



Council of the  
European Union

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**NOTE**

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From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	7974/23
Subject:	Review of the 2019 resolution of the Representatives of the Governments of the Member States, meeting within the Council, on the representation of the EU Member States in the Foundation Board of WADA and the coordination of Member States' positions prior to WADA meetings - <i>Finalisation of the text</i>

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In preparation of the meeting of the Working Party on Sport on 24 April 2023, delegations will find attached a proposal of the Presidency for a review of the resolution above-mentioned.

Changes compared to doc. 7974/23 are in **bold** for new text.

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TREE.1.B LIMITE **EN**

Review of the 2019 resolution of the Representatives of the Governments of the Member States, meeting within the Council, on the representation of the EU Member States in the Foundation Board of WADA and the coordination of Member States' positions prior to WADA meetings

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES,

RECALLING:

1. The conclusions of the Council and the Representatives of the Governments of the Member States, meeting within the Council of 4 December 2000 on combating doping.<sup>1</sup>
2. The conclusions of the Council and the Representatives of the Governments of the Member States, meeting within the Council of 18 November 2010 on the role of the European Union (EU) in the international fight against doping.<sup>2</sup>
3. The resolution of the Council and the Representatives of the Governments of the Member States, meeting within the Council of 20 December 2011 on the representation of the EU Member States in the Foundation Board of WADA and the coordination of the EU and its Member States' positions prior to WADA meetings.<sup>3</sup>
4. The conclusions of the Council and the Representatives of the Governments of the Member States, meeting within the Council of 15 December 2015, reviewing the 2011 resolution on the representation of the EU Member States in the Foundation Board of WADA and the coordination of the EU and its Member States' positions prior to WADA meetings which provides that by 31 December 2018 the experience gained from the further application of this resolution shall be reviewed once more.<sup>4</sup>

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<sup>1</sup> OJ C 356, 12.12.2000, p. 1.

<sup>2</sup> OJ C 324, 1.12.2010, p. 18.

<sup>3</sup> OJ C 372, 20.12.2011, p. 7.

<sup>4</sup> OJ C 417, 15.12.2015. p.45.

5. The 2019 resolution of the Representatives of the Governments of the Member States, meeting within the Council, on the representation of the EU Member States in the Foundation Board of WADA and the coordination of Member States' positions prior to WADA meetings (hereinafter '2019 resolution').<sup>5</sup>

NOTING THAT:

1. Since the adoption of the 2019 resolution the working methods and practices of WADA have evolved, in particular with regard to the duration of mandates of members of its Foundation Board. These developments make it timely for the Council to update the 2019 resolution to give clearer guidance on the criteria and the duration of the mandates of experts at governmental level designated jointly by the Member States meeting within the Council. The 2019 resolution does not explicitly provide the duration of mandates of the experts at governmental level who replace the expert representative who cease its function at ministerial level in their Member State. Neither does the 2019 resolution take into account the eligibility criteria of WADA's statutes to be a member of the Foundation Board.
2. It is important that the Council continues to review the experience gained from the application of the 2019 resolution on a regular basis.

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<sup>5</sup> *OJ C 192, 7.6.2019, p. 1–4.*

RECOGNISE THAT:

1. The European Union and its Member States should be able to exercise their competences and play their role during the preparation, negotiation and adoption inter alia of rules, standards and guidelines by the World Anti-Doping Agency (WADA).
2. Three seats in WADA's Foundation Board are allocated to the representatives from EU Member States.
3. It is necessary to provide for practical modalities concerning the participation of representatives from the EU Member States in WADA's Foundation Board, as well as the coordination of the positions of the EU and its Member States prior to CAHAMA<sup>6</sup> and WADA meetings. These practical modalities should reflect the duty of sincere cooperation and seek to promote unity in the EU's external representation while avoiding duplication of the work in CAHAMA.
4. The coordination of European continent positions prior to WADA meetings should take place within CAHAMA and it should be ensured that decisions taken in that body fully respect any applicable EU legislation.
5. There is a strong need for continuity and commitment in the EU Member States representation in the Foundation Board of WADA, which is supported by a political mandate and appropriate expertise.

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<sup>6</sup> The Ad Hoc European Committee for the World Anti-Doping Agency (CAHAMA) is a committee of experts responsible for coordinating the positions of States Parties to the European Cultural Convention on issues relating to anti-doping policy development.

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CONSEQUENTLY, AGREE THAT:

1. The representatives of the EU Member States in the Foundation Board of WADA will be at ministerial level and the seats will be allocated as follows:
  - one seat will be allocated to a person in charge of sport at ministerial level from one of the Member States forming the incumbent Trio Presidency,
  - one seat will be allocated to a person in charge of sport at ministerial level from one of the Member States forming the future Trio Presidency,
  - one seat will be jointly allocated by the Member States meeting within the Council to a person responsible for sport at ministerial level (hereafter ‘expert at governmental level’).
2. The arrangements regarding EU Member States representation in the Foundation Board of WADA as described in Annex I to the Annex will take effect as from 30 June 2023, without prejudice to mandates approved prior to this date.
3. The representative from the incumbent Trio Presidency in the Foundation Board of WADA will report on the outcome of the meeting of the Foundation Board of WADA at the meeting of the Education, Youth, Culture and Sport (EYCS) Council of the EU. This representative will submit a report on the outcome of that meeting to the Working Party on Sport (WPS).

4. While avoiding duplication with CAHAMA, the delegates of the Member States meeting within the Working Party on Sport (WPS) may coordinate a common position on matters falling within the competence of the Member States, provided there is a clear added value of such a common position. The common position is subject to approval by the representatives of the Member States meeting within the Committee of Permanent Representatives (COREPER) unless Member States agree differently.
5. Any common position agreed by EU Member States must be consistent with any agreed EU position and will be presented at the CAHAMA meetings by the Presidency. The EU Member States should seek to include this common position in the European continent mandate prepared by CAHAMA.
6. The representatives from the EU Member States in WADA's Foundation Board will speak and vote on matters in accordance with the European continent's mandate agreed by CAHAMA, provided that such position is consistent with the EU acquis.
7. By 31 December 2025, the Representatives of the Governments of the Member States, meeting within the Council, will review the experience gained from the application of this resolution and consider whether any adjustments to the arrangement established by this resolution are needed.

8. This resolution, including the attached arrangements regarding the EU Member States' representation in the WADA Foundation Board, and the practical arrangements regarding preparations for the WADA meetings on matters falling within Union competence adopted by the Council on 15 May 2023, replace resolution 2019/C 192/01 of the Representatives of the Governments of the Member States, meeting within the Council, on the representation of the EU Member States in the Foundation Board of WADA and the coordination of the EU and its Member States' positions prior to WADA meetings.

Arrangements regarding the EU Member States' representation  
in the WADA Foundation Board

The EU Member States agree on the following system of representation:

The representatives from the EU Member States at the Foundation Board of WADA shall be nationals from different EU Member States.

REPRESENTATIVES FROM THE MEMBER STATES FORMING THE INCUMBENT AND THE  
FUTURE TRIO PRESIDENCIES:

- The Member States forming the incumbent Trio Presidency will choose, after internal consultation, one of them as a representative of the EU Member States in the Foundation Board of WADA. The chosen Member State will designate, following its internal procedures, a representative to that effect. This representative will be the person responsible at ministerial level for sport within the Member State and will be eligible to sit on the Foundation board in accordance with the WADA's statutes. The Member State chosen to provide a representative and the name of that representative will be notified to the General Secretariat of the Council of the EU (GSC).
- If the representative ceases his/her functions at ministerial level, that representative will remain in office in the Foundation Board of WADA until the new designation procedure has been completed. The Member State, or if the Trio Presidency agrees on another Member State from the Trio Presidency, that other Member State will designate a replacement who is eligible to represent the EU Member State in the Foundation Board of WADA and who is in charge of sport at ministerial level for the remaining time of the initial three-year term of office in the Foundation Board.

- The representative who ceases his/her function at ministerial level or becomes ineligible to represent the EU Member States in the Foundation Board of WADA shall no longer be a member of the Foundation Board and his/her resignation is automatic when the new designation procedure has been completed.
- The abovementioned rules will also apply to the Member States forming the future Trio Presidency.
- The term of office of the abovementioned representatives is three years.
- The representative from the Member States forming the future Trio Presidency will remain in office also after it has become the incumbent Trio Presidency in order to ensure the continuity and maintenance of the three-year term of office.

EXPERT AT GOVERNMENTAL LEVEL DESIGNATED JOINTLY BY THE MEMBER STATES  
MEETING WITHIN THE COUNCIL:

- Proposals for an expert representative will be submitted by the Member States no later than one month before the meeting of the Council of the EU during which the designation is to take place. The proposals will not include ministers from the Member States forming the incumbent Trio Presidency or the future Trio Presidency. The proposals for an expert representative shall be sent to the General Secretariat of the Council.
- In case there is more than one candidature for the expert representative, the Presidency will seek the consensus of the Member States to organise an indicative ballot vote in the WPS in order to designate the expert representative. The voting procedure will be proposed by the Presidency and agreed upon also by consensus among Member States. Any candidate to the expert representative position will be eligible to sit on the Foundation board in accordance with the WADA's statutes.
- The term of office of the expert representative will be three years unless he/she ceases his/her function at ministerial level in his/her Member State or the eligibility requirements to represent the EU Member States in the Foundation Board of WADA applicable at the time of designation are no longer met during his/ her term of office. In this case, a new designation procedure for a new period of three years will be initiated. The current expert representative will remain in place until the new designation procedure has been completed. The term of office will be consistent with WADA's statutes and will in any event be limited to maximum of three terms.

- The expert representative who has been replaced or becomes ineligible to represent the EU Member States in the Foundation Board of WADA shall no longer be a member of the Foundation Board and his/her resignation is automatic when the new designation procedure has been completed.

#### TRANSITIONAL RULES:

- The existing rules on the representation of the EU Member States in the Foundation Board of WADA as set out in the above mentioned 2019 resolution will apply until 30 June 2023.

#### APPROVAL PROCESS BY THE MEMBER STATES MEETING WITHIN THE COUNCIL:

- The approval of the expert at governmental level and the Member States chosen by the incumbent and the future Trio Presidencies to designate representatives to the Foundation Board of WADA will be made by the Member States meeting within the Council.
- The names of all the members of the Foundation Board of WADA who are representatives of the EU Member States will be notified via the GSC to WADA, in accordance with the provisions of Regulation (EU) 2018/1725 of 23 October 2018<sup>7</sup>.

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<sup>7</sup> Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC.

## ANNEX II TO THE ANNEX

### Practical arrangements regarding preparations for the WADA meetings on matters falling within Union competence

Without prejudice to the Council's Rules of Procedure (CRP) and the Treaty on the Functioning of the European Union (TFEU) provisions regarding the EU's decision-making process, the Council hereby agrees on the following practical arrangements with a view to ensuring predictability and transparency in the process of preparing for the meetings of the European continent coordination in the Council of Europe (CAHAMA) and for WADA meetings:

1. Upon receipt of the documents for the WADA Foundation Board meetings, the representatives from the EU Member States at the Foundation Board shall coordinate among them to forward documents, relevant to establish, **if necessary**, a possible EU position, to the General Secretariat of the Council in view of the preparation of the Working Party on Sport (WPS).
2. Ahead of every WADA meeting, the Commission is invited to prepare and submit to the Council a proposal for an EU position on matters within Union competence, with a focus on the EU acquis, sufficiently in advance of the meetings of CAHAMA and of WADA.
3. This draft EU position will be examined by the WPS.
4. Once the WPS agrees on a draft EU position on matters falling within the Union competences, such draft EU position will be submitted to COREPER for approval. COREPER may refer the matter to the Council for adoption as necessary or appropriate.

5. In cases of urgency, when positions need to be adopted in a short time period, the Presidency may seek agreement through written or silence procedure.
  6. In case CAHAMA is called upon to adopt an act having legal effects, the Commission is invited to present a proposal for a Council decision in accordance with Article 218(9) TFEU in respect of that act.
  7. At the CAHAMA meetings the Commission is invited to present the EU position, to the extent permitted by CAHAMA's terms of reference. Otherwise, the representative of the Presidency will present the EU position.
  8. At any time and where necessary, on the spot EU coordination meetings between the Member States and the Commission may be convened and chaired by the Presidency.
  9. These practical arrangements and the resolution of the Representatives of the Governments of the Member States, meeting within the Council, on the representation of the EU Member States in the Foundation Board of WADA and the coordination of Member States' positions prior to the Foundation Board meetings, approved by the Council, replace resolution 2019/C 192/01 of the Representatives of the Governments of the Member States, meeting within the Council, on the representation of the EU Member States in the Foundation Board of WADA and the coordination of the EU and its Member States' positions prior to WADA meetings.
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