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NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. prev. doc.:	7763/19
Subject:	Review of the 2011 Resolution on representation and coordination prior to WADA meetings

a) Draft 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, including arrangements regarding the EU Member States representation in the WADA Foundation Board

- *Adoption*

b) Draft Practical arrangements regarding preparations for the WADA meetings on matters falling within Union competence

- *Adoption*

1. Delegations will find attached the final version of the texts of the above mentioned draft Resolution and draft Practical arrangements, as agreed at the Working Party on Sport (WPS) meeting on 19 March 2019.

2. The attached text includes

- in ANNEX I, a draft Resolution on the representation of EU Member States in the WADA Foundation Board and their coordination prior to WADA meetings, including an Annex to ANNEX I on draft Arrangements regarding the EU Member States' representation in the WADA Foundation Board;
- in ANNEX II, draft Practical arrangements regarding preparations for WADA meetings on matters falling within Union competence.

3. The Permanent Representatives Committee is accordingly invited to confirm the agreement reached by the WPS on the attached texts and forward them to the Council (EYCS on 22-23 May 2019) for

- adoption of the draft Resolution set out in ANNEX I and its Annex by the Representatives of the Governments of the Member States meeting within the Council;
- adoption of the draft Practical arrangements set out in ANNEX II by the Council; and
- subsequent publication of both texts together in the Official Journal of the EU.

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.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
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.³
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.⁴

¹ OJ C 356, 12.12.2000, p. 1.

² OJ C 324, 1.12.2010, p. 18.

³ OJ C 372, 20.12.2011, p. 7.

⁴ OJ C 417, 15.12.2015. p.45

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 CAHAMA⁵ 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.

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,

⁵ 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 acting on behalf of the World Anti-Doping Agency (WADA).

- 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 will take effect as from 30 June 2019, 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 next meeting of the Education, Youth, Culture and Sport (EYCS) Council of the EU and will submit a written report on the outcome of that to the Council Working Party on Sport (WPS).
 4. While avoiding duplication with CAHAMA, the delegates of the Member States meeting within the 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 position 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 position agreed by CAHAMA, provided that such position is consistent with the EU acquis.
7. By 31 December 2021, 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 23 May 2019, replace Resolution 2011/C/ 372/02 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 meetings⁶.

⁶ OJEU C 372, 20.12.2011, p. 7

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

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 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. 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, the Member State will designate a replacement in charge of sport at ministerial level.
- 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 GSC.
- 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.
- The term of office of the expert representative will be three years unless his/she ceases his/her function at ministerial level in his/her Member State. In this case, a new designation procedure 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 rules and will in any event be limited to maximum of three terms.

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 2011 Resolution will apply until 30 June 2019.

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 with sufficient advance notice.
- 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.

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

Without prejudice to Council's Rules of Procedure (CRP) and the Treaty on Functioning of the European Union (TFEU) provisions regarding 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 Council of Europe (CAHAMA) and for WADA meetings:

1. 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.
2. This draft EU position will be examined by the WPS.
3. 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.
4. 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.
5. 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.
6. At the CAHAMA meetings the Commission is invited to present the EU position, to the extent permitted by CAHAMA rules. Otherwise, the representative of the Presidency will present it.

7. 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.
 8. 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 WADA meetings, adopted on 23 May 2019, replace Resolution 2011/C/ 372/02 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 meetings⁷.
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⁷ OJEU C 372, 20.12.2011, p. 7