



EU Work Plan  
for Sport

2011-  
2014

## Expert Group "Anti-Doping"

Report from the 1<sup>st</sup> meeting (19 October 2011)

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21 November 2011

Report drafted by the European Commission and adopted by the XG AD

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## **1. INTRODUCTION**

The Expert Group on Anti-Doping (XG AD) was created by the Council in adopting its European Union Work Plan for Sport for 2011-2014.<sup>1</sup> It builds on, and replaces, the former informal EU Working Group on Anti-Doping. The new Expert Group reports to the Council. The XG held its first meeting to elect its Chairperson and adopt its Work Schedule, as foreseen in the EU Work Plan.

The European Commission fulfils a secretarial function to support the work of the Expert Group. The Commission sent a letter to all Member States requesting them to appoint experts for the new Expert Groups in the field of sport and to indicate their interest in the chairmanship of any of these groups by the end of July 2011.

The meeting was attended by Austria, Belgium, Bulgaria, Cyprus, Denmark, Estonia, Finland, France, Germany, Hungary, Italy, Ireland, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Spain, Sweden and the United Kingdom (23 Member States). A representative of the Council Secretariat also attended.

## **2. ELECTION OF THE CHAIRPERSON**

Four Member States (Austria, Germany, Poland, Sweden) had submitted candidatures. The representative from Poland declared that they would withdraw their candidature. The Commission asked the remaining three Candidates to present themselves and their vision for the role of Chairperson. The election was organised by the Commission in the form of a secret ballot in two rounds, whereby a second round would only be required if no candidate achieved more than 50% of the votes (12 of more) in the 1<sup>st</sup> round.

In the first round, the following scores were achieved: Austria 5, Germany 7, Sweden 11 (total 23). In the second round, the following scores were achieved: Germany 10, Sweden 13 (total 23). As a result, the representative of Sweden, Mr Tomas Johansson, was elected Chairman of the XG.

## **3. ADOPTION OF THE WORK SCHEDULE**

Pursuant to the EU Work Plan for Sport (Annex I), the Council had assigned one specific task to the XG, "Prepare draft EU comments to the revision of the WADA Code", and one target date: "Preliminary draft EU comments by early 2012 and related follow-up". The Commission had circulated a discussion paper including a draft Work Schedule, including proposals for three meetings and two deliverables.

The Work Schedule was adopted on the basis of the proposal prepared by the Commission, whereby only the deliverable based on the specific task foreseen in the EU Work Plan was maintained. It was understood that the XG had a specific obligation towards the Council in this regard and that good progress should be made regarding draft EU comments to the revision of the WADA Code before any further discussions on possible additions might be made to the Work Schedule. It was also understood that, once such progress had been made, the Chairman on behalf of the XG could invite the Council to consider additional deliverables and an extension of the mandate granted to the XG, taking into account general developments in the Council. For the time being, the XG resolved to hold a total of three meetings (including this meeting). Some Member States did, however, maintain that the XG should be seen in a broader perspective.

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<sup>1</sup> Resolution of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on a European Union Work Plan for Sport for 2011-2014. In: Official Journal of the European Union, C 162/1, 1.6.2011, pp. 1-5



#### 4. ADMITTANCE OF OBSERVERS TO MEETINGS

Whereas the XG is not a direct successor to the former EU Working Group on Anti-Doping, the fact remains that a growing number of observers had been admitted to attend the meetings of the former Working Group. All of these observers had expressed an interest in being admitted to XG meetings also, while an additional application for observer status had been received after the last Working Group meeting. The XG thus had to decide about the granting of observer status to the following applicants:

- Council of Europe (Secretariat)
- European Olympic Committees (EOC)
- European Elite Athletes' Association (EEAA) (EU Athletes)
- Professional Players' Association (PPA)
- European Health and Fitness Association (EHFA)
- World Anti-Doping Agency (WADA)
- Government of Norway.

The Commission had circulated a discussion document based on which the matter was discussed. The XG decided that admission to XG meetings would be granted on an ad-hoc basis, so as to ensure optimal mutual interest, for the XG and the observers, in the subjects discussed. The following decisions were taken:

- As an exception to the rule of ad-hoc admittance, in recognition of the close cooperation between the EU and the Council of Europe in the field of the fight against doping and the permanent observer role granted to the Commission in Council of Europe meetings over the last decade, the Council of Europe (Secretariat) was to be invited to all meetings. If a part of the meeting were to be held in camera (without observers), the Council of Europe could also attend this part.
- On account of its status as a Government, and given its status as an EEA (European Economic Area) Member State (entirely subjected to EU/EEA data protection law in particular), the permanent observer status granted to the Council of Europe (Secretariat) would be extended to the Government of Norway also.
- Given that the 2<sup>nd</sup> meeting would focus exclusively on the revision of the WADA Code, and considering that sports organisations, athletes and the World Anti-Doping Agency (WADA) all had important perspectives to voice in this connection, while they could also provide the XG with knowledge that would be crucial to its work, the European Olympic Committees (EOC), the European Elite Athletes' Association (EEAA) (EU Athletes), the Professional Players' Association (PPA) and the World Anti-Doping Agency (WADA) were to be invited to participate in the first part of the 2<sup>nd</sup> meeting. Their admittance to the 3<sup>rd</sup> meeting would be decided in the 2<sup>nd</sup> meeting, based on the available facts and the priorities of the XG.
- Given that the revision of the WADA Code posed challenges to athletes participating in organised sports, but not to recreational athletes, the XG would not invite the European Health and Fitness Association (EHFA) to attend the 2<sup>nd</sup> meeting. However, should future meetings include topics of interest to EHFA, and on which EHFA had expertise (in particular doping prevention in amateur and fitness sports), the XG would consider inviting EHFA when and as appropriate.

The XG asked the Commission, as the Secretariat of the XG, to inform the applicants of its decisions.



## 5. EU COMMENTS TO THE REVISION OF THE WADA CODE

As mentioned above, the Council had assigned the task to "Prepare draft EU comments to the revision of the WADA Code" to the XG and asked for "Preliminary draft EU comments by early 2012." The XG had a detailed discussion of the implications of this assignment, taking into account the very tight schedule defined by the Council. The XG agreed that substantial drafting work would be done between the meetings by a drafting group consisting of the Chairman and the Secretariat and, on the Chairman's invitation, "friends of the Chairman" (in particular Austria and Germany).

The Commission had prepared eight thematic texts on selected aspects of the Code. These texts had been consulted within the Commission and were supported by the Commission's Directorate-General for Justice (in charge of data protection) and Legal Service. The eight subjects are the result of an analysis of a broader list of subjects of possible EU competence (*acquis communautaire*) regarding Code provisions. Member States were invited to submit written comments on the eight texts.

It was understood that this exercise would be limited to enforceable EU secondary law whereas the Council might decide to add other aspects once the XG had submitted its proposal. A revised proposal would be prepared by the drafting group.

## 6. DATE OF THE 2<sup>ND</sup> MEETING

The XG agreed to hold its 2<sup>nd</sup> meeting in Brussels on Wednesday, 8 February 2012.