

**MONITORING GROUP (T-DO)**

ANTI-DOPING CONVENTION

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 31 January 2023

T-DO(2023)03

**REVISED RULES OF PROCEDURE  
of the Monitoring Group of the Anti-Doping Convention (T-DO)**

*Previous versions:*

*T-DO (2019) 01 rev3*

*T-DO (2019) 01 rev2*

*T-DO (2019) 01 rev1*

*T-DO (2018) 14*

*T-DO (2015) 25*

*T-DO (1999) 16 rev*

**RULES OF PROCEDURE OF THE MONITORING GROUP  
OF THE ANTI-DOPING CONVENTION**

The Monitoring Group,

Having regard to the entry into force on 1<sup>st</sup> March 1990 of the Anti-Doping Convention (hereinafter referred to as “the Convention”),

Having regard to Articles 10 to 13 of the Convention,

Pursuant to paragraph 8 of Article 10 of the Convention,

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

Adopts the present revised Rules of Procedure:

***Article 1***

*Functions and working methods*

1. Pursuant to Article 11 of the Convention, the Monitoring Group (hereinafter referred to as “the Group”) is responsible for monitoring the application of the Convention, as well as for the interpretation of its provisions.
2. The functioning and operation of the Group shall be governed by these Rules of Procedure.

***Article 2***

*Delegates*

1. Parties to the Convention shall nominate as their representatives – hereinafter referred to as delegates – one or more experts of the highest rank possible in the field of the fight against doping.
2. Governments shall communicate the names, contact details and working language of their delegates to the Secretary General of the Council of Europe, whenever possible at least one month before the date fixed for the opening of the meeting. In the case of multi-member delegations, Governments shall indicate the head of the delegation.
3. Each delegate shall retain office as long as he/she carries out these tasks at national level, and until the Government or the delegate concerned has notified the Secretary General of his/her replacement.
4. A delegate may be accompanied by one or more experts.
5. The provisions of this Article shall apply mutatis mutandis to observers.

6. The 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 be in accordance with Article 13 paragraph 3 of the Rules of Procedure and the decision taken shall have immediate effect. Any reconsideration of the decision shall be in accordance with the above-mentioned Article 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.

### *Article 3* *Participants*

Participants shall take part in the meetings of the Group with no right to vote. They are:

- a. Representatives of committees or other bodies of the Council of Europe engaged in related work, as well as the Parliamentary Assembly, the European Court of Human Rights, the Congress of Local and Regional Authorities of the Council of Europe, the Council of Europe Commissioner for Human Rights and the Conference of INGOs of the Council of Europe;
- b. The European Union.

### *Article 4* *Observers<sup>1</sup>*

1. Pursuant to paragraph 3 of Article 10 of the Convention, 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 this Convention and which is not a Party to this Convention, may be represented in the Monitoring Group on a permanent basis.

2. Pursuant to paragraph 4 of Article 10 of the Convention, the Group shall also invite, by unanimous decision, any non-member State of the Council of Europe which is not a Party to the Convention, and any sports organisation<sup>2</sup>, to be represented as observers.

3. Candidates shall request the status of observer by a letter addressed to the Chair of the Group. The Coordination Group shall examine the request and prepare a recommendation. The decision of granting the status is taken by the Group by unanimous decision.

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<sup>1</sup> A list of observers is annexed to these Rules of Procedure. The Secretariat will update it as necessary.

<sup>2</sup> Sports organisation shall mean any organisation 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 for the work of the Monitoring Group.

4. Except for countries mentioned in the paragraph 1 abovementioned, observer status shall be granted for a period of three years. For the observers status granted prior to the adoption of these revised Rules of Procedure, the period of three years starts the day after the adoption of these revised Rules of Procedure. The status can be renewed after this three years period following the unanimous decision of the Group.

5. Observers may contribute to the meetings by making oral or written statements on the subjects under discussion, with the permission of the Chair. They shall not assist to the sessions held in private and shall have no access to the documents discussed in these sessions. Otherwise, they shall have access to all working documents. In any case, they shall have no right to vote.

#### *Article 5* *Meetings*

1. The Group shall hold a meeting at least once a year. The Group shall fix the date of its meetings in consultation with the Secretary General.

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

3. When a meeting has been convened, any request for postponement must reach the Secretary General at least four weeks before the date previously fixed for the opening of the meeting. A decision in favour of postponement shall be considered as having been taken when a majority of the delegates shall have notified the Secretary General of their agreement seven days before the date previously fixed.

4. Meetings shall be held at the seat of the Council of Europe at Strasbourg. Exceptionally, a meeting can be held on other Party to the Convention upon its invitation and provided there is a unanimous agreement by the Group.

#### *Article 6* *Convocation*

1. Meetings of the Group shall be convened by letter addressed by the Secretary General to the delegates and to the observers. Whenever a country has no delegate, the letter of convocation shall be addressed to the Government concerned.

2. A copy of the letter of convocation addressed to the delegates and observers shall be sent to the Governments of the member States, the other States party to the European Cultural Convention and the non-member States which have participated in the elaboration of the Convention.

3. Letters of convocation shall indicate the place, date, opening time of the meeting and its probable duration. They shall, in general, be sent at least two months before the date fixed for the opening of the meeting, except in case of emergency which shall be duly explained.

### **Article 7**

#### *Chair, Vice-Chair and Coordination Group*

1. The Chair and Vice-Chair shall be elected for a term of two years, by a majority of the votes cast. They shall be eligible for re-election for the consecutive second term of two years.
2. Elections shall be held at the last meeting which precedes the expiry of the term of office concerned. For practical reason, and no matter whether or not they are re-elected, this meeting stays under the direction of the Chair and Vice-Chair until its end. The terms of office of the new Chair and Vice-Chair start immediately after the meeting in which they are elected.
3. The Chair shall, in close co-operation with the Co-ordination Group and the Secretariat, direct the work of the Monitoring Group. He/she presides at meetings of the Monitoring Group.
4. The Chair shall retain the right to participate in the discussions of the Group and to vote.
5. If the Chair is absent or prevented from chairing, he or she shall be replaced by the Vice-Chair. If neither of these persons is able to carry out their duties, the Group shall designate one of its members to take the Chair in an acting capacity.
6. Should any of the above offices fall vacant before the completion of the relevant terms of office, the Group shall decide whether to hold an election for the vacant post at the beginning of its next meeting. Any person so elected shall complete the term of office of his or her predecessor.
7. The Chair, the Vice-Chair, the Chairs of the Advisory Groups (described in Article 16 of these Rules), the Chair of any ad hoc expert group established under the provisions of Article 17 and the Chair and Vice-Chair of the Ad Hoc European Committee to the World Anti-Doping Agency (CAHAMA) together form the Co-ordination Group, which prepares, co-ordinates and oversees the anti-doping activities of the Council of Europe.
8. The Chair of the Monitoring Group acts as the Chair of the Co-ordination Group.

### **Article 8**

#### *Secretariat*

1. The Secretary General shall provide the Group with the necessary staff and facilities.
2. The Secretariat shall be responsible for the material preparation and distribution of the working documents to be examined by the Group. Documents should normally be sent to delegates at least one month before the opening of the meeting.
3. The Secretary General of the Council of Europe or his/her representative may at any time make an oral or written statement on any matter under consideration.

### **Article 9**

#### *Agenda*

1. The Secretariat, in close cooperation with the Coordination Group, shall draw up the draft agenda and annex it to the letter of convocation.

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

***Article 10***  
*Languages*

1. The official languages of the Group shall be those of the Council of Europe.
2. Any delegate or observer may, however, use a language other than an official language, provided that his/her delegation provides for interpretation into one of the official languages.
3. Any document to be considered by the Group submitted in a language other than one of the official languages shall be accompanied by a translation into one of the official languages. The delegate or observer concerned is responsible for making the necessary arrangements and covering the costs.

***Article 11***  
*Privacy of Meetings*

1. Meetings shall not be public. They are only opened to delegates, participants and observers. They can also be opened to one or more relevant individual experts or organisations interested in the work of the Monitoring Group and invited under provisions of Article 15 of these Rules.
2. For some matters, which shall be discussed exclusively by delegates, parts of the meetings shall be held in private. Observers and guests shall not be present during these sessions. Normally, the decision on which parts of the meeting are held in private shall be taken prior to the meeting and indicated in the draft agenda.

***Article 12***  
*Quorum*

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

***Article 13***  
*Voting*

1. Each Party to the Convention shall have one vote.
2. The Group shall take decisions on matters other than those mentioned in paragraphs 4 and 8 of Article 10 of the Convention by a majority of the votes cast. However, in the case of the written procedure for amending the reference list, Article 18, paragraph 2, of the present Rules of Procedure shall apply.
3. In case of doubt as to what rule applies to the taking of any decision, the Group shall decide by a two-thirds majority of votes cast.
4. When a decision has been taken on any particular matter, such matter shall not be re-opened except at the request of a delegate approved by a two-thirds majority of the votes cast.

5. For the purposes of these Rules, “votes cast” shall mean the votes of the delegates cast in favour or against. Delegates who abstain shall be regarded as not having cast a vote.

***Article 14***  
***Reports***

The Secretariat shall prepare a draft report after each meeting which shall be considered as adopted unless objections are formulated within one month of the date of its circulation. In the event that objections are formulated, the report shall be adopted at the following meeting.

***Article 15***  
***Consultation with other organisations or with experts***

1. The 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. It may also decide to invite individual experts.

2. The Group may, in liaison with the Secretary General, appoint a consultant expert to make a report on one or more particular matters.

***Article 16***  
***Advisory Groups***

1. The Monitoring Group is assisted in its work by four permanently functioning Advisory Groups:

- 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)

2. Advisory Groups shall undertake specific tasks assigned to them by the Monitoring Group and report on the results at the Monitoring Group’s meetings.

3. The Chairs of Advisory Groups shall be elected by the Monitoring Group for a term of two years, by the majority of the votes cast. They shall be eligible for re-election for the second consecutive term of two years. Should any of the offices of the Chair of Advisory Group fall vacant before the completion of the relevant terms of office, the same procedure as described in par. 6 of the Article 7 of the present rules shall apply.

4. The Chairs of the Advisory Groups direct the work of their groups, convene their meetings, preside at them and report to the Monitoring Group.

5. Any delegate to the Monitoring Group may participate in the work of one or more Advisory Groups. The Chairs of the Advisory Groups 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. The Chair may also invite other experts to the meetings of the Advisory Groups as observers or consultants.

6. Meetings of the Advisory Groups shall be held in private.

### ***Article 17***

#### *Meetings of ad-hoc groups of experts set up by virtue of Article 11.2 of the Convention*

1. The Monitoring Group might decide to establish an ad hoc expert group to undertake a specific task which cannot be performed by any of the Advisory Groups. Chair for such a group shall be elected by the Monitoring Group.
2. Articles 16.4 – 16.6 of the present rules of procedure shall apply to the meetings of such groups.

### ***Article 18***

#### *Non-Compliance Action Procedure*

1. All Parties are obliged to comply with the requirements set forth in the Anti-Doping Convention.
2. The Monitoring Group is responsible for supervising the application and the implementation of the Convention using the mechanisms described in the Compliance with the Commitments Procedural Guidelines [SPORT (2017) 2] or any other appropriate means.
3. Whenever the Monitoring Group becomes aware 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.
4. 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.
5. 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.
6. 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.
7. In addition, the Monitoring Group shall include the Party's non-compliance issue(s) in its report on the functioning of the Convention that provides to the Committee of Ministers of the Council of Europe.
8. The Committee of Ministers may take additional action(s) in its discretion.
9. 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 will notify the Party, the Permanent Representation and, if needed, the Committee of Ministers for its reinstatement and any restrictions or other sanction(s) were imposed as a result of the non-compliance of the Party will be waived.



**Article 19***Procedure for amending the reference list*

1. The reference list of banned pharmacological classes of doping agents and doping methods shall be amended in accordance with Article 11.1.b of the Convention.
2. Should the above list and/or explanatory notes require modification in a period exceeding three months before the next meeting of the Group, the following written (or electronic) procedure will be used:
  - the Secretariat shall transmit to the delegates for approval the draft decision(s), including the date of their taking effect, together with a postal voting form; observers may also be asked for their views;
  - delegates shall ensure that their votes reach the Secretariat within two weeks of the date of receipt of the draft decision(s); if no vote is received, the delegate is considered as not having cast a vote;
  - if a majority of the Parties approve the draft decision(s), a letter from the Secretariat will inform Parties and observers of this decision(s) and confirm the date at which this decision shall enter into force.

**Article 20***Amendment to the Rules of Procedure*

1. These rules may be amended by the Group at any time, on the basis of draft amendments circulated at least one month before a meeting of the Group.
2. Amendments shall be adopted by a two-thirds majority of the votes cast.

**Article 21***Entry into force of the Rules*

The present Rules of Procedure, as well as any amendment, enter into force on the day that follows their adoption.

## ANNEX

### List of observers

States Parties to the European Cultural Convention or non-member States which have participated in the elaboration of the Convention:

- Holy See
- Kazakhstan
- United States of America

Other non-member States of the Council of Europe:

- Japan (*until 31 December 2024*)
- New Zealand (*until 31 December 2024*)

Organisations:

- United Nations Educational, Scientific and Cultural Organization (UNESCO) (*until 31 December 2024*)
- World Anti-Doping Agency (WADA) (*until 31 December 2024*)
  
- EU Athletes (*until 31 December 2024*)
- European Handball Federation (EHF) (*until 31 December 2024*)
- Institute of National Anti-Doping Organisations (iNADO) (*until 31 December 2024*)
- International Federation of Association Football (FIFA) (*until 31 December 2024*)
- International Federation of Sports Medicine (FIMS) (*until 31 December 2024*)
- International Cycling Union (UCI) (*until 31 December 2024*)
- International Olympic Committee (IOC) (*until 31 December 2024*)
- International Testing Agency (ITA) (*until 13 July 2024*)
- Union of European Football Associations (UEFA) (*until 31 December 2024*)
- World Athletics (*until 31 December 2024*)
- World Rugby (*until 31 December 2024*)