

Strasbourg, 29 November 2016

MSL14 (2016) 10 rev.

14th Council of Europe Conference of Ministers responsible for Sport

Budapest, Hungary

29 November 2016

Final resolutions

prepared by

Draft Resolution No. 1.1

Role of the governments in addressing emerging challenges in the fight against doping in sport at national and international level

The Ministers responsible for Sport, meeting in Budapest, Hungary, for the 14th Council of Europe Conference on 29 November 2016:

- Recognising considerable challenges that recently threatened the integrity of the international anti-doping system;
- Recognising the need for the governments to assess and, where necessary, revise their policies in order to ensure the effectiveness of actions aimed at fighting doping in sport at national level;
- Recognising the important contribution of the Council of Europe Anti-Doping Convention to the international fight against doping in Europe and beyond;
- Praising the role of the Ad Hoc European Committee for the World Anti-Doping Agency (CAHAMA) in fostering effective co-operation between European countries and promoting their co-ordinated position in the World Anti-Doping Agency (WADA) statutory bodies and recognising the importance of sharing this experience beyond Europe;
- Acknowledging the important role performed by the European representatives in the WADA Executive Committee and Foundation Board;
- Re-asserting its support to WADA as the only international regulatory body in the anti-doping field;
- Welcoming considerable efforts made by WADA to promote compliance of the signatories with the 2015 World Anti-Doping Code and encouraging countries to support WADA's actions to ensure compliance with the Code;
- Recognising the crucial role of National Anti-Doping Organisations (NADOs) in the implementation of the 2015 World Anti-Doping Code and the need to ensure their independence in operational decisions and activities;
- Recognising the necessity to improve co-ordination between public authorities worldwide and welcoming the initiative to organise regular meetings of the public authorities' representatives in the WADA statutory bodies;
- Welcoming increased co-operation between the Council of Europe and WADA and particularly the signing of the Memorandum of Understanding between the two organisations;
- Acknowledging the importance of the guidance provided by the T-DO, through its recommendations, to the state parties of the Anti-Doping Convention in amending their policy and practice with a view to supporting the implementation of the 2015 World Anti-Doping Code and encouraging countries to give practical effect to these recommendations;
- Supporting the principles for the improvement and strengthening of the world anti-doping system as agreed at the meeting of public authorities' representatives in the WADA Executive Committee and Foundation Board held in London on 17-18 November 2016;

- Recognising that all anti-doping organisations must comply with the rules of good governance and the principle of proportionality, while respecting the fundamental rights of the individuals subjected to the anti-doping regulations, particularly when it comes to data protection;
- Being aware that athletes must be protected from the forced or encouraged doping schemes and be subjected to a proper anti-doping education;
- Encourage member States of the Council of Europe to assess and, where necessary, revise their national anti-doping policy and practice in such a way that would improve their effectiveness and help respond to emerging challenges as well as to ensure that the governments' actions complement those of national and international anti-doping organisations.
- Call for strengthening the ability of WADA to respond to current and emerging challenges in the anti-doping field.
- Ask the European representatives in the WADA Executive Committee and the Foundation Board, in co-operation with the representatives of other continents, to continue to work towards strengthening the world anti-doping system on the basis of the core values of the Council of Europe and the principles of good governance, in particular through:
 - Promoting the independence of the doping control, result management and disciplinary procedures from the sports organisations;
 - Reinforcing the role played by the public authorities in the development and implementation of the world anti-doping programme;
 - Safeguarding the independent role of WADA as the global anti-doping regulator responsible for standard-setting and monitoring;
 - Strengthening the governance of WADA with a view to ensuring that it is operating in full conformity with the principles of good governance;
 - Fully respecting the independence of the NADOs in their operational decisions and activities;
 - Supporting the efforts to strengthen WADA's capabilities, including by implementing the newly adopted framework of proportionate and graded sanctions for Code non-compliance, including the adoption of strong deterrent sanctions for large scale subversions of the anti-doping system;
 - Supporting WADA in the implementation of the newly adopted whistleblower program, ensuring greater protection for them.
- Support the Council of Europe in its efforts to facilitate the development and establishment of a permanently functioning and dynamic mechanism of co-ordination and information exchange between public authorities from all continents in WADA and on WADA-related issues.
- Instruct the Ad hoc European Committee to the World Anti-Doping Agency (CAHAMA) to continue providing active support to the efforts of the public authorities inside and outside Europe, for the improvement of the global anti-doping system.
- Consider promoting further autonomy of NADOs with a view to expanding their scope of responsibilities and providing them with the resources needed to implement the Code.
- Ask the Monitoring Group to the Anti-Doping Convention (T-DO) to explore the need and possibility of reviewing the Council of Europe Anti-Doping Convention with a view to considering

making recommendations to the Committee of Ministers of the Council of Europe regarding its possible revision.

- Encourage the Monitoring Group to the Anti-Doping Convention (T-DO) to continue its standard-setting work in order to offer practical guidance to the state parties on addressing emerging anti-doping issues in compliance with the Council of Europe Anti-Doping Convention, including on the principles of independence of NADOs.
- Call on member States to implement the Recommendation on Information Sharing between Public Agencies and Anti-Doping Organisations in the Fight against Doping, adopted by the T-DO in May 2016.
- Endorse the institutionalisation of the co-operation between the Council of Europe and WADA through the signing of the Memorandum of Understanding.
- Encourage the Monitoring Group to the Anti-Doping Convention (T-DO) to continue strengthening co-operation with UNESCO, particularly in assisting to promote compliance with the UNESCO International Convention against Doping in Sport.
- Encourage governments to continue providing their due share of their financial obligations to WADA and providing national anti-doping organisations with appropriate core funding to enable them to fulfil their agreed tasks.

Draft Resolution No. 1.2**The Council of Europe Convention on the Manipulation of Sports Competitions: state of play**

The Ministers responsible for Sport, meeting in Budapest, Hungary, for the 14th Council of Europe Conference on 29 November 2016:

- Acknowledging that manipulation of sports competitions contradicts the values of the Council of Europe and is a threat to the rule of law and society;
- Welcoming the wide mobilisation of a variety of actors involving different Ministries, police forces, betting regulators, prosecutors, courts and judges, sport movement, athletes' representatives, and betting operators at national, regional and international levels, referring to the Macolin Convention;
- Welcoming the fact that since its opening for signature, a majority of the Council of Europe member States have signed it, and two of them have already completed their process of ratification;
- Envisage a timely and quick entry into force of the convention in order to legally frame collective efforts toward the fight against the manipulation of sports competitions and to set up efficient co-operation mechanisms.
- Commit to providing relevant responses for overcoming obstacles to the ratification by countries and to raise awareness of the convention during national, regional and international events or fora.
- Express their consistent and co-operative support to the Council of Europe Secretariat in developing its specific capacity to act simultaneously at:
 - technical level, to co-ordinate and deliver projects in order to assist and accompany States,
 - strategic level, to contribute to coherent processes,
 - political level, to increase the priority to be given to the fight against the manipulation of sport competitions.
- Support the elaboration of a roadmap whose primary objective is to obtain concrete and visible results across a broad range of experiences, competencies and capabilities which exist in the various states and international organisations, in order to foster the convention's effectiveness and accelerate the mobilisation and co-operation of relevant actors at the national and at the international level.
- Accompany the Council of Europe in developing partnerships with international organisations and NGOs to promote the Convention on the Manipulation of Sports Competitions to non-European States.
- Recognise the value of continuing to hold the annual *Conference on the Fight against the Manipulation of Sports Competitions - Promotion and Implementation of the Macolin Convention*, with all interested countries and partners to follow-up progress of the roadmap and to update priorities of action.

Draft Resolution No. 2

Towards better governance in sport through enhanced co-operation between governmental bodies and stakeholders in sport

The Ministers responsible for Sport, meeting in Budapest, Hungary, for the 14th Council of Europe Conference on 29 November 2016:

- Considering that the aim of the Council of Europe is to achieve greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage, and of facilitating their economic and social progress;
- Recalling the Criminal Law Convention on Corruption (1999, ETS No. 173), the Civil Law Convention on Corruption (1999, ETS No 174) and the Additional Protocol to the Criminal Law Convention on Corruption (2003, CETS No 191);
- Having regard to its Recommendations Rec(92)13-rev on the European Sports Charter; Rec(92)14-rev on the Code of Sports Ethics and Rec(2005)8 on the Principles of Good Governance in Sport;
- Recalling the 11th Conference of Ministers responsible for Sport in Athens in 2008, which identified corruption as a new challenge to sport;
- Having noted the work and conclusions of the 13th Council of Europe Conference of Ministers responsible for Sport, held in Macolin/Maggingen on 18 September 2014, in particular on the risk of corruption in sport;
- Considering the Recommendation Rec(2005)8 of the Committee of Ministers to member States on the principles of good governance in sport, which stresses their belief that the consistent application of the principles of good governance in sport would be a significant factor in helping to eradicate corruption and other malpractices in sport;
- Considering the Recommendation CM/Rec(2014)7 on the Protection of Whistleblowers, stressing the importance of their protection and their role in preventing and identifying offences, and in strengthening democratic accountability and transparency;
- Welcoming the international and national initiatives to implement gender mainstreaming in sport, and notably the Erasmus+ funded project “Balance in Sport”, because gender equality is key to promote diversity in and through sport, but also to enhance the governance of sport;
- Considering the Resolution 1875 (2012) of the Parliamentary Assembly on good governance and ethics in sport and the Resolution 2053 (2015) of the Parliamentary Assembly on the reform of football governance;
- Convinced that the successful implementation by sports organisations of effective good governance policies, including codes of ethics and adherence to international standards, would consolidate their autonomous position with respect to public authorities and the general public on the basis of mutual respect and trust;

- Acknowledging that the legitimacy and autonomy of the Olympic Movement depends on upholding the highest standards of ethical behaviour and good governance;
- Having noted that deficiencies in the governance of sports organisations may lead to integrity issues such as corruption, doping and match-fixing and create an unsafe and unfair working environment for athletes.
- Welcome initiatives such as the International Sport Integrity Partnership, that aim to co-ordinate efforts of the sports movement, international organisations, governments and other relevant stakeholders, to implement high standards of transparency and good governance in sport, that could, inter alia:
 - allow for recognition by governments and the sports movement of common benchmarks on good governance in sport;
 - allow for the monitoring and improvement of the international sports movement's efforts when it comes to good governance, on the basis of the sports movement's own assessments as well as independent sources;
 - promote co-operation between governments and sports movement on the fight against corruption in sport.
- Invite EPAS to prepare a proposal for the Council of Europe Committee of Ministers on the ways in which the European Governments could co-operate with an International Sport Integrity Partnership, including co-ordinated governmental measures towards sports organisations which are clearly not taking steps to comply with applicable standards on the good governance of sport.
- Encourage all international federations to adopt the Association of Summer Olympic International Federations (ASOIF) Key Governance Principles and Basic indicators, as a first step towards improving their governance.
- Invite EPAS to use its Joint meeting of the Governing Board and Consultative Committee to discuss on a regular basis:
 - the implementation of good governance principles based on
 - (1) available indicators and research;
 - (2) a review of recent cases and their follow-up by sport and justice authorities;
 - recommendations on additional principles and more specific measures to be implemented.
- Invite EPAS to consider offering targeted advisory visits on sport governance issues, involving experts from the international sports movement and intergovernmental experts, to countries and organisations where support is needed or where the assessment of the situation is unclear.
- Invite EPAS, in co-operation with other relevant bodies of the Council of Europe, to identify good governance measures that need to be discussed further at international level, for example:

- Prevention of conflict of interest (by governments or by sports organisations) in dealing with sports ethical issues, as recently seen in anti-doping cases;
- Implementation and monitoring of human rights in the context of sports activities;
- Achieving a better “separation of powers” with effective checks and balances between sports organisations’ bodies, in particular in devising methods to ensure the independence of ethics, compliance and auditing committees;
- Recommending the appropriate level of transparency on financial accounts and political decision-making processes in order for sports organisations to comply with requirements applicable to same size business companies, e.g. International Financial Reporting Standards;
- Implementation and monitoring of gender mainstreaming as part of the good governance;
- Enabling improved representation of all stakeholders, in particular of athletes, within the decision-making processes;
- Defining measures likely to facilitate and protect the role of whistleblowers in sport.
- Invite EPAS to share good practices and give visibility to governmental initiatives aimed at supporting good practices within their sports movement at national level (for example, publication of a handbook).
- Invite EPAS to draft recommendations and measures – which may be eventually submitted to the Committee of Ministers – that enable governments or other competent authorities to facilitate the implementation of good governance in sport, for example:
 - Possible use of platforms prescribed in the Council of Europe Convention on the Manipulation of Sports Competitions to address any kind of corruption in sport in the future;
 - Evaluate if their national legislation is appropriate to allow for investigation, prosecution and mutual legal assistance with police and judicial co-operation in cases of corrupt behaviour in sport;
 - Condition the awarding of public grants to sports organisations and for sports events with explicit criteria that are compliant with good governance principles;
 - Encourage the leaders of national sports movements to actively promote good governance while acting within the framework of international sports organisations;
 - Monitor the implementation of good governance principles by their national sports movements (for example, review ASOIF published indicators, carry out independent researches, etc.);
 - Use appropriate provisions on the fight against money laundering and corruption in the field of sport, for example for financial institutions to consider some leaders of sports organisations as “politically exposed persons”;

- Eliminate conflicts of interest between bodies in charge of performance enhancement and those in charge of sports integrity, particularly in the fight against doping;
- Commit governments of member States to set an example when it comes to good governance within their own procedures and operations in the field of sport;
- Protect whistleblowers.
- Encourage sports organisations to:
 - urgently develop and implement appropriate good governance measures, for instance within the Olympic movement the IOC universal principles of Good Governance and/or the ASOIF Key Governance Principles, within their own regulations and procedures;
 - foster a good governance culture through educational initiatives;
 - enable improved representation of all stakeholders, in particular of athletes, within the decision-making processes;
 - introduce a level of compliance with good governance standards below which the organisations concerned would not be eligible to participate in international events;
 - co-operate with independent researchers and academics reviewing good governance of the sports organisations;
 - publish the results of their self-assessment on good governance;
 - establish external evaluations and audit policies;
 - share information on corrupt behaviours with law enforcement authorities.

Resolution No. 3

Current Issues in Pan-European Sport Co-operation

15th Council of Europe Conference of Ministers responsible for Sport

The Ministers responsible for Sport, meeting in Budapest, Hungary, for the 14th Council of Europe Conference on 29 November 2016:

- Welcomed the expressions of interest from and Georgia and Montenegro to organise the next Council of Europe Conference of Ministers responsible for Sport.