



Strasbourg, 11 June 2019

EPAS(2019)42

## **Enlarged Partial Agreement on Sport (EPAS)**

### **11<sup>th</sup> plenary meeting of the Consultative Committee**

Council of Europe/ Palais de l'Europe  
Room no. 14  
Avenue de l'Europe, F-67075 Strasbourg

Wednesday, 5 June 2019  
9:30 – 12:30

## **Report**

### 1. Opening of the meeting

The Chair opened the meeting and welcomed the participants, particularly GAISF, as a new member of the CC.

### 2. Adoption of the agenda

The agenda was adopted as proposed. No comments were raised.

**The CC decided :**

- to adopt the agenda as it appears in document EPAS(2019)32.

### 3. Report on recent meetings

The Chair highlighted the following activities relevant for the CC.

- Informal networking event in Moscow, Russian Federation, on 14 June: The Chair participated in the round table on “Making a quantum leap towards political and legal commitments in the fight against the manipulation of sports competitions thanks to the Macolin Convention” and advocated as prevention measures 1) the need to combat other forms of corruption in sport and promote better governance, and 2) the protection of whistle-blowers and journalists.
- Possible revision of the European Sports Charter (ESC): Steps to revise the ESC are currently being implemented. An impact assessment on the ESC was conducted. The Chair underlined the importance that the process must be inclusive.
- Kazan Action Plan on integrity in sport: The UNESCO and the CoE/ EPAS work closely together in this process. EPAS coordinates the working group on Action 3 aiming at adopting guidelines on the promotion and defence of integrity in sport.
- International Partnership against Corruption in Sport (IPACS): IPACS is an informal network bringing together intergovernmental organisations, international sports organisations and governments, combining the efforts of the various stakeholders in the fight against corruption in the governance of sport. EPAS coordinates task force 3 how to promote the convergence of the existing good governance frameworks, starting from the critical measures that are relevant to mitigate the risk of corruption. The sport movement is represented by the IOC, ASOIF, ANOC and GAISF in IPACS. The Chair advocates a broader involvement of other sport stakeholders in this network, including several relevant CC members. A general meeting of IPACS will be organised in Abu Dhabi, United Arab Emirates, on 14-15 December 2019, where other sport stakeholders will be invited to attend.

**The CC decided:**

- to adopt the reports as they appear in documents EPAS(2018)44 and EPAS(2019)04.

### 4. Revision of the CC ToR

The CC discussed the revision of its ToR.

The amendments proposed are listed in the relevant documents attached.

The following amendments were requested:

- 2.1.3 add reference how a decision is taken: 2/3 ✓
- 3.3 change:
  - one proxy per ~~person~~ organisation ✓
  - 3 working days ✓
- 3.4 New phrase stating that
  - different decision-making rules apply in the elections. (→The Legal Service informed the Secretariat that there is no need to refer to the election procedure here.)

- include the possibility of consensus decisions ✓
- 3.5 and 3.6: Delete redundancies: There is twice a reference to Chair and Vice-Chair. Is one of these references redundant. The legal service was consulted. (→ *The Legal Service informed the Secretariat*: “Para. 3.5 does not say that the Chair and the Vice-Chair are part of the Bureau. The language is now modified to make clear that it is only the other 4 representatives that will be elected to the Bureau.”)

**The CC decided:**

- to adopt the ToR as revised by the CC on 5 June 2019 in Strasbourg.

### **5. Gender identity in sport: The case of Caster Semenya**

A panel discussion on gender identity in sport based on the case of Caster Semenya took place with the following experts:

- Jean Gracia, European Athletics
- Hugh Torrance, EGLSF Co-President and
- Antoine Duval, Asser Instituut,

The panel was moderated by the Jens Sejer Andersen, CC Chair.

Points which were raised/ discussed:

- To ensure fair competitions in athletics, rules on the level of testosterone were introduced for competitions from 400 meters to 1 mile at international level. These rules were based on a scientific study.
- The CAS decision stated that the rule is discriminatory, but it is also proportionate.
- Is testosterone a valid performance indicator?
- Is the testosterone level the sole indicator of gender?
- The IAAF rule does discriminate against a particular group of people. Is such a rule in contradiction to the sport ethos?
- The Court of Arbitration (CAS) takes important decisions on legal/ moral issues affecting people around the world. The CAS has been criticised for its inadequate representativity (gender, geographic scope etc.), structures (who takes the final decisions), procedures (not involving the public in its deliberations) and transparency (not publishing the decisions).
- Women were denied access to sport before.
- The rules affect only women and not men.

### **6. Joint GB and CC meeting**

The Chair invited the CC members to react on the agenda of the joint meeting with the Governing Board. No points were raised.

### **7. MESGO programme**

Michal Buchel briefly informed about the MESGO programme – the Executive Master in Sport Governance. MESGO is an exciting international master’s programme that combines a multidisciplinary approach to learning with an in-depth analysis of the legal, political and economic issues in sport. It addresses the global issues faced by sports organisations today, such as the specificity of sport, competitive balance, commercial rights, the prevention of match-fixing, anti-doping, social dialogue, social responsibility and good governance.

GB and CC members can participate in this programme at a reduced rate.

### **8. Update on new members and renewals of the CC**

GAISF was welcomed as a new member of the CC.

The application of EASM will be forwarded to the GR-C and Committee of Ministers. A final decision on EASM's application of the Committee of Ministers is expected in September 2019. The application of IDO will be further discussed in the EPAS Governing Board, as some questions were raised by CC members and GB members regarding their fulfillment of the requirements for membership as defined by the EPAS CC ToR.

Regarding the renewals, the Secretariat informed that due to an inconsistency in the Terms of Reference (ToR) of the Consultative Committee (renewals every 4 years) and the Rules of Procedure of the Governing Board (renewals every 3 years), no CC member will be renewed in 2019 as it was decided to apply the ToR of the CC.

#### **9. Any other business**

The Chair requested the Secretariat to provide better access to meeting documents.

#### **10. Date and place of next meeting**

Possible dates for the next joint Governing Board and Consultative Committee meetings are:

- 3-4 June 2020
- 10-11 June 2020

#### **Remark of the Secretariat:**

The plenary meeting of the Consultative Committee takes usually place in the morning of the first meeting day, when the GB will meet in camera.

#### **11. Closing**

The chair thanked the present CC members for their active participation and closed the meeting.

## Appendix 1: Agenda<sup>1</sup>

1.	<b>Opening of the meeting</b> The meeting will be opened by Jens Sejer Andersen, Chair of the CC.	
2.	<b>Adoption of the agenda</b>  <b>Action:</b> The CC is invited to <u>adopt</u> this agenda.	EPAS(2019)32
3.	<b>Reports on recent meetings</b> 3.1 Report on the Plenary Meeting 14 May 2018 Strasbourg, France 3.2 Report on the CC Extraordinary Plenary Meeting 15 October 2018 Tbilisi, Georgia  <b>Action:</b> The CC is invited to take note of the oral update provided by the chair and adopt the draft reports.	EPAS(2018)44 EPAS(2019)04
4.	<b>Revision of the Terms of Reference of the EPAS Consultative Committee</b>  <b>Action:</b> The CC is invited to revise the Terms of Reference of the EPAS Consultative Committee.	
5.	<b>Gender identity in sport: The case of Caster Semenya</b>  <b>Action:</b> The CC is invited to discuss with invited experts gender identity in sport.	<a href="#">Relevant Council of Europe standards</a>  <a href="#">European Convention on Human Rights</a>
6.	<b>Joint GB and CC meeting</b>  <b>Action:</b> The CC is invited to exchange views on the agenda of the upcoming joint meeting.	EPAS(2019)24
7.	<b>MESGO programme</b>  <b>Action:</b> The CC is invited to take note of the presentation on MESGO by experts.	
8.	<b>Update on new members and renewals of the CC</b> 8.1. New members 8.1.1. Decision of the Committee of Ministers on GAISF's application 8.1.2. Application of the European Association of Sport Management (EASM) 8.1.3. Application of the International Dance Organisation (IDO)	CM/Del/ Dec(2019)1344/8.2 EPAS(2019)INF5  EPAS(2018)INF20  Further information on CC membership:

<sup>1</sup> Documents of the meeting including the draft agenda are available online:  
<https://mycloud.coe.int/s/63YsrniLiENFD8j>

	<p><u>Action:</u> The CC is invited to take note of the oral update provided by the Chair/ Secretariat.</p> <p>8.2. Renewals</p> <p><u>Action:</u> The CC is invited to take note of the oral update provided by the Chair/ Secretariat.</p>	<p>EPAS(2019)6rev2</p>
<p>9.</p>	<p><b>Any other business</b></p>	
<p>10.</p>	<p><b>Date and place of the next meeting</b></p>	
<p>11.</p>	<p><b>Closing</b></p>	

## **Appendix 2: List of Participants**

### **PLAY THE GAME (CHAIR / PRESIDENT)**

Mr Jens Sejer ANDERSEN

### **International SAMBO Federation (FIAS) (VICE-CHAIR / VICE-PRESIDENT)**

Mr Michal BUCHEL

### **MEMBERS / MEMBRES**

#### **European Athlete Student Network (EAS)**

Ms Laura CAPRANICA

#### **European Athletics**

Mr Jean GRACIA

#### **European Elite Athletes Association (EU Athletes)**

Ms Paulina TOMCZYK

#### **European Fair Play Movement (EFPM)**

excused

#### **European Gay & Lesbian Sport Federation (EGLSF)**

Ms Annette WACHTER

Mr Hugh TORRANCE

#### **European Network of Sport Education (ENSE)**

excused

#### **European Non-Governmental Sports Organisation (ENGSO)**

Mrs Marie DENITTON

#### **European Olympic Committees (EOC)**

Ms Heidi PEKKOLA

#### **European Paralympic Committee (EPC)**

excused

#### **European Physical Education Association (EUPEA)**

Martin HOLZWEG

#### **European University Sports Association (EUSA)**

Mr Andrej PISL

#### **Fare network**

excused

#### **Global Association of International Sports Federations (GAISF)**

Mr Davide DELFINI

#### **International Center for Sport Security (ICSS EUROPE)**

excused

**International Council of Sport Science and Physical Education (ICSSPE)**  
Mr Detlef DUMON

**International Federation of Professional Footballer Associations (FIFPro)**  
excused

**International School Sport Federation (ISF)**  
Mr Kole GJELOSHAJ

**International Sport and Culture Association (ISCA)**  
Mogens Kirkeby

**Panathlon International**  
Mr Pierre ZAPPELLI

**Peace and Sport**  
excused

**Special Olympics Europe Eurasia**  
excused

**Sport & Citizenship Think Tank**  
excused

**Sports Rights Owners Coalition (SROC)**  
excused

**TAFISA EUROPE**  
Mr Jean-François LAURENT

**UEFA**  
Mr Valerio GIOVANNINI

**SPEAKERS / INTERVENANTS**

**Mr Antoine DUVAL**  
Senior researcher  
Asser Instituut

**EPAS SECRETARIAT / SECRETARIAT DE L'APES**

**Mr Michael TRINKER**

Deputy Executive Secretary