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MONITORING GROUP EVALUATION REPORT (T-DO)

Evaluation visit to France
27-30 March 2023

The Monitoring Group oversees the implementation and application of the Anti-Doping Convention. The Additional Protocol to the Anti-Doping Convention supplements the responsibilities of the Monitoring Group by requiring the Monitoring Group to '*supervise the application and implementation of the Convention*' by the Parties to the Convention.

This supervision is achieved through an integrated compliance approach. A significant component of this is the evaluation process, whereby a team of experts appointed by the Monitoring Group (**Evaluation Team**) examines the implementation of the Convention by a Party and provides a report (**Evaluation Report**) to the Monitoring Group. The Evaluation Team will typically undertake this examination by way of a visit to the Party being evaluated, this visit being referred to as an **Evaluation Visit**.

The Evaluation Team generally undertakes this review through a visit to the Party being assessed, known as an **Evaluation visit**.

The French authorities have invited the Council of Europe's Monitoring Group of the Anti-Doping Convention (T-DO) to carry out an evaluation visit to assess the measures taken by France to comply with its commitments under the Anti-Doping Convention.

Prior to the visit, the French authorities provided the evaluation team with a **national report**. The national report and the programme for the visit are appended to this evaluation report.

This evaluation report is divided into two sections:

Section 1 - A summary of the Evaluation team's findings, identification of best practices that could be used and be useful to other parties, and recommendations made to the French authorities.

Section 2 - A detailed set of observations and conclusions from the Evaluation Team.

SECTION 1

Executive summary

France was one of the first European countries to adopt a regulatory framework to combat doping in sport. Over the years, France has developed its legislation to adapt to the changing landscape of doping practices and the requirements of the World Anti-Doping Code. French law in force takes full account of the issues at stake, thanks in particular to specific provisions in the Criminal Code, the Sports Code and the Public Health Code.

France has a first-rate national anti-doping organisation. The French Anti-Doping Agency (AFLD) has the human and financial resources to carry out its responsibilities, which cover all doping issues. In particular, the AFLD has extensive powers to investigate both analytical and non-analytical violations of the anti-doping rules. It is important for the agency to be able to implement its ambitious programme throughout France.

The Ministry of Sport is the central governmental player in the fight against doping. It develops and coordinates national policies to ensure a comprehensive approach to clean sport. The involvement of certain public authorities in the design and implementation of public anti-doping policies appears to be more limited, in particular the ministries responsible for health, education and higher education.

The existence of police forces and magistrates with special expertise in the fight against doping facilitates repressive action and the sharing of information between specialised structures. Customs action could be made more effective by stepping up the sharing of information with law enforcement agencies and the AFLD.

The role of decentralised structures in the anti-doping ecosystem, such as the AMPD and CIRAD, should be clarified so that they are given powers, an administrative structure and resources fitting their role.

The sport movement has taken measures to step up the fight against doping and facilitate the work of the AFLD. Sports federations, as well as the Olympic and Paralympic Committees, are committed to providing greater support for athletes and promoting prevention. The appointment of anti-doping advisors in federations and their organisation into a network within the Olympic Committee are essential steps. However, it is important that they are set up in all sports federations and that the role played by the athletes' entourage in preventing the risks of doping is promoted.

In conformity with the Anti-Doping Convention, France has adopted legislation to limit the availability of doping substances and methods on its territory. Both the public authorities and professional health organisations are active in improving information, in particular through targeted campaigns aimed at professionals and the general public.

In terms of testing, the AFLD has extensive powers, enabling it to carry out tests during all sporting competitions and on any athlete preparing for a competition. More than 10,000 samples are taken each year in and out of competition.

The French anti-doping laboratory carries out high-quality work on behalf of the anti-doping community, first and foremost the AFLD. Its recent administrative attachment to a university research centre has strengthened its independence and autonomy.

Both the public authorities, principally the Ministry of Sport, and the AFLD play an active role in informing and warning about the dangers of doping. The national doping prevention plan has clarified the role of the various public stakeholders and given them a long-term commitment.

The AFLD's focus on educating athletes and those around them encourages the whole community to adopt the anti-doping rules. The national (INSEP) and regional (CREPS) sports structures of excellence are effective relays in this dissemination, enabling athletes to be made aware of the rules from an early age.

The AFLD's legal framework and handling of disciplinary cases ensures effective protection of sport while taking into account athletes' rights. The introduction of administrative composition agreements facilitates procedures and offers athletes a rapid resolution to disputes. Nevertheless, it is important that the Sanctions Committee takes full account of the imperatives of a worldwide fight against doping and the necessary harmonisation of sanctions.

In terms of international cooperation, France defends and promotes clean sport at both European and world level.

France has a comprehensive anti-doping system encompassing solid standards and the coordinated involvement of a wide range of stakeholders, particularly public authorities. The Ministry of Sport and the AFLD play a central role in implementing the Anti-Doping Convention at national level. They also ensure coordination with the other competent authorities and the sport movement.

Best practices

The following best practices, resulting from measures adopted by the French authorities, have been identified:

- i. The investigative powers available to the AFLD and the way in which these powers are used to identify or confirm anti-doping rule violations are noteworthy. They allow the agency to investigate with complete autonomy and facilitate prosecutions.
- ii. The AFLD Athletes' Committee enables athletes to be represented and heard by the agency, to contribute to the decision-making process and to be better informed of the agency's actions, particularly in the field of education. Its composition allows for collective actions as well as initiatives led by one of its members. The AFLD could consider extending the scope of its Athletes' Committee to enable it to deal with any subject and to be officially consulted when the Agency's structuring policies are adopted.
- iii. The allocation of specific powers to law enforcement units (OCLAESP) and specialised judicial divisions (inter-regional public health divisions) makes the fight against doping more effective.

- iv. The NF EN 17444 standard for food supplements can make it easier to identify less risky supplements in terms of prohibited products or contamination.
- v. The AFLD's scope of action allows for actions without restriction and without the need for recognition by a federation or private body. It can act during all competitions or on all athletes preparing for a competition.
- vi. The national plan for the prevention of doping makes it possible to involve a wide range of institutional stakeholders and to multiply the actions taken, while ensuring a follow up by the Ministry of Sport.
- vii. The French Society of pharmacists' regular information campaigns to educate and raise awareness on doping-related issues help to maintain a level of knowledge among professionals and remind patients and athletes of the risks.

Recommendations

The following recommendations are made with a view to improving the implementation of the Anti-Doping Convention:

1. In order to strengthen the implementation of the Anti-Doping Convention and to facilitate doping controls in the Convention area, it is recommended that France ratifies the Additional Protocol to the Anti-Doping Convention.
2. It is recommended that efforts be continued to enable the AFLD to operate effectively throughout France, particularly in non-European departments, regions and territories.
3. In order to strengthen cooperation between law enforcement authorities, it is recommended that an inter-institutional platform be set up to enable regular meetings and exchanges between the various stakeholders involved, whether specialised or not (justice, police, gendarmerie, customs and AFLD). Such a platform could strengthen synergies and cooperation. Regular training should also be offered to law enforcement officers, on demand.
4. The French authorities are invited to review the remit and role played by the AMPDs and CIRADs in the fight against doping by giving them the necessary means of action or, where appropriate, by considering their integration into other structures. The harmonisation of actions and their effectiveness should be the criteria to be taken into account in this reflection.
5. The fight against doping by sports organisations requires the introduction of a policy that provides greater incentives for the deployment and operation of anti-doping referents in all sports federations.

6. The French authorities are invited to promote the role played by athletes' entourage in prevention and education, and to introduce disciplinary proceedings in the event of violations. Such a development could involve a national campaign that could be rolled out in the federations at both national and local level.
7. In order to ensure that the standards of the World Anti-Doping Code are properly implemented, it is recommended that the members of the Sanctions Committee, including its chairman, undergo mandatory training to maintain a high level of competence in anti-doping matters.
8. As far as procedural rights are concerned, it would be advisable to consider making public the Sanctions Committee's hearings as a matter of principle, while taking into account the wishes of the person concerned.
9. The AFLD, with the support of the French authorities, could also consider setting up a legal aid system to assist athletes in defending their case.
10. The French authorities are invited to provide the Monitoring Group with an update on the anti-doping measures taken for the 2024 Olympic and Paralympic Games, in particular with regard to education, the collection and analysis of samples and any relevant information concerning the anti-doping legacy of the Games.

SECTION 2

Prior to the evaluation visit, the French authorities provided a national report detailing the various measures taken to implement the Convention (Annex 2).

This section of the evaluation report has been prepared by the evaluation team and is a detailed description of their findings with reference to the relevant sections of the national report and the issues identified during the evaluation visit (Appendix 1).

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1. LEGISLATIVE, REGULATORY AND ADMINISTRATIVE PROVISIONS

- 1.1 The fight against doping is the subject of specific instruments of international law that enable States to adopt appropriate measures to fully implement an effective fight against doping at both national and international level.
- 1.2 In this context, France ratified the Council of Europe Anti-Doping Convention in 1991 and the UNESCO International Convention against Doping in Sport in 2007. However, it has not ratified the Additional Protocol to the Council of Europe Anti-Doping Convention.
- 1.3 The chronology presented by the French authorities demonstrates a legislative evolution that has placed the fight against doping within two complementary strands of public policy: public health and criminal law.
- 1.4 Since 1965, France's anti-doping policy has been based on Law No. 65-412 aimed at punishing the use of stimulants in sporting competitions. This law was the first to sanction doping both criminally, with fines and prison sentences, and disciplinarily, with a possible ban from sporting competition of up to five years.
- 1.5 Law No. 99-223 of 23 March 1999 on the protection of athletes' health and the fight against doping led to the creation of the *Conseil de prévention et de lutte contre le dopage* – council for the prevention and the fight against doping (CPLD), an independent administrative authority responsible for defining policy to protect athletes' health and regulating anti-doping. The law also defined prohibited practices, structured the organisation of anti-doping tests, and set out the disciplinary and criminal sanctions applicable to anti-doping. The law also created the *antennes médicales de prévention du dopage* - doping prevention medical units (AMPD), public health structures with the role of organising consultations for "people who have used doping practices".
- 1.6 This law was incorporated into the Public Health Code in 2000, before being included in the Sports Code when created in 2006.
- 1.7 Law No. 2006-405 of 5 April 2006 on the fight against doping and the protection of athletes' health created the French Anti-Doping Agency (AFLD) to replace the CPLD.
- 1.8 More recently, changes to the Sports Code have consolidated the national framework for the fight against doping. For example, in 2018, the new provisions abolished the powers of regional anti-doping advisors in terms of organising tests, transferred federal disciplinary powers to the AFLD, created the Sanctions Committee, and updated the regime applicable to international-level athletes.
- 1.9 In 2021, with a view to the transposition of the World Anti-Doping Code, the Sports Code incorporated new legislative and regulatory provisions to create new responsibilities for the federations, particularly in terms of education and prevention strategies, automatic recognition of the decisions of all the signatory organisations of the World Anti-Doping

Code, and the possibility of greater modulation of sanctions. The new regulations also provide for the administrative and legal separation of the anti-doping laboratory from the AFLD.

- 1.10 The Prohibited List is published each year in accordance with France's obligations under the UNESCO Convention. In practical terms, the Ministry of Foreign Affairs, in collaboration with the Ministry of Sport, is responsible for compiling the definitively adopted list and publishing it by decree before 1^{er} January of the following year. For 2023, the Prohibited List was published by decree No. 2022-1583 of 16 December 2022.
- 1.11 At the time of the visit, a bill relating to the 2024 Olympic and Paralympic Games was in the process of being adopted. The law was promulgated after the visit under reference No. 2023-380 of 19 May 2023. It mainly concerns the physical organisation of the Games and their security. It also allows the anti-doping laboratory to carry out genetic analyses for specific purposes and ensures the full application of anti-doping standards in French Polynesia, particularly with regard to the powers of the AFLD in this territory.

Conclusion

- 1.12 France was one of the first European countries to adopt a regulatory framework to coordinate and effectively combat doping in sport. It has been able to adapt this framework to changes in doping practices and to the requirements of the world regulator, the World Anti-Doping Agency.
- 1.13 The French legislative and regulatory framework enables the challenges of the fight against doping to be taken fully into account. The draft law relating to the 2024 Olympic and Paralympic Games, which was in the process of being adopted at the time of the visit, should facilitate this fight and make it uniform throughout France. France can be considered to have adopted the necessary measures to comply with its commitments under the Convention.

Recommendation

- 1.14 In order to strengthen the implementation of the Anti-Doping Convention and facilitate doping controls within the Convention area, it is recommended that France ratifies the Additional Protocol to the Anti-Doping Convention.

2. NATIONAL ANTI-DOPING ORGANISATION (NADO) - STRUCTURE AND GOVERNANCE

Field of competence

- 2.1 France has had a national anti-doping agency since 1999, when the CPLD was set up. In 2006, the CPLD was replaced by the French Anti-Doping Agency (AFLD) in order to bring France in line with the requirements of the revised World Anti-Doping Code and to adapt the structure to the new needs and realities of the fight against doping.
- 2.2 The AFLD is France's national anti-doping organisation and a signatory to the World Anti-Doping Code. It operates throughout France, subject to specific agreements concerning French Polynesia and New Caledonia, which are overseas territories with extended powers.
- 2.3 The AFLD is responsible for combating both human and animal doping. However, activities relating to the fight against doping in animal competitions represent only 5% of the Agency's overall activity.
- 2.4 The AFLD's remit is not limited to licence-holders and top-level athletes, and includes all sportsmen and sportswomen taking part in a competition leading to a prize or reward, or preparing for a competition. In this respect, the agency regularly carries out doping controls in competitions not covered by a recognised international federation, such as cross-fit or mixed martial arts.
- 2.5 The AFLD has jurisdiction throughout France. However, specific agreements are required to enable its doping control officers (DCOs) to operate and to guarantee investigative powers in the overseas territories. At the time of the visit, advanced discussions were underway to formalise these agreements in French Polynesia and New Caledonia. In addition, the AFLD's capacity for rapid intervention in terms of testing was limited in certain overseas departments or regions due to the small number of DCOs on site. The AFLD has indicated that it does not have a DCO of each gender in all of these territories, which makes it difficult, if not impossible, to carry out tests. Measures have nevertheless been taken to enable such tests to be carried out, in particular by using third-party providers or by pairing up a DCO and a chaperone of different genders.

Organisation

- 2.6 Administratively, the Agency is organised around a general secretariat and four departments: Legal and Institutional Affairs, Education and Prevention, Testing, Investigations and Intelligence.
- 2.7 The Agency's governing body, the *College* is made up of nine members, plus a veterinary specialist for matters relating to animal doping. These members are appointed for a six-year term, renewable once, by decree of the Minister for Sport or, in the case of the President, by the President of the French Republic.

- 2.8 The *College* is responsible for adopting the administrative and financial decisions essential to the operation of the Agency (budget, internal regulations, etc.) and for setting the Agency's guidelines by adopting the annual testing and education programmes.
- 2.9 The Sports Code provides that no person involved in the management or activities of an international federation, a national federation, an organisation responsible for major events, a national Olympic committee, a national Paralympic committee, the Sport National Agency, the Ministry of Sport or one of its establishments may be appointed as a member of the *College*. These restrictions ensure the Agency's independence from both the sport movement and the public authorities.
- 2.10 Decisions to initiate disciplinary proceedings are taken by the AFLD *College* and decisions to impose provisional suspensions are the exclusive responsibility of the Chair. The AFLD Chair therefore has certain powers in the disciplinary procedure, enabling her in particular to sanction athletes. In disciplinary matters, appeals against decisions by the Sanctions Committee, for "national" cases, come under the jurisdiction of the Conseil d'Etat (see section 8 below). It is common practice for the chair of the AFLD to be appointed from among the members of the Conseil d'Etat. Consequently, it is important to ensure that this court, like the Agency's Chair, is not tainted by a perception of partiality to the detriment of athletes who appeal to the Conseil d'Etat.
- 2.11 When the Agency was set up in 2006, the integration of the laboratory within it was the result of a global approach to the fight against doping. The evolution of the issue, the diversification of missions and WADA's requirements led to the separation of the two institutions to ensure full autonomy for each. Since January 2022, the French anti-doping laboratory has been attached to the Université Paris-Saclay (see below).
- 2.12 Over the years, its financial resources have increased, thanks to renewed multi-year financial support from the State and the possibility of diversifying its own resources, in particular by billing for services provided. As a public authority, the AFLD is financed almost exclusively by public funds. In 2022, it received a subsidy of approximately €10 million from the Ministry of Sport.
- 2.13 At the time of the visit, the AFLD had a team of 47 people, with the aim of reaching 50 in the short term. The agency has managed to professionalise its team and build loyalty, while taking into account the different profiles required to respond adequately to the development and internationalisation of the fight against doping.
- 2.14 The AFLD's missions have gradually expanded. In addition to the traditional tasks of controls and sanctions, the AFLD has developed activities in the areas of investigations, education and support for sports federations in fulfilling their anti-doping obligations.
- 2.15 The legislative provisions that came into force in 2021 have given the AFLD extensive investigative powers. The AFLD can now summon people for questioning, carry out searches and even use aliases on the Internet to trace banned products. These powers, similar to those conferred on other independent control authorities such as the Financial Markets

Authority and the French competition Authority, facilitate the Agency's work in identifying and prosecuting anti-doping rule violations. At the time of the visit, the AFLD had not yet made use of all of its new powers, particularly with regard to searches.

- 2.16 As far as investigations are concerned, the AFLD cooperates with law enforcement agencies, in particular the Central Office against infringements on environment and public health (OCLAESP). Training sessions and exchanges of best practices between these two institutions were planned at the time of the visit. In addition, these institutions have jointly participated in the European training programme set up by WADA to develop operational skills.
- 2.17 In 2019, the AFLD created an Athletes' Committee made up of eight active or recently retired sportsmen and sportswomen, appointed for a four-year term. The Committee may be consulted on all matters relating to the AFLD. It plays an essential role in education and prevention, particularly in mobilising the French sporting community and making them more aware of their responsibilities. For example, the Committee presented its opinion on the content of the e-learning platform and helped test the anti-doping educators' course. The members of the Committee also contribute individually to the AFLD's work by providing training or participating in communication tools (short presentation videos, awareness-raising teaching aids).
- 2.18 In addition to its consultative role, the Committee has indicated its desire to support the AFLD in better explaining results management and the disciplinary process to athletes. It would also like to play an advisory role in the context of changes to legislative or regulatory provisions.
- 2.19 The AFLD has set up a mechanism for whistleblowers that makes it possible to distinguish between a report of doping and a structured alert. The process begins with a preliminary assessment. The Agency has indicated that more and more people are giving their identity, which demonstrates their confidence in the alert system.

Conclusion

- 2.20 France has a strong national anti-doping organisation. The AFLD has the human and financial resources to implement its mandate, which covers all aspects of doping, both human and animal. Its broadened field of activity enables it to fully implement its remit.
- 2.21 The French legislator has given the agency broad powers to investigate both analytical and non-analytical anti-doping rule violations. The Agency has also increased its scope of expertise and action by developing an education programme aimed at both elite and recreational athletes, and by establishing an Athletes' Committee.

Best practices

- 2.22 The investigative powers available to the AFLD and the way in which these powers are used to identify or confirm anti-doping rule violations are noteworthy. They allow the Agency to investigate with complete autonomy and facilitate prosecutions.
- 2.23 The Athletes' Committee enables athletes to be represented and heard by the Agency, to contribute to the decision-making process and to be better informed of the agency's actions, particularly in the field of education. Its composition allows for collegial actions as well as actions led by one of its members. The AFLD could consider extending the scope of its Athletes' Committee to enable it to deal with any subject and to be officially consulted when the Agency's structuring policies are adopted.

Recommendation

- 2.24 It is recommended that efforts be continued to enable the AFLD to operate effectively throughout France, particularly in non-European departments, regions and territories.

3. PUBLIC AUTHORITIES

Ministry of Sport

- 3.1 According to article L230-1 (legislative part) of the French Sports Code, the Ministry of Sport and the Olympic and Paralympic Games is "*the minister responsible for sport, in liaison with the other ministers and bodies concerned, initiates and coordinates preventive, medical surveillance, research and educational actions implemented with the assistance, in particular, of the National Sports Agency, sports federations approved under the conditions defined in article L. 131-8 and professional leagues, to ensure the protection of athletes' health and combat doping*".
- 3.2 The Ministry is responsible for all aspects of regulatory and strategic guidance and coordination in the fight against doping. It is responsible for defining public policy on preventing and combating doping. It is also responsible for coordinating the actions of other ministries and public stakeholders, particularly in the areas of education and public health protection.
- 3.3 In order to comply with the international obligations arising from the Council of Europe and UNESCO Anti-Doping Conventions and to ensure that the French anti-doping system complies with the requirements of the World Anti-Doping Code and WADA's International Standards, laws, ordinances and decrees are regularly adopted to adapt the French legal system to changes in anti-doping standards.
- 3.4 The Ministry ensures the implementation of a global approach to the protection of sporting integrity. Each federation signs a delegation contract with the Ministry of Sport, which sets out its obligations in terms of integrity protection and, in particular, the fight against doping. Compliance with these obligations is one of the conditions for the delegation of public services from the Ministry to the federation and, consequently, for the payment of a subsidy by the national sports agency.
- 3.5 The Ministry is also responsible for coordinating the following lists: top-level athletes (around 4,500), national athletes (around 6,000), national teams - who may be selected for national teams but are not considered to be top-level sportsmen and women. The list is reviewed and updated at the beginning of November each year on the basis of data supplied by the federations. Being included on the lists gives athletes rights (access to facilities, dedicated programme, etc.) but also obligations, particularly in terms of medical monitoring. Athletes included on one of the three lists sign an agreement with the federations, which includes obligations concerning the fight against doping.
- 3.6 Since the introduction of the anti-doping system in France, the subject has been regarded as a public health issue. On the basis of the documentation provided, the Ministry of Health contributes to the fight against doping through its own regulatory framework. The Public Health Code governs the manufacture and distribution of medicinal products, entrusts Ministry of Health officials with the task of monitoring the legislation in force and provides for specific penalties in the event of a breach of the Code's criminal provisions.

Public authorities responsible for law enforcement

- 3.7 As far as the Ministry of Justice is concerned, it covers both performance and recreational sport. Since 2020, the two inter-regional public health divisions set up within the Paris and Marseille judicial courts have been responsible for dealing with complex issues relating to breaches of the sports code. The divisions are responsible for investigating, prosecuting, instructing and judging offences relating to health products.
- 3.8 The divisions have a multidisciplinary approach. For example, the public health division in Paris is composed of four public prosecutors, a doctor, a pharmacist, a veterinary and a work inspector. The jurisdiction of the divisions is concurrent with that of the courts in respect of breaches of the public health and sports codes.
- 3.9 The role of the legal services is to implement and disseminate criminal policy guidelines. When it comes to doping, criminal policy is based on three main principles: anticipation; specialisation; and coordination. This cooperation facilitates the effective application of procedural rules, especially in a multidisciplinary ecosystem.
- 3.10 The National Customs Intelligence and Investigation Directorate is a service with national jurisdiction. It centralises French customs intelligence and has jurisdiction over fraud. The focus of its work in the field of doping is the interception of postal consignments. Anabolic products amount to 85% of all customs seizures in this area, a stable trend over the last 5 years.
- 3.11 The Central Office against infringements on environment and public health, OCLAESP, is the central investigative body for doping offences. This office does not have exclusive jurisdiction, which allows non-specialist police or gendarmerie services to conduct investigations in this area and facilitates the transfer of cases between the centralised specialist office and local entities.
- 3.12 The OCLAESP cooperates with the AFLD and with external partners such as Eurojust and Interpol, as well as with structures in the sport movement such as the ITA. This cooperation has enabled large-scale operations to be carried out at national level, including during major sporting events in France, as well as the dismantling of international doping networks.
- 3.13 Requisitions are possible as soon as an investigation moves from the administrative to the judicial level. Investigating judges can call on the AFLD's skills and expertise to obtain a specialised opinion.
- 3.14 With regard to the sharing and exchange of information, article 232-20 of the French Sports Code (legislative part) provides that "*by way of derogation from their professional secrecy obligations, customs officers, competition, consumer affairs and fraud control officers, officers reporting to the Minister for Sport, officers of the French National Sports Agency, tax officials and officers of the French Anti-Doping Agency, public prosecutors, officers and agents of the judicial police, agents of the National Gaming Authority, agents of regional health agencies and agents of social security bodies are entitled to communicate to each other any information, including personal information, obtained in the course of their respective duties and relating to facts likely to constitute violations and criminal offences provided for in this chapter.*" The team was informed that this provision is regularly used to

share information in specific cases. However, there is no formalised platform for the regular exchange of information, which was regretted by several interlocutors.

- 3.15 It emerged from the visit that specialised training in the fight against doping could be further developed within the law enforcement agencies to keep staff up to date with current issues in the fight against doping.

Decentralised anti-doping structures

- 3.16 Since 2001, there has in principle been a doping prevention medical unit (AMPD) in every French region. The creation of these centres was part of a move to recognise doping as a public health problem, over and above its impact on sports ethics. Their initial remit of informing, raising awareness and training athletes, while providing a framework for risk reduction, has gradually evolved with the development of other stakeholders in the fight against doping in France, in particular the creation of the AFLD. The branches have retained a mission focused on prevention, working with sportsmen and sportswomen and providing training for health and sports professionals.
- 3.17 Each centre is located in a health facility, usually a university hospital, and is headed by a doctor. Their role is to offer free, anonymous specialist advice to athletes on doping-related issues. They also allow sportsmen and women who have been sanctioned for an anti-doping rule violation to talk to a doctor from the centre. A certificate is issued following this meeting and placed in the athlete's file. In principle, this certificate is compulsory for the resumption of a sports licence following a sanction.
- 3.18 The visit revealed that the AMPDs operate unevenly across France. For example, some regions - particularly overseas - have no operational branch. In addition, the qualifications of the doctors and healthcare staff in charge of them vary widely. The budgets available are often extremely low, or even symbolic, which means that the AMPDs are unable to offer coherent care and carry out their missions to the full.
- 3.19 France has also introduced a decentralised, non-medical approach to the fight against doping. Inter-regional anti-doping advisors (CIRADs), civil servant of the Ministry of Sport, run and maintain a local network within partner administrations. CIRADs are authorised and sworn personnel who can take part in investigations and judicial police operations and are liable to record the criminal offences listed in the Sports Code.
- 3.20 In addition, a regional commission to combat trafficking in doping substances and methods exists in each region and in overseas territories. The commission is made up of the prefect and the public prosecutor of the court of appeal, along with representatives of the various authorities involved (OCLAESP, AFLD, local departments of the sports authorities, the criminal investigation department, the gendarmerie, customs, public finance, competition, consumer affairs and fraud control, labour and health). It meets at least once a year and is chaired by the CIRAD. The purpose of the committee is to enable inter-institutional dialogue at regional level on the fight against doping, to facilitate the exchange of information and to address specific concerns.

- 3.21 As with the AMPDs, the CIRADs and the regional commissions seem to operate in different ways across the country, and the resources made available to them appear to be uneven and, in all cases, insufficient to implement their mandate. In addition, the CIRADs have been waiting since 2021 for precise directives on how to implement the fight against doping at a territorial level.

Conclusions

- 3.22 A wide range of public stakeholders are directly involved in the fight against doping, and their joint actions ensure that doping is prevented and combated effectively.
- 3.23 The Ministry of Sport plays a leading role in the coordination of public policies and in the ongoing dialogue with the AFLD. Its action enables France to keep its legislation in line with the World Anti-Doping Programme and to provide an appropriate regulatory framework.
- 3.24 The existence of law enforcement agencies and magistrates with specific competence in the fight against doping facilitates repressive action and the sharing of information between institutions. Customs action remains more isolated and sometimes without prior interaction with the other relevant services (law enforcement agencies and/or the NADO).
- 3.25 The involvement of certain public authorities in the design and implementation of public anti-doping policies appears to be more limited, in particular the ministry responsible for education and higher education.
- 3.26 In addition, the place of the decentralised structures (AMPD and CIRAD) in the current anti-doping ecosystem needs to be clarified to give them powers and resources commensurate with the role entrusted to them.
- 3.27 It should be noted that there is a link between the subsidisation of sports organisations and compliance with anti-doping legislation. However, the evaluation team was unable to assess the effective implementation of this link and the possible withdrawal or reduction of subsidies in the event of non-compliance with anti-doping criteria.

Good practice

- 3.28 The allocation of specific powers to law enforcement units, OCLAESP, and specialised judicial divisions makes the fight against doping more effective.

Recommendations

- 3.29 To strengthen cooperation between law enforcement authorities, it is recommended that an inter-institutional platform be set up to enable regular meetings and exchanges between the various stakeholders involved, whether specialised or not (justice, police, gendarmerie, customs and AFLD). Such a platform could strengthen synergies and cooperation. Regular training should also be offered to law enforcement officers who request it.
- 3.30 The French authorities are invited to review the remit and role played by the AMPDs and CIRADs in the fight against doping by giving them the necessary means of action or, where appropriate, by considering their integration into other structures. The harmonisation of actions and their effectiveness should be the criteria to be taken into account in this reflection.

4. SPORTS ORGANISATIONS

- 4.1. The Convention identifies sports organisations as playing an important role in the fight against doping at national level. It recognises the plurality of actors that may have a role to play in anti-doping and requires States Parties to ensure the coordination of the policies and actions of the organisations concerned in the fight against doping.
- 4.2. In France, the national federations and the Olympic and Paralympic Committees have taken up the challenge of the fight against doping.

The French National Olympic and Sports Committee (CNOSF)

- 4.3. The French National Olympic and Sports Committee has 110 member sports federations, representing 180,000 French sports associations and 18 million licence holders.
- 4.4. The CNOSF has taken several measures to strengthen its focus on the fight against doping. A vice-presidency dedicated to ethics and the fight against doping has been appointed for the 2021-2025 term of office.
- 4.5. At an operational level, the fight against doping has been integrated into the Major National Causes of Sport, through a dedicated department and the recruitment of a project manager. Her role is to support the federations' anti-doping strategies and to coordinate the networks of the federations' various advisers, in particular the anti-doping advisers.
- 4.6. The regional and departmental Olympic committees are involved in the implementation of this strategy in order to support the stakeholders on the ground and ensure better dissemination of the education plan.
- 4.7. The CNOSF also supports projects to prevent and raise awareness of the fight against doping, in particular at events and conferences, in particular the annual conference on doping-free sport organised jointly with the AFLD and the Ministry of Sport. It cooperates with the AFLD on its education programme and promotes WADA's online training courses (ADEL).

The French Paralympic and Sports Committee (CPSF)

- 4.8. The French Paralympic and Sports Committee has 44 member federations: 21 delegated para-sport federations, 21 para-sport federations and two specific federations.
- 4.9. As the leader for the Paralympic Federations, the CPSF is responsible for implementing anti-doping policy at Paralympic Federation level. In 2019, with the support of the Paralympic delegations, the CPSF identified a lack of information on the obligations regarding tests and how they are carried out. Support staff are often volunteers and regularly changing, which makes training more complex. Similarly, athletes often enter top-level sport later - sometimes after an accident or illness - and are less familiar with the issues and rules involved in the fight against doping.

- 4.10. With this in mind, the committee has set up a medical commission composed of federal doctors to better advise its governing bodies and guide its decision-making. The CPSF has also worked closely with the AFLD to identify the specificities of each sport. In addition, the two bodies work closely together to train and raise awareness among the French delegation to the Paralympic Games and the athletes who are likely to be selected. This education takes the form of initial face-to-face training and targeted thematic webinars.
- 4.11. Finally, the specific nature of Paralympic sport has led the CPSF to pay particular attention to the education of health and support staff. Educational work has also been carried out with AFLD testers and chaperones to make them aware of the specificities of each disability situation.

Sports federations

- 4.12. Since 2019, French sports federations no longer have jurisdiction in disciplinary matters relating to doping. Nonetheless, the government has given them a key role in preventing and combating doping in Order No. 2021-488 of 21 April 2021.
- 4.13. Under the French Sports Code, federations have obligations in areas relating to education and prevention, doping controls, investigations and results management. They must therefore:
- appoint an anti-doping officer responsible for implementing and ensuring compliance with anti-doping obligations;
 - implement education and prevention initiatives;
 - forward to the AFLD all information relating to training sessions and sporting events, as well as the contact details of the athletes in the target group;
 - training anti-doping delegates and escorts;
 - report any instances of doping and cooperate in any investigations carried out by the agency;
 - ensure compliance with the suspension measures imposed by the AFLD;
 - cancel sports results in accordance with the agency's decisions and provide for the consequences of such cancellations in the regulations; and
 - make the resumption of a licence conditional on the production of a certificate issued by the doping prevention medical unit.
- 4.14. The 110 sports federations that are members of the CNOSF have received a questionnaire from the AFLD, developed jointly with the Ministry of Sport, to assess the actions taken in the fight against doping. The responses to the questionnaire will be used as a basis for assisting the federations or considering targeted audits.
- 4.15. The establishment of an anti-doping coordinator in each federation is an important step forward in coordinating anti-doping actions and raising awareness among athletes and their entourage. However, the visit revealed that not all federations have appointed an anti-doping coordinator. In addition, the diversity of the profiles of the advisors (doctor, lawyer, technical manager) gives rise to different perceptions of their role and their mission.

Conclusion

- 4.16. Sports organisations have taken structural measures to strengthen the fight against doping within their organisations, to facilitate the work of the AFLD and to raise awareness among the various groups concerned. All those involved appear to be mobilised to provide athletes with greater support, particularly in terms of training and prevention.
- 4.17. Recent efforts to reinforce this awareness, through the appointment of anti-doping advisors in the federations and their organisation into a network by the CNOSF, should be highlighted.

Recommendations

- 4.18. The fight against doping by sports organisations requires the introduction of a policy that provides greater incentives for the deployment and operation of anti-doping referents in all sports federations.
- 4.19. The French authorities are invited to promote the role played by athletes' entourage in prevention and education, and to introduce disciplinary proceedings in the event of violations. Such a development could involve a national campaign that could be rolled out in the federations at both national and local level.

5. LIMITING THE AVAILABILITY OF DOPING SUBSTANCES

- 5.1 Article 4 of the Convention requires States Parties to adopt all measures to reduce the availability of doping substances, in particular anabolic steroids, and the use of such substances in sport.
- 5.2 Articles L. 232-25 to 232-31 of the French Sports Code cover the criminal provisions relating to the fight against doping. They punish the unjustified possession of prohibited substances and methods, as well as all stages from possible manufacture to transfer, prescription and administration. Falsifying, destroying or damaging any element relating to the test, sample or analysis is also punishable by law. Doping and related offences are subject to main penalties (imprisonment, fines) and additional penalties (confiscation, possible closure) applicable to both natural and legal persons.
- 5.3 Most of the substances banned by the Prohibited List adopted by WADA and the Monitoring Group also fall within the scope of the legislation on poisonous substances and/or are medicines. As such, the availability of and access to these products are restricted by the regulations in force, which include prescription and dispensing requirements in the pharmaceutical circuit. The legislation provides for criminal penalties of up to five years' imprisonment and a fine of €375,000 for breaches of these obligations.
- 5.4 In addition, France has a very strict legislative arsenal against the use of and trafficking in doping substances classified as narcotics.
- 5.5 There is a real competition between the applicable laws, which sometimes makes it difficult to punish doping offences. For the same circumstance, the law enforcement authorities have more recourse to legislation relating to poisonous substances than to legislation relating to doping, notably because of the burden of proof.
- 5.6 As in most European countries, the main risk of taking prohibited substances, and in particular anabolic steroids (excluding therapeutic substances), is not linked to products in the legal pharmaceutical circuit but mainly to imports and the use of networks accessible via the internet. These trafficking operations are investigated both by judicial services specialising in doping, such as the OCLAESP, or in cybercrime, and by ordinary police and gendarmerie services. The French authorities have indicated that they have dismantled several trafficking operations involving anabolic agents linked to sports coaching staff in recent years, using international cooperation - the products originating from Asia in particular and transiting through Eastern European countries.

- 5.7 The marketing of food supplements is governed by decree No. 2006-352 of 20 March 2006 (transposing European law). This decree makes it possible to refuse to market a product if there is a lack of information attesting to the European origin of the substances used in its manufacture, or if there is a proven risk to consumer health. The Directorate-General for Competition, Consumer Affairs and Fraud Control of the Ministry of the Economy and Finance has an inspection department responsible for monitoring food supplements and an analysis laboratory.
- 5.8 To reinforce the safety of food supplements and limit the risks of unintentional doping, the Ministry of Sport has promoted the French AFNOR standard NF V 94-001 of July 2012 at European level. In April 2021, the NF EN 17444 standard was adopted. This voluntary standard sets out the requirements for the development and manufacture of food products and supplements, with a view to limiting the risk of the presence of prohibited substances. It provides a framework of good practice designed to prevent the presence of prohibited substances. Mention of this standard on the packaging of food supplements makes it easier to identify products that do not contain doping substances.
- 5.9 To make it easier for sportsmen and women to prescribe and use medicines, the AFLD has developed a [search engine](#) that lists medicines containing doping substances by speciality name.

Conclusions

- 5.10 France has adopted legislation that directly or indirectly limits the availability of doping substances and methods on its territory. The diversity of rules available, particularly at criminal level, sometimes limits specific doping prosecutions by resorting to other provisions (counterfeit medicines, illegal imports) that are easier to use in law.
- 5.11 Many stakeholders, both governmental and within professional organisations, are active in limiting the availability of doping substances and improving information and prevention in this area. These initiatives, some of which are ongoing, should be promoted and disseminated more widely.

Good practice

- 5.12 The NF EN 17444 standard for food supplements can make it easier to identify less risky supplements in terms of prohibited products or contamination.

6. TESTING AND ANALYSIS OF BIOLOGICAL SAMPLES

- 6.1 The Convention requires that resources be put in place to combat doping effectively, in particular by helping sports organisations to finance doping controls and analyses, but above all by encouraging and facilitating the performance of in-competition and out-of-competition doping controls by the responsible organisations.
- 6.2 The Convention also invites States to set up a laboratory responsible for carrying out anti-doping analyses on their territory or to provide access to such a laboratory on the territory of another Party.

Controls

- 6.3 Under national legislation, article L. 232-5 (I/2°) of the French Sports Code, the AFLD is responsible for carrying out doping controls, both in and out of competition, on all athletes, including those who have been suspended.
- 6.4 The AFLD's scope for testing is particularly broad, as it extends to all "*sport events where prizes are awarded in cash or in kind, even if they are not organised by an approved federation or authorised by a delegated federation*". Furthermore, the notion of an athlete who may be subject to testing includes any person preparing for a future competition.
- 6.5 As a result, the AFLD can intervene in all the competitions it wishes to test, without being dependent on the competition being affiliated to a recognised federation. In addition, the definition of athletes who may be tested is extremely broad, enabling the agency to test all persons wishing to take part in a sporting competition.
- 6.6 Thanks to the financial support of the French public authorities, the AFLD has increased the number of samples taken from 8,000 in 2020 to 10,212 in 2022, with a target of 12,000 samples in 2023. The French authorities and the AFLD have jointly indicated their intention to maintain this level of sampling after the 2024 Games.
- 6.7 The AFLD may modify the definition of a national athlete according to specific national situations or particular concerns. The perimeter of the national group has been extended to include athletes in disciplines exposed to the risk of doping, such as rugby (in the run-up to the 2023 World Cup) or mixed martial arts. There are around 7,500 national-level athletes, including 2,500 in individual sports and 5,000 in team sports.
- 6.8 Since 2020, the AFLD has taken nearly 80% of its samples from national and international athletes. The agency remains active on doping practices in sports halls, using innovative tests such as DBS (*dried blood spots*).
- 6.9 The law provides that the AFLD may carry out tests abroad on athletes of French nationality or licensed with an approved federation or constituting the target group. In addition, the agency regularly performs paid services for other NADOs, international federations or major sports events.

- 6.10 The AFLD's Testing Department is free to draw up the risk analysis and the annual testing programme, which is approved by the Agency's College, without ministerial intervention or approval. The testing department assigns a score to each sport according to the degree of risk and known doping practices at national and international level.
- 6.11 To carry out testing, the AFLD has three full-time DCOs and 126 occasional DCOs who are trained, sworn before the judicial court and approved for two years (106 DCOs are health professionals authorised to carry out blood and urine sample collection).
- 6.12 The initial approval of these officers is conditional on the successful completion of theoretical and practical training, which is extended, during the validity of the approval, by ongoing training requirements.
- 6.13 Since December 2021, the AFLD has also approved three doping control companies that it can call on, both in France and abroad, for a renewable period of four years.
- 6.14 Finally, it should be noted that the agency obtained ISO 9001:2015 certification in 2022, which guarantees the quality of its controls for sportsmen and women as well as external clients.

Analysis of biological samples

- 6.15 France has had a national doping detection laboratory since 1966. Administratively attached to the AFLD until 2021, the French Anti-Doping Laboratory (LADF) was transferred to the University of Paris-Saclay on 1^{er} January 2022 in order to promote scientific collaboration, meet the requirements of the World Anti-Doping Code and ensure its full operational and administrative independence.
- 6.16 ISO17025 accredited, the LADF is one of 30 laboratories worldwide accredited by WADA to carry out analyses of blood and urine samples. The laboratory has an *Athlete Passport Management* Unit (APMU-Paris) with financial and functional autonomy. At the time of the visit, the LADF was setting up protocols for analysing DBS matrices.
- 6.17 In preparation for the 2024 Games and in response to a change in the law, the laboratory has the power to carry out genetic analyses on the athlete's behalf and, above all, in his or her defence, within a precise regulatory framework.
- 6.18 The laboratory employs 40 full-time equivalents and has an annual budget of €6.5 million, half of which comes from a grant awarded by the Ministry of Higher Education and Research for its research and development activities, and the other half from income from analysis services.
- 6.19 The AFLD is the laboratory's main customer, with an annual expense of €2 million. Under this contract, the laboratory provides analysis services, sample storage and management of athletes' biological passports. The LADF also carries out analyses and other services on

behalf of international federations, major sporting events and foreign NADOs. Finally, ad hoc analyses are carried out on behalf of other anti-doping laboratories (complementary analyses or analyses for which the laboratory has special technical expertise/accreditation) or other national institutions (for example, to identify products seized by customs).

- 6.20 At the time of the visit, the laboratory was in the process of moving from its historic site in Châtenay-Malabry to its new premises on the Université de Paris-Saclay campus. However, the move to the new premises had been delayed for several weeks due to the lack of a signed agreement with the Olympic Games Organising Committee (COJO). This agreement provided for the supply of essential laboratory equipment by a third-party company. After the visit, the evaluation team was informed that the agreement had since been signed and that the equipment (refrigerators) had been delivered, enabling the laboratory to be fully operational.
- 6.21 The LADF was also the subject of a major development programme in preparation for the Paris 2024 Games, aimed at reducing and simplifying the preparatory stages, increasing the number of substances detectable in a single analysis, increasing the number of samples processed at a time and making it easier to read the results. The laboratory intended to increase the number of samples to be analysed in preparation for the Games. It was awarded the contract to analyse samples for the 2023 Pan-American Games, followed by those for the Tour de France and the 2023 Rugby World Cup. For the 2024 Olympic and Paralympic Games, a strategy was put in place to recruit students and experts from anti-doping laboratories to assist the LADF's permanent team.
- 6.22 As for future developments, the LADF plans to continue its work in conjunction with the DBS and on the detection of genetic doping.

Conclusion

- 6.23 The AFLD carries out both out-of-competition and in-competition tests. The law gives it a broad remit, enabling it to act without restriction, and it uses this remit appropriately.
- 6.24 The French anti-doping laboratory carries out high-quality work for the AFLD and external service providers. Its recent administrative attachment to a university research centre and its move (in progress at the time of the visit) have strengthened its independence and autonomy.

Good practice

- 6.25 The AFLD's scope of action allows it to act without restriction and without the need for recognition by a federation or private body. It can act on all competitions or on athletes preparing for a competition.

7. EDUCATION AND RESEARCH

- 7.1 The Convention requires States Parties to implement "educational programmes and information campaigns highlighting the dangers inherent in doping and the undermining of the ethical values of sport". Education is an essential aspect of the fight against doping and complements the testing and sanctioning activities of anti-doping organisations. Education is an essential part of preventing doping and should be aimed not only at athletes but also at schoolchildren, parents, medical and support staff and, more broadly, the general public.
- 7.2 In addition to education, the Convention stresses the importance of research activities to be carried out by the Parties. Thus, on the one hand, the Parties are encouraged to conduct research in collaboration with sports organisations into training programmes that respect physical integrity, and laboratories are encouraged to conduct research and development programmes on doping substances and methods in order to gain a better understanding of the effects of these substances on the body and performance.

Education

- 7.3 The Sports Code makes the Ministry of Sport and the AFLD the two major stakeholders in education and prevention.
- 7.4 The Ministry of Sport has set up the [*National Plan for the Prevention of Doping and Doping Behaviour 2020-2024*](#), which aims to enhance all sectoral actions in the fight against doping. The plan has three sections: improving and disseminating knowledge about doping and doping-related behaviour, preventing doping and doping-related behaviour among participants in physical activities and sport, and managing the doping prevention plan.
- 7.5 The plan is based on educating people about the values of sport, limiting access to doping products and risky substances such as food supplements, and promoting the well-being and health of athletes. It is divided into seventeen actions covering subjects as varied as training athletes in the target group on whereabouts requirements, labelling fitness centres and raising parents' awareness of their role in preventing doping.
- 7.6 Implementing the plan will enable the Ministry of Sport and the AFLD to mobilise all those involved in the fight against doping, including sports federations and Olympic and Paralympic Committees, around common and tangible objectives.
- 7.7 Article R4235-2 of the Public Health Code recognises a special role for pharmacists, who "must contribute to informing and educating the public about health and social matters. In particular, they shall participate in the fight against [...] doping". Through the national plan, the Ministry of Sport has strengthened its collaboration with health professionals. An agreement has been signed with the National Council of Pharmacists to run prevention campaigns on the risks of doping.
- 7.8 For example, the National Council of Pharmacists regularly runs information campaigns for professionals, patients and athletes on the risks of doping: food supplements, new additions to the list of prohibited substances, the risks of accidental doping, and medicines requiring a Therapeutic Use Exemption.

- 7.9 The Ministry of Sport is also working with the National Council of Physiotherapists on doping prevention and, in partnership with the AFLD, has developed dedicated training for these professionals.
- 7.10 In application of its education plan, the AFLD deploys an annual education programme aimed at audiences considered to be priorities, such as national sportsmen and women (target and control groups), their support staff, educators and the federations' anti-doping coordinators. The agency also carries out actions aimed at the general public or other groups of athletes or support staff. The team was informed of the AFLD's intention to pay greater attention to educating the people around athletes, in particular coaches and healthcare staff.
- 7.11 Since 2021, the AFLD has trained and accredited nearly a hundred anti-doping educators and set up a dedicated network. They are regularly offered training to increase their knowledge and inform them of new issues. At the time of the visit, the Agency was working on an educational kit for educators to facilitate the dissemination of information and ensure consistency in the training provided.
- 7.12 The AFLD provides training for the federations' anti-doping referees and coordinates the network created in 2022. It offers e-learning courses, regular communications and webinars, as well as practical workshops on the role and obligations of anti-doping referees. It also provides sports federations with resources for their doping prevention plans.
- 7.13 Access to high-quality e-learning is an important part of the AFLD's education strategy. At the time of the visit, an e-learning platform was being finalised. It was to bring together content developed by the Agency while promoting WADA's ADEL modules.
- 7.14 High-level sport training and education structures such as the INSEP (Institut national du sport, de l'expertise et de la performance) and the CREPS (centres de ressources, d'expertise et de performance) implement a dynamic approach to education. They carry out coordinated education initiatives for athletes under their respective responsibility. Information and awareness-raising meetings are regularly organised for the parents of minors to inform them of the risks of self-medication, to clarify their role in preventing doping and to help them identify resource persons and sources of information.
- 7.15 In their "anti-doping" initiatives, the INSEP and the CREPS include testimonials from retired athletes who have had to deal with injuries or have even been suspended for doping.
- 7.16 To ensure education and awareness of the fight against doping, six INSEP educators have undergone AFLD training and received AFLD approval. They organise compulsory training sessions, in particular during the induction days for new INSEP entrants in September, but also during the year during themed sessions. They also work directly with athletes or staff from the same sport, in conjunction with the relevant federation. In addition, an "educator's bag" has been created. It brings together innovative teaching aids to facilitate education in the fight against doping.

Research

- 7.17 Research into the fight against doping is carried out on several fronts in France.
- 7.18 The LADF carries out anti-doping research using its own funds, around 10% of its annual budget, or as part of a collaborative project. This research is regularly funded by grants from various bodies, in particular the AFLD, WADA and the *Partnership for Clean Competition*.
- 7.19 In particular, the LADF is carrying out research into autologous transfusion, growth hormone, differentiation of corticosteroid administration routes, genetic doping and the use of artificial intelligence for the indirect detection of doping. This work is published in scientific journals. The laboratory has published six articles in 2019, ten in 2020 and 2021 and five in 2022.
- 7.20 In addition, the French laboratory pays particular attention to its development activity in order to improve anti-doping analyses. A team of analysts aims to reduce preparation, analysis and result-reading times; to modernise and improve substance detection protocols; and to extend analysis methods to new matrices. Once validated internally, the new methods are submitted to the French accreditation body.
- 7.21 Although now separate from the laboratory, the AFLD retains a legal mission to support anti-doping research. It is assisted by a Scientific Steering Committee (COS) made up of French and foreign academics who help it to define the projects to be supported.
- 7.22 Finally, the French academic community contributes to anti-doping research in both the scientific and social sciences. For example, a UNESCO anti-doping chair was created at Paris-Nanterre University in 2017.

Conclusion

- 7.23 France has the tools to effectively promote education and research in clean sport.
- 7.24 Both the public authorities, principally the Ministry of Sport, and the AFLD play an active role in informing and warning about the dangers of doping. The adoption of the action plan clarifies the role of the various stakeholders and mobilises them over the long term.
- 7.25 The AFLD's focus on educating and raising awareness among athletes and their entourage encourages the whole community to adopt the anti-doping rules. The INSEP and the CREPS are effective relays in this dissemination, providing education from the earliest age to aspiring athletes.
- 7.26 The policies in place enable to reach out to athletes, their entourage, the professionals involved and the general public.

Good practice

- 7.27 The national plan for the prevention of doping makes it possible to involve a wide range of institutional stakeholders and to multiply the actions taken, while ensuring that the Ministry of Sport is in charge.
- 7.28 The National Council of Pharmacists' regular information campaigns to inform and raise awareness of doping-related issues help to maintain a level of knowledge among professionals and remind patients and athletes of the risks involved.

8. DISCIPLINARY MEASURES

8.1 The Convention and its interpretation by the Monitoring Group require that doping disciplinary procedures respect fundamental principles, such as the separation of prosecuting and judging bodies, the right to a fair trial and the right of appeal. These disciplinary procedures must allow to sanction both athletes and support and medical staff (managers, coaches, doctors, physiotherapists, veterinary surgeons).

Disciplinary proceedings

8.2 In France, disciplinary proceedings are governed by Articles L. 232-21 et seq. of the French Sports Code and are the sole responsibility of the AFLD.

8.3 The AFLD's General Secretariat is responsible for investigating cases, the AFLD College is responsible for initiating legal proceedings and the Sanctions Committee, an independent hearing body, decides on disciplinary measures in the first instance. The decisions of the Sanctions Committee may be appealed before the Court of Arbitration for Sport (CAS) when the acts were committed by an international athlete or during an international event, and before the French State Council for other cases.

8.4 Appealing to the State Council makes the procedure more accessible for national athletes, who can take their case to a court under national law, which is accessible free of charge and uses the French language.

8.5 Decisions to provisionally suspend an athlete fall within the remit of the AFLD President.

8.6 The AFLD's Legal and Institutional Affairs Department provides procedural support for prosecutions brought by the College and sanctions accepted by the athlete. This department also manages breaches of whereabouts obligations.

8.7 In accordance with the national law and in compliance with WADA's international standards, the AFLD may propose a pre-litigation sanction, known as an administrative composition agreement. When the Agency's College initiates proceedings, the Secretary General notifies the person being prosecuted of the charges, along with a proposal to acknowledge the violation and accept the consequences. If this proposal is accepted, the College validates the agreement. The parties, including WADA, are notified of the reasoned decision and have the right to appeal. This procedure allows the athlete in question to accept a sanction, considering the circumstances of the case, which extinguishes the procedure and reduces the duration of the process.

8.8 If the agreement is refused, the AFLD transmits the notification to the Sanctions Committee and the procedure continues. In 2022, the AFLD proposed 76 administrative composition agreements, 45% of which were accepted.

8.9 In 2022, the results management process was applied to 85 violations that occurred during the year, and 92 cases were finalised, including anti-doping rule violations that occurred in previous years: 34 by an administrative composition agreement, 30 by a decision of the Sanctions Committee, and 28 without prosecution by the AFLD (therapeutic use exemptions, authorised routes of administration, and cases transferred to other anti-doping organisations). The AFLD indicated that it took an average of seven months to process cases in 2022.

The Sanctions Committee

8.10 The Sanctions Committee was set up in 2018 to ensure full implementation of the principle of separation of powers and to distinguish it institutionally and operationally from the AFLD. It is composed of ten members, comprising an equal number of men and women, appointed by decree of the Ministry of Sport for their expertise in legal matters, medicine (pharmacology, toxicology and sports medicine) and sport. The Commission also has two members with veterinary medicine expertise for cases relating to animal doping.

8.11 Members are appointed for a four-year term, renewable once, subject to compliance with the rules on parity. The Sports Code provides that the members of the Sanctions Committee may not be involved in the management or activities of any organisation of the sports movement or public bodies responsible for sport.

8.12 The Sanctions Committee can sit in three formats: as a single member, three or five members, or as a full committee, depending on the nature and complexity of the case. The chair decides on the composition of the committee. The Team was informed that the Sanctions Committee only sits in plenary session at the request of its chair. The person being accused may request that a member of the committee be recused or replaced.

8.13 With regard to the right to a fair trial, athletes and other defendants have effective access to the Sanctions Committee free of charge. Any interpretation costs are covered by the AFLD. However, representation costs are not covered and there is no legal aid. Defendants may call witnesses or provide other evidence. As a matter of principle, hearings are not open to the public unless the defendant so requests.

8.14 The Sanctions Committee handed down 30 decisions in 2022, with a processing time of four and a half months. Statistically, the Commission applied 80% of the decisions proposed by the AFLD College.

8.15 The Team was informed that the members of the Sanctions Committee had not received a specific training on the particularities of anti-doping rules, which was considered superfluous by its chair. Moreover, the team noted during the visit that the chair of the Sanctions Committee was determined not to consider the need for a worldwide harmonisation in the fight against doping, and thus to apply sanctions that are not provided for in the World Anti-Doping Code, particularly in terms of the minimum length of sanction. Such an approach tends to generate differences in sanctions for athletes, potentially lengthening procedures (with appeals) and undermining the credibility of the coherence of the fight against doping at global level.

Conclusion

- 8.16 The French legal framework in disciplinary matters ensures effective protection of sport while taking into account the rights of athletes. The relevant provisions of the Convention are fully respected.
- 8.17 Cases are handled efficiently, and the introduction of administrative composition agreements facilitates the procedure and offers athletes a rapid resolution to their dispute.
- 8.18 Nevertheless, the Sanctions Committee should take full account of the imperatives of a worldwide fight against doping and the need to harmonise procedures and sanctions.
- 8.19 In terms of procedural rights, most of the principles and rights contained in *Recommendation CM/Rec(2022)14 on the general principles of fair procedure applicable to anti-doping proceedings in sport* are guaranteed in law and in practice, including access to free interpretation. However, hearings before the Sanctions Committee are in principle held in camera, unless the respondent expressly requests otherwise, and an offer of legal aid is not envisaged.

Recommendations

- 8.20 In order to ensure that the standards of the World Anti-Doping Code are properly implemented, it is recommended that the members of the Sanctions Committee, including its chair, undergo mandatory training to maintain a high level of competence in anti-doping matters.
- 8.21 As far as procedural rights are concerned, it would be advisable to consider making public Sanctions Committee's hearings as a matter of principle, while taking into account the wishes of the person concerned.
- 8.22 The AFLD, with the support of the French authorities, could also consider establishing a legal aid system to assist athletes in their defence.

9. INTERNATIONAL COOPERATION

- 9.1 Articles 8.1 and 8.2.c of the Convention emphasise the importance of coordination and cooperation between the States Parties to the Convention at international level. France plays a very active role in all the Council of Europe's anti-doping activities.
- 9.2 France participates actively in the work of the Anti-Doping Convention Monitoring Group (T-DO) and its Advisory Groups. The Advisory Group on Legal Issues is chaired by a member of the AFLD.
- 9.3 In addition, the French authorities comply with the obligations of the Anti-Doping Convention by providing the Council of Europe with an annual report on the implementation of the Convention via the dedicated online questionnaire. This information is made available to the other States party to the Convention and to the public on the Council of Europe website.
- 9.4 Another important aspect of cooperation within the Council of Europe is the ad hoc European Committee for the World Anti-Doping Agency (CAHAMA), which is responsible for coordinating the positions of European states vis-à-vis WADA. A representative of the Ministry of Sport is currently Vice-Chair of CAHAMA.
- 9.5 More generally, France is involved in the development of global public policies to combat doping. For example, France currently represents the European public authorities on the Executive Committee of the World Anti-Doping Agency.
- 9.6 France has ratified the UNESCO International Convention against Doping in Sport and takes part in the Conferences of the Parties every two years.
- 9.7 However, France has neither signed nor ratified the Additional Protocol to the Council of Europe Anti-Doping Convention, which strengthens the control mechanisms of the States Parties and facilitates the mutual recognition of doping controls.
- 9.8 Finally, the AFLD works regularly with foreign NADOs and has signed numerous bilateral cooperation agreements with its European and international counterparts.

Conclusion

- 9.9 France is fully committed to international cooperation and is demonstrating its determination at international and European level to reinforce the fight against doping.

10. OLYMPIC AND PARALYMPIC GAMES

- 10.1 The team was able to learn about the measures taken by the French authorities and those involved in the sports movement to implement the anti-doping programme during the Paris 2024 Olympic and Paralympic Games. In this context, the team met with the persons responsible of the anti-doping programme for the Paris 2024 Olympic Games Organising Committee's (COJO) and held discussions with officials from the Ministry of Sport, the AFLD and the anti-doping laboratory on this subject.
- 10.2 In terms of education, the COJO, in its capacity as organiser of the events, intended to implement an education programme in the run-up to the Games. The main aim was to have a positive impact on athletes, but also on the general public and young people. Two anti-doping education programmes were to be developed in partnership with the Ministry of Sport, the AFLD and representatives of the sport movement.
- 10.3 The protocols for collecting and analysing the samples had not yet been established at the time of the visit, and questions remained as to the procedures to be followed for collecting and transporting the samples from the venues furthest from Paris, particularly for the Olympic surfing events in French Polynesia. It was pointed out that the COJO had set a 48-hour deadline for the analysis/submission of results, rather than the 24-hour deadline used for previous Olympic Games.
- 10.4 To guarantee the safety of the samples and the facilities, the laboratory was to be given extra protection and security during the Games, with permanent security guards and regular rounds by the police. Measures were also to be taken to strengthen IT security at the site. There were plans to build a 'hub' near the new laboratory premises to centralise and streamline sample management. The construction of this facility and responsibility for its management were under negotiation at the time of the visit. Security and logistics issues were the most salient aspects under discussion.

Recommendations

- 10.5 The French authorities are invited to provide the Monitoring Group with an update on the anti-doping measures taken for the 2024 Olympic and Paralympic Games, in particular with regard to education, the collection and analysis of samples and any relevant information concerning the anti-doping legacy of the Games.