



**WORKING GROUP ON THE REVIEW OF  
WADA GOVERNANCE REFORMS**

**Third Report to the  
WADA Executive Committee  
and Foundation Board**

*November 2021*

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## Introduction

The Working Group on the Review of WADA Governance Reforms (Working Group) has been created in November 2020 by WADA Executive Committee. Its Terms of References define its mission as follows:

*The tasks of the Working Group on the Review of WADA Governance Reforms will include:*

- 1. Assess the status of the implementation of the 70 recommendations for reform made by the Working Group on WADA Governance Matters in November 2018.*
- 2. Develop the process for conducting an open consultation with stakeholders on the implementation of the reforms. [The objective of the consultation is not to repeat the same work conducted by the Governance Matters Working Group in 2017-2018, rather to reflect on whether they have been appropriately implemented and are fit for purpose].*
- 3. Consolidate the views and input of stakeholders and consider their appropriateness, taking into consideration the foundation and structure of the Agency.*
- 4. Suggest any new concepts or other general areas of improvements not otherwise presented by stakeholders, based on Working Group members' own expertise and/or experience.*
- 5. In consideration of the stakeholder and Working Group member contributions, compile a report of the recommendations. The timing of reporting will at least include a preliminary report in May 2021 and a final report as soon as possible thereafter.*
- 6. Give preliminary consideration to the impact on the Agency, financial and/or otherwise, and feasibility thereof, of any new governance recommendations.*
- 7. Consider and recommend whether the mandate of the Working Group should continue or not, beyond the delivery of their report in 2021.*

The Working Group has presented its first report to the WADA Executive Committee and Foundation Board on 20-21 May 2021 and its second interim report to the Executive Committee on 14 September 2021. While the first report focused on objectives 1 to 3 listed above, the second report focused on objectives 4 and 5 and included a first batch of recommendations on WADA governance reforms.

This third report consolidates the recommendations made in the second report following the feedback received from the Executive Committee as well as from other stakeholders engaged in WADA's governance review process. It also presents preliminary notes on items not covered previously.

To facilitate the reading, the report includes an unmarked version of the recommendations on WADA governance reforms (1), as well as a marked version where the changes compared to the second report are highlighted (2). Lastly, the report lists elements of WADA's governance that have not yet been reviewed by the Working Group (3). Two annexes are attached, listing the meetings held by the Working Group to date (annex A) and the videoconference interviews held with stakeholders in the framework of the second round of consultation (annex B).

In line with point 7 of its Terms of References, the Working Group proposes that its mandate be extended beyond 2021 in order for a comprehensive final report to be prepared and submitted to the Executive Committee and Foundation Board in May 2022.

## 1. Recommendations on WADA governance reforms

### I. General comments

- (1) The recommendations – where necessary – distinguish between short-term and long-term recommendations. Short-term recommendations aim to change the present situation while long-term recommendations aim at future reforms.
- (2) The present situation is characterized by an equal partnership of Sport Movement (SM) and Public Authorities (PAs). The term SM is, in principle, understood in a broad sense and covers the IOC, IPC, IFs within the Olympic and Paralympic movement, NOCs, NPCs as well as umbrella organisations of the above<sup>1</sup>.
- (3) These recommendations preserve the principle of equal partnership between PAs and SM on which WADA was founded. It follows from this that PAs and SM must as a general principle have equal seats on the main organs of WADA and that their respective positions cannot be marginalized vis-à-vis other stakeholders.
- (4) Some of the recommendations would require amending the WADA Statutes before implementation. Others can be incorporated within the WADA Governance Regulations. A full review of the two documents should be conducted to ensure consistency.
- (5) The recommendations will include transitional measures to ensure adequate implementation of the reforms. The Working Group on the Review of WADA Governance Reforms (WG) will present them together with a recommended calendar for implementation of the reforms.

### II. Athletes' representation on the WADA Athlete Committee (WADA AC) – presented jointly with the WADA AC

#### A. Composition

- (1) The status of the WADA AC should be changed. Currently the WADA AC is a Standing Committee. The purpose of a Standing Committee is, in principle, to provide expertise to the Executive Committee (EC). It is recommended that the purpose of the WADA AC be changed to act as a forum for the broader athlete community. It should also provide input to all the WADA organs through its representation on them, not only to the EC. The WADA AC should therefore:
  - o be a distinct body to which distinct rules apply;
  - o be larger in number compared to a Standing Committee (20 members, see below) in order for it to be able to reflect the diversity of the athlete community and to fulfill its tasks.
- (2) The WADA AC should be composed of Athlete Representatives (ARs) that must all meet the following criteria:
  - o (i) International level athlete (within the meaning of the World Anti-Doping Code)

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<sup>1</sup> The WG will consider whether it is necessary to further define the term "Public Authorities".

- (ii) Bound by the World Anti-Doping Code (Code)
  - (iii) Must meet or have met the (i) and (ii) criteria within the last 9 years before taking office for the first time. The AR can be reelected twice for a three-year term but cannot stand on the WADA AC for more than 12 years after his/her (last) fulfillment of the first two criteria.
- (3) The AR shall be recruited from a broad community of athletes. In the short-term, the ARs should be drawn from three different constituencies<sup>2</sup>:
- Group 1: consists of five ARs, four coming from members<sup>3</sup> of the International Olympic Committee Athletes' Commission (IOC AC) as appointed by the IOC AC, and one from members of the International Paralympic Committee Athletes' Council (IPC AC)<sup>4</sup> as appointed by the IPC AC. These members may include the Chairs of the IOC AC and IPC AC.
  - Group 2: consists of eight ARs who are not from the IOC AC and IPC AC. They are elected by the athletes' commissions (ACs) of IFs<sup>5</sup> that are Signatories to the Code<sup>6</sup>.
    - Voting constituency: The voting constituency is made up of ACs of IFs that are Signatories to the Code. Every IF AC has one vote only, irrespective of whether it is composed by a single AR or by several ARs. Every IF shall have only one AC eligible to cast a vote. Where an IF has more than one AC, the IF must designate the appropriate AC.
    - Eligibility: In order for an AR to be eligible to the WADA AC, they must – in addition to the criteria listed under A.(2) – be nominated and mandated by an IF AC. Members of the IOC AC and IPC AC cannot be eligible under Group 2.
  - Group 3: consists of seven ARs. They are appointed by the AC appointments panel in order to fill skills and diversity (e.g. gender, geography, sport) gaps<sup>7</sup> among groups 1 and 2<sup>8</sup>.
    - The AC appointments panel is composed of 3 or 5 members<sup>9</sup>: the WADA AC Chair, 1 or 2 athlete(s) from the WADA AC (to be selected by the WADA AC<sup>10</sup>),

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<sup>2</sup> The suggested sizes of the three different groups have been discussed at length by the WG and aim at incorporating various criteria such as the positions expressed by the WADA AC and the Athlete Representation Working Group that was a sub-group of the WADA AC, as well as finding an appropriate balance between the various constituencies.

<sup>3</sup> The WG will look further into whether it is necessary to specify whether they should be elected/appointed members of the IOC AC and IPC AC.

<sup>4</sup> The members sitting in Group 1 are sitting in an "ex-officio" capacity, their mandate on the WADA AC is therefore dependent on their mandate on the IOC AC or IPC AC.

<sup>5</sup> The term IF includes IOSD (International Organizations of Sports for the Disabled) if they are not included in the Code Signatories IFs. The WG has considered the situation of IFs which use different athletes' representational models and has decided to cover only athletes' commission for the time being, considering the fact that a vast majority of IFs use such model. The WG acknowledges that this model does not cover the whole athlete community and that athletes' representation models may be changing. The WG therefore recommends revisiting this issue in the future.

<sup>6</sup> The responsibility for the election process or the outcome of the elections primarily should rest with the Athletes' Council and not with WADA (FB, EC, staff), while preserving the integrity of the process (e.g. outgoing members of the AC would be responsible for validating the results). WADA may provide technical support / expertise for the election process if needed. The WG will hold further discussions on the details of the process to be implemented.

<sup>7</sup> Noting that there may be a need to double up positions depending on the workload of the WADA AC and/or of the respective members.

<sup>8</sup> The WG will discuss further the need for transitional measures and rules.

<sup>9</sup> The WG has not yet decided if the WADA President should be consulted by the AC appointments panel or if he should be a member of the panel. If he is only consulted, the AC appointments panel should be composed of 3 members.

<sup>10</sup> They should represent the various constituency groups of the WADA Athlete Council. If there are three athletes from the WADA AC, at least two of the constituency groups should be represented.

1 member of the Nominations Committee (appointed by the Nominations Committee) and, possibly, the WADA President.

- The AC appointments panel should work on a consensus basis. If a vote is needed, decisions are taken by majority.
- (4) The long-term recommendation is to reduce the overall size of the WADA AC so that it can work more efficiently and effectively depending on alternative systems to select ARs while preserving its composition balance and ensuring diversity.

#### B. Internal organization

- (5) The Chair of the WADA AC<sup>11</sup> is elected by the WADA AC members by a majority of the members<sup>12</sup>. The Chair's eligibility criteria and term limits are the same as all members. The Chair shall not hold any position within the IOC, the IPC or Governments and is subject to the conflict of interest policy<sup>13</sup>.
- (6) The WADA AC selects, among its members, the athletes' representatives sitting on the WADA Standing Committees and Working Groups<sup>14</sup>.

#### C. Budget

- (7) The WG acknowledges that the WADA AC needs to have sufficient financial means within WADA's budget to fulfill its tasks. The WG will comment on the process to define these financial means and the lines of accountability and compliance once the WADA AC has elaborated a detailed proposal on the tasks it intends to perform<sup>15</sup>.

#### D. Name

- (8) The WG recommends renaming the WADA AC into the WADA Athletes' Council in order to better reflect its new composition and role<sup>16</sup>.

### **III. Executive Committee (EC)**

#### A. Composition

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<sup>11</sup> It was considered by the WG that there is no need to recommend a Vice Chair position.

<sup>12</sup> The WG will look further into the procedural details (e.g., procedure in case of a tie, alignment of terms, etc.).

<sup>13</sup> The WG did not hold a unanimous view on this item.

<sup>14</sup> Considering that the WADA AC would count 20 members, the required expertise and skills should be found within the WADA AC.

<sup>15</sup> The WG will make recommendations on how to ensure proper transition between the existing WADA AC and the future one.

<sup>16</sup> This recommendation is based on the assumption that the WADA AC will have a different status, be accountable to the FB, be more representative in nature and have broader tasks in the future. The portfolio of these tasks is to be further elaborated by the WADA AC and to be submitted to the WG.

- (1) In order to implement any of the Significant Trends identified from the stakeholder consultation held by the Working Group, the current composition of the EC needs to be changed<sup>17</sup>.

The WG recommends that the composition of the EC be as follows:

- Independent President and Vice-President
  - Five representatives of the PAs
  - Five representatives of the SM
  - Four independent members
  - WADA AC Chair.
- (2) For the long term, the WG recommends finding mechanisms to reduce the overall size of the EC while preserving equal partnership between PAs and SM, independence and diversity. The SM and PAs are therefore invited to look into mechanisms to reduce the number of seats they hold on the EC, including through enhanced and robust coordination mechanisms.
  - (3) In the short term, the Working Group does not see a realistic possibility that the seats of the SM and PAs on the EC can be reduced while preserving their equal partnership and, in addition, preserving continental representation of the PAs. The latter is seen by the WG as an asset in light of the fact that formal structures to coordinate PAs on a worldwide level are only just emerging.
  - (4) If adding additional seats to the EC is the only way to implement any of the Significant Trends, such additions must however be done with care. This follows – inter alia – from the benchmarks on good governance, which would normally support a reduction in the size of the EC. The WG suggests adding three members to the EC<sup>18</sup>:
    - The WADA AC Chair;
    - Two new independent members<sup>19</sup>.
    - Furthermore, the WG welcomes and supports the on-going practice of the SM to allocate one of its five seats on the EC to an athlete representative from the IOC AC. The WG recommends that such practice be maintained to ensure that a minimum of two seats on the EC are therefore reserved for ARs going forward.

#### B. Competences

- (5) The Executive Committee is competent to take all decisions which are not reserved by the Law or by the statutes for the Foundation Board or for other WADA organs, such as the Independent Ethics Board. The WG intends to draw up a list of the main functions of the EC for better clarity and legal certainty and will include these in its final report.

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<sup>17</sup> The WG notes that after the first round of WADA governance reforms, four out of 14 members of the Executive Committee are Independent Members as currently defined in the WADA Regulations.

<sup>18</sup> The WG did not hold a unanimous view on this item.

<sup>19</sup> The WG will make further recommendations regarding the process upon which these independent members should be appointed.

C. Name

- (6) The WG recommends considering renaming the EC to “Governing Board” in order to better reflect its role after the reallocation of competences (between FB and EC)<sup>20</sup>.

D. Number and timing of meetings

- (7) The WG recommends a minimum of three meetings per year. Additional ad-hoc meetings can be organized to address specific issues. The timing and agendas of the meetings should be established to ensure that matters are dealt with to meet the goals and priorities set out in the Strategic Plan of the Agency and the various compliance and good governance tasks required of a Board responsible for governing the Agency.

E. Agenda

- (8) The WG supports the standing practice of the President of WADA drawing up the agenda for the EC meetings in line with the goals and priorities set out in the Strategic Plan of the Agency, with input from members of the EC.

#### **IV. Foundation Board (FB)**

A. General Remarks

- (1) The Significant Trends identified from the consultation held by the Working Group noted an overlap between the EC and the FB that should be reduced. The overlap referred to an overlap of people and of substantive issues on the agenda. The WG recommends:
  - o Reducing the personal overlap by establishing – in principle – that members of the EC should not be allowed to be a delegate and vote on the FB. Such principle would also strengthen the supervisory function of the FB vis-à-vis the EC.

However, to what extent such principle should be enforced is undecided because there needs to be meaningful coordination between both organs. It is evident to the Working Group that the WADA President and Vice President (being also the Chair / Vice Chair of both the FB and the EC) must be part of the FB. Whether this should be extended to (some of the) other members of the EC remains undecided. In any event, even if EC members (other than the President and Vice President) would not have voting rights in the FB, they shall have the right to attend and speak at the FB meetings in order to respond to matters raised at the FB/EC.
  - o To reduce the overlap of agenda, the WG recommends better defining the tasks and mandates of the EC and the FB (see III.B and IV.C).

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<sup>20</sup> The term “executive” is normally reserved to functions conducted by the staff of an organization. “Governing Board” therefore better reflects the governance tasks to be accomplished by the body currently named “Executive Committee”.

B. Composition

- (2) The WG recommends that the composition of the FB be as follows:
  - o President and Vice-President
  - o 18 representatives of the PAs
  - o 18 representatives of the SM, including four athletes' representatives
  - o Two representatives of NADOs
  - o Two further representatives of athletes from the WADA AC.
  
- (3) The WG recommends that two NADOs<sup>21</sup> representatives be included on the FB. NADOs are important operational units for the execution of the World Anti-Doping Code in their respective countries, they fulfill an important function in the world of anti-doping, and they bring expertise to the table.
  - o Appointment to the FB: the two NADOs representatives sitting on the FB should be appointed by the WADA NADO EAG among their members<sup>22</sup>. Gender balance shall be always respected. Members of the WADA NADO EAG can put forward their own candidacy. Candidates shall be selected among WADA NADO EAG members based on the following criteria, i.e., that the candidates preferably<sup>23</sup>:
    - a) have strong expertise in leadership of NADOs and anti-doping issues impacting NADOs globally;
    - b) have experience in chairing committees/bodies/working groups to facilitate easier communication between the FB and the WADA NADO EAG, which represents all NADOs;
    - c) not be involved in the oversight body of their NADO representing a constituency affiliated to the SM and/or the PAs.
  - o Election to the WADA NADO EAG: The WG recommends not elevating the NADO EAG to a Standing Committee. The NADO EAG shall be composed of 2 NADOs per continent with consideration for gender balance. Elections shall take place in a hybrid format (with the opportunity to participate online) to ensure that all NADOs are involved and able to participate<sup>24</sup>. Candidates shall be required to comply with the following eligibility criteria:
    - a) to represent a Code-compliant NADO; and
    - b) to represent a NADO with full authority over its anti-doping activities (in the meaning that all or any part of anti-doping activities not to be delegated to other organizations, i.e., NOC, the governmental body responsible for sport etc.).
  - o The WG recommends that the two seats for NADOs should be added to the existing number of FB members.
  
- (4) The WG recommends that the WADA AC shall be represented on the FB with a minimum of two seats<sup>25</sup> (in addition to the four athletes' seats within the SM).

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<sup>21</sup> The representation of NADOs should be understood as covering also Regional Anti-Doping Organizations (RADOs).

<sup>22</sup> The WG did not hold a unanimous view on this item and will exchange further with NADOs regarding the election process for the FB.

<sup>23</sup> The WG will consider further which criteria would be the most relevant for the candidates to the NADO EAG and to the FB.

<sup>24</sup> The NADOs may seek assistance from other organisations (e.g. iNADO) to facilitate/organise such elections.

<sup>25</sup> The WG did not hold a unanimous view on whether it should say two or a minimum of two.

- (5) The WG recommends that the 4 additional members of the FB have, in principle, equal voting and participating rights as all other members of the FB. The WG will consider if and when there is a need for a special majority within the FB on certain issues.
- (6) Irrespective of the above, the WG has discussed the possibility for the Sports Movement to consider giving the IPC AC a seat among the minimum of four athletes sitting on the FB according to Article 6(1) of the WADA Statutes.

C. Competences of the FB

- (7) The FB is the highest organ within WADA. It has delegated to the EC the governing of the organization, except for those tasks which the Statutes reserve for the FB<sup>26</sup>. The WG considers it is important to have a clear separation of powers between the FB and the EC, so that the FB can hold the EC to account.
- (8) It is recommended that the Statutes should reserve the following decisions to the FB<sup>27</sup>:
  - o Certain Legal Matters
  - o Financial Matters
  - o Fundamental Decisions
  - o Appointment to and removal from certain high level WADA organs

D. Rights of the individual members of the FB<sup>28</sup>

- (9) Right to information
- (10) Right to add items on the agenda

E. Meetings of the FB<sup>29</sup>

- (11) Agenda
  - o Right to table items on the agenda
  - o Restrictions
- (12) Conduct of meetings
- (13) Reporting
- (14) Quorum

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<sup>26</sup> The role of the Director General is to be further specified but in general the Director General is responsible for the management of the operations and accountable to the EC for this, within the authority established by the Statutes and delegated to it by the EC.

<sup>27</sup> The WG has specified these points further but as the detailed wording was not finalized, only the headings have been kept for the purpose of this report.

<sup>28</sup> The WG has specified these points further but as the detailed wording was not finalized, only the headings have been kept for the purpose of this report.

<sup>29</sup> The WG has specified these points further but as the detailed wording was not finalized, only the headings have been kept for the purpose of this report.

- (15) Minutes
- (16) Transparency
- (17) Number of meetings
- (18) Attendance

F. Name

- (19) The WG recommends considering renaming the FB to the WADA General Assembly in order to better reflect its new composition and role after the reallocation of competences (between the FB and the EC).

## 2. Recommendations on WADA Governance Reforms – marked version compared to September 2021

*Note: additions made in the current version compared to the version of September 2021 are highlighted in yellow.*

### **I. General comments**

- (1) The recommendations – where necessary – distinguish between short-term and long-term recommendations. Short-term recommendations aim to change the present situation while long-term recommendations aim at future reforms.
- (2) The present situation is characterized by an equal partnership of Sport Movement (SM) and Public Authorities (PAs). The term SM is, in principle, understood in a broad sense and covers the IOC, IPC, IFs within the Olympic and Paralympic movement, NOCs, NPCs as well as umbrella organisations of the above<sup>30</sup>.
- (3) These recommendations preserve the principle of equal partnership between PAs and SM on which WADA was founded. It follows from this that PAs and SM must as a general principle have equal seats on the main organs of WADA and that their respective positions cannot be marginalized vis-à-vis other stakeholders.
- (4) Some of the recommendations would require amending the WADA Statutes before implementation. Others can be incorporated within the WADA Governance Regulations. A full review of the two documents should be conducted to ensure consistency.
- (5) The recommendations will include transitional measures to ensure adequate implementation of the reforms. The Working Group on the Review of WADA Governance Reforms (WG) will present them together with a recommended calendar for implementation of the reforms.

### **II. Athletes' representation on the WADA Athlete Committee (WADA AC) – presented jointly with the WADA AC**

#### A. Composition

- (1) The status of the WADA AC should be changed. Currently the WADA AC is a Standing Committee. The purpose of a Standing Committee is, in principle, to provide expertise to the Executive Committee (EC). It is recommended that the purpose of the WADA AC be changed to act as a forum for the broader athlete community. It should also provide input to all the WADA organs through its representation on them, not only to the EC. The WADA AC should therefore:
  - o be a distinct body to which distinct rules apply;

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<sup>30</sup> The WG will consider whether it is necessary to further define the term "Public Authorities".

- o be larger in number compared to a Standing Committee (20 members, see below) in order for it to be able to reflect the diversity of the athlete community and to fulfill its tasks.
- (2) The WADA AC should be composed of Athlete Representatives (AR) that must all meet the following criteria:
  - o (i) International level athlete (within the meaning of the World Anti-Doping Code)
  - o (ii) Bound by the World Anti-Doping Code (Code)
  - o (iii) Must meet the (i) and (ii) criteria within the last 9 years before taking office for the first time. The AR can be reelected twice for a three-year term but cannot stand on the WADA AC for more than 12 years after his/her (last) fulfillment of the first two criteria.
- (3) The AR shall be recruited from a broad community of athletes. The WG recommends in the short-term drawing the ARs from three different constituencies<sup>31</sup>:
  - o Group 1: consists of five ARs, four coming from members<sup>32</sup> of the International Olympic Committee Athletes' Commission (IOC AC) as appointed by the IOC AC, and one from members of the International Paralympic Committee Athletes' Council (IPC AC)<sup>33</sup> as appointed by the IPC AC. These members may include the Chairs of the IOC AC and IPC AC.
  - o Group 2: consists of eight ARs who are not from the IOC AC and IPC AC. They are elected by the athletes' commissions (ACs) of IFs<sup>34</sup> that are Signatories to the Code<sup>35</sup>.
    - Voting constituency: The voting constituency is made up of ACs of IFs that are Signatories to the Code. Every IF AC has one vote only, irrespective of whether it is composed by a single AR or by several ARs. Every IF shall have only one AC eligible to cast a vote. Where an IF has more than one AC, the IF must designate the appropriate AC.
    - Eligibility: In order for the AR to be eligible to the WADA AC, they must – in addition to A.(2) – be nominated and mandated by an IF AC. Members of the IOC AC and IPC AC cannot be eligible under Group 2.
  - o Group 3: consists of seven ARs. They are appointed by the AC appointments panel in order to fill skills and diversity (e.g. gender, geography, sport) gaps<sup>36</sup> among groups 1 and 2<sup>37</sup>.

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<sup>31</sup> The suggested sizes of the three different groups have been discussed at length by the WG and aim at incorporating various criteria such as the positions expressed by the WADA AC and the Athlete Representation Working Group, as well as finding an appropriate balance between the various constituencies.

<sup>32</sup> The WG will look further into whether it is necessary to specify whether they should be elected/appointed members of the IOC AC and IPC AC.

<sup>33</sup> The members sitting in Group 1 are sitting in an "ex-officio" capacity, their mandate on the WADA AC is therefore dependent on their mandate on the IOC AC or IPC AC.

<sup>34</sup> The term IF includes IOSD (International Organizations of Sports for the Disabled), if they are not included in the Code Signatories IFs. The WG has considered the situation of IFs which use different athletes' representational models and has decided to cover only athletes' commission for the time being, considering the fact that a vast majority of IFs use such model. The WG acknowledges that this model does not cover the whole athlete community and that athletes' representation models may be changing. The WG therefore recommends revisiting this issue in the future.

<sup>35</sup> The responsibility for the election process or the outcome of the elections primarily should rest with the Athletes' Council and not with WADA (FB, EC, staff), while preserving the integrity of the process (e.g. outgoing members of the AC would be responsible for validating the results). WADA may provide technical support / expertise for the election process if needed. The WG will hold further discussions on the details of the process to be implemented.

<sup>36</sup> Noting that there may be a need to double up positions depending on the workload of the WADA AC and/or of the respective members.

<sup>37</sup> The WG will discuss further the need for transitional measures and rules.

- The AC appointments panel is composed of 3 or 5 members<sup>38</sup>: the WADA AC Chair, 1 or 2 athlete(s) from the WADA AC (to be selected by the WADA AC<sup>39</sup>), 1 member of the Nominations Committee (appointed by the Nominations Committee) and, possibly, the WADA President.
  - The AC appointments panel should work on a consensus basis. If a vote is needed, decisions are taken by majority.
- (4) The long-term recommendation is to reduce the overall size of the WADA AC so that it can work more efficiently and effectively depending on alternative systems to select ARs while preserving its composition balance and ensuring diversity.

#### B. Internal organization

- (5) The Chair of the WADA AC<sup>40</sup> is elected by the WADA AC members by a majority of the members<sup>41</sup>. The Chair's eligibility criteria and term limits are the same as all members. The Chair shall not hold any position within the IOC, the IPC or Governments and is subject to the conflict of interest policy<sup>42</sup>.
- (6) The WADA AC selects, among its members, the athletes' representatives sitting on the WADA Standing Committees and Working Groups<sup>43</sup>.

#### C. Budget

- (7) The WG acknowledges that the WADA AC needs to have sufficient financial means within WADA's budget to fulfill its tasks. The WG will comment on the process to define these financial means and the lines of accountability and compliance once the WADA AC has elaborated a detailed proposal on the tasks it intends to perform<sup>44</sup>.

#### D. Name

- (8) The WG recommends renaming the WADA AC into the WADA Athletes' Council in order to better reflect its new composition and role<sup>45</sup>.

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<sup>38</sup> The WG has not yet decided if the WADA President should be consulted by the AC appointments panel or if he should be a member of the panel. If he is only consulted, the AC appointments panel should be composed of 3 members.

<sup>39</sup> They should represent the various constituency groups of the WADA Athlete Council. If there are three athletes from the WADA AC, at least two of the constituency groups should be represented.

<sup>40</sup> It was considered by the WG that there is not a need to recommend a Vice Chair position.

<sup>41</sup> The WG will look further into the procedural details (e.g., procedure in case of a tie, alignment of terms, etc.).

<sup>42</sup> The WG did not hold a unanimous view on this item.

<sup>43</sup> Considering that the WADA AC Council would count 20 members, the required expertise and skills should be found within the WADA AC Council.

<sup>44</sup> The WG will make recommendations on how to ensure proper transition between the existing WADA AC and the future one.

<sup>45</sup> This recommendation is based on the assumption that the WADA AC will have a different status, be accountable to the FB, be more representative in nature and have broader tasks in the future. The portfolio of these tasks is to be further elaborated by the WADA AC and to be submitted to the WG.

### III. Executive Committee (EC)

#### A. Composition

- (1) In order to implement any of the Significant Trends identified from the stakeholder consultation held by the Working Group, the current composition of the EC needs to be changed<sup>46</sup>.

The WG recommends that the composition of the EC be as follows:

- Independent President and Vice-President
  - Five representatives of the PAs
  - Five representatives of the SM
  - Four independent members
  - WADA AC Chair.
- (2) For the long term, the WG recommends finding mechanisms to reduce the overall size of the EC while preserving equal partnership between PAs and SM, independence and diversity. The SM and PAs are therefore invited to look into mechanisms to reduce the number of seats they hold on the EC, including through enhanced and robust coordination mechanisms.
  - (3) In the short term, the Working Group does not see a realistic possibility that the seats of the SM and PAs on the EC can be reduced while preserving their equal partnership and, in addition, preserving continental representation of the PAs. The latter is seen by the WG as an asset in light of the fact that formal structures to coordinate PAs on a worldwide level are only just emerging.
  - (4) If adding additional seats to the EC is the only way to implement any of the Significant Trends, such additions must however be done with care. This follows – inter alia – from the benchmarks on good governance, which would normally support a reduction in the size of the EC. The WG suggests adding three members to the EC<sup>47</sup>:
    - o The WADA AC Chair;
    - o Two new independent members<sup>48</sup>.
    - o Furthermore, the WG welcomes and supports the on-going practice of the SM to allocate one of its five seats on the EC to an athlete representative from the IOC AC. The WG recommends that such practice be maintained to ensure that a minimum of two seats on the EC are therefore reserved for ARs going forward.

#### B. Competences

- (5) The Executive Committee is competent to take all decisions which are not reserved by the Law or by the statutes for the Foundation Board or for other WADA organs, such as the Independent Ethics Board. The WG intends to draw up a list of the main functions of the EC for better clarity and legal certainty and will include these in its final report.

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<sup>46</sup> The WG notes that after the first round of WADA governance reforms, four out of 14 members of the Executive Committee are Independent Members as currently defined in the WADA Regulations.

<sup>47</sup> The WG did not hold a unanimous view on this item.

<sup>48</sup> The WG will make further recommendations regarding the process upon which these independent members should be appointed.

C. Name

- (6) The WG recommends considering renaming the EC to “Governing Board” in order to better reflect its role after the reallocation of competences (between FB and EC)<sup>49</sup>.

D. Number and timing of meetings

- (7) The WG recommends a minimum of three meetings per year. Additional ad-hoc meetings can be organized to address specific issues. The timing and agendas of the meetings should be established to ensure that matters are dealt with to meet the goals and priorities set out in the Strategic Plan of the Agency and the various compliance and good governance tasks required of a Board responsible for governing the Agency.

E. Agenda

- (8) The WG supports the standing practice of the President of WADA drawing up the agenda for the EC meetings in line with the goals and priorities set out in the Strategic Plan of the Agency, with input from members of the EC.

#### **IV. Foundation Board (FB)**

A. General Remarks

- (1) The Significant Trends identified from the consultation held by the Working Group noted an overlap between the EC and the FB that should be reduced. The overlap referred to an overlap of people and of substantive issues on the agenda. The WG recommends:
  - o Reducing the personal overlap by establishing – in principle – that members of the EC should not be allowed to be a delegate and vote on the FB. Such principle would also strengthen the supervisory function of the FB vis-à-vis the EC.  
  
However, to what extent such principle should be enforced is undecided because there needs to be meaningful coordination between both organs. It is evident to the Working Group that the WADA President and Vice President (being also the Chair / Vice Chair of both the FB and the EC) must be part of the FB. Whether this should be extended to (some of the) other members of the EC remains undecided. In any event, even if EC members (other than the President and Vice President) would not have voting rights in the FB, they shall have the right to attend and speak at the FB meetings in order to respond to matters raised at the FB/EC.
  - o To reduce the overlap of agenda, the WG recommends better defining the tasks and mandates of the EC and the FB (see III.B and IV.C).

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<sup>49</sup> The term “executive” is normally reserved to functions conducted by the staff of an organization. “Governing Board” therefore better reflects the governance tasks to be accomplished by the body currently named “Executive Committee”.

B. Composition

- (2) The WG recommends that the composition of the FB be as follows:
  - o President and Vice-President
  - o 18 representatives of the PAs
  - o 18 representatives of the SM, including four athletes' representatives
  - o Two representatives of NADOs
  - o Two further representatives of athletes from the WADA AC.
  
- (3) The WG recommends that two NADOs<sup>50</sup> representatives be included on the FB. NADOs are important operational units for the execution of the World Anti-Doping Code in their respective countries, they fulfill an important function in the world of anti-doping, and they bring expertise to the table.
  - o Appointment to the FB: the two NADOs representatives sitting on the FB should be appointed by the WADA NADO EAG among their members<sup>51</sup>. Gender balance shall be always respected. Members of WADA NADO EAG can put forward their own candidacy. Candidates shall be selected among WADA NADO EAG members based on the following criteria, i.e., that the candidates preferably<sup>52</sup>:
    - a) have strong expertise in leadership of NADOs and anti-doping issues impacting NADOs globally;
    - b) have an experience in chairing committees/bodies/working groups to facilitate easier communication between the FB and the WADA NADO EAG, which represents all NADOs;
    - c) not be involved in the oversight body of their NADO representing a constituency affiliated to the SM and/or the PAs.
  - o Election to the WADA NADO EAG: The WG recommends not elevating the NADO EAG to a Standing Committee. The NADO EAG shall be composed of 2 NADOs per continent with consideration for gender balance. Elections shall take place in a hybrid format (with the opportunity to participate online) to ensure that all NADOs are involved and able to participate<sup>53</sup>. Candidates shall be required to comply with the following eligibility criteria:
    - a) to represent a Code-compliant NADO; and
    - b) to represent a NADO with full authority over its anti-doping activities (in the meaning that all or any part of anti-doping activities not to be delegated to other organization, i.e., NOC, the governmental body responsible for sport etc.).
  - o The WG recommends that the two seats for NADOs should be added to the existing number of FB members.
  
- (4) The WG recommends that the WADA AC shall be represented on the FB with a minimum of two seats<sup>54</sup> (in addition to the four "athletes' seats" within the SM).

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<sup>50</sup> The representation of NADOs should be understood as covering also Regional Anti-Doping Organizations (RADOs).

<sup>51</sup> The WG did not hold a unanimous view on this item and will exchange further with NADOs regarding the election process for the FB.

<sup>52</sup> The WG will consider further which criteria would be the most relevant for the candidates to the NADO EAG and to the FB.

<sup>53</sup> The NADOs may seek assistance from other organisations (e.g. iNADO) to facilitate/organise such elections.

<sup>54</sup> The WG did not hold a unanimous view on whether it should say two or a minimum of two.

- (5) The WG recommends that the 4 additional members of the FB have, in principle, equal voting and participating rights as all other members of the FB. The WG will consider if and when there is a need for a special majority within the FB on certain issues.
- (6) Irrespective of the above, the WG has discussed the possibility for the Sports Movement to consider giving the IPC AC a seat among the minimum of four athletes sitting on the FB according to Article 6(1) of the WADA Statutes.

#### C. Competences of the FB

- (7) The FB is the highest organ within WADA. It has delegated to the EC the governing of the organization, except for those tasks which the Statutes reserve for the FB<sup>55</sup>. The WG considers it is important to have a clear separation of powers between the FB and EC, so that the FB can hold the EC to account.
- (8) It is recommended that the Statutes should reserve the following decisions to the FB<sup>56</sup>:
  - o Certain Legal Matters
  - o Financial Matters
  - o Fundamental Decisions
  - o Appointment to and removal from certain high level WADA organs

#### D. Rights of the individual members of the FB<sup>57</sup>

- (9) Right to information
- (10) Right to add items on the agenda

#### E. Meetings of the FB<sup>58</sup>

- (11) Agenda
  - o Right to table items on the agenda
  - o Restrictions
- (12) Conduct of meetings
- (13) Reporting
- (14) Quorum

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<sup>55</sup> The role of the Director General is to be further specified but in general the Director General is responsible for the management of the operations and accountable to the EC for this, within the authority established by the Statutes and delegated to it by the EC.

<sup>56</sup> The WG has specified these points further but as the detailed wording was not finalized, only the headings have been kept for the purpose of this report.

<sup>57</sup> The WG has specified these points further but as the detailed wording was not finalized, only the headings have been kept for the purpose of this report.

<sup>58</sup> The WG has specified these points further but as the detailed wording was not finalized, only the headings have been kept for the purpose of this report.

- (15) Minutes
- (16) Transparency
- (17) Number of meetings
- (18) Attendance

F. Name

- (19) The WG recommends considering renaming the FB to the WADA General Assembly in order to better reflect its new composition and role after the reallocation of competences (between the FB and the EC).

### **3. Open Issues**

For reasons of timing, some issues could not yet be condensed into recommendations. The following is a non-exhaustive list of “open issues”:

- Executive Committee (EC): finalization of competences.
- Foundation Board (FB): finalization of competences.
- WADA Athlete Committee/Council (WADA AC): administrative support, roles and responsibilities.
- Whether or not there is a role for Athlete Associations/Player Unions beyond the WADA AC and the EC.
- Nominations Committee.
- Standing Committees.
- Compliance Review Committee.
- Independence for all members across all WADA organs.
- Diversity.
- WADA governance review mechanisms.
- Transitional measures and calendar of implementation.

## Annex A - List of meetings held by the Working Group

- Meeting #1 – 10 December 2020
- Meeting #2 - 14 January 2021
- Meeting #3 – 28 January 2021
- Meeting #3 bis – 3 February 2021
- Meeting #4 – 9 February 2021  
Exchange with Jonathan Taylor and Bente Kristensen (Respectively former CRC Chair and Member)
- Meeting #5 – 24 February 2021  
Exchanges with:
  - the Compliance Review Committee
  - the Nominations Committee
- Meeting #6 – 1 March 2021
- Meeting #7 – 29 March 2021  
Exchange with the NADO Expert Advisory Group
- Meeting #8 – 8 April 2021
- Meeting #9 – 19 April 2021
- Meeting #10 – 5 May 2021  
Exchange with the Olympic Movement
- Meeting #11 – 1 June 2021
- Meeting #12 – 21 June 2021  
Exchange with WADA Legal Department and the Kellerhals & Carrard law firm on the WADA Code of Ethics
- Meeting #13 – 30 June 2021  
Exchange with the WADA Athlete Committee
- Meeting #14 – 30 June 2021  
Exchange with One Voice
- Meeting #15 – 16 July 2021  
Exchange with the World Players Association and EU Athletes
- Meeting #16 – 11-13 August 2021  
Hybrid in-person/virtual meeting in Frankfurt, Germany
- Meeting #17 – 31 August 2021
- Meeting #18 – 8 September 2021
- Meeting #19 – 9 September 202

- Meeting #20 – 20 September 2021  
Exchange with WADA Management
  
- Meeting #21 – 19-20 October 2021  
Hybrid in-person/virtual meeting in Frankfurt, Germany  
Videoconference interviews with stakeholders (full list contained in Annex B)
  
- Meeting #21bis – 25 October 2021
  
- Meeting #22 – 28 October 2021
  
- Meeting #23 – 8 November 2021

**Annex B - List of videoconference interviews with stakeholders held by the Working Group on 19 October 2021 (round 2 of the consultation)**

Time	Stakeholder
0830-0900	<p><b>World Players Association</b>            Matthew GRAHAM - Legal &amp; Player Relations            Brendan SCHWAB - Executive Director            Paulina TOMCZYK - General Secretary, EU Athletes            Florian YELIN - Policy &amp; Research Coordinator</p>
0900-0930	<p><b>iNADO</b>            Mr. Jorge LEYVA - CEO, iNADO            Mr. Lars MORTSIEFER – Board member, iNADO            Mr. Nick PATERSON - Deputy Chair, iNADO</p>
0930-1000	<p><b>Sport Ireland<sup>59</sup></b>            Ms. Siobhan LEONARD - Director of Anti-Doping &amp; Ethics            Mr. John TREACY - CEO</p>
1000-1030	<p><b>French Government</b>            Ms. Amandine CARTON - Chargée de mission juridique - Lutte contre le dopage</p> <p><b>Council of Europe Secretariat</b>            Mr. Julien ATTUIL - Head of the Anti-Doping Unit &amp;            Ms. Liene KOSLOSKA - Senior Project Manager, Sport Conventions Division</p>
1030-1045	<i>Break</i>
1045-1115	<p><b>NADA Germany</b>            Dr. Andrea GOTZMANN - CEO</p> <p><b>Pakistan Government<sup>60</sup></b>            Mr. Mohsin Mushtaque CHANDANA, Secretary</p>
1115-1215	<p><b>Olympic and Paralympic Movement</b></p> <p>AIOWF (Mr. Fredi Schmid)            ANOC (Mr. Chris Milne)            ASOIF (Mr. James Carr)            GAISF (Mr. Davide Delfini)            IOC (Ms. Hannah Grossenbacher)            IOC AC (Ms. Emma Terho, Mr. Humphrey Kayange)            IPC (Mr. James Sclater)</p>

<sup>59</sup> This meeting was postponed and held on 26 October 2021 between Prof. Ulrich Haas, Chair of the Working Group and Mr. John Treacy, CEO of Sport Ireland.

<sup>60</sup> Could not attend the meeting and sent apologies.

1215-1330	<i>Lunch</i>
1330-1400	<p style="text-align: center;"><b>ADNO (Anti-Doping Norway)</b> Mr. Anders SOLHEIM - CEO</p> <p style="text-align: center;"><b>ADD (Anti-Doping Denmark)</b> Mr. Kim HOJGAARD RAVN, Acting CEO</p>
1400-1500	<b>WADA NADO Expert Advisory Group</b>
1500-1530	<p style="text-align: center;"><b>RUSADA (Russian NADO)</b> Mr. Mikhail BUKHANOV - Acting Director General Mr. Chirov KONSTANTIN - Acting Deputy Director General</p> <p style="text-align: center;"><b>CEADO (Central European Anti-Doping Organizations)</b> Mr. Michael CEPIC - Chair</p>
1530-1545	<i>Break</i>
1545-1630	<p style="text-align: center;"><b>SAIDS (South African NADO)</b> Mr. Khalid GALANT - CEO</p> <p style="text-align: center;"><b>FINCIS (Finnish NADO)</b> Mr. Teemu JAPISSON - Secretary General</p> <p style="text-align: center;"><b>UzNADA (Uzbekistan NADO)<sup>61</sup></b> Prof. Nodirjon TURSUNOV - Director General</p>
1630-1700	<p style="text-align: center;"><b>UKAD (UK Anti-Doping) &amp; UK Government</b> Mr. Tony JOSIAH - Interim Director of Strategy and Education, UKAD Ms. Heather SINCLAIR - Head of Health, Workforce, Diversity and Anti-Doping Sport Team, UK Govt</p>
1700-1730	<p style="text-align: center;"><b>US Government</b> Ms. Régina LABELLE - Acting Director, ONDCP Mr. Richard BAUM - Coordinator, Doping Sport, ONDCP</p>
1730-1800	<p style="text-align: center;"><b>USADA (US NADO)</b> Mr. Travis TYGART - CEO</p> <p style="text-align: center;"><b>USOPC (United States Olympic &amp; Paralympic Committee)</b> Chris McCLEARY - General Counsel</p>

<sup>61</sup> Could not attend the meeting and sent apologies.