping measures.
12. Finally, the Commission undertakes to publish every two years a report on the results of Community and national measures to fight drug-taking in sport and on trends in drug-taking practices; and to consider, on the basis of Article 300 of the Treaty, presenting a recommendation to the Council with a view to the Community's accession European Anti-Doping Convention adopted by the Council of Europe in 1989.

REMARKS

13. The European Parliament, and this Committee in particular, have consistently called for action at European level to fight drug-taking in sport. In the debate in plenary which preceded the adoption of a "Resolution on urgent measures to be taken against doping in sport" in December 1998, a member of this Committee summarised the issue as follows: "Taking drugs and doping other than for medical reasons is wrong. Drug-taking is psychologically, mentally and physically damaging to the user. Then there are the moral implications ... Sportsmen and women set examples to Europe's young people. They pay far more attention to what sportsmen and women are doing than to what politicians are doing. ... this is an issue that crosses national frontiers. It cannot be dealt with by nation states acting alone. It requires cooperation at international level. The Commission has a responsibility. Europe has a responsibility." ⁷ In this context, the provision under budget line B3-2020 of funding for pilot projects to assist campaigns against drug-taking in sport in Europe is to be welcomed.
14. The Commission emphasizes that many of the immediate causes of drug-taking by sportsmen and women may be traced back to the general cause of over-commercialisation of sport.

⁷ Debate in report of proceedings of 17.12.98, p. 38

This is doubtless true, but it is only one aspect of commercial sponsorship of sport. After all, it is such sponsorship which makes many of the national and international sporting events – in which the majority of participants **do not** take performance-enhancing drugs – possible in the first place. Moreover, the interest of commercial sponsors surely also lies in taking drugs out of sport? Television companies and other sponsors of sporting events earn revenue by attracting an audience that believes that sport does indeed embody the Olympic movement's ideals of competition tempered by friendship, solidarity and fair play: if their audiences lose confidence in the integrity of sporting events, might they not stop watching them? This common interest should be recognised and the possibility of involving commercial sponsors in fighting drug-taking explored.

15. Finally, the Commission Communication pays insufficient attention to inadvertent drug-taking by sportsmen and women. It is easy for a sportsman or woman to take medicine for a minor ailment, in good faith, and inadvertently consume a drug which is prohibited in sport. If such a sportsperson tests positive for a banned drug he or she may face the same penalty – disqualification from a competition, for example – and incur the same odium as someone who had deliberately taken a prohibited drug. One way of reducing this danger would be to provide unambiguous and clear labelling on all pharmaceutical products, which indicated precisely whether consumption of a given product might result in a positive result in a test for prohibited substances.

CONCLUSIONS

16. Against this background, the Communication from the Commission is to be welcomed. As colleagues will recall, the Committee called in its opinion for the Committee on Constitutional Affairs on the forthcoming Intergovernmental Conference for the creation of a separate legal basis for Community action in the field of sport. For the time being, and in the absence of such a legal base, the Commission has done a good job in identifying the action that it can take under existing Treaty provisions. Its willingness to consider practical steps such as calling on clubs to include in contracts with players and other staff (such as doctors and trainers) a specific reference to the fact that drug-taking is harmful to the drug user and a form of cheating, is welcome. Similarly, the Commission's intention to exploit fully the ways in which existing policies and regulatory measures may be mobilised in the battle against drug-taking in sport deserves support.
17. There are, however, a number of areas in which your rapporteur calls on the Commission to act more boldly.
18. **Community participation in international agreements designed to fight drug-taking.** The Community should certainly accede to the European Anti-Doping Convention adopted by the Council of Europe and the Commission should present as soon as possible a recommendation to the Council to this effect. The same point applies to the World Anti-Doping Agency: the Commission should prepare as soon as possible a proposal to the Parliament and Council with a view to formalising the Community's participation in the work of the Agency.

19. **The agenda of the WADA:** The Community should use its position in the WADA to underline the importance of protecting sportsmen and women who are legal minors against drug-taking. It should also press the IOC to introduce an isostandard in the twenty-seven laboratories which are accredited for testing for the presence of drugs prohibited in sport.
20. **Clear labelling:** In the context of the WADA, and in collaboration with the pharmaceutical industry, the IOC and the Member States, the Commission should investigate the feasibility of labelling clearly all pharmaceutical products so as to minimise the risk of inadvertent consumption of prohibited substances by sportsmen and women. This is particularly important in amateur sport, where the sportsman or woman typically does not have access to the kind of expert medical advice which is available to professionals. One possibility would be to place on all pharmaceutical products a logo consisting of an easily recognisable sport (an archer or a discus-thrower, for example) and a traffic light. If the traffic light were showing green, this would indicate that the product contained nothing which might produce a positive result in a test for substances prohibited in sport. If the light were showing red, this would indicate that the product did contain such substances and would produce a positive result in such a test. If the light were showing orange, this would indicate that consumption of the product might lead to a positive result in a test and that the sportsman or woman should seek expert advice before consuming it.
21. **‘Nearly-doping products’:** The Commission should include in its information campaigns designed to alert sportsmen and women to the dangers of drug-taking, information about ‘nearly-doping products’ i.e. products which contain substances, or particular combinations of substances, which, while not prohibited in sport, approximate very closely pharmacologically to substances which are prohibited. It should consider calling for a voluntary ban on the sale of such products by sports retailers. More generally, in its health-awareness campaigns, the Commission should seek to discourage young people from routine recourse to pharmaceutical products for very minor ailments.
22. **A code of good conduct in sport:** As the European Group on Ethics recommends, a European conference on doping in sport should be organised by the EU in cooperation with the Council of Europe. The aim of the conference should be to draft a common declaration, equivalent to a code of good conduct in sport. The participants should include sportsmen and sportswomen, representatives from the sporting organizations, the European institutions, and so on: but this conference should also seek the active participation of commercial sponsors of sporting events. Commercial sponsors might then be encouraged to make their sponsorship of particular events conditional on the organisers and participants adhering to the code of good conduct in sport: this would be a way of associating commercial sponsors directly with the fight against drug-taking.

23. **Changing attitudes towards competition:** Finally, your rapporteur urges the Commission to make sure that, in mobilising the EU's youth, education, training and other policies in the fight against drug-taking, an effort is made to change the competitive environment. Perhaps the biggest challenge is to re-establish the conviction – dating from ancient times – that, while competition is natural and healthy, winning is not the only – or even the principal – reason for taking part in sport.

21 June 2000

OPINION OF THE COMMITTEE ON THE ENVIRONMENT, PUBLIC HEALTH AND CONSUMER POLICY

for the Committee on Culture, Youth, Education, the Media and Sport

on the Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions on a Community support plan to combat doping in sport
(COM(1999) 643 – C5-0087/2000 – 2000/2056(COS))

Draftsman: Mihail Papayannakis

PROCEDURE

The Committee on the Environment, Public Health and Consumer Policy appointed Mihail Papayannakis draftsman at its meeting of 22 March 2000.

It considered the draft opinion at its meetings of 24 May and 21 June 2000.

At the last meeting it adopted the amendments below unanimously.

The following were present for the vote: Caroline Jackson, chairman; Alexander De Roo and Carlos Lage, vice-chairmen; Mihail Papayannakis, draftsman; Per-Arne Arvidsson, David Robert Bowie, John Bowis, Hiltrud Breyer, Dorette Corbey, Avril Doyle, Laura González Álvarez, Robert Goodwill, Mary Honeyball (for Anneli Hulthén), Hans Kronberger, Bernd Lange, Peter Liese, Maria Martens (for María del Pilar Ayuso Gonzalez), Pietro-Paolo Mennea (for Chris Davies), Emilia Franziska Müller, Rosemarie Müller, Riitta Myller, Giuseppe Nisticò, Béatrice Patrie, Marit Paulsen, Dagmar Roth-Behrendt, Guido Sacconi, Karin Scheele, María Sornosa Martínez, Bart Staes (for Marie Anne Isler Béguin), Antonios Trakatellis and Phillip Whitehead.

SHORT JUSTIFICATION

On 17 December 1998, the European Parliament adopted a resolution in which it called on the Commission to take account of the problem of doping and to propose measures at Community level in order to improve coordination between national and Community measures and actions aimed at combating the use of illegal drugs. In its resolution, Parliament called for *'the presentation by the Commission of proposals designed to implement a harmonised public health policy with a view to combating doping'*.

In December 1998, the Vienna European Council also expressed its concern at the scale of doping in sport, stressing the need for action at EU level.

The concern of both Parliament and the European Council was to a large extent triggered by the doping scandal in the Tour de France that year.

In this Communication, the Commission proposes a three-pronged approach:

- ✓ assessing experts' opinion on the ethical, legal and scientific dimension of doping, as well as inviting the European Group on Ethics to deliver an opinion on the issue,
- ✓ contributing to the preparations for the World Anti-Doping Conference and working together with the Olympic movement to create the World Anti-Doping Agency, to be based in Lausanne,
- ✓ mobilising Community instruments – especially the SOCRATES, LEONARDO and YOUTH programmes, as well as the Fifth Framework programme for research – in order to complement actions already under way in Member States.

The Commission envisages the submission of a proposal for a Council recommendation - based on Article 152 (Public Health) – on the prevention of doping in sport. The new Public Health Action Plan will also provide an opportunity to address the issue. Furthermore, the Commission undertakes to publish every two years a report on the results of Community and national measures to combat doping and trends in drug-taking in sport, as well as to consider submitting a recommendation to Council – based on Article 300 (International Agreements) – on the accession of the Community to the European Anti-Doping Convention adopted by the Council of Europe in 1989.

DRAFTSMAN'S COMMENTS

The very motto of the Olympic movement – ‘citius, altius, fortius’ (faster, higher, stronger) – unintentionally encourages unlimited competition between individual athletes and between athletes and nature. That might lead us to consider in greater depth the very reason for the existence of athletics and for sport in general. As long ago as 1923, in a speech he gave in Rome, Pierre de Coubertin denounced politics, which was seeking to control sport for its own devices, the growing commercialism surrounding champions, the idolatry of sport, which was destroying the hierarchy of values, chauvinism, brutality, over-exertion, excessive training and drug-taking.

By succumbing to the demands of economics, sport has called into question its own reason for existence and the very maintenance of its credibility. The ‘winning is everything’ mentality has no place in sport. It frequently leads to the total corruption of sense and values.

Doping has become a lucrative business, resulting in organised trafficking. Some sportsmen and women, national officials, doctors and judges are encouraged to turn a blind eye and to cheat because of the way in which the sports system operates, initially in the obsessive chase for

medals and financial gain. Sportsmen and women fear that they will miss out if they refuse to take performance-enhancing substances which their competitors take. And it is not only professional sportsmen and women who are involved: younger and younger athletes and games players may well come to consider drug-taking as a kind of obligatory rite of passage.

Community action should be based on three elements:

Firstly, prevention. Information and education must be provided in sports organisations and a campaign waged against the basic causes of drug-taking. In addition, studies must be drawn up which clearly indicate the undesirable side-effects of the substances most used by athletes, and the findings of those studies must be widely disseminated.

Secondly, dismantling – for example via Europol or Interpol - of the networks which supply the drugs. All too frequently, it is only the sportsmen and women who are punished, while those responsible for supplying the drugs are left in peace. Well-organised and very lucrative networks exist to supply drugs. A strong political will must be expressed which brings all these problems out into the open and attacks the root causes of drug-taking, a will which never yields to the pressures exerted on it.

Thirdly, the establishment of an international, transparent and consistent system which provides for punishments which act as a deterrent. Accordingly, what is required is a system of comparable punishments which operates at international level.

CONCLUSIONS

The Committee on the Environment, Public Health and Consumer Policy calls on the Committee on Culture, Youth, Education, the Media and Sport, as the committee responsible, to incorporate the following points in its draft resolution:

1. Welcomes the Commission's Communication but deplores the fact that the Commission has not carried out a detailed analysis of the causes and the scope of the use of performance-enhancing drugs in various sporting environments; notes, further, that, in law, it is inadequate as the basis for a Community policy and suggests that a directive on combating doping in sport be drawn up on the basis of Article 152 of the EC Treaty;
2. Notes that the use of performance-enhancing drugs is not confined limited to professional sports but is also very common in amateur sports (e.g. fitness, bodybuilding, etc.), which makes the use of performance-enhancing drugs a public health problem, a new form of drug dependency and a serious threat to the ethics of sport;
3. Urges the Commission, therefore, to give in-depth consideration to the problem of the use of performance-enhancing drugs as part of the new Public Health Action Programme;

4. Supports a clear and unambiguous definition of doping through the establishment of a list – valid for all sports and for all countries – of forbidden performance-enhancing drugs and practices, as well as common methods to detect and measure illegal substances;
5. Believes that the fight against doping cannot be successful without effective punishments; therefore supports the establishment of a consistent international system of punishments valid for athletes as well as for suppliers of performance-enhancing drugs. Punishments should be more comprehensive, with sportsmen and women being stripped of any records they have set, and of any other financial advantages they have derived from setting them, after taking performance-enhancing drugs;
6. Notes that the production and distribution of performance-enhancing drugs has become an international business run by well-organised criminal networks;
7. Considers it necessary, therefore, for Community measures in the field of police and judicial cooperation to take due account of the illegal trade in performance-enhancing drugs;
8. Calls on the Commission to pursue an active prevention policy by means of awareness and educational campaigns, aimed at young people in schools and in amateur and professional sports clubs and organisations, which emphasise that the taking of performance-enhancing drugs constitutes a danger to health and an attack on moral values;
9. Takes the view that information policy, particularly in the media, should inform the general public about athletes' training programmes, and not simply the results of sports competitions, and should provide useful information about the adverse effects that the taking of performance-enhancing drugs may have on health;
10. Supports the establishment of a World Anti-Doping Agency based on the principles of independence, transparency and neutrality and calls on the EU Member States who participate in the Agency to act in a more coordinated and more decisive fashion;
11. Calls on the Commission to submit regular reports on the work of the Agency and the results obtained.