

STATE OF PLAY OF ANTI-DOPING IN SPORT ACROSS EUROPE

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State of Play of Doping in Elite and Recreational Sport

Doping in elite sport is a threat to the 'health, fairness and equality'¹ of athletes and competitions worldwide. Doping jeopardises the health of the athlete in question, and potentially of those surrounding them, it damages the image of sport, and ultimately, doping hinders sport ethics- as a form of cheating and disregard towards universal sport values. Doping substances can originate from illicit production and distribution that directly profit organised crime groups.²

Unfortunately, the prevalence of doping in elite sport remains unknown and data is scarce, while the extend of it in recreational sport and physical activity is yet to be quantified.

The World Anti-Doping Agency's (WADA) [2019 Anti-Doping testing figures](#) reports that year saw a 5% increase in analysed sample (263 519) compared to 2018 (278 047), equating to a decrease in findings- 0.97% in 2019 against 1.05% in 2018. Adverse Analytical Finding, AAF, also decreased to 1.07% 2019 against 1.13% in 2018.³

An AAF is when the A sample produces a positive result, requiring the B sample to also be analysed. It may imply direct consequences, such as provisional suspension, unless the athlete can prove a valid Therapeutic Use Exemption (TUE). An Atypical Finding (ATF) are when several measurements are performed on a same

individual, such as when testosterone longitudinal studies are performed. Finally, Anti-Doping Rule Violations, known as ADRV, occur when an athlete, or a member of their support, commits a doping offence which has received a final decision and sanction.

However, academia estimates the prevalence of intentional doping in elite sport to range between 14-39%, and acknowledges that present doping control test results vastly underestimate actual doping prevalence.⁴ This is notably due to the fact that cutting-edge doping techniques are not always detected by biological testing. In 2017, thanks to the Randomised-Response Technique (which protects respondents' confidentiality when answering sensitive questions), research among athletics athletes over 2 events revealed an estimated 43.6%-57.1% had done doping in the previous year.⁵

Anti-Doping efforts

The initial obstacle met by anti-doping efforts was to harmonise policies and practices across the globe. An international pioneer, the Council of Europe adopted their [first resolution](#) in the field of sport, dedicated to anti-doping, as early as 1967 and further consolidated their efforts in 1989 by offering the **Anti-Doping Convention (ETS 135)**⁶ framework. The latter was the first legally-binding instrument in the field. The same year, and

¹ World anti-doping code 2021, 8. Accessible at <https://bit.ly/3iHpekX>

² EUROPOL and the World Anti-Doping Agency to tackle doping together, Pres release, 18.02.2021. Accessible at <https://www.europol.europa.eu/newsroom/news/europol-and-world-anti-doping-agency-to-tackle-doping-together>

³ 2019 Anti-Doping Testing Figures, 3.

⁴ Prevalence of doping use un elite sports: a review of numbers and methods, de Hon, Kuipers, van Bottenburg. 2015

⁵ Doping in Two Elite Athletics Competitions assessed by Randomized-Response Surveys, Ulrich et al. 2018

⁶ Anti-Doping Convention, Treaty N°135. 1989. Accessible at <https://bit.ly/2UF0guG>

following a series of major doping scandals in elite sport, the European Commission proactively supported the creation of an international independent agency responsible for harmonising anti-doping policies and regulations within sport organisations and governments. In 1999, the International Olympic Committee (IOC) established the World Anti-Doping Agency (WADA) to endorse this role, and at present, WADA's main activities include 'scientific research, education, development of anti-doping capacities, and monitoring of the [World Anti-Doping Code \(WADC or the Code\)](#).⁷ Enforced in 2004, the WADC harmonises anti-doping policies in all sports and all countries, though it only applies to sport organisations and their members. Subsequently, governments prepared and signed the [Copenhagen Declaration on Anti-Doping in Sport](#) (2003), which sealed their commitment to legally recognise and implement the Code. This materialised in 2005 through the signature of the [UNESCO International Convention against Doping in Sport](#).

Of the many prevailing dilemmas stemming from doping, the 'implementation of national anti-doping laws in Member States, such as Germany, France, Austria, Italy and Sweden, shows that the issue is also increasingly tackled at national level. Hence, doping violations can be challenged in front of national courts rather than dealt with only by the 'lex sportiva'.⁸

The European Union (EU) remains active on the topic with the Parliament providing resolutions containing suggestions and indications, the Commission continuously collaborating with WADA, and since the Lisbon Treaty's entry into force (2009), the EU is equipped with competences to fight doping.⁹ Beyond supporting, coordinating

and complementing Member States' actions in anti-doping, the Commission allocates funds for grassroots and/or educational anti-doping projects through the Erasmus+ funding programmes.

Fitness and recreational sport's responsibility

Fitness and recreational sport¹⁰ offer citizens the opportunity to gather and have fun, while they also enable citizens to improve their health by being more physically active. Any level of doping is therefore counterproductive to the sector's primary objective of enabling and encouraging physical activity, which is why the sector must endorse a socially responsible position. In 2019, the [FAIR project](#) (forum for anti-doping in recreational sport) published a [European Code of Conduct in Anti-Doping for Recreational Sport](#), providing policymakers and recreational sport stakeholders with a set of standardised recommendations and principles to abide by, to collectively fight doping. The Code is articulated around four themes:

- Education and research
- Social responsibility
- Food and supplements
- Cooperation

⁷ <https://www.wada-ama.org/en/who-we-are>

⁸ EU sports policy: assessment and possible ways forward, 41. 2021. Accessible at <https://bit.ly/2XU3VpX>

⁹ Article 165, Treaty on the Functioning of the EU. 2007. Accessible at <https://bit.ly/3AWeffc>

¹⁰ Recreational sport defined as 'sport, exercise and physical activity which takes place in low-level competitive

or non-competitive environments and engages participants/ individuals at sport events, fitness centres, sport and leisure clubs, and outdoor-based activities.' European Code of Conduct in Anti-doping for Recreational Sport. 2019. <https://bit.ly/2XCRG1f>