

Note: WADA Foundation Board meeting minutes are published on WADA's website once they have been approved by the Foundation Board, generally at its subsequent meeting. The minutes are intelligent third-person verbatim transcriptions, i.e. slightly edited for readability.

Minutes of the WADA Foundation Board meeting 25 November 2021, Paris, France

The meeting began at 10.00 GMT+1.

1. Welcome, roll call and observers

THE CHAIRMAN welcomed the members to the Foundation Board meeting. The meeting was being observed, including by a number of media representatives.

The following members attended the meeting: Mr Witold Bańka, President and Chairman of WADA; Ms Yang Yang, Vice-President of WADA; Mr Sclater, representing Mr Andrew Parsons, IPC President; Mr Nenad Lalovic, Executive Member, GAISF Council, Member of the IOC, President, United World Wrestling; Ms Baklai Temengil, IOC Member, Vice President, Oceania National Olympic Committees; Mr Jiri Kejval, IOC Member, President, NOC, Czech Republic; Professor Fabio Pigozzi, President, International Federation of Sports Medicine; Mr Zlatko Matesa, President, Croatian Olympic Committee; Mr Vesper, representing Professor Ugur Erdener, IOC Member, President, World Archery; Ms Filomena Fortes, IOC Member, President, Cabo Verde National Olympic Committee; Mr Andrzej Krasnicki, President, Polish National Olympic Committee; Mr Andrey Kryukov, Vice President for International Cooperation and Interim Secretary General, Kazakhstan National Olympic Committee; Mr David Lappartient, President, UCI; Mr Jean-Christophe Rolland, President, World Rowing, IOC Member; Mr Ingmar De Vos, Council Member, ASOIF, President, FEI, IOC Member; Mr Jan Dijkema, President, International Skating Union; Mr Humphrey Kayange Emonyi, IOC Member and IOC Athletes' Commission Member; Ms Astrid Uhrenholdt Jacobsen, IOC Member and IOC Athletes' Commission Member; Ms Hong Zhang, IOC Member and IOC Athletes' Commission Member; Ms Emma Terho, IOC Member and IOC Athletes' Commission Member; Mr Rebelo, representing Mr Tiago Brandão Rodrigues, Minister of Education, Portugal; Ms Anna Krupka, Secretary of State, Ministry of Sport, Republic of Poland; Ms Amanda Lind, Minister for Culture and Democracy with responsibility for sport, Sweden; Mr Bjørn Berge, Deputy Secretary General, Council of Europe; Mr Igor Zhdanov, Advisor, Research Institute of the Ministry of Internal Affairs, Ukraine; Mr Ashraf Sobhy, Minister of Youth and Sports, Egypt; Mr Mustapha Ussif, Minister of Youth and Sports, Ghana; Mr Nathi Mthetwa, Minister of Arts, Culture, Sports and Recreation, South Africa; Mr Rahul Gupta, Director, National Drug Control Policy, USA; Mr Reyes, representing Mr Guillermo Herrera Castaño, President, American Sports Council (CADE); Ms Fatima Morales, President, South-American Sport Council (CONSUDE), Paraguay; Dr Mohammed Saleh Al Konbaz, President, Saudi Arabian Anti-Doping Committee, Saudi Arabia; Mr Li Yingchuan, Vice-Minister, General Administration of Sport, China; Mr Jeong-bae Kim, Vice Minister, Ministry of Culture, Sports and Tourism, Republic of Korea; Mr Ikeda Yoshitaka, State Minister of Education, Culture, Sports, Science and Technology, Japan; Mr Richard Colbeck, Minister for Youth and Sport, Australia; Mr Grant Robertson, Minister of Sport and Recreation, New Zealand.

The following Standing Committee Chairs attend the meeting: Mr Ben Sandford, Chairman of the WADA Athlete Committee; Hon. Mr James Wood, Chairman of the WADA Compliance Review Committee; Mr Ser Miang Ng, Chairman of the WADA Finance and Administration Committee; Ms Kady Kanouté Tounkara, Chairman of the WADA Education Committee; Mr Lars Engebretsen, Chairman of the WADA Health, Medical and Research Committee.

The following representatives of WADA Management attended the meeting: Mr Olivier Niggli, Director General, WADA; Ms Dao Chung, Chief Financial Officer, WADA; Ms Amanda Hudson, Education Director, WADA; Mr Tim Ricketts, Testing Director, WADA; Ms Catherine MacLean, Communications Director, WADA; Mr Marc-André Matton, IT, Data and Digital Development Director, WADA; Mr Tom May, NADO/RADO Relations Director, WADA; Mr Rafal Piechota, Office of the President; Dr Olivier Rabin, Science and Medicine Director, WADA; Dr Alan Vernec, Medical Director, WADA; Mr Julien Sieveking, Legal Affairs Director, WADA; Mr Gunter Younger, Intelligence and Investigations Director, WADA; Ms Shannan Withers, Chief of Staff, WADA; Mr René Bouchard, Government Relations Director, WADA; Mr Frédéric Donzé, Chief Operating Officer, WADA; Mr Sébastien Gillot, European Office and Sport Movement Relations Director, WADA; Mr Kevin Haynes, Compliance, Rules and Standards Director, WADA; Ms Angela Iannantuono, Human Resources and Corporate Services Director, WADA; Mr Stuart Kemp, Deputy Chief Operating Officer, WADA; Mr Francisco Leon, Programme Development Manager, WADA; Ms Maria José Pesce Cutri, Latin American Regional Office Director, WADA; Mr Rodney Swigelaar, African Regional Office Director, WADA; and Mr Kazuhiro Hayashi, Asian/Oceanian Regional Office Director, WADA.

The following observers signed the roll call: Ulrich Haas, François Kaiser, Jorge Leyva, Nick Paterson, Valérie Fourneyron, Benjamin Cohen, ETTY Feller, Richard Pound, Julie Keith, Hannah Grossenbacher, Andrew Ryan, James Carr, Tomas Johansson, Michal Rynkowski, Hubert Dziudzik, Irene Kitsou-Milonas, Julien Attuil, Sophie Kwasny, Diana Santos, Norma Barrios, Richard Baum, Carlos Roy, Clayton Cosgrove, Darren Mullaly, Chris Butler, Kerry Knowler, Amanda Campbell, Steven Murphy, Marcos Díaz, Victoria Noguera Avila, Maria Fernanda Muñoz, Jocelyn East, Jian Zhang, Chen Zhitu, Yinghuan Fan, Seung-yeon Song, YaYa Yamamoto, Kenji Takahashi, Kenji Okuyama, Tadokoro Katsushi, Ueki Yu, Takasugi Yumiko, Hirai Chika, Heejung Woo, Jeong Ah Kwon, Hoshino Yoshitaka, Arai Tomohiko, Haraguchi Nozomi, Yatabe Haruka, Suzuki Hidenori, Akama Takao, Kono Ichiro, Asakawa Shin, Ayabe Yoshinari, Martin Holmlund Lauesen, Anders Solheim, Olivier De Hon, Solenne Zandronis, Valéry Genniges and Marcellin Dally.

– 1.1 Disclosures of conflicts of interest

THE CHAIRMAN asked if any of the members wished to disclose any conflict of interest. He saw no requests for the floor.

2. Minutes of the previous meeting on 21 May 2021

THE CHAIRMAN said that draft minutes had been circulated among the members as part of the meeting documents and no member comments had been received in relation to the minutes. If there were none that day, they would be approved.

DECISION

Minutes of the meeting on 21 May 2021 approved and duly signed.

3. Director General's report

THE DIRECTOR GENERAL stated that it was a pleasure to see real persons in a room after a long time and for the first hybrid meeting since 2019. He would mainly summarise the discussion that had taken place the previous day during the Executive Committee meeting. The members had the rest of the information in the form of a written document. He would be happy to take questions on any item in his report.

Starting with the decisions taken the previous day by the Executive Committee, he referred to the approval of the standing committees for 2022. The Executive Committee had approved the composition of the standing committees for the following year. That year, WADA had achieved a perfect gender balance in the committees, with 27 men and 27 women, representation from the five continents and 17

athletes on the standing committees as well as 13 NADO representatives. He thought that the composition of the standing committees was well balanced.

The Executive Committee had also discussed the previous day the resignation of the Chairman of the Compliance Review Committee, the Honourable James Wood, who had indicated his wish to step down at the end of the year. The members had his letter in their files. He warmly thanked Mr Wood for his hard work and his chairmanship during a period that had been particularly challenging for everybody, but also for a committee that had been unable to meet in person and had had to adapt to complicated circumstances around the world. Judge Wood had done an outstanding job leading the committee during that time, and WADA really thanked him for his work. The previous day, the Executive Committee had agreed that the vice-chairman of the committee, Mr Henry Gourджи, who was the former head of compliance for the ICAO, the International Civil Aviation Organisation, would take over the chairmanship of the Compliance Review Committee for the remaining duration of Judge Wood's mandate, until the end of 2022, allowing the Nominations Committee to proceed with the usual work of identifying a potential successor to the chairman and having all the chairmen of the committees reappointed at the end of 2022, as initially planned. That had been accepted the previous day and WADA would proceed on that basis.

The Executive Committee had then approved a recommendation to add two further corrective actions that the Thai NADO needed to fulfil before being reinstated as compliant. That had been formally decided the previous day and notified to the NADO.

The Executive Committee had also removed the Deaf International Basketball Federation from the list of non-compliant signatories. The federation had met the requirements.

Greece and the Netherlands, which had also fulfilled the outstanding requirements, had been taken off the watch-list.

The Executive Committee had then discussed the proposal of an ombuds, put forward by the Athlete Committee chairman, and there had been a decision from the Executive Committee to accept a one-year pilot project on the understanding that, after one year, it would be important to see how it was working and whether or not it was delivering the anticipated benefits and review the situation at that time. The amount set aside for the project in the 2022 budget was 80,000 dollars and it would have to be discussed based on the assessment of the first year.

There had been minor amendments to the International Standard for the Protection of Privacy and Personal Information, mainly aiming to clarify the retention time for documentation such as TUEs and the Athlete Biological Passport.

The Executive Committee had received a report from the auditor of the Intelligence and Investigation Department, which was audited separately by an independent auditor. The report was in the members' files. It had been approved the previous day by the Executive Committee and it would be made public on the website as usual.

The Executive Committee had also approved the signature of a memorandum of understanding, a renewal of a memorandum of understanding with the International Laboratory Accreditation Cooperation, ILAC. Later in the agenda, the members would witness the formal signature of the renewal, and the chair of ILAC, Ms Feller, would address the assembly.

Finally, in terms of approvals, the Executive Committee had approved a number of amendments to technical documents, including the Technical Document on Sport-Specific Analysis, and the technical letters. He would spare the details, all of which were in the members' files.

The Executive Committee had made a number of recommendations on subjects that the Foundation Board would discuss that day, starting with the recommendation that they accept the resolution to honour Mr Richard Pound and grant him the title of founding president. That would come later in the agenda, but the Executive Committee recommended that the members accept the resolution.

The Executive Committee had also recommended going ahead with a call for expressions of interest to host the 2025 World Conference on Doping in Sport.

Then, very importantly, there had been a thorough discussion on the governance issue and the code of ethics, and the Executive Committee recommended that the members adopt both the governance reforms which had been presented and the code of ethics. The Executive Committee had approved the extension of the governance working group mandate to May 2022. Members would hear presentations that day from Professor Ulrich Haas and Mr François Kaiser.

The Executive Committee also recommended that the Foundation Board approve the composition of the following year's Executive Committee and the 2022 budget that would be presented. In relation to the budget forecast for the period from 2023 to 2025, there had been a discussion and, while it had been agreed that the principle of an increase to the budget would probably be necessary, it had also been noted that more work needed to be done and further scenarios potentially proposed for a decision to be made in May. The item on the agenda would be for discussion that day rather than a decision.

The Executive Committee finally recommended that the Foundation Board approve the amendments to the confidentiality source policy, which was to be presented.

That was the summary of a heavy agenda the previous day. As he had said, he would be happy to take any questions on other items in his report.

MS FORTES said that the IOC wished to thank the WADA Education Department for the good cooperation in developing the ADeL e-learning course for Beijing 2022 aimed at athletes and coaches. It showed the importance of cooperation in the fight against doping in sport, as the ITA and some NADOS had also contributed to the project. The IOC also thanked WADA for providing reference material for education programmes at youth sporting events. The programme was designed to enhance the protection and wellbeing of young elite athletes, both on the field of play and in their everyday lives.

THE CHAIRMAN thanked Ms Fortes for her comment.

MR COLBECK acknowledged the work of Mr James Wood. He had made quite an extraordinary contribution to the issue of integrity of sport in Australia, and it was quite fitting that he had been able to make a contribution to WADA as well. It was obviously disappointing for him that he was unable to continue; but, on behalf of his country at least, like others sitting around the table, he acknowledged the extraordinarily significant contribution that Mr Wood had made to the integrity of sport and the development of sport integrity in Australia, which was currently in a very good place and moving to an even better place, as well as the contribution he had made to WADA through his role in the Compliance Review Committee. He wanted to make sure that that was acknowledged on the public record.

MR LI wished to share the anti-doping progress made recently in China. The Chinese Government gave high importance to anti-doping work. Mr Xi Jinping had requested that the Chinese authorities achieve zero tolerance. Throughout recent years, there had been rapid progress in China's anti-doping work. Anti-doping regulations and laws had improved, and the organisation system had improved, and there had been an increase in people who participated in sport and awareness of anti-doping in grassroots sport. The expertise in NADOs and laboratories had become world-class. China was currently focused on building a long-term anti-doping governance system, which, through theories, laws, organisations, education, prevention, sanctions, integrity, diplomacy, human resources and the evaluation system, was used comprehensively to defend against risk and fight against doping to protect clean athletes. Legal amendments had come into effect, ensuring jail terms for people who lured athletes into, or instigated, cheating or the use of prohibited substances, representing important progress in national anti-doping legislation. There had also been very close collaboration with the public security ministry to combat illegal anti-doping activity, which not only illustrated the Chinese zero tolerance attitude towards doping, but also gave a Chinese model to the global anti-doping legal system.

China had also built an anti-doping operation management system, which was a very smart one used during daily national anti-doping operations and also at major events. A paperless system had been included in that which had greatly improved the effectiveness and visualisation of anti-doping work.

China also emphasised the work of the anti-doping laboratory. He believed the Beijing laboratory had met all of the necessary WADA requirements, whilst the Shanghai laboratory had become a WADA candidate laboratory and was already making great progress.

In recent years, WADA had made progress on governance reforms and the capacity-building of anti-doping organisations. To combat Covid-19, the global anti-doping family was working collectively and effectively, and global anti-doping work was steadily advancing. The Chinese Government worked in a collaborative fashion to contribute to the global anti-doping work and to protect clean athletes' rights. Last but not least, he encouraged everyone to focus on the 2022 Beijing Olympic Games.

THE CHAIRMAN thanked the speaker for his comments.

DECISION

Director General's report noted.

- **3.1 Covid-19 update**

THE DIRECTOR GENERAL highlighted a few things in relation to the Covid situation. First of all, WADA was in the final leg of preparations for the Beijing Olympic Games. As for the Tokyo Olympic Games, a pre-Games testing group composed of NADOs and winter IFs and led by the ITA was working to ensure that proper testing was conducted before athletes went to the Olympic Games. The members would hear later from the ITA on how the programme was running, and WADA was providing support to what the ITA was doing. The members also had in their files the composition of the independent observer teams, both for the Olympic and Paralympic Games. The names of the people were in the documents and he wanted to thank all the members who were going to be part of those teams, because it was hard work and it was even harder given the constraints that were linked to the Covid situation on site.

Last but not least, there was a team that had been working with the Beijing laboratory to ensure that it would be ready for the Olympic Games. That had been made extremely complicated, also due to the Covid measures that were currently in place in China. Again, he wished to thank all the experts who had gone on those missions and agreed to spend time in quarantine and so on in order to be able to deliver.

WADA's compliance work, as the members knew, had been put on ice for a period of time during the Covid pandemic. It had resumed completely since April that year. The full programme was back on. However, of course, the Compliance Review Committee was well aware of potential constraints that still existed in relation to Covid, and took those into account in the way it was assessing the work.

From an operational point of view, WADA was still mainly operating remotely in all of the offices, except for the Lausanne office, where the situation had allowed for more people to be present in the office. That was working well. WADA was equipped to continue delivering its work in that fashion and he anticipated that, for Executive Committee and Foundation Board meetings, WADA would also maintain a hybrid meeting format, at least for the years to come. It would be necessary to see how the situation evolved. Everybody knew that it was changing rapidly and daily, but that was the situation at that time.

MR RICKETTS said that he would provide the Foundation Board with an update on two areas in the paper in their files. The first was an overview of the number of samples that had been collected to date during the pandemic, looking at 2021 and 2020 and then doing a comparison against 2019 as a non-pandemic year. He would also touch on WADA's support for the Olympic and Paralympic Winter Games in Beijing.

Firstly, in terms of the number of samples collected, he referred to the impact the pandemic had had on the level of testing being conducted globally, and the members would see on the graph the number of samples that had been collected in 2019. The data in the following graphs represented the total number of samples collected, consisting of urine, blood or Athlete Biological Passport samples collected by International Federations, NADOs and major event organisers. The green columns represented 2019. The black columns represented samples collected in 2020. One could see that, when the pandemic had started to take effect in March, samples had dropped by 60% in April when the globe had truly gone into full lockdown. There had then been a gradual increase starting in May, as countries had started to deconfine after the first wave, before numbers had tapered off again in November and December following subsequent waves.

In terms of 2021 and looking at the blue columns for the first 10 months, one could see a consistent increase through to July, which was obviously very important, leading up to the Olympic Games in Tokyo. Once again, one could see the numbers tapering off post-Olympic Games, but being maintained over August, September and October, which was normal after a major event.

Looking at the number of samples collected in competition, that was where the pandemic had had the largest impact on sample collection, given the number of postponements of events and competitions at which testing would normally have taken place. In fact, only 40% of samples or 86,000 fewer samples had been collected in competition in 2020, and that was represented again by the black columns on the graph when looking against 2019 and then, when including the 2021 data, one could see that there had been a gradual increase that year and, actually, over the past two months, the largest number of samples had been collected at competitions and events since the start of the pandemic.

Comparing January to October 2019, the number of samples collected at events for the same period in 2021 was 70%, or around 38,000 fewer samples that year. However, based on the trends that were being seen, there appeared to be a glimpse of recovery, not only with more events taking place, but more testing occurring as well.

Looking at out-of-competition testing, that had been the saviour to clean sport during the pandemic. When comparing those figures of 2020 against 2019, although WADA had got off to quite a slow recovery, it had ended up achieving 68% of the level of samples that had been collected out of competition in 2019. However, when looking at the figures for 2021 with the blue columns, one could clearly see a number of them towering above those for 2019 for several months. In particular, in June, there had been the largest number of out-of-competition samples collected not only since the pandemic, but more than any month in 2019 as well.

Looking at the period between January and October that year compared to 2019, there had been an increase of 16% in the number of out-of-competition samples collected, or 23,000 more samples collected than in the same period in 2019.

Overall, given the circumstances, it was a positive outlook in terms of what had been achieved and he wished to thank all of the IFs, NADOs and major event organisers for their efforts to date.

Quickly touching in a little more detail on WADA's operations and support for the Olympic Games in Beijing, support would certainly be at the same level as that provided for the Tokyo Olympic Games with the Independent Observer programme. WADA had two teams that would be attending, one of nine members for the Olympic Games and one of five for the Paralympics. Both teams had representation from IFs, NADOs and also WADA, and there was also athlete representation on both teams. He looked forward to those teams working closely with and in partnership with the IOC, the ITA, the IPC and the organising committee to assist them in ensuring that the anti-doping programmes that were delivered at the Olympic Games would be the best that they could be, and also that they were delivered in accordance with the Code and the international standards.

As the members had heard, WADA was also working closely with the Beijing laboratory. That involved three laboratory assessments. Two had been completed, one remotely and one on site, and the third was planned for the following month. WADA was obviously working closely with the laboratory to address the outcome of the assessments.

There were two other Games-related programmes that were funded by the IOC, coordinated by the ITA and fully supported by WADA. Those were programmes that also played a key role in ensuring clean Olympic Games and required the collaboration of the IFs and the NADOs that had sports and athletes participating at the Beijing Olympic Games. The first was the pre-Games testing programme, which the Director General had already touched on. The programme was in its fourth cycle, having started prior to the 2016 Rio Olympic Games, and worked by promoting collaboration between the IFs and the NADOs to conduct testing on athletes who were going to the Olympic Games to ensure that they were all subject to a reasonable level of testing prior to their arrival in China. The programme was not expected to replace the existing IF and NADO test programmes, but more to complement them and to minimise any gaps, and WADA certainly encouraged those NADOs and IFs with athletes participating in the Olympic Games to support the programme.

The other programme was the long-term sample storage programme. WADA also supported the IOC's recent announcement that it would continue the long-term storage programme for samples collected by IFs and NADOs prior to the Beijing Olympic Games. That was an extension of the programme that had been put in place for the first time for the Tokyo Olympic Games. In short, the programme offered to store samples after they had been analysed at a WADA-accredited laboratory at no cost to the IFs and NADOs for up to 10 years. That included the cost of transport of the samples from the WADA-accredited laboratory to the secure storage facility. The programme was also coordinated by the ITA, and WADA strongly encouraged all NADOs and IFs that had athletes participating in the Olympic Games to take advantage of the programme, which also had an added bonus besides being free of charge that it would in turn work towards meeting their compliance requirements for having a long-term storage strategy in place.

Finally, WADA's Education Department, in conjunction with the IOC and IPC and a number of other stakeholders, as mentioned earlier by one of the members, had developed anti-doping education online courses for sports physicians and athletes participating in the Olympic Games.

DECISION

Covid-19 update noted.

- **3.2 Founding president recognition**

THE CHAIRMAN said that it was his honour to present the following resolution for the members' acknowledgment and acceptance. By that resolution, the World Anti-Doping Agency Foundation Board recognised the title of WADA Founding President and accordingly awarded it to Mr Richard Pound, the first president of WADA, dated 25 November 2021. Did he have the members' approval for that resolution? He thanked them and officially invited Mr Pound to the room.

THE CHAIRMAN stated that that day marked a special occasion for the World Anti-Doping Agency, as it had the opportunity to honour Mr Pound and all that he had done for anti-doping. Perhaps more than anybody, he had come to symbolise the clean sport movement as a trailblazer and a man of integrity. Just then, the Foundation Board had unanimously passed a resolution bestowing the title of WADA Founding President on Mr Pound. That was in recognition of his enormous contribution to WADA and to the protection of clean sport all over the world. That honorary position acknowledged, in particular, the part Mr Pound had played in WADA's establishment in 1999 and the early years of the agency's existence, but also the effect that Mr Pound continued to have on WADA even after his presidential term had come to an end in 2007. He drew everybody's attention to the screens located around the room on which a short video that highlighted the impact he had had over the years would be projected.

THE CHAIRMAN asserted that that was indeed a fitting tribute. For 20 years, the name Dick Pound had been synonymous with WADA and its global mission for doping-free sport. During that time, he had served the agency in various capacities with integrity and diligence, not least as its first president from 1999 until 2007, ensuring that the first World Anti-Doping Code was developed, approved and implemented in 2004, meaning that, for the first time, anti-doping rules had been harmonised across sports and nations of the world. A former athlete, Dick had applied the same commitment and will to win when it came to protecting sport as he had shown in the pool. With integrity, straight-talking honesty and unparalleled knowledge of the subject, he had navigated that complex and often difficult world. He had put WADA on a firm footing in the early years and helped to strengthen the global anti-doping system. As the members would have seen in the video, even after concluding his term as president in 2007, Dick had remained closely involved in WADA, continuing to serve on the board. In 2015, he had led a ground-breaking investigation that had uncovered the details of an institutionalised doping scheme with Russian athletes. That, in turn, had led to the Russian Anti-Doping Agency being declared non-compliant with the Code. In all, he had served on the board from 1999 to 2020. Needless to say, the members had wanted to consider how best to mark his incredible influence, but there was also a selfish motive from their side. They wanted to retain access to his vast knowledge, his historical context, his expertise and his good judgment. The position of founding president achieved all that. It had been established to acknowledge Mr Pound's unique place in the world of anti-doping and was a fitting way to highlight his work, which had been so crucial to the development of WADA and its quest to protect athletes and clean sport around the world. While the position carried no voting rights, in that capacity, he would be invited to the major WADA events, such as the World Conference on Doping in Sport and the annual symposium and, at the discretion of the WADA president, he might be invited to attend other WADA meetings or events and to contribute to discussion on specific issues.

For his lasting contribution to the integrity of sport, the world of sport owed Mr Pound a huge debt of gratitude. All of the members thanked him for his service and looked forward to continuing to benefit from his experience and vision in the years to come as he took on that new role.

He passed the floor to the President of the Saudi Arabian Anti-Doping Committee, Dr Mohamed Saleh Al Konbaz, to say a few words on behalf of the governments of the world.

DR KONBAZ was at a loss for words after what the President had said. He asked the members to imagine the world of sport with no doping rules. Drugs would be abused. Fair play would become unfair and the integrity of sport would become questionable. Mr Pound was a man with a vision. A lawyer by profession, swimming champion and the agency's first president, he had been institutional in the establishment of WADA nearly 22 years previously. Mr Pound was known as the go-to man in that orbit. Even after ending his term as president, his colleagues had sought his experience, especially in hard situations such as that in 2015, the first ground-breaking investigation into the Russian anti-doping scandal. One of the most memorable moments for him personally was when the first version of the World Anti-Doping Code had been unanimously adopted in Copenhagen in March 2003. Mr Pound had been there and he had played a big role in that. He had been honoured to spend some of his time at WADA seeing Mr Pound in action, sitting beside him in meetings, sharing ideas and opinions and time. He wished Mr Pound all the best and thanked him very much.

THE CHAIRMAN gave the floor to Mr Nenad Lalovic to say a few words on behalf of the sport movement.

MR LALOVIC said that it was an honour and pleasure to address a few words on behalf of the sport movement and in celebration of the great and unique contribution Richard Pound had made for the protection of clean sport. Richard Pound had been a pioneer who, as founding president of WADA, had led the public authorities and sport movement to break new ground with a freshly-formed organisation. His vision had been that both founders should work hand-in-hand to successfully develop that unique organisation, WADA. Celebrating the achievements of the founding president was also a way to celebrate and to be proud of the history of WADA and everything that had been achieved during

the past 20 years. The leadership and dedication of Richard Pound had undeniably played a major role in WADA's ability to drive the fight against doping. As an Olympian and sport administrator, Richard Pound was also testimony to how athletes continued to grow and contribute to the athlete community even after their sporting career had ended. When he looked around him and saw the current president and vice-president, as well as the many other Olympians and former athletes sitting on the Foundation Board and Executive Committee, one might even say that Richard Pound had started a tradition within WADA which further embedded the aspiration of the organisation to protect clean athletes. As everybody knew, things had not always been easy with Richard Pound, or Dick, for those who knew him well. He was one to always speak his mind when he thought it necessary. Richard Pound had always been able to captivate attention when speaking into a microphone or in front of a camera. But self-confidence alone was not enough to lead an ambitious organisation such as WADA in a complex and sometimes difficult field. Protecting clean athletes had always been at the centre of Richard Pound's ambition and motivation with the objective of achieving fairness on the field of play while bringing the cheats to justice and also preserving the health of the athletes. The sport movement was extremely proud and happy to count amongst its family members such a remarkable personality who had contributed to the creation and development of WADA. Richard Pound was also the doyen among the IOC membership, meaning that he was the longest serving IOC member. The younger members always waited with careful attention at the end of their sessions to listen to his final remarks, which were always very well focused, sometimes with a great sense of humour. To conclude, he was pleased to read a few words from the IOC president, Mr Thomas Bach. 'Richard Pound has made a great contribution to the protection of clean athletes by fighting vigorously against doping. I was able to experience that first-hand in my early days as an IOC member when we were working together on the then Olympic Movement Anti-Doping Code, the forerunner of the World Anti-Doping Code. There, I was able to appreciate his strong commitment to the integrity of sport and competitions and to the Olympic values. That clear orientation has been and still is the guiding thread in all the positions he has held, in particular as founding president of WADA. The entire Olympic movement owes him our gratitude for his outstanding contribution to the credibility of sport. On behalf of the sport movement, thank you very much, Dick.'

THE CHAIRMAN passed the floor to three-time Olympian and Chairman of WADA's Athlete Committee, Mr Ben Sandford, to add his words on behalf of the athletes.

MR SANDFORD addressed Richard Pound, WADA Founding President. It had a very nice ring to it and he offered warm congratulations on behalf of all the athletes and in particular on behalf of the WADA Athlete Committee. It was an honour that was well well-deserved for Mr Pound's immense contribution to clean sport over the years. His vision, integrity, hard work and leadership were what had got WADA where it was in a world that was cleaner and fairer for athletes, and no amount of thanks from them would ever be enough. Taking a look back at the 70s and 80s, that period was vastly different in terms of athletes and sport and fairness in sport to what it was currently. Mr Pound had played an enormous part in making sure that sport was clean and fair, and everybody sat around that table because of Mr Pound and the work that he had done. He thanked Mr Pound for that work and what he had contributed to the health of athletes and to making competitions fairer and safer. The challenge was to continue that work and continue along the path that Mr Pound had laid out. He thanked Mr Pound very much from the athletes of the world for his contribution to clean sport. He truly believed that it was a well-deserved honour. He thanked Mr Pound, WADA Founding President, very much.

Before giving Mr Pound an opportunity to respond, on behalf of the agency, THE CHAIRMAN presented him with a gift in recognition of that momentous occasion. It was a piece of Canadian art which represented strength and power.

MR POUND observed that it was certainly a special day for him, and he thanked everyone connected with making it possible. He had spent most of his life looking forward rather than backward, but there were nevertheless occasions when the perspective of moving forward could benefit from a consideration of the past. WADA was currently in its third decade of exemplary service in support of

clean sport. It had developed into an organisation known throughout the world for its competence and its commitment to protecting clean athletes from being cheated out of their results by doped athletes and their enablers. Its genesis was the well-known Festina scandal during the 1998 Tour de France, which had led to an emergency meeting of the IOC Executive Board, of which he had been a member, in the late summer of 1998. It had been clear that the international sport federations could not be counted upon to ensure that their athletes were clean, the countries could not be counted upon to ensure that their athletes were clean and that the IOC itself could not compel either constituency to deliver clean sport. Therefore, it had been decided that what was needed was an independent international organisation to regulate the necessary conduct, an organisation that was not controlled by any particular stakeholder. Part of his contribution to the original discussion had been that, within the Olympic Movement, there was already an organisation that had a governance structure similar to what was needed. That was the Court of Arbitration for Sport, in which the IOC, the IFs, the NOCs and representatives of Olympic athletes had equal votes. Initially, two additional blocks had been identified to include governments and a miscellaneous collection that included event organisers, someone from the pharmaceutical industry to help everybody learn a little bit about the process, and coaches. Sport, like many societal institutions, was notoriously change-resistant, so it had first been necessary to generate a consensus that the idea was a good one. The IOC had therefore called for the first World Conference on Doping in Sport to be held in Lausanne (where else?) in February 1999, which he had chaired. That had resulted in a consensus, contained in what was known as the Lausanne Declaration, to create an international anti-doping organisation. In the negotiations leading to the consensus, it had been agreed that the sport movement and governments should be equal partners. WADA had been formally established as a foundation under Swiss law in November 1999 and had begun its operations in early 2000 in the lead-up to the Sydney Olympic Games. For his sins, he had been designated as the founding president. Central to progress had been the excitement of inventing something new. Part of the exercise, in retrospect, had not been unlike Hannibal's response to his generals, who had told him it would be impossible to bring his elephants through the Alps to attack the Romans from the North. His reply had been 'aut inveniam viam aut faciam' (he would either find his way or make one). WADA had been short of elephants, of course, but it had been in much the same circumstances. There had been no playbook to follow, so the members had developed their own, focusing on the objective of doping-free sport. A small but talented team had been recruited to help prepare the original Foundation Board to put in place the programmes that would support the objective, including education, research, testing and operational efficiency. The members had committed themselves to transparency at the Foundation Board level, with meetings open to the public and publication of the minutes, which had also been fully available to the public. He could assure the members that WADA had been the first organisation in the world to be that transparent. The members had developed a 50/50 funding formula, including continental quotas for governments and equal contributions from the IOC, IFs and NOCs. International research had shown that anti-doping rules were a complete mess, so WADA had embarked on one of the most ambitious undertakings in sport history, namely the creation of a single set of anti-doping rules that would apply to all sports, all athletes and all countries. That had been achieved after more than two years of extensive consultation and several drafts, which had been widely circulated and had terminated at the second World Conference on Doping in Sport in Copenhagen in 2003 with the adoption of the World Anti-Doping Code to come into force on 1 January 2004. The Olympic parties had undertaken to incorporate the Code in their internal rules prior to the opening ceremony of the Athens Olympic Games in 2004. Governments, in their Copenhagen Declaration, a document which was not legally binding but was politically binding, had agreed to find a solution, which took the form of a UNESCO convention, adopted unanimously at the November 2005 conference of parties and which had come into force once ratified by 30 member states in early 2006. WADA, in that process, had been very active in helping governments to understand the issues involved in sport doping. With the ratification of the UNESCO convention, for the first time, the sport and public authorities had been applying the same rules throughout the entire world.

Another breakthrough had occurred when the WADA stakeholders had conferred the power on WADA to conduct its own investigations. That, as everybody knew, had led to several WADA-directed investigations, which had had major impacts on anti-doping activities. More recently, the establishment of the independent Compliance Review Committee and the related mechanism of automatic referral to the Court of Arbitration for Sport if a proposed consequence was not accepted, had removed WADA's need to convince often unwilling parties to perform their Code obligations. A further refinement in the future might be that WADA, like most effective regulatory agencies, would be empowered to pronounce the consequences for anti-doping rule violations and for the Code signatory affected to be required to appeal that WADA decision.

For WADA to have managed to come into existence in the first place and to progress so far so quickly were remarkable achievements, of which everybody should be proud. They had succeeded because they knew that what they did was important, that WADA's objectives were crucial for sport, the athletes who competed and for society in general, plus the fact that, as an ongoing work in progress, WADA constantly strove to be an even better organisation. He was proud of WADA's success and of all of the people who had made that success possible. Together, they had demonstrated that sport and the public authorities could work together for a common objective. He was convinced that, if they continued to do so in the years to come, together, they would become even better and fully clean sport would come even closer to the goal they sought. He thanked the members again for that tremendous honour. He felt very deeply about the organisation and its objectives, and it was going to be fun to keep working at them.

DECISION

Mr Richard Pound to be appointed as WADA
Founding President unanimously approved.

- 3.3 World Conference on Doping in Sport 2025 – call for expression of interest

THE DIRECTOR GENERAL informed the members that, the previous day, there had been a preliminary discussion at the Executive Committee meeting, and there were two points. One was an agreement from the Foundation Board that, in principle, it was a good idea to organise a world conference in 2025. WADA had done that in that cycle since its creation. He did not know yet if, in 2025, there would be a need for major reforms of the World Anti-Doping Code; however, he thought that gathering all the actors of anti-doping through a world conference was always a good opportunity to progress the fight against doping and to allow for debate. The Executive Committee was therefore of the view that it would be good to have a world conference in 2025. If the Foundation Board shared that view, the next question was the proposal to start to look for a city or a country to host that world conference. WADA would therefore go out with a request for expressions of interest from anyone who might want to organise that. The timing was such that the management would go out right after the meeting with the call for expressions of interest with a view to being able to analyse the files by March and then come to the Foundation Board in May with a recommendation on a potential host. If the members agreed with that, he asked the Foundation Board to formally approve the process.

THE CHAIRMAN suggested that the members approve the concept of convening a World Conference on Doping in Sport in 2025 so that planning could commence to find a host city and country. Did the members agree?

DECISION

Proposal to issue a call for expressions of interest
to host a World Conference on Doping in Sport in
2025 approved.

4. Governance

- **4.1 Recommendations from the Working Group on the Review of WADA Governance Reforms**
- **4.1.1 Athlete representation model update**

THE CHAIRMAN referred to the recommendations from the Working Group on the Review of WADA Governance Reforms. That day, part of the discussions on governance would be concluded. In a moment, the members would hear from Professor Haas about the recommendations on the table, but first he wished to express his appreciation for the good work done by the Working Group on the Review of the WADA Governance Reforms led by Professor Haas. A lot of effort had been put into the process, which had involved thorough stakeholder consultations and many, many group meetings. He wished to clarify a procedural point. That day, the Foundation Board was expected to agree on the recommendations made by the Executive Committee the previous day. The recommendations were highlighted in a paper that had been tabled the previous day immediately after the meeting. For the members' information, as indicated earlier by the Director General, the Executive Committee had made an important decision the previous day to extend the mandate of the working group to May 2022.

PROFESSOR HAAS thanked everybody for having him and giving him the opportunity to present the third report. There were four topics that he wished to discuss, and the recommendations related, first of all, to athlete representation within WADA; secondly, the Executive Committee recommendations related to the Foundation Board and, as had been said just a couple of seconds ago, the mandate of the working group. The members would see the recommendations of his working group; in addition to those, concurrently there had been agreements between the sport movement and the public authorities. He had integrated them in the slides. To be transparent, wherever the agreement of the sport movement and the public authorities was identical to the recommendations of the working group, he had flagged it with a green flag. Wherever there had been slight amendments or changes, he had flagged them with an orange flag. Wherever the sport movement and the public authorities had issued a mandate to further investigate the matter, he had flagged it with a blue flag.

A second general comment that he wanted to make had to do with the guiding principles of his working group in relation to the recommendations made, and sometimes it had been necessary to differentiate between short-term and long-term recommendations. In addition to that, the group had started from the principle of equal partnership between the sport movement and the public authorities. That was part of the DNA and the group was not going to change that. Of course, when it came to implementation, there would be changes to the WADA statutes and changes to the governance regulations. There was one final topic that the working group would definitely need to look at: transitional rules.

The first topic was athlete representation within WADA, especially on the WADA Athlete Committee. Since the bulk of the work had been done by the WADA Athlete Committee, he would present that together with Mr Sandford.

MR SANDFORD apologised for not being present in person. He would take the members through a little bit of the history relating to the recommendations and what had taken place in the past to get the group to the point it had currently reached. Following on from the 2019 governance review, that review really had not answered the questions about how to enhance athlete representation in WADA. The WADA Athlete Committee had therefore taken it upon itself to set up a working group: the Working Group on Athlete Representation. That working group had been in place for three years, so it had been quite a long journey. There had been two iterations of that working group and, in that time, there had been two chairmen of the WADA Athlete Committee. The first working group had been around for a year and then, as a number of members had left, it had been decided to reform it, and the current working group had been in place for the past two years. There had been an enormous amount of work that had gone into that and a huge amount of time and effort had been spent on it by the athletes and

also the WADA Athlete Committee. At that point, he wished to thank the members of the working group. Without them, it would have been impossible to get to the stage at which they currently were, and it would not have been possible to make those recommendations.

The working group had had a lot of difficult discussions. It had not been an easy process or an uncomplicated process, but he was proud that it had been possible to reach a point at which to come up with recommendations. Recently, the second Athlete Committee meeting had been held over two days in October, and the working group had presented its recommendations to the Athlete Committee, resulting in further discussions. Out of that, the closing report had been formalised. The closing report comprised the recommendations from the working group and from the Athlete Committee, and it had been sent to the WADA management and also to the Working Group on the Review of the WADA Governance Reforms, which Professor Haas chaired. There was one remaining point on which it had not been possible to reach agreement, and that was the size of the different groups that would make up the WADA Athlete Committee. The group had asked the Working Group on the Review of the WADA Governance Reforms if it might consider that. The closing report and recommendations had been passed to the Working Group on the Review of the WADA Governance Reforms, which, in turn, had looked at them and had been able to solve the matter, as the members would see in the presentation. Additionally, there had been discussions between the public authorities and the sport movement, and he would refer to some of the areas on which there was disagreement between the recommendations and what was being agreed.

PROFESSOR HAAS referred to the name, status and role of the WADA Athlete Committee. The group's understanding and summary of conclusions was that the WADA Athlete Committee should act as a broader forum for the athlete community. It should better reflect diversity. It should also fulfil tasks such as selecting from among its members the athlete representatives who would be sent to the working groups. Because of those changes, the working group recommended that the WADA Athlete Committee no longer be treated as a standing committee. It was a distinct body, which should have distinct rules applying to it. It should be larger in number compared to the ordinary standing committees, and the group also recommended that it be renamed the 'WADA Athlete Council' to better reflect its role. The members would see the green flag because that point had been agreed upon between the sport movement and the public authorities, and that was made transparent.

MR SANDFORD said that, following the 2019 governance recommendations that had been adopted, the WADA Athlete Committee had gone from having 17 members down to 12 members. That had really restricted the WADA Athlete Committee over the past year-and-a-half. Having 12 members had obviously affected representation and the work that the committee could do. The committee very strongly supported that recommendation, and strongly supported increasing the numbers on the WADA Athlete Committee so as to be able to fulfil the mandate to represent athletes. The committee would be able to take on more work, develop more projects and really fit into the organisation and try as best as it could to make sure that WADA was an athlete-centred organisation and do its work of representing the athletes. The other issue, following the latest governance review and recommendations, was how the committee was defined (it was already a standing committee) and how that sort of plugged the Athlete Committee into the same criteria as the other standing committees. Obviously, the athletes had said that they were the same but different, but then the rules were not so different. The Athlete Committee had struggled with those rules and those governance regulations for the past two years. Being able to have its own rules and more members, be its own council, would have a real positive effect when it came to athlete representation, but also in relation to WADA.

PROFESSOR HAAS stated that the next topic was the criteria to become an athlete representative on the WADA Athlete Committee. An athlete representative had to fulfil certain criteria. The criteria that the members could see on the screen were that it was necessary to be an international-level athlete within the meaning of the World Anti-Doping Code. The person had to be bound by the World Anti-Doping Code and had to have met both prerequisites within a certain period of time, which was nine years before taking office for the first time. Furthermore, there was another prerequisite that said that

athlete representatives could be re-elected for two more terms, so nine years in total, and they could not stand on the WADA Athlete Committee for more than 12 years after the person had fulfilled the first two criteria stated previously. Everything on the top part of the screen had been agreed upon by the sport movement and the public authorities, and therefore he had flagged it in green. There was one slight amendment vis-a-vis the recommendations of the working group, and that was that the majority of the WADA Athlete Committee was to be composed of athletes coming from the Olympic and Paralympic sports, which was basically what happened in reality. To make it transparent, he had flagged it in orange.

MR SANDFORD added that one of the key things that underlined a lot of that was defining who an athlete was and who an athlete representative was within WADA. There had been a lot of discussion about that. With the green flags, the members would see that that point had been fully supported. The orange flag really just represented the reality of the situation on the ground. Currently, within the WADA Athlete Committee, all the members were from Olympic or Paralympic sports and it had been a number of years since there had been any athlete not coming from those categories.

PROFESSOR HAAS said that the next slide showed the members the proposed composition of the WADA Athlete Committee. In order to have that broader athlete community reflected within the WADA Athlete Committee, the members would see three groups. The first group comprised five athlete representatives coming from the elected members of the IOC athletes' commission and the IPC athletes' commission. The second group was made up of eight athlete representatives who would be elected. Every IF athlete committee had one vote. The athlete representative who presented their candidature had to be nominated and mandated by an IF athlete committee and the members of group one could not present a candidacy under group two. Group three was made up of seven athlete representatives appointed by a special nominations committee. The purpose of that committee was to fill skill gaps and diversity gaps. The important thing was how that special nominations committee was made up. Its athletes basically decided who would be in group three. It would comprise two athlete representatives from the WADA Athlete Committee and one person from the Nominations Committee. The idea was also that the WADA president would be consulted in that process, and the process needed to be transparent and clear. So, in total, there would be 20 members on the athletes' council. All of that had been agreed upon between the sport movement and the public authorities. He had therefore flagged it in green.

MR SANDFORD stated that there were currently 12 members on the WADA Athlete Committee, and they had all been appointed. That would therefore be quite a big change, and it had been one of the main discussion points over the past two to three years: who should be on the WADA Athlete Committee, how they would get onto the WADA Athlete Committee and what that exact make-up should be. The underlying principle was that it should be athletes electing athletes or athletes choosing athletes. In terms of group two, those athletes would be elected. That was obviously a really big step forward there. In terms of group three, those athletes would be appointed. It was really important to have a category of athletes who could be appointed by other athletes onto the athletes' council, because that would make it possible to bring in diversity and further skills and other expertise that might not be possible if relying solely on elections. It was important to make sure that those categories were big enough. There was also group one, comprising the athletes from the IOC and the IPC, and that was the one point on which the working group and the Athlete Committee had been unable to decide, on the size of that group. That was the point that had been passed over to the Working Group on the Review of the WADA Governance Reforms. Essentially, the model was pretty much exactly that, and it was something that the Athlete Committee agreed with.

PROFESSOR HAAS explained that the next slide dealt with two topics: first of all, the autonomy of the WADA Athlete Committee to select from among its members those athlete representatives who were going to be sent to the various standing committees and working groups. That was an issue that the athletes would decide on themselves. Secondly, the chairman of the WADA Athlete Committee would be elected by an absolute majority of the WADA Athlete Committee members. With 20 people

in the group, that would mean a minimum of 11 would be needed in order to elect the chairman. All of that had been agreed upon by the sport movement and the public authorities, therefore it had been flagged in green. There had been one amendment vis-a-vis the recommendations made by the working group, and that related to whether or not there should be additional eligibility criteria for the chairman. The sport movement and the public authorities agreed that all members of the WADA Athlete Committee would be equally eligible. Since that was a change from the recommendation, he had flagged it in orange.

MR SANDFORD observed that the orange flag there marked the one point on which there was disagreement. The Athlete Representation Working Group and the Athlete Committee, in their closing report, had made the recommendation that the athletes in group one should not be able to be the chairman of the athlete council. That was what was also reflected in the papers that the members had, because the Working Group on the Review of the WADA Governance Reforms had also come to the same conclusion. From his point of view, there were several issues that reinforced that. That had come on the back of three years of consultation and a lot of discussions with athletes and stakeholders. The idea was not to duplicate athlete representation within the organisation, and also to make sure that WADA was expanding athlete representation. One of the things that the group had been told a lot during the entire process was that, whatever recommendations it came forward with, it needed to maintain the equal partnership between the sport movement and the public authorities. In the closing report with the recommendations, it was not just the IOC and the IPC athletes, but also, if there were athletes from the public authorities that were on the Athlete Committee, they would also not be able to chair the athlete council. The other practical point on that was that the group one athletes would not hold their seats individually; they would hold them on behalf of the organisation. That meant that they could be replaced at any time, and that raised other concerns in relation to conflicts of interest, because one could have a chair who could be replaced at any time because of the decision of a third-party stakeholder.

PROFESSOR HAAS said that there were two more slides on athlete representation. One was really a working assignment that the members could see: the agreement that had been made between the sport movement and public authorities. Of course, there had been an underlying idea that, at the end of the day, there would be a precise description of the tasks that were going to be allocated to the Athlete Committee. The recommendations were based on that assumption, and the working assignment was for his working group and particularly also the Athlete Committee to come up with a better description of what the final tasks would be.

He wanted to thank the Athlete Committee for doing the work, which had been most helpful. As he had said, the bulk of the work had really been done by the Athlete Committee. He also wished to thank the sport movement and the public authorities for the agreement reached, because it was very encouraging and went in the right direction. It strengthened athlete representation within WADA. Of course, he was aware that there were still a couple of things to be fine-tuned and he would work closely with Mr Sandford in order to fill those gaps.

MR SANDFORD concluded that there were several items that needed to be worked out and refined further. For instance, in relation to the tasks of the new athlete council, there was a document being worked on and which had been sent to the Athlete Committee members for feedback. He knew that there was a long list of tasks on that, and some of those were very complicated, whether it was organising the election, running the election, the nominations process, making sure that athletes were being provided to the standing committees and working groups, running the projects and also making sure that athletes were being represented effectively and engaging and consulting with them. There was a long list of projects. It was also necessary to develop the skills matrix. That was another one currently on the go. Obviously, for the group three athletes, the ones who would be appointed, it would be necessary to have a comprehensive skills matrix to make sure that WADA was bringing in the right people with the necessary diversity and skills to be on the Athlete Committee. The group would continue to work on that and develop it and move forward.

PROFESSOR HAAS referred to the main recommendations on the Executive Committee. That was one of the issues on which there had been differentiation between short term and long term. It was rather difficult to implement significant trends, all of them within the short term. In the short term, the working group had said that it would like to add people to the Executive Committee; in the long term, maybe things could be different if the mechanism was found to reduce the overall size of the Executive Committee, but that was the starting point at that point in time. The proposal for the Executive Committee from the working group had been to add the WADA Athlete Committee chairman plus two independent members. The agreement from the sport movement and the public authorities was to add one additional independent member. Therefore, there would be five independent members, including the president and the vice-president. The idea between the sport movement and the public authorities was that the new individual independent member would be supported by the sport movement and by the public authorities. Then, in addition, the group wanted to add the usual five representatives of the public authorities, the five representatives of the sport movement and then the WADA Athlete Committee chairman. The sport movement and the public authorities had agreed that the working group should look into the matter of whether a two-thirds majority should be implemented for certain important decisions. Examples given had been compliance decisions or decisions on international standards. He had made that transparent by flagging that as a working assignment, blue plus orange, because, of course, that was an addition vis-a-vis the original recommendations.

The working group had not finalised the competences, so still needed to develop a list of the main functions of the Executive Committee. In principle, the idea was that the Executive Committee had a fall-back position, meaning that, whenever certain tasks were not allocated by law or statute to the Foundation Board or to other WADA organs, it would be the Executive Committee that would be competent. The working group recommended changing the name of the Executive Committee to better reflect the role, and thought that 'Governing Board' would better reflect the new role of the Executive Committee. The working group also recommended that the Executive Committee meet at least three times per year. Of course, additional ad hoc meetings could be organised to address specific issues. Furthermore, it recommended that the timing and the agendas of the meetings should be established to ensure that matters were dealt with to meet the goals, particularly of the strategic plan, all of the working assignments for which it was necessary to come back to the Executive Committee and the Foundation Board with further, more detailed proposals.

On the Foundation Board, there were significant trends, and the significant trends actually were that two NADOs should be added to the Foundation Board and, in addition to that, two athlete representatives should be added. Those new additions had been agreed upon by the sport movement and by the public authorities with one slight amendment vis-a-vis the recommendation which was that two NADO seats would be added to the public authorities' quota and that the further two athletes who would be sitting on the Foundation Board would be seats added to the sport movement's quota. Again, that was flagged in orange because of the slight change vis-a-vis the recommendations that had been issued by his group.

Taking a closer look at the NADOs, of course, the reason the working group had included them on the Foundation Board was because they were important players in the world of anti-doping and the proposal was that the two NADO representatives on the Foundation Board be elected from among the members of the WADA NADO Expert Advisory Group. In terms of how to get on to the NADO Expert Advisory Group, the working group recommendation was that every continent elect two NADOs, which would be sent to the advisory group, and then the advisory group send two of them, always by democratic election, to the Foundation Board. There were certain requirements to be an eligible NADO which could be seen on the screen. First of all, the NADO had to be Code-compliant, and secondly, it needed to be a Code-compliant NADO with full authority over its anti-doping activities. There was one element of clarification, because all of that had been agreed upon by the sport movement and the public authorities, and the clarification was that, when talking about NADOs, he meant NADOs and not RADOs.

Looking at the two additional athletes who would be added to the Foundation Board, the underlying idea was that those athlete representatives would be elected from the WADA Athlete Committee or athletes' council, as it was going to be named in the future. There was one slight restriction, and that was flagged in orange: that one of the two additional athletes should come from the Paralympic Movement. The first item had been agreed upon by the sport movement and public authorities, in line also with the recommendations in the slight amendment that the members could see, so he had flagged that in orange.

When those four new members were added to the Foundation Board, there had been a longer discussion about what rights they should have, whether they should be treated any differently or receive special treatment, and the idea was that those four additional members on the Foundation Board would have equal voting rights and equal participation rights. That had also been agreed upon by the sport movement and the public authorities; therefore, he had flagged it in green. There was an addition that had been made by the sport movement and the public authorities, and that was that any decision on the Foundation Board would require a two-thirds majority of the members present. There again, there had been a couple of working assignments because the sport movement and the public authorities had rightly said that only the composition had been talked about, there was another element that was at least as important as composition, and that reflected the tasks of the Foundation Board and the Executive Committee, and the working group was still working on that and would present its detailed recommendation at a later point in time. The members would see some principles on the screen, but that had not been finalised. The only thing that he could say at that point in time was that the group would like to move the Foundation Board in the direction of a general assembly, and therefore would also recommend that the Foundation Board be renamed 'WADA General Assembly' to better reflect its role.

On the mandate of the working group, as the members had realised, it had not finished its work, so he requested a little bit more time in order to finish up the work. He was confident that the group was going to finish it by the May 2022 meetings of the Foundation Board and the Executive Committee. If the members had any questions at that point in time, he would be happy to answer them or take them on board for his working group.

MR GUPTA stated that it was a great pleasure to be there in Paris to represent the USA on the WADA Foundation Board. Since it was his first time, he wanted to tell the members a little bit about himself. He had been confirmed by the United States Senate in a bipartisan manner as the ninth director of the National Drug Control Policy within the Executive Office of the President. He was honoured to serve the American people as part of the Biden-Harris administration, and honoured to be there that day. With the combined almost 30 years of clinical practice, policy and regulatory experience, anti-doping was an issue he understood and cared about deeply. He had led the Biden administration's transition process to the office, and currently served as the senior adviser on drug policy to President Biden. He could assure the members that anti-doping would continue to be a priority for the USA. He wanted to thank the IOC leaders and WADA leadership for meeting with him that week. He believed it had been productive, and the USA recognised WADA as the single global regulator of doping in sport, and it had an important and a challenging job to do. The USA intended to continue to partner in good faith with other public authorities, the Olympic Movement, athletes, corporate Olympic sponsors, many of whom were US-based, and national anti-doping agencies to further strengthen anti-doping efforts, and would leave no stone unturned to support clean sport. That much was owed to the athletes who sacrificed so much in order to compete at an elite level on the global stage.

He was encouraged by the proposals before the members that day. They had the potential to reduce conflicts of interest, promote strong ethical standards, increase independence and further add to athlete voices within WADA. He therefore congratulated WADA on those proposals that had been passed. Two weeks previously, he had had the opportunity to host a meeting of US Olympic athletes and US corporate sponsors and broadcasters. It had been wonderful to hear from such great Olympians as Katie Ledecky and Ryan Murphy and others about how important integrity in sport was

to them and their fellow athletes. The athletes to whom he had spoken had welcomed the demanding testing and location reporting requirements imposed on them. They understood that they were necessary. What they asked was only that the authorities work together to ensure that the same requirements they were complying with were consistently applied to all elite athletes, regardless of where they were from. That was the work of WADA. It was complex to accomplish, but it was vitally important. He looked forward to learning more about how the various authorities could work together over the coming months and years to further enhance WADA's capability to address doping and ensure that the trust of the athletes could be earned.

He wished to express the sincere appreciation of the USA to Professor Haas and the members of the Working Group on the Review of the WADA Governance Reforms for their tireless work to find consensus on the important reforms before the members that day. He thanked in particular his colleague, Minister Richard Colbeck from Australia, for representing the public authorities in important negotiations over the past few months. He was encouraged that the Olympic Movement and governments would hopefully be able to reach consensus that day on some significant reforms, and the USA welcomed decisions to add independent members to the Executive Committee, reformulate the Athlete Committee, add more independent athlete voices and national anti-doping organisations to the Foundation Board and establish a new ethics code and board.

There was no doubt that there was more work to do both within WADA and at home in all countries as they continued to adjust to changing times and new technology. The USA would continue to champion progress with WADA while highlighting challenges and serving as a catalyst and a partner for needed change across the entire anti-doping enterprise, as the athletes deserved nothing less. He welcomed that opportunity and was grateful for all the work that was done.

THE CHAIRMAN thanked Mr Gupta for his opinion and engagement, and for the meeting and the very open, fruitful and fair discussion that had taken place that week.

MR ROBERTSON noted very special thanks to Professor Haas, Mr Sandford and, in fact, all of the members of the working group. He also wished to acknowledge Minister Colbeck, his colleague from Australia, for the excellent work that he had done. On behalf of Oceania, he was happy to endorse the Executive Committee's recommendation. A lot of hard work had been done to reach consensus. The nature of consensus meant that people did not always get everything that they wanted, but the proposals that were before the members would strengthen WADA. In particular, they would strengthen the athlete voice within WADA, which he regarded to be a vital component. The addition of independent members to the Executive Committee was a very important step forward as well. For Oceania, there was one matter on which it had not agreed entirely, and that was the question of whether or not the chairman of the athletes' council should hold any position within the IOC, IPC or a government. He believed that, to maintain the objectivity and balance between the WADA founding members, that should not be possible. However, he accepted that that position had not found its way into the consensus, but wanted to note it for the record. Overall, he endorsed the Executive Committee recommendations.

MR IKEDA noted his appreciation of the work on the governance reforms by the WADA management, Professor Haas and the other working group members, as well as the small working group led by Mr Colbeck. He thanked them very much for their contribution. Japan also supported the recommendation put forward. On the other hand, there had been many discussions at the previous day's Executive Committee meeting, including on how governance reform initiatives should move forward and their implications in relation to the budget. He expected that a tangible effort would be made by the working group with the support of the WADA secretariat. There were issues that had not been included in the recommendation that time around and he would like to contribute to those issues in the future.

MR REBELO spoke on behalf of the ad-hoc European committee for the World Anti-Doping Agency and the public authorities to express appreciation for the work of the working group and welcome the

important progress achieved in the review of WADA's governance. Also, he took note of the third interim report of the working group and recalled that WADA's governance, in its structure, working methods and organisational culture, should rely on a series of fundamental principles such as high ethical standards, transparency, accountability, avoidance of conflicts of interests and overarching respect for human rights and the rule of law, including the principle of separation of powers. He also agreed to the consolidated recommendations of the working group concerning athlete representation on the WADA Athlete Committee. On the composition of the Executive Committee, he agreed with the inclusion of the two independent experts and the chairman of the WADA Athlete Committee. Finally, concerning the Foundation Board composition, he was in favour of the inclusion of the two NADO and athlete representatives. He suggested using the WADA guide on the operational independence of NADOs to ensure the independence of those NADOs involved in the Foundation Board and to take into account the principle of separation of powers, especially with regard to the judiciary. He also supported the gender balance approach overarching the designation of NADOs and athlete representatives. He therefore approved the extension of the mandate of the working group to May 2022 and welcomed the continuation of the work aimed at improving WADA's effectiveness as the world's global regulator for anti-doping in sport and encouraged it to present its final report and recommendations ahead of the May 2022 meetings. Finally, he took note of the remaining open issues to be considered by the working group in the continuation of the accomplishment of its mandate.

MR COLBECK acknowledged his colleague in the sport movement, Mr Ingmar De Vos, for the interaction that had occurred over recent times in negotiating where they had landed. He also gave his compliments to Professor Haas and his team for the work that they had done in bringing WADA to that position. It had been no easy task to herd everybody towards a level of consensus, but it was a level of consensus and, as had been indicated, not everybody had got what they had wanted with respect to the final outcome; however, he thought that it was a very solid compromise position with respect to how to move forward, and so he thought that the proposals before the Foundation Board did represent a valuable step forward in that context. He also supported and encouraged everyone to carefully consider the remaining governance matters in time for their conclusion at the May Foundation Board meeting, something that had been talked about over a period of time, and it was important that WADA continue to progress. In saying that, he noted that the important point to reflect on, and he thought that it was something that had been discussed in negotiations over recent weeks and it was certainly the perspective put forward by the public authorities, was that what should be sought through that process was better governance of the organisation as a whole and how WADA achieved that, and it was not necessarily about issues of control or equal balance. It was about the best governance in the interests of clean sport. That was the challenge that would continue for a considerable period of time. He did thank those who had been engaged in very good spirit in the negotiations and looked forward to the working group's further recommendations the following year and its continued recommendations that were in the interests of the governance of the organisation and the most effective oversight of clean sport.

On behalf of the sport movement, MR DE VOS extended his gratitude to the Working Group on the Review of the WADA Governance Reforms and specifically its chairman, Professor Haas. He also wished to thank Minister Colbeck for the open and constructive dialogue that they had had over the past few weeks. Although in the beginning he had been somewhat afraid of those discussions, in the end, they had become a pleasure. He therefore thanked Mr Colbeck for the conversations. He was very happy that, in the end, consensus had been reached. The consequence of consensus was that one did not always get what one wanted, but he had been very happy to hear many comments from the public authorities as well as from the sport movement members that they were happy and believed that it was a very solid plan for the future of the organisation.

He also thanked Dr Gupta on behalf of the sport movement for his very clear words and the engagement of the USA. That was very important for the organisation. Of course, the sport movement

fully supported his position when he said that all athletes needed to be treated equally. He looked forward to future developments in that field as well.

Without wishing to go into too much detail, for the sport movement, it was very important that, when talking about the Athlete Committee or council, as it would be named, that, once the athletes were elected and appointed to that body, they stay in that body. They would have a full mandate and they would remain there, so there would be no interference from outside. For that reason, he believed that, in light of the democratic process, all the athletes in that council should have the possibility to be eligible for the position of chairman. There should not be discrimination or exclusion. That was really important. Also important in the whole process would be the transition and the sport movement welcomed, of course, the extension of the mandate of the Working Group on the Review of the WADA Governance Reforms. With regard to the Executive Committee and the Foundation Board, in his view, too much focus had been placed on the composition of those bodies, whereas it was, of course, more important to come to an agreement on the roles. Nevertheless, the sport movement fully supported the view that the Executive Committee should be a kind of board, whereas the Foundation Board should be a general assembly to avoid as much as possible overlapping competences and also overlapping membership. Of course, the president of the organisation had to preside over both bodies; but, with regard to the membership, he believed that it should be separate because, in the end, if the Foundation Board was to operate as a general assembly, it should be controlling the operations of the board and consequently also of its members. He therefore fully endorsed that.

On a final note, the sport movement really hoped that the reforms would conclude in May, after which the discussions could end and the organisation could focus on its core business, which was the fight against doping in sport.

THE CHAIRMAN asked the members if they agreed to approve the recommendation concerning athlete representation on the WADA Athlete Committee, the Executive Committee composition and the Foundation Board composition as presented by the chairman of the working group and as outlined in document 4.1 tabled the previous day. It appeared to be a unanimous decision, so the Foundation Board had just taken another great, important step in strengthening the governance of the organisation and moving forward. He was really proud. Last but not least, he wished to thank Professor Haas and his group, as well as a Minister Colbeck and Mr De Vos, for their hard work. He welcomed the reforms, the recommendations and the great engagement.

DECISION

Proposed recommendations from the Working Group on the Review of WADA Governance Reforms approved.

Noted that further recommendations would be presented in May 2022.

- 4.2 Code of ethics/independent ethics board

THE CHAIRMAN noted that the item was for decision, as it had been in recent editions. Mr Sieveking would make a brief introduction and then give the floor to Mr Kaiser, the drafter of the content, who would present the final version of the code.

MR SIEVEKING apologised for not having been able to go to Paris to be with the members. The consensus reached and the recommendation made the previous day by the WADA Executive Committee to the Foundation Board to approve the very first WADA code of ethics was indeed a great achievement. An organisation such as WADA could not live without an adequate code of ethics, which constituted a key element of good governance. Before giving the floor to Mr Kaiser, who would present in detail the main aspects and mechanism of the proposed code of ethics, he wished to thank all the people who had taken part in the process for their excellent work and in particular Professor Haas and

the Working Group on the Review of the WADA Governance Reforms, whose role had been key to reaching consensus.

MR KAISER informed the members that his task that day was to present the main issues of the final draft of the code of ethics, which had been accepted by the Executive Committee the previous day. The draft, which the members had received, was basically based on option B of the draft that they had seen during their meeting in May 2001, which was where the decision at the end of the process was taken by the independent ethics board. The concept of the reconsideration process had been introduced, and it had been approved by both sets of stakeholders. That last draft basically included all the observations made by the stakeholders at the meetings in May and September that year. The formal difference, which the members would have noticed in the draft in their folder, was that the regulation of the independent ethics board and the rules of procedure had been shifted to Annex A, with the idea of keeping the core part of the code easier to follow and to understand, and then to have all the specifics in Annex A. He would explain and show the differences from the May 2001 draft, basically 26 April. The main provision was the provisional measures, which could be determined at any time of the investigation. That meant also during the reconsideration process. They could be rendered by the chairman of the independent ethics board, either ex-officio if they believed that it was important, or upon request, from the ethics officer or from the Executive Committee or from the parties themselves.

The two other points in the main part of the code which were worth noting were that a review process had been introduced which would be conducted every year by the independent ethics board to examine the fundamental ethics principles, which were, of course, concepts that evolved through society over the years. The idea was to keep the code up to date. On the entry into effect of the code, it had been stated that it would enter into effect as of approval by the Foundation Board, unless decided otherwise.

Leaving the core part of the code and coming back to the annex, he would explain the differences introduced. The composition of the independent ethics board had been brought up to nine members, including the chairman. They would all be appointed by the Foundation Board. Seven of them would be independent members, including, of course, the chairman, and one member would be designated by the public authorities and one member by the Olympic Movement. That was the latest proposal. The position of vice-chairman had also been introduced. The purpose of that was to be able to have somebody who could immediately take over the function of chairman should the chairman be unable or prevented from acting quickly. That person would be chosen from among the independent members of the board and would be appointed by the ethics board itself. The selection of the candidates would be made by the Nominations Committee, except, of course, for the two members appointed by the public authorities and the Olympic Movement.

As to the independence requirements placed on those members of the board, the general standard and the strictest independence criteria would be required as provided in the WADA governance regulation for the seven independent members of the board, but only the general standard of independence would be required for the two members appointed by the public authorities and the Olympic Movement as, obviously, both would come from the stakeholders and would be in a position to represent their concern. The review and the vetting of all nine of the candidates would be done by the Nominations Committee. The decisions of the independent ethics board (not of the panel that would be handling the case but the board itself), would be adopted by a majority vote and with a quorum of seven members out of the nine. Of course, there was a mechanism that would enable the ethics board to take a decision even if there was no quorum by convening a new meeting in a very short space of time.

As to the ethics officer, there was no real material change from the previous draft the members had seen. The structure had been reorganised to improve it, and the fact that the remuneration of the ethics officer would be part of the budget of the independent ethics board had been clarified.

In terms of the rules and procedure to investigate complaints, there was no major difference from the previous draft. They had been shifted to the annex, but the principle was the same. The only thing worth noting was the fact that referral to criminal authorities could also be made by the independent ethics board itself at any stage during an investigation if it believed that it was worth doing.

Most of the changes came from the procedure to decide the complaint. What were the material changes in that section? In terms of the composition of the panels, which would be handling the cases, for the more complex cases, there would be five members from the independent ethics board, but that panel would automatically include the two members appointed by the public authorities and by the Olympic Movement.

As to the deliberations of the panel, when the panel was of the opinion that it had reached the end of its investigation and it was prepared to render a decision, it would prepare a deliberations report, which would include a preliminary proposal of a decision, and it would pass that on to the independent ethics board. Then came the major difference, which had been discussed and agreed on by both sets of stakeholders, which was the reconsideration process. That deliberation report would be passed on by the chairman of the ethics board to the chairman of the Executive Committee on a very strict confidential basis and they would have to determine together whether there was a risk of conflict of interest. If a member of the Executive Committee was in conflict of interest, then of course they would not be allowed to participate in the next step. Then, if there was no such conflict of interest, the chairman of the Executive Committee would pass on the report to the Executive Committee members, who would then have three possible decisions to take. Either they would do nothing and then the procedure would continue, or they would decide to make comments on the deliberations report, which would be forwarded. Alternatively, they might request further investigation such as hearing a witness or the ordering of an expert report, perhaps on certain legal questions or issues they believed needed to be clarified, or other types of evidence. Then, the chairman of the ethics board would communicate a summary, but only a summary of the Executive Committee's observation, to the concerned person with a chance for that person to make observations. It was an absolute must to respect the right to be heard of the concerned person. In principle, there would be no communication to the concerned person of the possible request for an investigation made by the Executive Committee. The reason for that was the wish to avoid interfering negatively in the collection of the evidence if the concerned person was informed about the further investigation. Having said that, that would probably only be a principle and, in most cases, it might even be appropriate to inform the concerned person of the further investigation, in particular if that involved the providing of additional documents by the concerned person.

Then, the independent ethics board (and not the panel) would decide on the requests, if any, for further investigation from the Executive Committee. The ethics board would then pass on the observation of the Executive Committee and also its decision on the request for investigation to the panel in charge of the case. The panel would continue either to take into consideration the observation or conduct a new investigation if necessary. When the panel considered that, in fact, the case was ready for decision, the panel would render its final decision without requiring a further hearing from the parties because they would have had a chance to be heard throughout the proceedings. The final decision of the ethics board would be a formal decision of the ethics board itself and, as the ethics board would be a corporate body within WADA, it would be a WADA decision, and that was the reason why, regarding appeals against that decision, only the concerned person could appeal the final decision to the CAS because obviously WADA, which was in fact the actual organisation rendering the decision, could not appeal against its own decision.

THE CHAIRMAN thanked Mr Kaiser and asked if there were any comments or questions.

MR LALOVIC repeated what the sport movement had said the previous day. He thanked Mr Kaiser for his work and hoped that, after the vote, the revised draft of the code of ethics would become the WADA Code of Ethics.

MR BERGE thanked Mr Kaiser for a very good and clear presentation. He welcomed the work achieved on the code of ethics and the independent ethics board. It was a key step in improving the governance process and also in dealing with conflicts of interest. Respecting fundamental principles such as impartiality, integrity and also respect for human dignity in all of WADA's actions was central. On behalf of the One Voice platform and Europe, he supported and approved the code of ethics and the regulations of the independent ethics board, which formed part of the code of ethics. He recalled the importance of prevention and awareness-raising on matters of corruption and conflicts of interest in addition to sanctioning them. It was always better to prevent and avoid such failures rather than to have to deal with their consequences.

THE CHAIRMAN thanked the members for their comments. Another important step had been taken. To conclude the item, he suggested that the members approve the proposed code of ethics. He thanked them for doing so, and was very pleased that the code had finally been approved. The next step would be to activate an implementation plan so as to compile the new board as quickly as possible.

DECISION

Proposed code of ethics/independent ethics board approved.

- **4.3 Endorsement of Foundation Board composition for 2022**

THE DIRECTOR GENERAL informed the members that the item was normally a very straightforward housekeeping matter. However, he wished to make two points that day which were extremely important for the members to understand. WADA had been dealing with the Swiss authorities quite a bit over the past few years with the change in the statutes and so on, based on the governance reforms, and the reality was that the authorities were becoming more formalistic than perhaps they had been in the past. It meant that it was absolutely imperative that, once WADA registered a board member with the Swiss authorities, which it had to do, it have the proper paperwork and that it receive that paperwork in time from the members. It might be surprising to some of the members, but sometimes the WADA management was not able to obtain a number of documents from the Foundation Board members that were necessary to proceed with their registration with the Swiss authorities. He therefore urged all of them, when they received a request from the WADA secretariat to provide those documents, to do so in due time so that WADA could properly register them with the Swiss authorities. The consequences of not providing the documents would be that they would be unable to take part in the meetings. He wanted to make sure that that was clear.

The other thing that was really important to understand was that Foundation Board members were appointed for three years, but there were often members who would change during the course of those three years, mainly from the public authorities' side, because of changes in government and so on. To date, often the replacement for the person leaving came to conclude the initial term of the outgoing person, who had one or two years remaining. In the future, WADA would not proceed in that way because, when a member was formally appointed, they were appointed in their name and for three years. So, any time there was a change, the new member would be there for three years and the term would start on the date on which they had been appointed. Of course, they could always resign over the course of the three years if there was another change, but it meant that WADA would keep records of all those different terms, and not all the terms would come to an end at the same time, as had previously been the case, to be more in line with the practice that was expected of WADA. Those were the two points he had wanted to raise.

In terms of housekeeping, the members were being asked to formally approve the current composition of the Foundation Board and as it would be from the following year. There were a few names missing from the formal composition for the following year. As soon as they were received, the management would complete the documents and would then liaise with the Swiss authorities. He asked the members to formally endorse the composition of the Foundation Board.

MR BERGE made a brief comment on behalf of the One Voice platform and Europe to formally acknowledge the composition of the WADA Foundation Board as of 1 January the following year. He thanked Mr Zhdanov of Ukraine for his work and contribution during his term on the Foundation Board and at the same time warmly welcomed the appointment of Mr Kasapoğlu, the Minister of Youth and Sports of Turkey, as one of the European voices on the Foundation Board the following year.

THE CHAIRMAN asked if there were any other comments or questions. He asked the members to formally acknowledge the composition of the WADA Foundation Board. He thanked them very much.

DECISION

Proposed 2022 Foundation Board composition approved.

- **4.4 Executive Committee 2022 – new members**

THE DIRECTOR GENERAL noted that the Foundation Board formally appointed the members of the Executive Committee. There had been a few changes noted for next year. The members had received them in their documents of members for the following year's Executive Committee. He asked the members to formally approve those new members to be part of the Executive Committee for 2022.

MR BERGE spoke on behalf of the One Voice platform in Europe to support the appointment of the new members of the Executive Committee for 2022. In that context, he wished to pay tribute to the vital role played by Luxembourg over the past two years, both at the European as well as the global level, notably while chairing the One Voice platform. At the same time, he warmly welcomed the appointment of Ms Maracineanu, the French Minister for Sport in France to represent Europe on the Executive Committee. Finally, he wished to highlight the contribution made by Mr Robertson, New Zealand's deputy prime minister, and to welcome the appointment of Mr Richard Colbeck, Minister of Youth and Sport of Australia, who already played a crucial role in representing the public authorities in the governance reform discussions.

THE CHAIRMAN thanked Mr Berge for his comments. He believed that the members could appoint the new members of the Executive Committee for 2022. He thanked them for doing so.

DECISION

Proposed Executive Committee members for 2022 approved.

Another point for decision was a part of that and related to the new Asian Executive Committee member for 2021. The Foundation Board was being asked to approve the change in the member from Asia on the Executive Committee, effective in 2021, as Mr Ikeda Yoshitaka was replacing Mr Niwa. The members had received a paper on Tuesday outlining that change and how to approach the approval. Mr Ikeda Yoshitaka had attended the previous day's Executive Committee meeting. However, his participation and votes were conditional on the Foundation Board's formal approval that day. Therefore, he asked the members whether they approved Minister Ikeda Yoshitaka as the new member of the Executive Committee, effective immediately in 2021. He thanked the members very much.

MR IKEDA introduced himself. His name was Ikeda Yoshitaka, and he was the Japanese State Minister of Education, Culture, Sports, Science and Technology. He had taken over the responsibilities of Mr Niwa, and it was a great honour to attend a Foundation Board meeting for the first time that day. He was delighted to work for anti-doping in sport in cooperation with the other Executive Committee members. He thanked WADA for the work done and the efforts made in relation to governance reforms. Despite many challenges during the pandemic, he hoped that further cooperation between WADA and all of the stakeholders, including the public authorities and the sport movement, would advance the

implementation of clean sport. Japan would contribute in terms of sharing the legacy of the Tokyo 2020 Olympic and Paralympic Games.

THE CHAIRMAN thanked Mr Ikeda and warmly welcomed him again to WADA.

DECISION

Mr Ikeda of Japan approved as new Executive Committee member from Asia, effective for the remainder of 2021.

- **4.5 Standing committee compositions 2022**

THE CHAIRMAN informed the members that the item had already been presented that day as part of the Director General's report.

DECISION

Proposed standing committee compositions noted.

5. Finance

- **5.1 Government/IOC contributions update**

MR NG said that he would briefly comment on the government and IOC contributions for 2021 and would then take the members through the rest of the finance items. As of 12 November, 90.8% of contributions had been received, compared to 94.8% the previous year. The IOC contribution was up to date and on schedule. WADA was currently short by 1.9 million dollars or 9% below budget. Oceania and Europe had fully contributed 100%. The Americas was at 74%, with 1.3 million dollars remaining from the USA and the remaining 300,000 dollars from countries including Peru, the Dominican Republic, Venezuela and Cuba. Asia was at 90%, pending 200,000 dollars from Kuwait and another 200,000 from a few other countries. Africa was at 64% as compared with 56% the previous year. Additional contributions of 91,000 dollars had been made by the governments of Australia and Japan. WADA thanked everybody for their contributions.

THE CHAIRMAN thanked Mr Ng. Were there any comments or questions?

DECISION

Government/IOC contributions update noted.

- **5.2 2021 quarterly accounts (quarter 3)**

MS CHUNG went through the 2021 accounts to September. The spending level after nine months remained fairly low, basically as a continuation of the 2020 pandemic with the exception that, in August, there had been some activities related to the Tokyo Olympic Games. Other than that, the majority of in-person meetings and events were still being held via videoconference and/or hybrid meetings, such as the Executive Committee meeting in September. The total expenses after nine months had reached 63% of the revised budget, compared to the same time the previous year, at 68%. The savings had come from less or no travel and, as a lot of the WADA staff members were working from home, there had been a decrease in expenses related to the running of the office. Although WADA continue to operate online, she expected more in-person or hybrid activities and events in the current quarter, which was the fourth quarter, as could be seen with those Executive Committee and Foundation Board meetings in November. Most of the departments were under budget at that point, with the exception of the Legal Affairs Department, which had reached 82% of its budget. That was mainly due to the appeal of the LIMS and the Chinese swimmer Sun Yang cases. Of course, those cases had drained a lot of resources. However, WADA would receive money to be paid by RUSADA as part of the CAS award, and that should make it possible to offset any of the extra litigation costs, so she did not expect the

budget to be over by year-end. In terms of capital expenditure, WADA was at 57%, mainly due to timing. It was expected to be close to the budget by year-end. The surplus at that point did not mean much because more expenses would be coming in the last quarter. However, the surplus had been revised to 213,000 dollars compared to the budget with a deficit of close to 1.9 million dollars. That was basically the situation at nine months.

DECISION

Quarterly accounts noted.

- **5.3 2022 budget**

THE CHAIRMAN said that the Executive Committee had recommended the 2022 budget for approval at its September meeting. The item was to be presented to the Foundation Board.

MS CHUNG provided the members with a little bit of background information. The budget had been prepared back in April and two scenarios for the budget had been presented to the members: one in accordance with an 8% percent increase as approved by the Foundation Board in 2018, and another version in the event that the USA withheld its contribution. In both scenarios, efficiency measures had been put into place. However, in the scenario without the contribution of the USA, further significant cost reductions had been envisaged and included with the obvious consequence that some projects would be delayed. Under the regular budget, the total contributions from all funders amounted to 44.5 million dollars, of which the IOC and governments would each contribute 21.8 million plus 2.8 million from all the funders, including Montreal International at 2.44 million. In that budget, WADA had budgeted an increase in expenses in excess of contributions by 1.5 million dollars. That was due to activities that were postponed due to the pandemic of the past two years in addition to already planned activities for 2022. On the expenditure side, WADA had budgeted 47.3 million dollars in the hope that things would be back to a more normal course of operations. It was another Olympic year and there were more activities expected in relation to participation in athlete relations, at least more than at the Tokyo Olympic Games, and also, with the fund limitations for 2022, the goal was to maintain a minimum level of the scientific research budget of four million dollars. IT security had been increased to further secure the technical environment. A limit had been put on the number of new staff and some recruitment had been delayed until following years. Furthermore, WADA would continue to apply the policy of at least one virtual meeting a year for committees and expert groups that had more than one meeting planned per year. The WADA management fully supported a balanced budget. However, it had been felt that, under the current extraordinary circumstances, it was appropriate to use a portion of the funds saved during the pandemic to catch up on a number of anti-doping activities, especially after a two-year hiatus. As the numbers would show in the members' paper, the excess of expenses would be fully absorbed by the savings of the past two years.

Just quickly on the scenario without the US contribution, a number of cost reduction measures had been prepared. For example, WADA would use up all of the investigation reserve fund to subsidise the investigation operations, delay further recruitment and reduce capital expenditure. Those were some of the things that would happen in that eventuality.

MS KRUPKA said that it was her first meeting as a Foundation Board member and she wanted to take the opportunity to briefly introduce herself. Her name was Anna Krupa. She was Secretary of State at the Ministry of Sport and Tourism in Poland. She was mainly responsible for anti-doping policy and for the sport for all areas. She had been designated ministerial expert for the Foundation Board by the European Union. In relation to agenda item 5.3, she supported the WADA draft budget for 2022.

MR KEJVAL welcomed the preparation of such a budget, which was not easy in those times. The sport movement supported the adoption of the 2022 budget, but he made a point of clarification. The sport movement knew that, if all contributions were not paid to WADA, the organisation could not count only on its reserves, but would also have to make strategic choices in terms of resetting priorities.

THE DIRECTOR GENERAL responded that it was clear that, if all of the contributions were not made, WADA would apply a series of measures that went beyond using the reserves to make sure that it was possible to get to the end of the year. That was understood and that was why there were two scenarios in the proposal.

THE CHAIRMAN thanked the speakers. Based on the recommendations of the WADA Finance and Administration Committee from June and the Executive Committee from September, he proposed that the Foundation Board approve the agency's draft budget for 2022. Did the members agree? He thanked them very much.

DECISION

2022 budget approved.

- **5.4 2023-25 budget forecast**

MS CHUNG announced that she would go over the highlights of the budget forecast for 2023, 2024 and 2025. As requested by the Executive Committee in September that it provide additional information on the forecast, the management had compiled and provided additional information to support the annual percentage increase. With the three-year forecast, of course, WADA would continue to execute the strategic plan for 2020-2024 to align activities with the objectives set out and it was necessary to ensure continuity in WADA's business and operations. As such, the management proposed an increase year-on-year of 8% in 2023 and to keep it flat at 6% for 2024 and 2025. As shown in percentage terms in the report and cover sheet, the 8% represented 3.6 million dollars for both the IOC and the public authorities, so each would be asked to contribute 1.8 million dollars. For 2024, an increase of 6% translated into 2.8 million dollars, meaning 1.4 million for each and, in 2025, another 6%, representing 2.9 million dollars. To give an example, a country contributing 1 million dollars in 2022 would contribute an increase of 80,000 in 2023, 65,000 in 2024 and 68,000 dollars in 2025. That was just to put things in perspective, illustrating what the percentage meant in dollars. Overall, the majority of the contribution increase would be attributed to scientific research. About 60% would go to research, as the special funding available in recent years would be depleted by 2022, and the objective, as mentioned, was to maintain a minimum level of four million dollars for research in the future. It was important to note that any budget under the proposed increase would inevitably result in less research, and it was very important that members understand that clearly, as the research, as it was, was at a critically low level. Also, there was definitely a need to continue to invest in ADAMS and the field of technology, as that remained one of WADA's key priorities. Other areas with growing demands included investigations, athlete engagement, programme development and NADO/RADO relations. The budget for the latter had been significantly reduced in 2020, due to competing priorities. For the following years, it needed to be increased.

In relation to the cost of governance, she was happy to hear that the governance proposal had been approved. Given the information received, the number of members would be increased and there would be 23 new members for the new governance reform. There would be a cost attached to that, and annual recurring costs were estimated to be in the 500,000-dollar range. That should not be funded by the current WADA budget, thus reducing anti-doping activities. It had to come from an increase in the WADA budget to cover the reforms. Anything else would mean a reduction in anti-doping activities to accommodate those governance reforms. The members could see that the demands and expectations were high from stakeholders. WADA actually did more with less, not only by putting in place efficiency measures, but also leveraging and partnering with other organisations to share the costs, as well as the knowledge. WADA was grateful for the annual financial support from the IOC and public authorities. WADA was committed to applying the funding judiciously for the benefit of the global anti-doping community. In parallel, WADA was also putting a lot of time and effort into private funding to supplement the annual budget if and when possible. However, it was still in a very early stage and there had not yet been any fruit from that initiative, so it had not been included in the budget. That was simply a conservative and prudent approach. As WADA progressed and executed the strategic plan,

it was in the process of putting in place key performance indicators to track and monitor the effectiveness and the efficiencies of the programmes and deliverables. That would be a helpful measurement tool to ensure ongoing alignment with the strategic priorities. For all those reasons, the request for 2023 was to continue with an 8% increase to ensure business continuity, particularly on the level of research, and for 2024 and 2025 to have a 6% increase, which would facilitate transitions in terms of staffing levels and all the ongoing project delivery commitments. That would also allow WADA to increase efficiencies for the new ways of working. Investing in digitalisation and online communications tools and strengthened security systems had proven to be cost-effective in the long run.

The management had also included a second scenario in the documents for the members to review. That high-level view forecast had been prepared based on current planning. Of course, a thorough, detailed annual budget would be presented each year as standard practice, including a multi-year plan for consideration by the Finance and Administration Committee, Executive Committee and Foundation Board. The focus was on one year, but it was necessary to see a longer-term view in order to plan.

MS KRUPKA stressed and offered general support for the need to increase the WADA budget for the coming years. The fight against doping in sport undoubtedly needed further investment and other means of support. Referring to national experience, the Polish Government had for many years allocated sufficient funds for anti-doping activities on a national and international level. She wished to take that opportunity to share with the members information about the project of the World Anti-Doping Agency, Global to Local, which was co-financed by the Polish Anti-Doping Agency to the tune of 100,000 US dollars. That showed that the role of every single stakeholder was important in the creation of doping-free sport. One of the project aims was the creation of educational programmes in less-resourced countries to eventually strengthen the global anti-doping system.

MS YANG said that she was sorry she could not participate in the meeting in person, but she was very happy to see everybody in the room and online. She wished to express her support for increasing the budget. The reason was that she believed that scientific research was so important to protect clean sport and clean athletes. It was very important to have confidence in that organisation and the research programme was the core muscle of the organisation. It was necessary to invest in it for future operations and to lead anti-doping worldwide. Athletes always asked her why the research was way behind the doping. The first time she had joined WADA, a couple of years previously, at her first meeting, she had heard how little WADA invested in research and she had been really shocked. She urged the people in the room and online to support the programme and make sure WADA was able to really deliver and protect clean sport.

MR IKEDA welcomed the presentation. Indeed, he understood that WADA needed to strengthen and broaden its operations based on the strategic plan shared with the members; as mentioned the previous day, as well as that day, he wanted to show his understanding. As discussed previously, WADA, through its educational activities and research, had been expanding its mandate in diversified areas in the short term. He thought that that was true. WADA should focus on the issue as a priority, including revisiting the existing projects and reviewing them in detail and thoroughly. He thought that it was very important to continue the discussion at the May meeting.

MR ROBERTSON said that, in light of the fact that it was a matter for discussion rather than decision, he would keep his comments relatively brief. Firstly, he wanted to thank the WADA secretariat for the work that it had been doing and for working in a very challenging and uncertain environment when it came to funding the organisation, as everybody was in the wake of Covid-19. As discussed the previous day at the Executive Committee meeting, he was particularly keen to see a range of different options or scenarios. He was a strong believer too in the important role that WADA had in the research and scientific area. If those were the priorities, then he thought it was necessary to see options for the budget that prioritised those, but showed what the trade-offs would be in other areas. Simply having

one budget option put forward meant that the members were not in a position, he believed, to make a sufficiently informed decision about where to go from there. He did support the fact that the Foundation Board members continued to discuss that and that they could take it up the following year, acknowledging the challenging circumstances that everybody was in.

MR REYES highlighted, as he had done the previous day, that the financial aspect was very important. Therefore, he would be favourable to an increase in the WADA funds. Focusing only on investigation, there were many areas that should be taken into account, such as intelligence, education, etc. However, scientific investigation was one of the backbones of the anti-doping fight. It was understood how certain substances would act on the body. WADA could also count on research into food contamination or supplements. However, the only way to better understand those phenomena was through the creation of new knowledge, in other words, investigation. That was why WADA needed to designate proper funding to strengthen that essential pillar in the anti-doping fight.

MS MORALES supported the increase in the budget because she considered that investigation should be increased. She echoed what her colleague had just said. Food contamination was a reality and WADA did not have all the resources to ensure a scientific, accurate result. Therefore, she called for an increase in the funds for scientific research and, as such, supported the proposed budget increase.

MR KEJVAL said that he did not want to repeat what the previous speakers had already mentioned. The situation was difficult and, given the current circumstances, he thanked the Finance Department and the WADA management for preparing the budget forecast, especially the additional scenarios, as requested. He wanted to take into consideration an array of factors that WADA had not previously had, such as inflation, which would be a significant part of the budget and, of course, all the changes, including the good governance changes. That was relevant to some kind of surpluses or minuses. And that was what the members had to take into consideration as well, because that represented a big impact. In terms of the budget forecast, he definitely supported the budget increase and his proposal was 5% annually.

THE CHAIRMAN said that Dr Rabin, the director who was responsible for science, was the best person to explain the role of science in anti-doping policy and the impact of a lack of funding.

DR RABIN informed the members that WADA was facing a very critical situation in relation to scientific research in the field of anti-doping. WADA was in dire need of additional resources to continue activities at a reasonable level. He was not even talking about a high level. There had been a time a few years previously when WADA had dedicated up to 6.5 million dollars of its own budget to research. WADA had been at a record low for the past few years of about 1.8 million dollars per year. The agency had been able to maintain investment in research at a reasonable level thanks to the support of the IOC and some governments, including Canada, China, France, Qatar, Saudi Arabia and Poland, which had been providing exceptional funding to carry out essential research programmes. If things remained as they were and as was currently anticipated, there would be less than 2.1 million dollars to spend in 2022 and not much more for the years after that, which was largely insufficient. To be concrete, without more resources and support from the members, some well-identified projects and programmes simply would not continue. By way of an example, everybody could be satisfied with the MRNA-based vaccines against Covid-19. Few realised that MRNA was a tool that could be used for doping purposes. WADA needed about two million dollars just to complete the gene doping strategy, which had been implemented for the first time at the Tokyo Olympic Games that summer, and it was necessary to expand that and ensure full coverage for gene doping detection. For the members' information, there were some gene constructs that were available on the Internet for doping purposes. So, time was pressing to dedicate resources to strengthen the coverage of gene doping detection. Another concrete example was that several experts believed that there was a muscle memory of doping. In other words, the muscles of an athlete who had used doping substances would maintain the memory of doping and the benefit in terms of performance enhancement for many years after the cessation of doping. The

Health, Medical and Research Committee had identified that subject as a priority programme, and WADA had been missing about one million dollars over the past two years to invest in a call for research grants on that specific theme. He could give many more examples for the Athlete Biological Passport: the development of new biomarkers, improvement of some specific anti-doping tests and the detection of new substances had already suffered and continued to suffer because of the lack of investment. Besides, scientific research was not only for the scientists: it also supported legal cases in court as well as investigations, which would suffer from the gap in knowledge if WADA could not follow the pace or even be ahead of the dopers. WADA had demonstrated that the research programme could be of high value. That had again been confirmed by the Health, Medical and Research Committee in August, when it had reviewed the outcomes of research for the past 12 months. WADA had shown that it could be ahead of new doping strategies with new substances, but was currently suffering from the lack of investment into scientific research and was on the verge of losing ground if it was not careful. WADA needed the members' support more than ever to be able to regain control of the situation. It would never recover the millions of dollars that had not been invested in scientific research over the past 10 years, but by giving then and in the future more than the necessary budget, WADA would certainly make a difference, as it had in the past, and WADA would be in a stronger position to be able to develop the anti-doping tools of the future and prevent, possibly, a doping crisis, as had been seen in the past. That was not his pledge, but the pledge of the scientific community working tirelessly in anti-doping to keep sport clean. He thanked the members for their consideration and attention.

DR KONBAZ thanked Dr Rabin. He did not want to repeat the importance of research. As a physician, he believed scientifically that it was very important and it would be of value to the anti-doping programmes. It was very important that the governments and public authorities and sport movement all share that. Saudi Arabia had contributed one million dollars over the past five years in support of research, and would continue to make contributions. He would discuss continued support with the authorities. However, he wondered if it might be possible to have shared or joint research between WADA and the particular country that had special problems. In Saudi Arabia, there was a problem with amphetamines. Its use was widespread among young people. He believed that there might be some research about that. If it was done in another way, that would also be good. He encouraged all the governments to contribute.

PROFESSOR PIGOZZI strongly supported Dr Rabin's request, as he considered research to be a priority pillar in the fight against doping. He knew that WADA had committed 83 million dollars to scientific research since its formation, but the research budget had shrunk significantly in recent years, hence anti-doping science urgently needed financial support. He also encouraged greater reliance on strategic funding and partner initiatives to support the implementation of new anti-doping approaches, such as the use of new technologies, long-term storage and reanalysis programmes. Those areas would be game-changing and represented a turning point in the fight against doping in sport and the protection of the clean athlete. However, he wished to stress the fact that even a return to 2006 research funding levels would not be nearly sufficient to develop the level of anti-doping testing, both in terms of quality and quantity expected by the public, the athletes and the other stakeholders. Therefore, in addition to more funding, new sponsors and partners would also be required, for example, engaging with industry and other sponsors of research. To facilitate that accelerated development, he encouraged the anti-doping world to learn vital lessons from the measures taken worldwide to deal with Covid-19, such as mass testing, policing of social distancing rules through applications, monitoring people's behaviour or self-testing at home, and collaboration among rival companies to speed up the development of a vaccine and search for treatments. There was a need to focus on the many technological innovations that had been accelerated and perfected during the Covid-19 pandemic. Those developments were changing the way in which people lived and worked and those innovations were a tremendous opportunity to also inform and enhance sport integrity. That would require a considerable application of all available technology, including omic technologies, big data, bioinformatics and machine learning, an artificial intelligence approach to modernise sport. Applications included protecting the health of athletes, considered non-discriminatory integration of athletes in elite

sports, intelligent remote testing to improve test sensitivity, detection windows and the monitoring of athletes with more tests in order to protect clean athletes and deter doping practices. How quickly WADA got to see such technology being implemented in elite sport would depend on the size of the research budget and how it was used. He stressed that both were equally important. In summary, he urged everybody to support the request for additional resources to allow for the development of more fit-for-purpose anti-doping science in the quickest time possible.

MR JOHANSSON announced that he would be replacing his minister for the second half of that meeting. When the issue had been discussed at a European governmental level, the authorities had welcomed the presentation of the multi-annual forecast because they believed that it was important as a way forward to see where WADA was heading in the future. They also believed that it was important to recall that WADA's budget for several years had been increased by 8% a year. And that was, of course, due to the commitment made when there had been particularly difficult circumstances that had had to be dealt with. The authorities took note, of course, of the submitted proposal, but felt that it was important that those at that meeting take note of it as a forecast. It was not a decision on what the members agreed upon on annual budgets because any annual budget like the one just agreed upon for 2022 was very well motivated and he thought that all of the members had agreed without any problem. However, it was important to underline that the authorities would scrutinise, of course, any increase that went beyond inflation. The reason for that was, of course, that many governments around the world were in a very difficult financial situation after the pandemic and, of course, they had to prioritise all of the different activities they did. Having said that, they were looking forward, for the following year, perhaps, to having a revised multiannual budget forecast in order to be in phase with the development that was required. He concluded by suggesting that perhaps the members should see what happened in the future and that they should continue to consider the argument that had been put forward by the WADA management. It was very helpful for them to understand better what the financial reasons were so that they could argue in favour of increasing the budget for WADA.

MR LAPPARTIENT stated that, for the Olympic Movement, research was key. He could see that the budget of WADA continued to increase, but the budget allocated to research had decreased. There was a question about the priorities. For the Olympic Movement, research was clearly one priority. By way of an example, there had been two extraordinary funds set up by the Olympic Movement, and that was really key. As the members also knew, there were close to 200,000 US dollars still available in relation to the Katowice funds. That was also key to enable WADA to continue to invest in research because, if one simply took the budget for the world organisation, 1.8 million dollars, it was not a lot at all. The key point was, therefore, that it remain a priority within the global budget of WADA, and then the members would probably have to discuss the other priorities. Research was a key priority and he would continue to support it.

MR GUPTA said that he had heard about the budget increase and about research being a priority and sort of prioritising that as part of the reason for the increase. He believed in solving problems. He thought that there was probably nobody in the room or online who would disagree that WADA needed to do more cutting-edge research in order to get ahead of the problem and make sure that, as a fundamental mission of WADA, it was performing, and research was at the very core of that. Sometimes, when the budget went down to that extent, WADA was in some aspects reinventing the wheel and there were costs that were associated with that. That might be an opportunity. He would encourage the members to consider leveraging their ability, whether it was with other world actors, including academia. Everybody knew that the USA had some of the best world-class institutes, such as the National Institute of Health and the National Institute on Drug Abuse, with which he worked very closely. There were those opportunities. Above and beyond just looking at that as a financial and a budget issue, if the members looked at that as a mission issue, then they could potentially look at exploring partnerships without compromise that would allow the same work to be conducted in areas without having to exclusively lean on the budget of the organisation. He would be very happy and

willing to go back and have those discussions and he would love to help from the US perspective in any way he could.

THE CHAIRMAN thanked Mr Gupta for his declaration and his proposal. Were there any comments or questions? Seeing none, he would conclude that item and the discussion on forecasting regarding the funding of WADA. He had of course been listening very, very carefully to the discussion and wanted to share with the members some of the observations he had made the previous day during the Executive Committee meeting, which not all of the members had attended. Earlier that day, there had been a discussion on the WADA governance reforms and the members had decided to approve quite a few of them. It was a very important step for the future, not only the future of WADA but the future of the whole anti-doping environment. However, many of those reforms had associated costs. It was obvious, of course. WADA had done a preliminary costing exercise and estimated the cost of the implementation of the governance reforms at around one million US dollars and 500,000 for the following years. It needed to be said and he underlined that, thinking about the future of the organisation. Of course, everybody understood that the organisation had to evolve and keep improving its governance just like any other responsible organisation. However, they should also be conscious that their decisions often had financial implications and not only in the area, of course, of governance. Every year, at each meeting, he heard that WADA was expected to do more to develop in the field of education, governance, investigation and science, which was very important, especially during that day's discussion. For WADA, each decision on new activities, if not supported with appropriate funds, meant pulling resources from other activities. Dr Rabin had mentioned that. In relation to science, in 2006, WADA had reached a record high of 6.5 million dollars, as mentioned by Dr Rabin. By 2017, that figure had fallen to 1.8 million US dollars. As a responsible president, he had to say that he could not accept any further reduction in the science budget. Hence the initiative to ensure that the annual budget for science should be at least four million US dollars per year. There was another important issue. The members were being told that the shortfall in the annual budgets in the coming years could be covered by the resources saved that year and the previous year due to the Covid-19 pandemic. It would lead to a large deficit in the budget. At the same time, WADA was being told that it should have a balanced budget and the Finance and Administration Committee was pressing WADA to allocate the surplus from 2020 and 2021 to operational reserves to secure the organisation financially and ensure it could continue its operations for at least six months. Those recommendations might seem contradictory. WADA was also being told to use voluntary contributions and private funding to cover the potential deficit in the coming years. With all due respect to those ideas, voluntary contributions were voluntary, so WADA could not force anybody to make them. If the need for the increase in the budget was questioned by the stakeholders, how was he to believe that the same stakeholders would decide to make voluntary contributions? In relation to private funding, that was a new project that took time, because it was based on building trust and positive relations with potential business partners. He believed that there would soon be some agreements and he remained optimistic in terms of the development of private funding. However, he kept repeating that the idea, which he had strongly promoted as a candidate and from the beginning of his presidency, was primarily to support solidarity projects and strengthen the anti-doping programme where needed in less-resourced countries. Those funds should be used to close the anti-doping gaps for which there were currently no funds, but not to finance WADA's day-to-day operations, including its administrative costs and internal issues. That was not the goal of that project. He also heard that the increase in WADA's budget should not exceed the increase in inflation in any given year. It was hard to agree with that, because it was difficult to predict the inflation rate over the next few years. Secondly, it differed in the various countries in which WADA ran its activities. He also heard that an 8% increase was too big and it was a heavy burden for many countries. From a percentage perspective, it did sound a lot, but the nominal amounts were less impressive for most of the countries. He did a quick calculation. The average contribution paid by governments in 2022 would be around 114,000 dollars. An 8% increase in contributions for 2023 meant that, on average, a government would have to pay 9,000 dollars more than in 2022. He believed that only with greater involvement by all of the stakeholders, including in terms of financial support, would

WADA be successful in its mission for clean sport. He was saying that not only as the current WADA president, but also as a former minister of sport. One of his first decisions in his previous role had been to strengthen the anti-doping system in his country, including financially. During his four-year term, he had tripled the budget for anti-doping in Poland. For him, it had been a choice between stagnation and development. He had chosen development. Thanks to that decision, there was a strong anti-doping system in his country. He thought that the members faced a similar choice at WADA. He thought that the decision on the budget forecast for the coming years should not be reduced to simple percentages because, in fact, it was not a discussion on whether the budget should be increased by 2% or 10%. He thought that it was a discussion about the WADA the members wanted to see.

He asked a few questions, which he thought that were extremely important. Did the members want WADA to be strong and accountable for its actions? Did the members want it to act in a bold and courageous way? Did the members want WADA to develop its educational activities, conduct an appropriate number of investigations and be able to monitor the compliance of its stakeholders and, if necessary, impose appropriate consequences on them? Did the members want WADA to continue its collaboration with the best scientists in the world and implement further governance reforms? He thought that that was the WADA that everybody wanted. He therefore asked the members to support the proposed budget forecast. The final decision would be taken in May. He was convinced that it was the members' duty and responsibility to make WADA stronger. His suggestion was to postpone the decision until May and continue the dialogue between then and May. Of course, the management intended to actively reach out to the members and provide all of the necessary information and documents to make the decision possible. He insisted that the members discuss the growth scenario, bearing in mind all the information and the goals, because only an increase such as that would allow for the further development of the organisation. Otherwise, WADA would experience stagnation and then cuts in activities, which everybody wanted to avoid. That was his request to the members, with which he thought that he could conclude what had been an exhausting item, at least for him.

DECISION

2023-25 budget forecast noted; further work to be undertaken by Management with a view to more discussions in May 2022.

6. Compliance

- 6.1 Recommendation of non-compliance – Thai NADO

THE CHAIRMAN stated that the item had been covered by the Director General in his report.

DECISION

Recommendation of non-compliance noted.

- 6.2 Summary of current compliance cases

THE CHAIRMAN said that a number of compliance cases had been addressed by the Executive Committee in September, and the paper in the files simply summarised the status of the various cases. Some were on the watch-list. A paper had been circulated on Tuesday, and he gave the floor to Mr Haynes, who would provide a short verbal recap of what was in the members' files.

MR HAYNES provided a short summary to the Foundation Board of the compliance cases that had originated from the September Executive Committee meeting, when eight signatories had been recommended for non-compliance with immediate effect and ten signatories had been placed on the so-called watch-list. Following the September meeting and throughout the process, all signatories had been provided with continuous support from WADA. The WADA management had also provided the Compliance Review Committee with a status update at its recent October meeting. Firstly, as mentioned by the President and the Director General, the Executive Committee the previous day had

approved the Compliance Review Committee's recommendation to reinstate the Deaf International Basketball Federation, which had been removed from the list of non-compliant signatories as it had adopted anti-doping rules that were in line with the Code. The Executive Committee had also approved the addition of reinstatement conditions to the current non-compliant status of the Thai NADO. To be reinstated, therefore, the Thai NADO had to implement the Code into the national legal system, which had been the source of the initial non-compliance, and complete two critical corrective actions relating to its testing programme, which had been identified during a WADA audit in December 2020.

Regarding other signatories declared non-compliant, the Indonesian NADO had recently signed a supervision agreement with the Japanese NADO to progress its situation and conduct testing in accordance with the consequences imposed by the Executive Committee in September.

Finally, regarding the watch-list, since the September Executive Committee meeting, three NADOs had been removed from it as they had resolved their non-conformity. The three NADOs were Latvia, the Netherlands and Greece. The ten NADOs currently on the watch-list were receiving ongoing support from WADA, and the expiry dates were included in the original papers. In accordance with the International Standard for Code Compliance by Signatories, the watch-list provided signatories with four extra months if they provided a timetable approved by both the WADA management and the Compliance Review Committee to fix their non-conformities. Should any of those signatories not solve their non-conformities by the deadline, they would automatically be sent a formal notice of non-compliance and the consequences already imposed by the Executive Committee would apply 21 days later unless, of course, the signatories challenged the case at the CAS.

Finally, he wanted to personally thank Mr James Wood for his excellent chairmanship of the Compliance Review Committee over the past two years. He really wished Mr Wood well with all his future endeavours. That concluded his summary, and he would be happy to take any questions.

MR BERGE expressed, on behalf of Europe, his satisfaction that, since the Executive Committee meeting on 14 September, the Latvian, Dutch and Greek NADOs had implemented the World Anti-Doping Code into their national legal system and had therefore been removed, as the members had heard, from the watch-list. At the same time, he wished to stress that some European NADOs remained on the watch-list with a short deadline to implement the required changes. Important efforts were currently being made to respect the deadline and the T-DO, the monitoring group of the anti-doping convention and its secretariat supported the process when necessary. In that context, as that was a matter that was very important and crucial, he wished to underline the importance of having an individualised and proportionate approach when deciding on possible consequences in line with the International Standard for Code Compliance by Signatories.

MR HAYNES reiterated that the consequences had already been imposed for those cases and they had been dealt with by the Compliance Review Committee, taking into consideration all of the factors of influence in each individual case.

DECISION

Summary of non-compliance cases noted.

7. Athletes

- 7.1 Ombuds proposal

THE CHAIRMAN noted that the item was for information. He believed that Mr Sandford would like to provide an update to the Foundation Board; but, before he started the presentation, he wished to thank the working group for the hard work done on that proposal.

MR SANDFORD thanked the members for the opportunity to present the proposal. As they had heard at the beginning of the meeting, the Executive Committee had approved it as a pilot project at the previous day's meeting, and he wished also to thank the Executive Committee.

He wanted to give a verbal update to the members of the Foundation Board and take them over three parts of that. The first part was just to reiterate once again why it was needed. The second part was how the project had been developed, and the third part was how it would work. To the point of why it was needed, everybody was familiar with the anti-doping rules and athletes wanted clean sport. They wanted to have those rules in place and those sanctions in place. Everybody recognised that because, at the end of the day, they wanted clean sport and they wanted it to be fair. But, as a result of that, there were a lot of rules and regulations that athletes had to follow. And athletes, in general, happily followed those regulations. However, it was also necessary to make sure that those regulations and those rules were accessible to athletes and that athletes could navigate their way through the system. It was a system that continued to get more complicated, so it was necessary to make the system user-friendly for the athletes. In certain cases, athletes felt much more at ease when they could access those services and access help in the system which was independent and confidential.

That was a service that, whenever he was talking to athletes, whether they be in North America or in Africa, the athletes really needed. That was the one thing that was talked about where athletes really tuned in and said that it was something that they could use, that it would work for them. He heard from athletes constantly that that was a service that they would like to be able to access for information, for guidance and to be able to navigate their way through the anti-doping programme. The Athlete Committee had heard those questions from athletes and heard them asking for a service like that. There were existing services out there at the national level, and he knew that those services worked well. A working group had been set up, and he thanked the members of that group who had put in a tremendous amount of time (Messrs Kejval and Kemp and Ms Wallace), with bi-weekly meetings for about the past year-and-a-half, he thought. As the members would have noticed in the updates given to the Foundation Board and the Executive Committee over the past year, that project had developed a lot and there had been a lot of work put into it. He thanked the members of the working group, who would be needed to continue to work as the pilot project was started.

The final report had been presented to the Athlete Committee at the October meetings, and it had been unanimously supported by the Athlete Committee. The Athlete Committee really recognised that it was a key project for athletes and something that the athletes really wanted and needed assistance from.

In terms of how it would work, the Athletes' Anti-Doping Ombuds would provide athletes with cost-free, neutral and partial fair advice and assistance in relation to the World Anti-Doping Programme and the entities that played a role in it. It would do so under four principles of independence, impartiality, confidentiality and informality. Those were four principles that were common for an ombuds. It had been designed to fit into the current system. It would not replace any services. It would not be mandatory. Any athlete would be able to access it. It would operate independently from WADA. When he had previously spoken about the project, he had referred to the different models that could be adopted. The model that the working group had ended up going with after consulting with WADA and other experts and taking on stakeholder feedback was the contractor model. The ombuds would operate independently from WADA. They would be a contractor and they would be able to work with other ombuds within anti-doping, the ones who were already there, and also point athletes in the right direction. The ombuds would hold no formal authority, would not be a representative or an advocate, or make any legal decisions. They would merely provide guidance and support to athletes and help them navigate through. They would also be able to connect athletes to whistleblower programmes and connect athletes to the right education and services. Often, all athletes needed was to be told where to find the correct information.

As he had said, the ombuds would not be replacing any services. The programme would start off small. There would be no way of having all the services in one go from day one. The programme would start off small, offering services and building its capabilities slowly. The pilot project would see a contractor based in Europe; that had been deemed the best place to start the programme, as there were a lot of athletes training in Europe and a lot of competitions there. There were also lots of

international federations and major event organisations based there. Europe was seen as the best place to trial the programme and run the pilot. It would be exciting, and it would be interesting to see how quickly the uptake was from athletes and what sort of trends and questions came through. There would just be a single ombuds initially, and that would be rolled out the following year, and that was where the work of the working group continued, because there would be more work to finalise the terms of reference to make sure that it was fitting into the system in the best way possible and to make sure that the services would be readily accessible to athletes. A small budget had been approved and that would be enough to set up the service, to get it up and running and, obviously, to have that ombuds in place the following year. It was an exciting time. He thought that it was a really good development and it was something that athletes had been asking for. There was a real need for it and it could be made to work. The opportunity was to make it a success and to justify why there needed to be an ombuds and to show why athletes needed the service. It was an exciting time for WADA and there would be a lot more work going into that, but he would be very happy to take any questions.

THE CHAIRMAN thanked Mr Sandford very much for his very comprehensive report, great work and engagement.

MS TERHO thanked the whole working group and Mr Sandford for the work and for the presentation. Obviously, that had been supported by the athletes' commission, and she thought that there were a lot of things that athletes did not know about, so a person who could guide them in the right direction was definitely a positive thing. Obviously, as had been mentioned, there were things to be worked out to find the best solution to move forward, but she wanted to congratulate and thank those involved for the work that had been done and definitely supported the idea.

DECISION

Athlete Committee Chairman's report and ombuds proposal noted.

8. Legal

- 8.1 RUSADA CAS update

MR SIEVEKING informed the members that the monitoring of the Russian situation continued to involve a great deal of work for WADA and not only the Legal Department, but several other departments as well, with the investment of significant resources. Indeed, it was necessary to follow the CAS award implementation by signatories, as well as the fulfilment by RUSADA of the reinstatement conditions and obviously the monitoring of the result management of the individual athletes' cases. He would not enter into detail on the first two points that were detailed in the report; his colleagues were available for questions if necessary. On the monitoring of the individual athlete cases, the members had in their papers the second edition of the formal quarterly report on the LIMS cases. Those reports would be updated four times a year and provided information on the key milestones of the case, the strategy established with the Intelligence and Investigation Department of WADA for the monitoring of the cases and, obviously, numbers: the number of cases, of athletes, of sports and of ADOs concerned. In relation to the current status of those cases, there was a total of 793 cases. 63 of those cases were analytical cases. They resulted from the retesting of the samples seized from the Moscow laboratory by WADA in 2014 and 2018. 730 cases were so-called LIMS cases and were based on other evidence. Those cases involved a total of 751 athletes, given that some had more than one violation, and 39 anti-doping organisations had cases to deal with. There was one NADO, RUSADA, one major event organiser, the International Paralympic Committee and 37 IFs. In terms of the current situation with those cases, he would highlight some numbers, noting that they were already different from those that the members had in their papers, because the latest check had been carried out on 23 November and that number changed almost on a daily basis. As of 23 November, of 1,900 cases, which was approximately more than 12% of the cases, a sanction had been imposed against an athlete. WADA had appealed one of those decisions and the case was pending. In 13 cases, a

hearing body had concluded that no anti-doping rule violation had been committed by the athlete and WADA had disagreed with four of the decisions and appealed them before the Court of Arbitration for Sport. 189 cases had been closed by the applicable anti-doping organisation, and WADA had disagreed three times and filed an appeal before the CAS. It was important to stress that all the cases were duly reviewed by the WADA Intelligence and Investigation Department and the Legal Department, as well as by an external counsel, and that there was not a single case that was closed without WADA agreeing with the outcome. A total of eight appeals had been filed to date. He had said nine the previous day, so corrected that. It was eight appeals filed by WADA to date. Of the total number of cases, 465 cases were still under investigation by the responsible ADO. Under investigation meant that the result management authority was still reviewing the file sent by WADA or was waiting for scientific expertise and had not yet decided whether to bring the case forward or not. Finally, 27 cases were pending because anti-doping rule violations had been asserted against athletes.

In relation to the upcoming Beijing Olympic Games, the same was being done as for the Tokyo Olympic Games: updates had been requested from all applicable areas with pending cases, with an additional monthly follow-up on cases with the most compelling evidence. WADA had received to date the IOC long list and would cross-check it with the list of pending cases to identify any potential LIMS case in order to ensure that no athlete with a potential case would be taking part in the Olympic Winter Games. WADA would ensure that in the same way as it had done for Tokyo. WADA would obviously continue to monitor the outcomes of any decision rendered together with the Intelligence and Investigations Department and the external counsel to ensure good compliance, and would continue to file appeals with the CAS against any decision whenever it was considered necessary.

MR BERGE thanked Mr Sieveking for his comprehensive report. He recalled that the monitoring group of the Council Europe Anti-Doping Convention had carried out an evaluation visit to the Russian Federation from 21 to 23 September with a view to evaluating compliance with the provisions of the convention, analysing the measures taken in the fight against doping in sport in Russia. The delegation had met with key stakeholders, including the minister of sport, RUSADA, its founders and supervisory board, federations and athletes. The Moscow anti-doping laboratory had also been visited. The report of the visit would be published early the following year. He had had the occasion to discuss those matters with the Russian minister of sport on 10 November during his visit to Moscow. He noted the Council of Europe's readiness to support the Russian authorities, including through relevant cooperation projects, building upon the experts' recommendation so as to ensure a stable and effective anti-doping system.

DECISION

RUSADA CAS update noted.

- **8.2 International Weightlifting Federation update**

MR SIEVEKING said that, as indicated in his report, the WADA Legal Department considered that the ITA had addressed all the issues identified in a timely way (the issues where action could still be taken). 112 out of the 146 pending cases were currently closed and the ITA had initiated result management or filed appeals in other cases. Anti-doping rule violations had also been asserted against the former IWF president, as well as against two other weightlifting officials. Regrettably, it had not been possible to resolve some of the issues identified, as the delays in the IWF result management had already led to consequences, and the International Standard for Code Compliance by Signatories could not be applied to those non-conformities as they had occurred before April 2018. It would not happen again, given that WADA currently had the legal basis to ensure that any reported adverse analytical finding that was not dealt with in a timely manner would be addressed under the compliance standard in a timely fashion. Such delays in result management could be addressed as soon as they arose. That having been said, taking into account the seriousness of the non-conformities identified, WADA had asked Mr Jonathan Taylor in October 2021 to review the rules applicable at the time the non-conformity had occurred, that meant the rules set out in the treaty in the 2009 and 2015 editions

of the Code, to determine what consequences, if any, could be imposed for events that had occurred before April 2018, when the International Standard for Code Compliance had entered into force. Mr Taylor considered that the IWF had breached its obligation under the 2009 and 2015 Code. In particular, he considered that the IWF had failed to vigorously pursue all anti-doping rule violations within its jurisdiction. Based on that legal opinion, WADA would therefore evaluate the possibility to act under the 2009 and 2015 rules and would liaise with the relevant stakeholders where necessary. He would obviously keep the Compliance Review Committee, the Foundation Board and the Executive Committee duly updated on the next steps with regard to the IWF.

DECISION

International Weightlifting Federation update noted.

- **8.3 Possible consequences due to unilateral withdrawal of funding**

MR SIEVEKING said that the potential pressure on WADA from a government with the aim of influencing its decision had raised concern among WADA stakeholders. The WADA management had been asked to explore what possible consequences could be triggered under the applicable rules, which were the statutes, the Code and the international standards, to see what could be done and to develop a discussion paper that would then be put to consultation. He was therefore presenting the avenues that had been explored before starting that consultation process. He noted that the current rules did provide some power to WADA to impose consequences, but they were limited and not sufficient to address that potential threat. According to the statutes, WADA had the power to establish and enforce consequences. In particular, article six of the WADA statutes provided that any Foundation Board or Executive Committee member representing a country which had not paid its dues for the previous year would automatically lose their seat as a Foundation Board or Executive Committee member. The same rule could also apply to membership of ad-hoc or standing committees. What might the way forward be with regard to the WADA rules and statutes? WADA could amend the statutes to provide that individuals who held a position with or were employed by a government which did not pay would be deemed to be representing that country, whether or not they had been nominated or appointed by their government. WADA could also further amend the statutes to provide that non-paying governments could not nominate any person to serve on the Foundation Board or the Executive Committee or any other committee, whether that nomination was made directly to WADA or in the nomination process at regional level. Those were the options that could be contemplated under the statutes; but, obviously, as WADA would probably have to rely in part on Code signatories to ensure meaningful consequences, the management had looked also at what could be done on the side of the signatories. In relation to the NADOs, potential consequences could be to add obligations on NADOs. One could be that NADOs would exclude government representatives from all their activities in the event that their government did not pay, and that the NADOs would do everything they had in their power to encourage the government of their country to make any payment to WADA in a timely fashion. In relation to the sport movement, it had to be noted that WADA did not have the power to directly impose consequences on government participation or recognition during sporting events. WADA would again have to rely on the sport movement signatories to impose potential consequences. There could be consequences relating to bids for events. WADA could add to the Code article prohibiting bids from countries that had not ratified the UNESCO convention. That could be extended to countries whose government had failed to pay its dues to WADA. There could also be consequences on the right to host previously awarded events, as had been done in the RUSADA case. There could also be consequences such as the denial of event accreditation to government representatives and also prohibition of recognition, as in the recent RUSADA case, meaning that the country's name, flag, anthem or uniforms could not be used at events.

Moving on to the next steps, the WADA management would circulate a working paper, which would include the detailed proposed amendments to the statutes and the Code that had been seen briefly

during his presentation. It would also suggest the process to be followed for the application of the consequences should a government fail to pay its dues to WADA. The WADA management would launch the consultation process in late January with the relevant stakeholders and the outcome of that process would be presented at the May meetings for discussion or decision in the event that any solution was found before the May meeting. He trusted that the appropriate mechanism would be put in place to address the potential threat to WADA and to the World Anti-Doping Programme. He was confident that would be achieved as, despite some differences of opinion in the comments received to date, there was a strong consensus that that serious question needed to be addressed in an appropriate way. He therefore looked forward to a constructive dialogue on that matter with the relevant stakeholders in the coming months to ensure that a suitable solution was found.

MR KEJVAL stated that the sport movement definitely agreed with the principle that, if somebody unilaterally decided to withdraw funding from WADA, they should face possible sanctions. However, the sport movement remained of the view that athletes and sport organisations should not suffer the consequences of wrongdoing by governments. He made reference to the idea that the NADO of the delinquent country should see its full anti-doping activities taken over by an approved third-party organisation directed by WADA at the signatory's expense. Another issue was that the governments were organised in regions, so the region of the delinquent government should also bear the consequences and ensure it covered the missing amount. The last point was that the sport movement was willing to study whether there were potential consequences it could help impose such as exclusion of any governmental representatives from the delinquent country from all sporting events.

THE CHAIRMAN thanked the members for their comments and confirmed that the intention was to commence a proper consultation phase for that topic.

DECISION

Possible consequences due to unilateral withdrawal of funding noted.

9. Intelligence and Investigations

- 9.1 Intelligence and investigations audit report

THE CHAIRMAN noted that the item had already been presented as part of the Director General's report.

DECISION

Intelligence and investigations audit report noted.

- 9.2 WADA confidential source policy (previously known as WADA whistleblower programme – policy and procedure for reporting misconduct)

MR YOUNGER explained that the whistleblower programme policy and procedure for reporting misconduct had been created in May 2016, five-and-a-half years previously and, due to the tremendous contributions of informants and whistleblowers, the Intelligence and Investigations Department had generated some significant outcomes that had had a huge impact on the anti-doping community, such as LIMS, IBU, IWF, Operation Arrow, Hercules, etc. Counting all of the charges brought against athletes, officials or support personnel, the total was close to 300, which was quite significant, but none of those outcomes would have been possible without the contribution of the confidential sources.

Based on WADA's own experience with whistleblowers and through international studies, it had become clear that a whistleblower policy needed to better explain the process of blowing the whistle and should be clear in its message. In the newly updated version, the members would find step-by-step guidance for the processing of provided information covering the pre-, during and post-

investigation phases. The name had been changed from 'whistleblower policy' to 'confidential source policy' in response to feedback received that the term 'whistleblower' carried negative connotations in some countries. The terms 'informant' and 'whistleblower' had been left in the document for a clear distinction of those two different roles. The possibility of financial support to maintain confidential sources during investigations had been added in cases in which a source might face financial challenges that would endanger operations. Due to the extraordinary challenges faced during Covid, the procedure for concluding a whistleblower agreement with WADA had also been changed, as it had been near-impossible to meet in person. The agreement had been integrated into the Speak Up platform. Regarding malicious disclosures, the aim was to make it clear that any attempts at manipulation by providing false information would result in immediate termination of whistleblower agreements, and information would be shared with partners to avoid the spread of incorrect or misleading information. Finally, the department would report twice a year to the Executive Committee and the Foundation Board on disclosures and the effectiveness of the Speak Up programme via departmental reports. Thus, it had been deemed redundant to report additionally, as set out in the old whistleblower policy.

Lastly, it was to be noted that given the Foundation Board approved the original Policy, it was being asked to approve this new version. In the future, the Executive Committee would be responsible for approving such changes, in the same vein as other sets of rules such International Standards and other policies.

THE CHAIRMAN asked the members, as the item was for decision, whether they agreed to approve the amendments to the WADA whistleblower programme as recommended by the Executive Committee?

DECISION

WADA confidential source policy approved.

10. Standing committee reports

No interventions made.

11. Department/impact area reports

No interventions made.

12. Other reports

THE CHAIRMAN informed the members that an updated memorandum of understanding had been approved the previous day by the Executive Committee and, as on previous occasions when such agreement had been renewed, ILAC had been invited to join the Foundation Board to formally sign the memorandum of understanding. Unfortunately, the agreement would be formalised virtually that day. The Foundation Board was joined by the ILAC Chairman, Ms ETTY FELLER, and he asked Dr RABIN to first say a couple of words before handing the microphone to Ms Feller.

DR RABIN said that WADA had entertained a fruitful and successful collaboration with ILAC since early discussions in 2003, even before the International Standard for Laboratories had existed officially. As a reminder, the WADA-accredited laboratories were the subject of a dual accreditation to be certified for analysis of human samples for the purpose of anti-doping: first, the ISO 17025 accreditation, which applied to all kinds of analytical laboratories, and second, the WADA accreditation that was specific for anti-doping laboratories. ILAC was the international organisation that represented the national accreditation bodies that delivered the ISO 17025 accreditation to anti-doping laboratories. ILAC was therefore a very important partner for WADA, as it constantly ensured that all rules were in agreement with the ISO standards and, conversely, WADA was attentive that changes to the ISL were well understood and integrated by ILAC and the national accreditation bodies. Without further ado, he was

very pleased to give the floor to Ms Etty Feller, the Chairman of ILAC, for a short presentation on ILAC and the special and successful relationship that had grown between ILAC and WADA over the years.

MS FELLER thanked the members for the invitation and presented a short introduction to ILAC. She thanked Dr Rabin for the introduction. She thought that it was a successful story and it was very important to highlight that issue. ILAC was an international membership organisation for accreditation. All of the bodies operated in accordance with ISO/IEC 17011. The ILAC MRA was an agreement signed by 104 signatory accreditation bodies to recognise the equivalence of the accreditation scheme within their signatory status, and it provided assurance that bodies from different economies operated in accordance with the same international standard. The primary objective of the ILAC MRA was to eliminate conformity assessments as technical barriers to trade through the recognition of competence between accreditation bodies. The important point was competence. The key benefits of the ILAC MRA could be divided into three main groups. The first one was for governments, facilitators of trade and an efficient enforcement and monitoring tool. For businesses, great acceptance of products and services and to avoid costs associated with repeated conformity assessments. For consumers, public confidence in goods and services and minimising product failure or recall.

She provided a brief history of ILAC-WADA cooperation. In 2003, the first information meeting between WADA and ILAC had taken place. The ILAC-WADA Liaison Group had been established in 2004. In 2007, the area of cooperation had been confirmed. In 2010, the memorandum of understanding had been extended, reconfirmed in 2013 and revised in 2016. Five years later, there they were again to renew the memorandum of understanding.

The memorandum of understanding defined the nature and content of ILAC-WADA cooperation among other activities. Both ILAC and WADA agreed to ensure the exchange of relevant information on matters related to the accreditation of anti-doping laboratories. The accreditation of anti-doping laboratories by ILAC MRA signatories was a prerequisite for WADA accreditation. ILAC and WADA worked together to formalise the recognition and technical competence of the anti-doping laboratories, which led to community confidence in laboratory output. The complementary roles were essential in the fight against drugs in sport.

The ILAC-WADA Liaison Group was a very active one and, at that point, she wished to thank the co-chairmen from both organisations, Ms Victoria Ivanova and Mr Trace McIntosh. They had been doing a great job during the past few years and especially the past two years during the pandemic. The ILAC-WADA Liaison Group, as mentioned, had been established in 2004 to be the main forum for achieving confidence and achieving more efficient and harmonised assessment of anti-doping laboratories worldwide. The ILAC-WADA Liaison Group conferred once a year, as she had mentioned earlier, and the group was composed of 25 accreditation body representatives, one observer from the ILAC secretariat, five WADA representatives and two WADA Laboratory Expert Advisory Group representatives.

In terms of joint activities, key meetings for both organisations included the ILAC General Assembly and the WADA Foundation Board meetings. There was mutual representation on the WADA Laboratory Expert Advisory Working Group, the ILAC Accreditation Issue Committee and the ILAC-WADA Liaison Group. ILAC and WADA also worked together on joint documents. The ILAC G29 document published in June 2020 entitled 'Guidance for harmonisation of scopes of ISO-IEC 17025 accreditation of WADA anti-doping laboratories' had been developed by the ILAC-WADA Liaison Group. Its main aim was to contribute to harmonisation. The third ILAC-WADA communiqué had been published in April 2021 and provided comprehensive information on roles and responsibilities in relation to the sharing of information.

One of the main project highlights for the past couple of years had been the OECD compendium. ILAC and WADA participated in the OECD partnership of international organisations for effective international rule-making and the ILAC-WADA cooperation was outlined in the 'OECD Compendium of International Organisations' Practices - working towards more effective international instruments' as

an example of effective cooperation. She thanked the members for the opportunity to present ILAC and wished them every success, good health and good cooperation between ILAC and WADA.

THE CHAIRMAN invited Ms Feller to sign two original copies of the renewed memorandum of understanding online, and he would also do so at the meeting table together with Dr Rabin. In closing, he thanked ILAC for its long-standing cooperation with WADA. He looked forward to continuing the fruitful relationship.

12.1 iNADO

THE CHAIRMAN welcomed Mr Jorge Leyva, the CEO of iNADO and Mr Nick Paterson, the newly appointed Chairman of iNADO, participating virtually from New Zealand.

MR PATERSON thanked the members for the opportunity to speak to them. It was the first time that iNADO was providing a formal update to the Foundation Board. He was sorry he could not be there in person, but was delighted that the CEO, Jorge Leyva, was able to be there in Paris. Next time would be different. He wished to add iNADO's voice to the recognition of the significant contribution made by Founding President Dick Pound to anti-doping and the title bestowed on him that day.

It was the first iNADO report and he wanted to talk to the members just to cover a few things: to introduce iNADO in 2021, to talk about recent work and then also to explain why he thought the work was vital to the success of the anti-doping system.

First off, what was iNADO in 2021 and what was the journey to clean sport? The members already knew that NADOs carried out a huge majority of anti-doping education and testing. For many athletes, their NADO was the face of the anti-doping movement and also the heart. The members would be aware of the positive benefits NADOs brought to the system. Some of them might also recall that, in recent years, the NADO community or parts thereof, including the NADO he led, had had at times a somewhat fractious relationship with WADA, largely in relation to Russia, and a belief that clean athletes had been let down by the system. However, the purpose of speaking to the members that day was not to relitigate that, but rather to look forward to the future. There was a new board in place at iNADO and, as the beginning of the end of the pandemic was hopefully being approached, there was a chance to pause, to consider the role iNADO played and to prepare for the new future ahead.

He wanted to touch on the iNADO strategy. When it had first been created ten years previously, it had set out its strategy, which was largely unchanged. The goals remained to be the international voice of the NADOs, to share and promote best practices and to serve a supportive international member community. In practice, that meant that iNADO wanted a NADO community that delivered the highest quality anti-doping work. iNADO worked to support members to lift the quality across the board. The aim was to have a community of NADOs that helped one another, whereby mature NADOs reached out and supported smaller or newer NADOs, extending the reach of WADA and anti-doping. NADOs that were performing very well could support those on the watch-list to assist them in improving their processes and practices to be compliant with WADA's rules and requirements. And that was what iNADO had been working towards. The area where there was more work in particular to do was in representing the NADO voice, both in the wider community and directly with WADA. That meant that iNADO might not always see eye-to-eye with the WADA team, but he firmly believed that WADA could only genuinely be strong if it was open to feedback and had people around it willing to raise that feedback. He had read recently that politeness was saying what made people feel good immediately and being kind was doing what helped people get better in the future. In polite cultures, people withheld disagreement and criticism and feedback. In kind cultures, people spoke their minds respectfully and openly debated issues freely and unscripted. He wanted to be kind. At iNADO's creation in 2011, there had been discussion both within WADA and outside of WADA that iNADO would have an important role as a critical friend, and it would raise issues on behalf of NADOs and athletes and hold WADA to account. That was still iNADO's role, but he also knew that, to be successful, it had to do that in a respectful way, raising concerns directly with WADA and, where possible, working together to resolve them. That was his commitment to WADA. But he knew that iNADO was only part-way through its

journey. It had a lot more to do. Again, that was the time to pause and consider and set the compass. He also recognised the great things achieved by iNADO over the past few years. The CEO, Mr Leyva, would give a brief overview of recent work.

MR LEYVA introduced himself. He was the CEO of iNADO and thanked the members very much for the opportunity to make a presentation. He would just briefly explain what iNADO did and how it supported its members and community. Mr Paterson had already been speaking about the foundation of iNADO. It had been founded by five NADOs. Ten years later, it comprised 61 NADOs spread all across the world. Since the previous year, with the sponsorship of WADA, iNADO had also welcomed regional anti-doping organisations to its membership, and the idea was to continue and integrate them better into the membership. It was true that iNADO would like to welcome more members, more NADOs from regions in Asia, Africa and Latin America. The members comprised over 1,000 anti-doping practitioners working day-in and day-out in organisations of all sizes and all experience levels in all continents. The iNADO office wanted to serve them one way or the other. It provided opinion and advice on issues that affected them globally, connected ideas and people, keeping members and non-members informed about current developments in anti-doping that everybody should be aware of. The organisation cultivated a supporting member community, tapping on the ability and the willingness of members to support one another. iNADO was also in constant communication with non-member organisations. The goal was to promote trust and collaboration not only among members, but also between members and other stakeholders. To do so, services included monthly newsletters, podcasts, webinars and responses to daily queries. iNADO had recently developed a tool that would hopefully facilitate collaboration among members, enabling less-resourced NADOs or RADOs to reach out to those organisations that could assist them. WADA had developed many tools and programmes to do that, but perhaps there was an opportunity for iNADO and WADA to work together in the future. iNADO had integrated the voice of athletes into its activities, and the governing board was constantly consulted. iNADO liked to be transparent in what it did, so published comprehensive information about its work on its website. iNADO was always open to dialogue. He thought that iNADO could improve and learn, but he also hoped that the anti-doping system would continue to evolve, adapt and become stronger.

iNADO had a very global and inclusive view of its mission, which was to provide advocacy and support to all members across the globe, no matter how big or small they were. He was confident that that was how iNADO best served its members, and that was also how it was serving the anti-doping community.

MR PATERSON explained that the map represented the members; the green areas were where iNADO currently had members and those members benefited from and needed a strong iNADO in terms of the support provided to them and the support that they gave one another. In the future, with a greater and stronger voice at WADA, iNADO would increase that support, as well as its membership. In turn, iNADO and its members needed a strong WADA with clear governance structures from which conflicts of interests were removed where possible and mitigated otherwise, in which decisions were made only in the best interests of athletes and of clean sport, distinct if necessary from the interests of its funding parties. iNADO wanted to play a part in supporting WADA to be strong. All those present existed for the athletes, so they had to be the driving force for everybody and involved in all of the decision-making and governance. To do that best, all parties were needed, including RADOs, NADOs, IFs, the ITA, iNADO and WADA, all working for clean sport together, so everybody came together at the end, seeking the common goal. Again, he thanked the members very much for the opportunity to present, and hoped that it had been interesting to have an update from iNADO.

THE CHAIRMAN thanked the representatives.

DECISION

iNADO update noted.

12.2 International Testing Agency (ITA)

THE CHAIRMAN gave the floor to Ms Valerie Fourneyron, who would present the report on behalf of the ITA.

MS FOURNEYRON thanked the members for enabling her as President of the ITA Foundation Board to report on the main activities delivered by her organisation over the past few months. The members would find in their working documents a written report, quite a detailed one, in fact, and she would be very happy to answer any questions they might have, of course, on the ITA and its activities. In 2017, the WADA Foundation Board had supported the desire of the sport movement and approved the creation of the ITA as a non-profit body responsible for delivering anti-doping programmes around the world, pooling expert experience. There were to be no conflicts of interest whatsoever. Some people had doubted the whole point of setting up the ITA and its position in the anti-doping ecosystem and its governance. But there was no doubt that day, she believed, that its role was very relevant because together it was possible to do better when it came to protecting clean sport and clean athletes. Indeed, since its inception three years previously, the ITA had developed greatly. The foundation board, which she had the honour of chairing, had expressed its great satisfaction to see the agency as a source of decisive support for WADA, ensuring the delivery of anti-doping programmes for a large number of international sport organisations in full compliance with the World Anti-Doping Code and standards. There could be no global anti-doping policy without a common denominator for clean sport and international standards. The mission of the ITA bore out regulators. It delivered anti-doping programmes to over 50 sport organisations around the world. The idea was clearly to show that the ITA was not just a simple service provider. Thanks to the mobilisation of the team, it currently had many partnerships and had become a player on which WADA and the anti-doping community could count to reinforce joint efficacy and contribute to doping control around the world within the framework defined by the World Anti-Doping Code. That work had been widely achieved. The ITA had been entrusted with implementation of the anti-doping programme at the Tokyo Olympic Games, and it had been successful in carrying out that work in close cooperation with the Japanese authorities, in addition to the independent observers from WADA. Also, throughout the year, the two organisations had grown closer together in operational terms, for example, through common research on various programmes, including dried blood spot testing and programmes supported by other organisations, with a view to establishing rules and compliance with the new Code and implementing fully those rules, creating a centralised infrastructure to foster the long-term safekeeping of samples, investigations, LIMS and the case of the International Weightlifting Federation. Those were all interests that were shared.

Over the past three years, there had been many ups and downs; but, beyond the shadow of a doubt, it was possible to talk about an increasingly complementary commitment to clean sport that boosted independence and made it possible to rise above conflicts of interest and also build up expertise and collective efficacy in an anti-doping environment that was increasingly complex. That was why a solid basis for the partnership was necessary, for there was a need to go further together and with other anti-doping organisations, because doubts remained as to performance. Genetic doping was knocking at the door. Some countries were hard to access, and means were lacking in others. Molecules or techniques were not systematically looked for or considered in laboratory standards, and there were new molecules that might be misused. The challenges in the future were huge, as recalled that morning. She assured the members that the ITA was a well-established, solid organisation, which would implement WADA's rules with great professionalism in the stadiums, in pools and gymnasiums and elsewhere around the world. It would make its contribution to improve things in the service of the anti-doping community and, first and foremost, the athletes, like with the international training of doping control officers or other programmes to help NOCs in conjunction with the IOC and WADA. She congratulated the President on his work and the reforms undertaken with his team since the beginning of his term. The immediate priority for the ITA was to deliver at the beginning of the year an anti-doping programme of high quality for the Beijing Olympic Games. The ITA had already been working on that for many months, together with the local authorities and through the expert group, which reinforced the

anti-doping efforts of IFs and NADOs before the Olympic Games. She looked forward to pursuing the building up of a solid anti-doping community that was united and showed great solidarity.

THE CHAIRMAN thanked Ms Fourneyron, his dear friend, for her very comprehensive report and collaboration. Did the members have any questions?

MS BATTAINI-DRAGONI noted that she would be speaking French because the members were in Paris. She could not fail to take the opportunity to express her great satisfaction and compliments to Ms Fourneyron for all the work that she had carried out, and she remembered the launch of that programme. Truly, giant strides had been taken and she was deeply moved. It was quite incredible to see all the activities being conducted and the support given by the ITA to WADA. Having said those very sincere words, she wished to ask a question. She would like to have some information about the budget to conduct all of the various activities. There were 70 people employed by the ITA. That was the first piece of information that the members had seen on the screen, and then they had seen the various activities. Could Ms Fourneyron provide a rough idea of the kind of investment behind that unchallengeable success?

MS FOURNEYRON welcomed the support. The ITA was a non-profit foundation, so the partners, the IFs and the International Olympic Committee, financed the services that it provided. Depending on the number of tests, on the kind of programme delivered, if it was the entire programme with result management and so on, depending on what was desired, what federations wanted to entrust the ITA with, there was a price to pay. It was a non-profit foundation, of course; therefore, for the time being, the accounts were not yet balanced out and the founding members helped to balance out the budget at the end of the year.

DECISION

ITA update noted.

12.3 UNESCO

THE CHAIRMAN invited Ms Gabriela Ramos, assistant director general for Social and Human Science at UNESCO, to say a few words.

MS RAMOS thanked WADA for giving her the opportunity to speak, albeit via a video message, because it was still the end of the general conference of UNESCO and she was unable to attend the WADA Foundation Board meeting in person, although she hoped to be able to get together in person soon. The past two years had been extremely challenging for everybody, but also for the sport ecosystem. She was glad that it had been possible to deliver on the work of the convention and advance the agenda globally. She knew that, due to the pandemic, the confinements and the school closures had resulted in a 41% reduction in the practise of sport, and that had affected the low-income communities in particular. More than 11 million girls might drop out definitively from school, harming their life chances, but also limiting the possibilities of expanding their full potential through sport and really pushing back years and years of progress on gender equality. Therefore, building social emotional resilience and developing inclusive rights-based sport policy were really important to drive health, education and equality globally. UNESCO's social and human science sector, which she was really honoured to direct, was revamping UNESCO's mandate in that area, of course, with the strengthening of the convention, but also with the analytical contributions that could be made in that domain. She would ensure that the core principles and value had an impact on the global development of sport.

Through leadership, as she had said, of the governance of the convention, UNESCO endeavoured to cement sport values, ethics and integrity as central tenets of development models and systematise investment, programming and policies. The strong support of UNESCO's 193 member states for that vision had been reaffirmed during the 41st general conference, which was UNESCO's governing body, fully confirming the trust placed in that organisation to build back better not only the sport ecosystem, but also communities at large through sport, in line with the 2030 and 2063 agenda. The sector flagship

Fit for Life that had also been launched the previous week shared those objectives: to accelerate Covid recovery, support inclusive and integrated policy-making related to sport and enhance the wellbeing of young people and all people around the world. Sport really was a magnificent tool to deliver inclusion and mental wellbeing. The conference of the parties had been at the epicentre of that process, providing evidence-based solutions through dialogue between public authorities and the sport movement and civil society. The eighth session of the conference of the parties held the previous month at UNESCO's headquarters had strengthened the convention and its governments, notably through the leadership of its bureau and the technical support of the approval committee of the fund. She thanked the chairman of the bureau, Mr Díaz, and the chairman of the approval committee, Dr Alhosani, for their fantastic contributions. They were owed a lot.

The COP 8 achievements, such as the milestone adoption of the operational guidelines and the framework for strengthening the implementation of the convention, as well as the future work on the monitoring mechanisms, especially the revamping of the ADLogic system and the future development of the model strategic frameworks, were the results of consensus, solidly built through inclusive dialogue and decision-making. Everything possible had been done to ensure that all the member states were considered and no one felt as if they had been left behind, as the saying went in the UN system. That was why she invited partners, including WADA, to join UNESCO in that *modus operandi* and to continue the efforts already under way in that direction. For UNESCO, cooperation with WADA was key. She wished to convey her sincere thanks to Mr Baňka, WADA's President, and Mr Niggli, WADA's Director General, for their participation in COP 8 and for sharing the challenges that WADA was facing and how they were being addressed. UNESCO had been built on the basis of cooperation, and that was why she felt that joint endeavours could continue to be built to deliver each one within their mandate for the member states, for stakeholders and for the foundations that were represented. The ties between UNESCO and WADA had to be optimised and, therefore, she commended the dialogue that the secretariat of the convention had had with WADA's Director General.

She was available any time to discuss with the Director General. It was important for the members to be aware that the secretariat at UNESCO was really open to continue cooperating. WADA's role as an advisory body was extremely important and it was necessary to continue building on the development of the modern strategic framework and revision of the WADA funding formula. There had been very clear mandates in that domain. There was a very clear roadmap to advance that agenda. In order to meet the commitments, it was necessary to address the question of resources, particularly financial resources. It was vital that UNESCO and WADA benefit from financial support to implement the common objectives and ensure that they delivered. That was a call to all of the members, and it was really important. She thanked WADA. She felt that everybody was bound for free, transparent, effective management of the sport ecosystem and therefore that it was important to join forces. UNESCO and WADA should consider themselves on the same team, the same members of a bigger team that was delivering for sports of the world, for people, and to find better ways to recover from the crisis that was currently being faced. It was great to see the members and she wished them the best of debates and outcomes of that very important meeting.

DECISION

UNESCO update noted.

13. Other business/future meetings

THE CHAIRMAN briefly informed the members about future meetings.

He hoped that all of the members, regardless of location, had found that hybrid meeting a positive and informative one. He thanked them for their participation, for all the decisions that they had taken and for their support and comments. He was really grateful. He also thanked the WADA staff for planning and supporting the conduct of that hybrid meeting and the interpreters for their hard work. He looked

forward to seeing the members in Cairo in May or maybe even earlier. He wished everyone well and a safe journey back home to those who had to travel.

DECISION

Executive Committee – 18 May 2022, Cairo, Egypt;
Foundation Board – 19 May 2022, Cairo, Egypt;
Executive Committee – 19 September 2022, Sydney, Australia, TBC;
Executive Committee – 17 November 2022, Montreal, Canada;
Foundation Board – 18 November 2022, Montreal, Canada.

The meeting adjourned at 15:55 GMT+1.

FOR APPROVAL

MR WITOLD BAŃKA
PRESIDENT AND CHAIRMAN OF WADA

MR OLIVIER NIGGLI
DIRECTOR GENERAL AND RECORDING SECRETARY