

MONITORING GROUP (T-DO)

ANTI-DOPING CONVENTION

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

T-DO(2024)01

**Rules of Procedure
Monitoring Group of the Anti-Doping Convention (T-DO)**

Rules of Procedure of the Monitoring Group of the Anti-Doping Convention

The Monitoring Group,

Having regard to the entry into force on 1st March 1990 of the Anti-Doping Convention, ETS No. 135, (hereinafter referred to as “the Convention”) and to its Additional Protocol ETS No. 188,

Pursuant to Article 10 paragraph 8 of the Convention,

Having regard to the previous versions of the Rules of procedure (T-DO (99) 16 rev, T-DO (2015) 25, T-DO (2018) 14, T-DO (2019) 01 rev1, rev2 and rev3 and T-DO(2023)03),

Adopts the present Rules of Procedure:

Chapter I. THE MONITORING GROUP

Rule 1 - Mandate

1.1 Pursuant to Article 11 of the Convention, the Monitoring Group is responsible for monitoring the application of the Convention, which includes a variety of functions.

1.2 Pursuant to Article 13 of the Convention, the Monitoring Group may propose amendments to the Convention and shall submit its opinion to the Committee of Ministers on amendments proposed by a State Party or the Committee of Ministers.

1.3 The functioning and operation of the Monitoring Group shall be governed by the present Rules of Procedure.

Chapter II. COMPOSITION OF THE MONITORING GROUP

Rule 2 - Delegations

2.1 Parties to the Convention shall nominate a delegation composed of delegate(s), with a designated Head of delegation, of the highest rank possible in the field of the fight against doping.

2.2 Parties shall communicate the names, position, contact details and working language of their delegate(s) to the Secretariat, informing their Permanent Representation in parallel, whenever changes occur in the delegation and/or upon request by the Secretariat.

2.3 When designating delegates, Parties shall strive to achieve gender balance.

2.4 Each delegate shall retain office as long as carrying out these tasks at national level, and until the Party to the Convention or the delegate concerned has notified the Secretariat of a replacement.

2.5 When involved in the activities of the Monitoring Group, all delegates shall act responsibly, with integrity, professionalism and honesty, use the resources available to them responsibly and not use their position for their, or anyone else's, private interest. Fundamental values and principles upheld by the Council of Europe such as gender equality, non-discrimination, prohibition of sexual and other forms of harassment should notably be adhered to at all times.

2.6 Specialised expert(s) can be invited, by the Head of delegation, to accompany a delegation and attend a meeting or a part of it as member of that delegation.

2.7 Delegations shall defray their own travel and subsistence expenses.

2.8 The Monitoring Group may decide on measures to restrict the participation in its work of a Party that has ceased to be a member of the Council of Europe, following a decision by the Committee of Ministers in the context of a procedure launched under Article 8 of the Statute of the Council of Europe for a serious violation of Article 3 of the Statute. Similarly, measures restricting the participation of a Party can be taken in respect of any non-member State of the Council of Europe concerned by a Committee of Ministers decision restricting or suspending its relations with it due to serious breaches of international law comparable to a serious violation of Article 3 of the Statute. The measures imposed under this Rule in no way prejudice the rights and obligations stemming from the Convention and its Additional Protocol for the Party concerned. No participants or observers shall be present during the Monitoring Group's examination of the matter. Voting shall take place in accordance with Rule 21 paragraph 3 of these Rules and the decision taken shall have immediate effect. Any request for reconsideration of the decision shall be dealt with in accordance with Rule 21 paragraph 4 of the present Rules and shall be carried out as swiftly as possible. The Chair shall ensure the orderly implementation of the decision and the effective conduct of the proceedings in the interest of the effective functioning of the Monitoring Group.

Rule 3 - Observers

3.1 The following may appoint representatives to participate as observers in the meetings of the Monitoring Group:

- a. any member State of the Council of Europe, other State Party to the European Cultural Convention and non-member State which have participated in the elaboration of the Convention, and which is not a Party to the Convention, pursuing Article 10 paragraph 3 of the Convention,
- b. the United Nations including the United Nations Education, Scientific and Cultural Organization (UNESCO),
- c. the World Anti-Doping Agency (WADA).

3.2 Candidates shall request the status of observer by a letter addressed to the Chair of the Monitoring Group. Pursuant to Article 10 paragraph 4 of the Convention, the Monitoring Group may invite, by unanimous decision, any non-member State of the Council of Europe which is not a Party to the Convention, and any organisation concerned to be represented as observers.

3.3 The Monitoring Group considers as an “organisation concerned” a structure engaged in the definition and/or implementation of sports policies at regional, national or international level; any organisation engaged in the preparation of a major sport event; or any organisation which carries out projects in the field of sport and of particular interest and relevance to the work of the Monitoring Group.

3.4 The Monitoring Group may, by a majority of the votes cast, decide to withdraw such an invitation.

3.6 The provisions of Rule 2 shall apply, where appropriate, *mutatis mutandis* to Observers.

3.7 Observers may contribute to the meetings by making oral or written statements on the subjects under discussion, upon invitation by the Chair. They shall not participate in the sessions held in camera and shall have no access to the documents examined in these sessions. Observers shall have no right to vote.

3.8 The list of observers shall be made available online.

Rule 4 - Participants

Participants shall take part in the meetings of the Monitoring Group without the right to vote. They are:

- a. representative(s) of relevant Council of Europe bodies, subject to the approval by the Monitoring Group;
- b. representative(s) of relevant European Union bodies, subject to the approval by the Monitoring Group.

Chapter III. STRUCTURES OF THE MONITORING GROUP

Rule 5 - Chair and Vice-Chair

5.1 The Monitoring Group shall elect a Chair and a Vice-Chair from among its delegates.

5.2 The Chair shall preside over the Monitoring Group meetings, and any other relevant meetings. The Chair shall, in close co-operation with the Co-ordination Group, as defined under Rule 7, and the Secretariat, direct the work of the Monitoring Group, and ensure its functioning.

5.3 The Chair shall conduct proceedings and sum up conclusions whenever necessary and may call to order a speaker who departs from the subject under discussion, the mandate or behaves inappropriately.

5.4 The Chair shall retain the right to participate in the discussions of the Monitoring Group and to vote except in cases where another delegate represents their State Party.

5.5 The Chair, or anyone acting as Chair, is not to preside over the meeting and conduct proceedings for an agenda item where they are in a situation of real or perceived conflict of interest.

5.6 The Vice-Chair shall replace the Chair if the latter is absent or otherwise unable to preside over the meeting. If neither of these persons can carry out their duties, the Monitoring Group shall designate one of its members as an acting Chair.

Rule 6 - Advisory Groups

6.1 Pursuant to Article 11 paragraph 2 of the Convention, the Monitoring Group shall be supported in its work by groups of experts.

6.2 Four Advisory Groups shall support the Monitoring Group:

- a. Advisory Group on Compliance (T-DO COMP),
- b. Advisory Group on Education (T-DO ED),
- c. Advisory Group on Legal Issues (T-DO LI),
- d. Advisory Group on Science (T-DO SCI).

6.3 Advisory Groups shall undertake tasks assigned to them by the Monitoring Group and report on the results at the Monitoring Group's meetings. The functioning of the Advisory Groups shall be governed by the present Rules.

6.4 Each Advisory Group shall be presided by a Chair elected by the Monitoring Group. Advisory Groups may decide, in agreement with their Chair, to appoint a Deputy-Chair to assist the Chair in implementing their duties.

6.5 Advisory Groups shall meet when convened by their Chair, the Secretariat, or when requested by the majority of their members, budget allowing. Meetings may be held online, in person or in hybrid form.

6.6 The Chair shall direct the work of the Advisory Group, convene the meetings, preside over them and report to the Monitoring Group.

6.7 Any delegate to the Monitoring Group may participate in the work of one or more Advisory Groups. The Chair of the Advisory Group may specifically invite members of the Monitoring Group, who possess competences required to fulfil the tasks given to the Advisory Group, to participate in their work. Observers may be invited to participate in the Advisory Groups.

6.8 The Chair may also invite other experts to the meetings of the Advisory Groups as observers or to assist them in their tasks.

6.9 Advisory Groups may create subgroups to facilitate their functioning or to work on a specific issue. These subgroups shall report to the Advisory Group on their activities.

Rule 7 - Ad hoc Groups and Rapporteurs

7.1 The Monitoring Group may decide to establish Ad hoc Groups or appoint Rapporteurs, including on gender equality, to undertake specific tasks which cannot be performed by an Advisory Group. The Chair of an Ad hoc Group shall be elected by the Monitoring Group.

7.2 The composition, term of office and duties of Ad hoc Groups and Rapporteurs shall be defined in specific terms of reference. Unless provided otherwise in their terms of reference, Ad hoc Groups and Rapporteurs shall be governed by the present Rules.

Rule 8 - Co-ordination Group

8.1 The Co-ordination Group shall co-ordinate the anti-doping activities of the Council of Europe including by:

- a. assisting the Chair in conducting the Monitoring Group's work,
- b. supervising the preparation of meetings at the request of the Monitoring Group,
- c. ensuring continuity of activities between Monitoring Group's meetings,
- d. executing specific tasks delegated by the Monitoring Group,
- e. defining and supervising the implementation of the operational programme.

8.2 The Co-ordination Group shall be composed of the Chair and Vice-Chair of the Monitoring Group, the Chairs of the Advisory Groups, the Chair of any Ad Hoc Group, Rapporteur(s) and the Chair, the Vice-Chair and Rapporteur(s) of the Ad Hoc European Committee to the World Anti-Doping Agency (CAHAMA).

8.3 The Co-ordination Group shall be presided by the Chair of the Monitoring Group.

8.4 The Co-ordination Group shall meet online, in person or in a hybrid form to prepare Monitoring Group meetings and as regularly as necessary.

Rule 9 - Secretariat

9.1 The Secretary General of the Council of Europe shall provide the Monitoring Group with the necessary staff, as well as, with the administrative and other services it may require.

9.2 The Secretariat, in consultation with the Chair and Vice-Chair, shall be responsible for the organisation and preparation of meetings.

9.3 The Secretary General or their representative may make an oral or written statement on any matter under discussion or other relevant matters, at any time.

Chapter IV. WORKING METHODS OF THE MONITORING GROUP

Rule 10 - Languages

10.1 The official languages of the Monitoring Group shall be those of the Council of Europe, namely English and French. The Chair may decide to hold Advisory or Ad Hoc Group meetings in only one of those languages where agreed by all the participants.

10.2 Any delegate or observer may, however, use a language other than the official languages, provided that they arrange for interpretation into one of the official languages at their own expense.

10.3 Any document to be considered by the Monitoring Group submitted in a language other than one of the official languages shall be accompanied by its author's translation into one of the official languages.

Rule 11 - Holding of meetings

11.1 The Monitoring Group shall fix the dates of its plenary meetings in consultation with the Secretariat. At least one plenary meeting shall be organised by calendar year.

11.2 Whenever a Party requests the Monitoring Group to be convened according to Article 10 paragraph 5 of the Convention, the Secretary General may fix the date of the meeting in consultation, if possible, with the Chair of the Group.

11.3 As a general rule, meetings shall be convened at the Council of Europe premises in Strasbourg. Exceptionally, the Monitoring Group may be convened elsewhere following an invitation of a delegation, and if suitable technical facilities are available on-the-spot, in accordance with the principles of sound management and within the resources available.

11.4 Meetings may be held by videoconference or in a hybrid form where appropriate.

11.5 The proposal to hold a plenary meeting by videoconference shall be made by the Chair, in consultation with the Co-ordination Group, or by the Secretariat, subject to the availability of the necessary budgetary resources.

11.6 Delegates' remote attendance at a meeting shall be treated as presence in person for the purposes of these Rules, including for all matters such as quorum, participation in discussions and voting.

11.7 Words or expressions which affront human dignity, undermine the right to respect for private life, or which may prejudice orderly debate shall not be used.

Rule 12 - Convocation

12.1 Meetings of the Monitoring Group shall be convened by letter addressed by the Secretariat to the delegations and observers. Whenever a Party has no delegate, the letter of convocation shall be addressed to the Government concerned.

12.2 Letters of convocation, accompanied by the draft agenda, shall be sent a month before the date fixed for the opening of the meeting, except in case of exceptional circumstances.

12.3 The format, place, date and opening time of the meeting, its probable duration and the subjects to be dealt with shall be communicated to all delegations and observers.

Rule 13 - Hearings

13.1 The Chair, the Co-ordination Group or the Monitoring Group may decide to organise hearings with any person in a position to contribute to the work of the Monitoring Group or of one of its subsidiary Groups.

13.2 The Monitoring Group may decide to invite intergovernmental or non-governmental organisations or bodies to appoint a person who will be available for consultation during a particular meeting or part of a meeting.

Rule 14 - Agenda

14.1 The Secretariat, in consultation with the Chair, shall draw up the draft agenda for the plenary meetings.

14.2 In the course of the consideration of the draft agenda, any delegate, as well as the Secretariat, may propose the inclusion or exclusion of an item.

14.3 The agenda shall be adopted by the Monitoring Group at the beginning of each meeting.

Rule 15 - Elections

15.1 Elections shall be held by secret (paper or electronic) ballot unless the Monitoring Group decides unanimously otherwise. To be elected, a candidate shall obtain a majority of the votes cast.

15.2 All the offices referred to in Rules 4 and 5 shall be elected for a term of two years, renewable once.

15.3 The Monitoring Group shall strive to achieve gender and geographical balance when electing these offices.

15.4 Elections shall preferably be held at the last meeting which precedes the expiry date of the term of office concerned.

15.5 Should any of the above offices fall vacant before the completion of the relevant terms of office, the Monitoring Group shall decide when to hold an election for the vacant post. Any person so elected shall complete the term of office of their predecessor.

15.6 In exceptional circumstances, the Co-ordination Group may decide to extend terms of office to ensure the continuity of the work.

Rule 16 - Documentation

16.1 The Secretariat shall be responsible for preparing and distributing working documents for the Monitoring Group and shall bring to its attention any relevant communications containing information submitted for its consideration.

16.2 Documents requiring a decision shall be sent, in both official languages, to delegations at least three weeks before the opening of the meeting at which the decision is to be taken. In exceptional cases, the Monitoring Group may, if no delegation objects, deliberate on a document submitted at a later stage. Documents shall be made public after their adoption by the Monitoring Group, unless decided otherwise.

16.3 Maximum use should be made of information technology, notably for the purpose of gathering amendments, comments, and proposals, finalising texts.

16.4 The Secretariat shall only provide electronic versions of documents.

Rule 17 - Decisions and meeting reports

17.1 At the end of each meeting, the Secretariat shall submit a list of the decisions to be approved by the Monitoring Group.

17.2 As soon as possible after each meeting, the Secretariat shall submit to the Monitoring Group a draft meeting report. The draft report shall be considered as adopted unless objections are formulated within one month of the date of its circulation. In the event of objections, the draft meeting report shall be adopted at the following meeting.

Rule 18 - Privacy of the meetings

18.1 Pursuant to Article 10 paragraph 7 of the Convention, the Monitoring Group shall meet in private. The meeting shall only be open to delegates, observers and participants. Experts or organisations whose work is relevant to the Monitoring Group may be invited to participate in the meetings as provided for in these Rules.

18.2 For matters which shall be discussed exclusively among delegations, parts of the meetings can be held in camera. The Monitoring Group may decide to exceptionally invite observers, participants and/or guests to attend the in camera session without the right to vote. The decision on which parts of the meeting are to be held in private shall be reflected in the agenda.

Rule 19 - Independent experts

The Monitoring Group may instruct its Secretariat to commission the services of independent experts, within the limits of budgetary appropriations, to assist it in carrying out its tasks. To this effect, delegates and observers of the Monitoring Group may suggest possible independent experts to the Secretariat.

Chapter V. CONDUCT OF BUSINESS

Rule 20 - Quorum

20.1 There shall be a quorum if a majority of the Parties to the Convention are present.

20.2 In the absence of a quorum, the agenda item(s) requiring a decision shall be postponed until the next meeting.

Rule 21 - Voting

21.1 Each delegation shall have one vote. Where the delegation of a Party is composed of more than one delegate, only the Head of delegation is entitled to take part in voting.

21.2 The Monitoring Group shall take decisions by a majority of the votes cast, except on matters mentioned in Article 10 paragraphs 4 and 8 of the Convention or provided differently in these Rules.

21.3 In case of doubt as to what rule applies to the taking of any decision, the Monitoring Group shall decide by a two-thirds majority of the votes cast.

21.4 When a decision has been taken on any particular matter, such matter shall not be re-opened except at the request of a delegation approved by a two-thirds majority of the votes cast.

21.5 For the purposes of these Rules, "votes cast" shall mean the votes of the delegations cast in favour or against. Delegations who abstain shall be regarded as not having cast a vote.

Rule 22 - Written procedure

22.1 The Chair may, with the agreement of the Vice-Chair, use a written procedure between plenary meetings if it appears necessary to take a decision within this period.

22.2 The document to be adopted by written procedure shall be sent by the Secretariat to the delegations. The delegations shall inform the Secretariat of their vote in writing before expiry of the time limit set which shall not be less than a month from the date of the communication on the written procedure. In urgent circumstances, the fixed term can be reduced by the Chair and may not be less than two weeks.

22.3 The Secretariat shall inform the delegations of the results of the vote which shall be recorded in the report of the following meeting of the Monitoring Group.

Rule 23 - Points of order

During the discussion of any matter, a delegation may at any time raise a point of order, and the point of order shall immediately be decided upon by the Chair in accordance with the present rules. Any appeal against the ruling of the Chair shall immediately be put to the vote. A delegation may not, in raising a point of order, speak on the substance of the matter under discussion.

Chapter VI. MONITORING OF THE IMPLEMENTATION OF THE CONVENTION

Rule 24 - General principles

24.1 Parties shall comply with the requirements set forth in the Anti-Doping Convention and provide to the Monitoring Group information concerning the measures taken, pursuant to Article 9 of the Convention.

24.2 The Monitoring Group is responsible for supervising the application and the implementation of the Convention using the mechanisms described below or any other appropriate means.

Rule 25 - Anti-Doping Questionnaire

25.1 The Monitoring Group shall adopt an Anti-Doping Questionnaire with the aim to provide an overview of the legislation, institutional framework, and policies for the implementation of the Convention at national level.

25.2 Every Party shall reply to the annual questionnaire in one of the official languages of the Council of Europe within the time limit set by the Monitoring Group. The replies shall be detailed, answer all questions, and contain all relevant reference texts. The Secretariat may request additional information if it appears that the replies are unclear or not exhaustive.

25.3 The Secretariat shall compile the replies received and publish them.

Rule 26 - Evaluation and targeted visits

26.1 The Monitoring Group may decide to carry out evaluation visits to assess the implementation of the Convention in a State Party.

26.2 The Monitoring Group may also carry out targeted visits focusing on the implementation of one or several provisions of the Convention, where it appears to be required by the circumstances.

26.3 When the Monitoring Group is not in meeting, the Co-ordination Group may, in case of urgency, decide on the carrying out of a visit. The Chair shall report to the Monitoring Group at its next meeting on any action which has been taken under this Rule.

26.4 The Monitoring Group shall define its Evaluation procedure in specific guidelines.

Rule 27 - Non-compliance procedure

27.1 The Monitoring Group may adopt measures if a Party does not fulfil its commitments arising under the Convention, including if it fails to cooperate regarding the questionnaire or an evaluation visit.

27.2 Whenever the Monitoring Group considers that a Party does not comply with the requirements set forth in the Convention, it shall notify the Party's Head of Delegation to the Monitoring Group about the non-compliance issue(s) in the manner to be decided by the Monitoring Group, and request for corrective action(s) to be taken.

27.3 If no response is received within 30 days or within the specified deadline, a reminder will be sent out asking for a response within a new deadline.

27.4 If no response is received and/or the Party continues not to comply after the second notification, the Monitoring Group shall notify the Permanent Representation of the Party to the Council of Europe of the non-compliance issue(s) and the actions taken by the Monitoring Group.

27.5 As from the date of notification of the Permanent Representation of the Party to the Council of Europe, no representative of the Party may be eligible for the position of Chair or Vice-Chair of the Monitoring Group, the Advisory Groups, ad-hoc groups, or the CAHAMA or for the position of European Representative in the Foundation Board or Executive Committee of WADA.

27.6 In addition, the Monitoring Group may adopt any or all of the following measures:

- a. Referral of the non-compliance issue to the Committee of Ministers, as provided for in Article 12 of the Convention;
- b. notification to interested third parties, including UNESCO and WADA;
- c. restrictions on hosting or engagement with Council of Europe anti-doping activities;
- d. publication of the above.

27.7 The Monitoring Group may decide to make a Declaration on the matter, following a two-thirds majority of the votes cast.

27.8 If the Party that was declared non-compliant with the requirements set in the Convention has corrected the non-compliance issue(s), the Monitoring Group shall waive any measure imposed as a result of the non-compliance and notify the termination of the non-compliance procedure to the Party, and if appropriate, to the relevant institutions mentioned in the paragraphs above.

Chapter VII. REFERENCE LIST AND ACCREDITATION OF LABORATORIES

Rule 28 - Prohibited list

The Monitoring Group shall approve and revise, as regularly as necessary, the reference list of pharmacological classes of doping agents and doping methods banned by the relevant international sports organisations, pursuant to Article 11 paragraph 1 *b.* of the Convention based on the list adopted by WADA.

Rule 29 - Criteria for the accreditation of laboratories

Unless otherwise decided, the Monitoring Group shall consider the International Standard for Laboratories adopted by WADA as meeting the requirements for approval and revision of the criteria for accreditation of laboratories pursuant to Article 11 paragraph 1 *b.* of the Convention.

Chapter VIII. SUSPENSION, AMENDMENTS AND ENTRY INTO FORCE

Rule 30 - Suspension of a Rule

Upon the proposal of a delegation, the application of a Rule may be suspended by a two-thirds majority of the votes cast, subject to the provisions and spirit of the Convention. The suspension shall be limited to the Rule's operation to the particular purpose for which such suspension has been sought.

Rule 31 - Amendments to the Rules of Procedure

31.1 The Monitoring Group may amend these Rules, at any time, by a two-thirds majority of the votes cast.

31.2 Amendments may be proposed by a delegation or the Secretariat.

Rule 32 - Entry into force

The present Rules, as well as any future amendment, shall enter into force upon their adoption.