104226/EU XXVIII. GP
Eingelangt am 18/11/26

Council of the European Union

Brussels, 18 November 2026
(OR. en)

15905/26

SPORT 53
GENDER 178
SAN 812
ANTIDISCRIM 112
JAI 1462

NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	AOB for the meeting of the Education, Youth, Culture and Sport Council on 19 and 20 November 2026: Issues related to the mandatory genetic femininity testing of female athletes *- Information from France*

France has requested a public 'any other business' item on the agenda of the Sports Council meeting on 26 November in order to inform Member States of the issues and challenges triggered by the mandatory genetic testing of female athletes to check their femininity, which is to be made mandatory by the IOC from 2028 and by some international federations, and which is prohibited in France under the Bioethics Act.

On March 2026, the International Olympic Committee (IOC) has announced a new Policy "on the Protection of the Female (Women's) Category in Olympic Sport" and Guiding Considerations for International Federations and Sports Governing Bodies.

Eligibility for any female category event at the Olympic Games, beginning with the Los Angeles 2028 Games, or any other IOC event, including individual and team sports, is now limited to biological females, determined on the basis of a one-time SRY gene screening. Some international federations adopted similar eligibility policies affecting the participation of women and girls.

www.parlament.gv.at

Implementing the IOC's new policy is unlawful in France, where the Bioethics Act exist to prevent the use of genetic testing without a medical or health purpose. Against this background, France has decided to set up the Observatory on Variations in Development, Intersex Conditions and Identity in Sport (OVIDIS). This observatory is tasked with producing rigorous, well-documented and independent expert analysis to inform public policy. The findings of the report that this observatory is due to submit to the French Minister for Sport are not yet final.

However, the changes being introduced by international sporting bodies raise some major questions, to which France wishes to draw the attention of the other Member States. The reintroduction of genetic testing for women's sport does indeed raise issues relating to discrimination, data protection and competition law.

Furthermore, France will highlight the burdens and legal risks that these tests place on the sporting movement.

www.parlament.gv.at