



Informal Meeting of EU Sport Ministers 6-7 July 2015, Luxembourg

Discussion paper on the EU representation and coordination in the Foundation Board of the World Anti-Doping Agency (WADA)

The Foundation Board, which constitutes "the supreme decision-making body of the World Anti-Doping Agency (WADA)"¹, is composed of 38 members equally distributed between the sports movement and government institutions. Europe holds 5 seats out of the 18 allocated to public authorities. The Foundation Board meets at least once a year and the meetings are currently organized on a biennial basis (usually in May and November). They last for one day² and are held in Montreal³. The tasks of the Foundation Board include notably the appointment of the Executive Committee members, the adoption of the budget, the approval of the accounts, the declaration of non-compliance with the WADA Code from some signatories, etc. The Foundation Board takes its decisions by an absolute majority of the votes of the members present.

The Council has already addressed several times the issue of representation and coordination of EU positions in the WADA. Before the entry into force of the Lisbon Treaty, the conclusions of 4th December 2000⁴ recognized the need for "appropriate representation in the Foundation Board" and coordination of Member States' positions prior to WADA meetings. This commitment was renewed in the conclusions of November 2010⁵. Since then, the EU representation and coordination in the Foundation Board of WADA have been based on the Council Resolution of 2011, entitled "*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*"⁶. The intention of the 2011 resolution was to replace the rotating troika arrangement by three more permanent EU representatives for a period of three years in order to ensure continuity. In its recital 5, the resolution provides that

¹ The Foundation Board is equally divided between representatives from the Olympic Movement and governments. The Foundation Board delegates the management and the practical management of the Agency, the implementation of all of its activities and the administration of its funds to the Executive Committee. (source: <https://www.wada-ama.org>).

² The day before, a European coordination meeting is also organized. The morning of the meeting of the Foundation Board, a coordination meeting is held between all public authorities.

³ The next meeting of the Foundation Board will be held in Colorado Springs (USA) on 18th November, 2015.

⁴ JO C 356 of 12.12.2000, p.1.

⁵ JO C 324 of 1.12.2010, p. 18.

⁶ JO C 372 of 20.12.2011, p.7.



“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”.

The Luxembourg Presidency therefore proposes, as a first step, to proceed with the assessment of the 2011 resolution and to suggest any necessary improvements that may be needed.

Regarding the representation of EU Member States in the Foundation Board of WADA

The resolution provides for a system distributing the three EU seats as follow (the two other seats are allocated to the Council of Europe) : one seat is allocated to a representative of a Member State of the incumbent Trio of EU Presidencies, another seat is allocated to a representative of a Member State of the future Trio of EU Presidencies and a last seat is allocated to an expert at governmental level, responsible for sport at ministerial level, whose knowledge and experience are deemed sufficiently appropriate to perform the function.

Current situation:

The public authorities representing the EU Member States in the Foundation Board of WADA are:

- Mr Romain Schneider: Sports Minister of the Grand Duchy of Luxembourg, representing the current Trio of EU Presidencies (IT-LV-LU) until 31th December, 2015⁷.
- Mr Chris Agius: Secretary of State for Research, Innovation, Youth and Sports of the Republic of Malta, representing the following Trio of EU Presidencies (NL -SK-MT) until 1st July, 2017.
- Mr Philippe Muyters: Flemish Minister of Employment, Economy, Innovation and Sports of Belgium, as the expert at governmental level until 31th December, 2015.

The term of office of each representative is 3 years in order to ensure continuity and to defend EU interests. It is worth mentioning that travel expenses of members of the Foundation Board are currently their responsibility and that they are not entitled to any compensation for the exercise of their functions.

⁷ Mr Leo Varadkar, Minister of Transport, Tourism and Sport of Ireland, has been representing the Trio of EU Presidencies (IE-LT-EL) for a period of eighteen months from 1st January, 2013.



Regarding the coordination of WADA meetings

Depending on the items on the agenda of the WADA meeting, the resolution provides for the adoption of a common position and, before each WADA meeting, for a coordination of the positions of the EU and its Member States under the leadership of the Presidency.

Current situation

The EU and its Member States adopt a common position on the points of the agenda of the WADA meeting, which fall within the competence of the EU in Part I of the mandate. Usually, these points concern the report of the Director General of the WADA, the biological passport, the legal report (including the issue of data protection) and the World Anti-Doping Code (its revision and implementation and the compliance of the signatories). In accordance with the principle of loyal cooperation, coordination and cooperation also takes place regarding the items at the agenda which do not fall under Community competence (Part II). This is generally the case for the issues related to the WADA budget.

Thereafter the position is defended by the President-in-Office of the EU Council at the CAHAMA⁸ meeting, which precedes by one week the WADA meeting. The position is then defended by the three EU representatives at the WADA meeting and in the preparatory coordination meetings between public authorities.

Finally, during the EYCS Council of Ministers held in Brussels after the WADA meeting, one of the EU representatives of the Foundation Board reports on the main points.

Issues to be discussed:

1. Do the Member States consider that the current system of representation of the EU Member States in the Foundation Board of WADA, which is based on the appointment of two representatives of the Trio of EU Presidencies and an expert at governmental level, is the most effective system to represent the EU in WADA?
2. Do the Member States have suggestions to improve and ensure the continuity of the representation of EU Member States in the Foundation Board of WADA?

⁸ The Ad hoc European Committee for the World Anti-Doping Agency (CAHAMA) is an expert committee in charge of the coordination of the States Parties positions to the European Cultural Convention for matters relating to the World Anti-Doping Agency (WADA).



3. Do the Member States consider that the coordination of EU positions prior to WADA and CAHAMA meetings is effective enough or that some improvements should be made?

The Presidency would like to submit these issues to the attention of Ministers with a view to examining the possible need for revising the representation and eventually coordination provisions laid down in the 2011 Council resolution.
