Resolution of the Council and 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

(2011/C 372/02)

THE COUNCIL OF THE EUROPEAN UNION AND 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 [1].

(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 EU in the international fight against doping [2].

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 (hereafter 'WADA').

(2) It is necessary to provide for practical modalities concerning the participation of the European Union and its Member States in the work of WADA, as well as the coordination of positions prior to WADA meetings.

(3) The coordination of European continent positions prior to WADA meetings takes place within the Council of Europe with due regard for any applicable EU legislation.

(4) There is a strong need for continuity in the EU Member States representation in the Foundation Board of WADA, which is supported by a political mandate and appropriate level of expertise.

CONSEQUENTLY AGREE THAT:

(1) The representatives of the EU Member States in the Foundation Board of WADA shall be at ministerial level and that the seats be allocated as follows:

— one seat should be allocated to one of the Member States forming the incumbent Trio Presidency,

— one seat should be allocated to one of the Member States forming the future Trio Presidency,

— one seat should be jointly allocated by the Member States meeting within the Council to a person responsible for sport at ministerial level with appropriate experience and knowledge (hereafter 'expert at governmental level').

(2) Where appropriate the representatives of the Member States may be accompanied by experts from the Member State holding the Presidency and/or the Commission.

(3) The arrangements regarding EU Member States representation in the Foundation Board of WADA as described in Annex I shall take effect as from 1 January 2013.

(4) The guidelines for conduct between the Council, the Member States and the Commission regarding preparations for the WADA meetings as described in Annex II apply.

(5) By 31 December 2015, the Council and the Representatives of the Governments of the Member States, meeting within the Council, shall review the experience gained from the application of this Resolution and consider whether any adjustments to the arrangement established by this Resolution are needed.

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[1] OJ C 356, 12.12.2000, p. 1.
[2] OJ C 324, 1.12.2010, p. 18.

ANNEX I

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

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

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

— The Member States forming the incumbent Trio Presidency 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 shall designate, following its internal procedures, a representative to that effect. This representative shall be the person responsible at ministerial level for sport within the Member State. The Member State chosen to provide a representative and the name of that representative shall be notified to the General Secretariat of the Council of the EU.

— If the representative ceases his/her functions at ministerial level, the Member State shall designate a replacement at ministerial level.

— The abovementioned rules shall 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 shall 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 shall 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 should not include ministers from the Member States forming the incumbent Trio Presidency or the future Trio Presidency. The proposals for expert representative shall be sent to the General Secretariat of the Council of the EU.

— The first designation of the member of the Foundation Board of WADA, carried out in the manner described above, shall take place at the meeting of the Education, Youth, Culture and Sport Council of the EU at the latest by November 2012.

— The term of office of the representative is three years.

— If the representative ceases his/her functions at ministerial level in his/her Member State, a new designation procedure shall be initiated. The current representative remains in place until 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 apply until 31 December 2012.

— The term of office of the representative designated by Ireland, Lithuania and Greece shall be shortened to 18 months and start as from 1 January 2013.

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, is made by the Member States meeting within the Council with sufficient advance notice.

— The names of all the members of the Foundation Board of WADA who are representatives of the EU Member States are notified via the General Secretariat of the Council of the EU to WADA.

ANNEX II

Guidelines for conduct between the Council, the Member States and the Commission regarding preparations for the WADA meetings

Bearing in mind that in the light of the EU *acquis* and the duty of sincere cooperation, where appropriate EU and Member States positions on the issues discussed in the WADA meetings shall be coordinated, under the leadership of the Presidency, in good time and in efficient manner prior to meetings within WADA,

The Council, the Member States and the Commission agree on the following guidelines for conduct:

NATURE AND SCOPE OF THE GUIDELINES:

— These guidelines for conduct shall apply to the preparation of all the meetings of the Foundation Board of WADA.

— These guidelines for conduct set out the arrangements between the Council, the Member States and the Commission for the preparation for these meetings, including the preceding Council of Europe meetings (Cahama).

THE COORDINATION PROCESS:

— The coordination process should begin with an analysis of the agenda of WADA meeting jointly by the Presidency in office of the Council assisted by the General Secretariat of the Council of the EU, and the European Commission.

— The Presidency will prepare a comprehensive draft position statement having regard to these arrangements and the proposal from the European Commission on matters where the EU is competent.

— The position statement shall be prepared by the Council Working Party on Sport and agreed, as a general rule, by the Committee of Permanent Representatives (Coreper), except in cases of urgency.

RELATIONS WITH THE COUNCIL OF EUROPE:

— At the Cahama [1] meetings the representative of the Presidency shall present the position statement on the points where position has been prepared. The European Commission shall present the EU position where the EU is competent and there is a position which has been agreed in accordance with relevant Treaty provisions.

— The EU and its Member States should seek to include this position in the European continent position statement prepared by Cahama.

ADHOC COORDINATION:

— At any time where necessary, ad hoc EU and its Member States' coordination can be carried out, as a general rule, under the leadership of the Presidency. It can take place in the margins of Cahama or of WADA meetings.

SPEAKING AND VOTING:

— The EU Member States' representatives shall speak and vote on matters in accordance with the positions agreed.

REPORTING:

— The representative of the EU Member States in the Foundation Board of WADA from the incumbent Trio Presidency shall report on the outcome of the meeting of the Foundation Board of WADA at the next meeting of the Education, Youth, Culture and Sport Council of the EU.

— A written report on the outcome of the meeting of the Foundation Board of WADA should be submitted by the representative of the EU Member States in the Foundation Board of WADA from the incumbent Trio Presidency, to the Council Working Party on Sport.

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[1] The ad hoc European Committee for the World Anti-Doping Agency (Cahama), established in July 2003, is responsible for the coordination of the positions of all Parties to the European Cultural Convention, with regard to questions relating to the WADA. Ordinary meetings of Cahama are convened immediately before or after the meetings of the Monitoring Group of Anti-Doping Convention and, where possible, at least one week before the ordinary meetings of the WADA Foundation Board and Executive Committee.