

## **Piat: 'The French anti-doping agency is an outlaw!'**

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A little more than a year after the application in France of the new international anti-doping code issued by the World Anti-Doping Agency (WADA), Philippe Piat, co-president of the French national professional footballers' association (UNFP) and president of FIFPro Division Europe, is still angry. His anger is directed at the French anti-doping agency (AFLD) and, beyond it, the WADA.



**It's a year since you initiated an attack on the regulations applied in France in regard to the new worldwide anti-doping code. Where have you got to?**

'Given that dialogue with the AFLD is impossible, in view of the arrogance that strongly characterizes the

guiding principles of that agency, which despises sportspersons and mostly regards them as guilty parties, it's hard to say we're making progress in France. This is fortunately not the case at world level, for several footballers' unions (in Norway, Belgium etc.) have already begun legal proceedings against the whereabouts rule defined by WADA and applied by its national agencies. We are ready and willing to carry out similar actions unless good sense prevails in France.'

**Before we move on to the main point, many people are wondering about your real motives.**

'But there is no contradiction between wanting to eradicate doping, something all players and their representatives want to do, and refusing to allow our rights and fundamental liberties to be scorned. What's striking here is that footballers are not the only ones protesting against this programme, because we're campaigning along with all French professional sportspersons, united within the FNASS (French national federation of associations and unions of sportspersons) and the association of French professional leagues.'

**Such unity should make the AFLD think very carefully.**

'All the more should it have understood us, listened to us, and answered our letters. But, just as there was no consultation before the international standard was applied in France, there has been little or no dialogue since then. It's easy to hide behind the law and look no further than the end of your nose. Those are methods that take us back to other periods and other regimes.'

**It appears, moreover, that the specific organizational features of working hours in collective sports have never been taken into account.**

'This is so obvious. Professional sportspersons, with footballers at the head, are engaged in team sport. They have the status of paid workers and are, of course, in a subordinate relationship to their employers. On this basis, players are not free to choose their place of training and their whereabouts. That option belongs to their employers or chief trainer

s, who most of the time determine, from one day to the next, the times and places of training, depending on the competitions and weekly meetings scheduled on national and international calendars.'

'In this sense, as distinct from individual sports - where the whereabouts of a sportspersons are never bound to be determined by their employer, where a sportsperson trains alone without being under the daily control of their employer, where the principle of their specific whereabouts may be envisaged - applying this principle to team sports turns out to be totally disproportionate, because the training locations and fields are widely known and available from the employing clubs.'

### **Are the French the only ones who think so?**

'Of course not. In Norway there is now no question of collecting information about the whereabouts of players of team sports, pending reorganization of the checks. The local committee on the control of private data and liberties has in fact decided that, for collective sports, the whereabouts principle is disproportionate to the objectives sought. It is already entirely possible to carry out anti-doping checks during training sessions, other than during matches, without imposing such an extreme check on the whereabouts of players, for the sake of the consequences if the result is a fail, since they are clearly identifiable at their place of training during the eleven months

of the competition, out of the twelve months in a year.'

**What is your position on the lack of information or consent to the processing of the data of sportspersons, and the extent of the means developed by the AFLD?**

Consent to the processing of data collected to fulfil obligations under the worldwide anti-doping code is neither free nor informed. This is a real problem. The penalties associated with a possible refusal by participants to submit to the obligations under the code, have influenced the working group of the European committees on the control of private data and liberties to conclude that consent is under no circumstances being given freely.'

'Neither free, because the sportsperson has no choice, which is in contradiction with European Directive 95/46 on the protection of private data, nor informed, because the sportsperson has not received the necessary information about the obligatory nature of the procedure applicable to them., the simple reminder stated in article 7.2. of the international standard of WADA on data protection: 'the sportsperson should have [...] reasonable access to the information [...]' seems to restrict the right to information of the person(s) involved. It is indispensable here to recall that the right of the person concerned to be informed is essential and forms part of the obligations of transparency in the processing of data.'

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**Shouldn't the WADA react?**

'The WADA just sits back and does nothing... It would be appropriate for the world organization to ask this question... I know that France, the maverick, is not the sole country playing, and that FIFA has publicly reminded the WADA that agreements that have been signed should be respected everywhere. But the powers given to the WADA, or those it allows itself, make it both judge and jury. That makes it difficult to get things moving forward. Difficult, but not impossible, as it is with the AFLD.'