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Minutes of the WADA Executive Committee meeting 18 May 2022, Cairo, Egypt

The meeting began at 9.00 GMT+2.

1. Welcome, roll call and observers

THE CHAIRMAN warmly welcomed everyone to the meeting, which would be the third hybrid meeting because unfortunately the circumstances still did not allow for full in-person participation. There were nine members and three standing committee chairs in Cairo, and the Executive Committee was joined virtually by five members and one standing committee chair with another standing committee chair unfortunately absent.

He referred to the situation in Ukraine. Everybody was shocked by the brutality of the war and the suffering of the civilian population. He believed that, at moments like those, the entire sport community should unite, and he was glad that it had been possible to manifest that unity. WADA tried to respond to the needs and support colleagues from Ukraine, and Mr Niggli would provide more information in his report. WADA members' thoughts and prayers were with the people of Ukraine.

As at recent editions, WADA was being supported by Anaïs Lefèvre, the moderator.

The following members attended the meeting: Mr Witold Bańka, President and Chairman of WADA; Ms Yang Yang, Vice-President of WADA; Professor Ugur Erdener, IOC Member, President of World Archery; Mr Jiri Kejval, President, National Olympic Committee, Czech Republic, IOC Member; Mr Ingmar De Vos, Council Member, ASOIF, IOC Member, FEI President; Mr Humphrey Kayange Emonyi, IOC Member, representing the IOC Athletes' Commission; Ms Hannah Grossenbacher, representing Mr Nenad Lalovic, Executive Member, GAISF Council, UWW President, IOC Member; Mr Auguste, representing Ms Minata Cessouma Samate, Commissioner for Health, Humanitarian Affairs and Social Development, African Union, Burkina Faso; Mr Reyes, representing Mr Guillermo Herrera Castaño, President, CADE, Colombia; Mr Ikeda Yoshitaka, State Minister of Education, Culture, Sports, Science and Technology, Japan; Ms Roxana Maracineanu, Minister of Sport, France; Mr Richard Colbeck, Minister for Youth and Sport, Australia; Ms Gabriella Battaini-Dragoni, Independent Member, Italy; and Dr Patricia Sangenis, Independent Member, Argentina;

The following Standing Committee Chairs attend the meeting: Mr Ben Sandford, Chair of the WADA Athlete Committee; Mr Henry Gourdji, Chair of the WADA Compliance Review Committee; Ms Kady Kanouté Tounkara, Chair of the WADA Education Committee; Professor Lars Engebretsen, Chair of the WADA Health, Medical and Research Committee; Professor Ulrich Haas, Chair of the Governance Review Committee; and Ms Diane Smith-Gander, Chair of the Nominations Committee (in part).

The following representatives of WADA Management attended the meeting: Mr Olivier Niggli, Director General, WADA; Mr Frédéric Donzé, Chief Operating Officer, WADA; Mr René Bouchard, Government Relations Director, WADA; Ms Dao Chung, Chief Financial Officer, WADA; Mr Sébastien Gillot, Director, WADA European Office and International Federations Relations; Mr Kazuhiro Hayashi, Director of the WADA Asia/Oceania Office; Mr Kevin Haynes, Compliance, Rules and Standards Director, WADA; Ms Amanda Hudson, Education Director, WADA; Ms Angela Iannantuono, Human Resources and Corporate Services, WADA; Mr Stuart Kemp, Deputy Chief Operating Officer, WADA; Mr Francisco León, Programme Development 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; Ms Maria José Pesce Cutri, Director of the WADA Latin America Office, WADA; Mr Rafal Piechota, Office of the President, WADA; Dr Olivier Rabin, Senior Executive Director, Sciences and International Partnerships, WADA; Mr Tim Ricketts, Testing Manager, WADA; Mr Rodney Swigelaar, Director of the WADA Africa Office; Dr Alan Vernec, Medical Director, WADA; Mr Gunter Younger, Intelligence and Investigations Director, WADA; Mr Ross Wenzel, Legal Counsel, WADA; Mr Julien Sieveking, Legal Affairs Director, WADA; and Ms Shannan Withers, Chief of Staff, WADA..

The following observers were present: Michael Vesper, Richard Budgett, Chris Butler, Steven Murphy, Andrew Ryan, James Carr, Margo Mountjoy, Maria Fernanda Muñoz, Cécile Mantel, Nick Paterson, Richard Baum, Yoshitaka Hoshino, Kazuhiro Yagi, Shin Asakawa, Yu Ueki, Marcos Díaz and Clayton Cosgrove.

- **1.1 Disclosures of conflicts of interest**

THE CHAIRMAN asked if any of the members wished to disclose a conflict of interest. He did not see any request for the floor, so moved on to the next item.

2. Minutes of the previous meeting on 24 November 2021

THE CHAIRMAN said that draft minutes from the November 2021 meeting had been circulated among the members as part of the meeting document set. No member comments had been received; if there were none that day, they would be approved.

DECISION

Minutes of the meeting on 24 November 2021 approved
and duly signed.

3. Director General's report

THE DIRECTOR GENERAL welcomed the members to Cairo and greeted those members who were joining virtually. The members had his written report in their files. He would concentrate on the first part of his report, which was the new situation regarding the war in Ukraine. It was important to make sure that the Executive Committee, Foundation Board and management were fully aligned in terms of how they were dealing with the current situation, in particular regarding their interaction with the Russian Anti-Doping Agency. The position to date had been to keep a line of communication open with RUSADA. There were several reasons for which it was the view that WADA should continue with that relationship at the operational level. First, WADA wanted to remain informed as much as possible on the anti-doping work being conducted in Russia; second, it was important that Russian athletes still be tested, because some of them were still competing in international competition, although under a neutral banner, and furthermore it was necessary to bear in mind the fact that, one day, they might be eligible to take part again in international competitions and it would not be good if there were no anti-doping activities taking place for a long period of time in Russia. It was also important to realise that WADA still had to deal with the CAS decision and a number of reinstatement conditions that were part of that decision and that, for the Compliance Review Committee and the Executive Committee to take a later decision, WADA needed to gather information and be able to liaise with RUSADA, which was why, at the request of the Compliance Review Committee, WADA was proposing a virtual audit of RUSADA. An in-person audit had been planned for March, but the management was proposing to organise a virtual audit over the coming months if the Executive Committee was comfortable with that. The purpose of the item was to make sure that everybody was aligned and that the members were comfortable with the approach.

PROFESSOR ERDENER thanked the Director General for the detailed and comprehensive report. The sport movement thanked WADA for the update on the measures in the light of the geopolitical situation in Russia, Belarus and Ukraine, as mentioned. The sport movement expressed concern regarding the risk of increased doping among Russian, Belarussian and Ukrainian athletes, political unrest of those athletes in international competitions and decreased opportunities for testing. Therefore, the sport movement welcomed the guidelines issued by WADA and considered the overall measures to be adequate in view of the circumstances and balanced with the interests of the fight against doping in sport.

THE CHAIRMAN thanked the members.

THE DIRECTOR GENERAL added that WADA was also concerned about the increased risk of doping among the athletes mentioned and had taken a few initiatives. It had contacted NADOs from territories in which Ukrainian athletes had been identified as refugees and the athletes were tested in their countries as part of their national programmes. WADA had received a very supportive response from all the NADOs contacted, which had agreed to test the athletes as part of their programmes and at their cost, in terms of solidarity from the anti-doping community. The Ukrainian NADO had resumed some operations in Ukraine, to his surprise. As far as the Ukrainian athletes were concerned, they were well covered, and those in the testing pool were less tested. WADA had liaised with IFs to encourage them to continue to test Russian athletes as much as possible. RUSADA was still operating, carrying out testing in Russia and sending samples to the laboratory in Ankara, Turkey. The difficulty faced was that there were difficulties paying subcontractors to go and test in Russia or even transfer money for testing, so there were some logistical issues, but WADA still encouraged an ongoing testing programme in Russia. The situation would continue to be monitored.

THE CHAIRMAN echoed what the Director General had said regarding the solidarity of ADOs and thanked them for their encouraging and positive attitude, expressing a willingness to test Ukrainian athletes and finance the testing activities.

MS YANG thanked the Director General for his report and asked for an update on the case of the Russian figure skater, Kamila Valieva. How was that going?

MS MARACINEANU said that she was really happy to be at the meeting that day. She just wanted to apologise for not being there in person because the new government would be announced that day in France.

She wanted to know which Ukrainian athletes were being hosted in which countries, since there had been a lot of movement of Ukrainians in Europe. Did WADA have that information, or could it be provided?

Her government wanted to be able to monitor the performance and results of the Ukrainian athletes who were in the various countries. It was necessary to exchange information between NADOs and maybe also centralise the information at WADA so that the information could then be passed on to the national organisations. At the latest meeting of the ministers of sport in Europe, they had been able to welcome the Ukrainian sports minister and agree to help and protect the Ukrainian athletes who were outside Ukraine and also make sure that there was no doping amongst those athletes.

THE DIRECTOR GENERAL responded to Ms Yang's question. The case was currently pending before the national adjudication panel in Russia, so WADA was following the progress but was not involved, and was waiting for a decision to decide whether or not it was in line with the Code or exercise its right of appeal. He would keep the members informed.

In response to Ms Maracineanu's question, WADA had been in touch with the ADOs in the countries in which it had been told that Ukrainian athletes were being hosted, or in which they were training. The information had come from the Ukrainian anti-doping organisation, which was in contact with the different NADOs in the respective countries. It was not always easy for the Ukrainians to register all movements, but they were doing their best and the person in charge of that was working at the Polish agency and coordinating the matter from Warsaw.

MS BATTAINI-DRAGONI welcomed the presentation. More specifically, she believed that the really interesting point was the virtual audit mentioned by the Director General. She believed that it was something that WADA had to closely follow. She hoped that everything would take place properly so that WADA would be able to operate and affect future questions. Her comment was about the Russian analysis and the importance of the Compliance Review Committee in that regard.

DECISION

Director General's report noted.

- **3.1 Covid-19 update**

THE DIRECTOR GENERAL said that, in order to avoid any repetition, he would not refer to the item at the Executive Committee meeting. There would be a presentation the following day from Mr Ricketts.

DECISION

Covid-19 update noted.

- **3.2 Strategic key performance indicators development update**

THE DIRECTOR GENERAL informed the members that there had been discussion in the past on the key performance indicators. After the adoption of the new strategic plan, there had been internal reorganisation to allow WADA to deliver on the strategic plan, and part of it had been to put in place KPIs to enable WADA to measure progress and report to the Executive Committee and Foundation Board on a regular basis. That had been done and was an important step, and certainly very relevant in relation to the discussion on the budget later that day. The members had a summary of the KPIs and what WADA intended to do. There were two types of information: either WADA had the information as part of its activities and was able to measure against those, or it would have to organise regular surveys to get stakeholder feedback on some of the items. Of course, the first step was to establish a baseline. That had been done and a survey had been sent to the stakeholders about a week previously. He hoped the Executive Committee was comfortable with the KPIs. He welcomed any suggestions or ideas on how to measure. WADA had done that with the help of PricewaterhouseCoopers. The idea was to measure in-house in the future, so he did not anticipate specific costs associated with that work. The timing depended on the individual KPIs, but that would be a regular reporting item and discussed at Finance and Administration Committee meetings.

PROFESSOR ERDENER said that, as the sport movement had informed WADA in writing, it was a very good and detailed plan and he thanked the WADA management for the good work.

DECISION

Strategic key performance indicators development update noted.

- **3.3 World Conference on Doping in Sport 2025 host city**

THE DIRECTOR GENERAL noted that the members would be aware of the fact that Athens had withdrawn its candidature, so there would be three cities competing the following day. Each city would be given ten minutes to make a presentation. Two would be represented in person, Busan from South Korea, and Tampere from Finland. The third city, Muscat from Oman, would make a virtual presentation. They would each get ten minutes, after which the Foundation Board members would be able to ask them questions. After completing the presentation phase, the voting phase would take place. Two scrutineers would have to be appointed to oversee the election. He would propose Professor Haas and Ms Kanouté, who had already agreed to do that. Members following virtually would have a virtual voting mechanism and those in the room would do so in the old-fashioned way with a piece of paper. The scrutineers would count the paper and electronic votes and then communicate the results. The first city with an absolute majority of 50 plus 1 would be elected. The members had received the rules for the election and no comments had been made in relation to those. He would be happy to take any questions.

PROFESSOR ERDENER said that the sport movement would let the members decide, but in principle supported a continental balance on the matter.

DECISION

World Conference on Doping in Sport 2025 host city update noted.

- **3.4 WADA and Commonwealth Games Federation cooperative agreement**

MR BOUCHARD noted that the purpose of the four-year agreement was to enhance the global anti-doping programme in the Commonwealth by improving the level of collaboration between the two organisations and the coordination of actions. The CGF was the authority responsible for delivering the vision of the Commonwealth sport movement across Commonwealth countries and territories. It covered more than 70 countries and territories globally, so was well placed to help WADA further enhance the implementation of the anti-doping programme, particularly with a number of small countries in which capacity

building was an important area. The CGF considered a formal agreement with WADA as a positive opportunity to expand its role in the global anti-doping movement and to support its member associations. The CGF medical commission and executive board had already agreed in principle to the text of the agreement and the accompanying addendum. If the Executive Committee approved the proposed agreement, its signature would follow. No specific budget was requested for the initiative. The activities were part of existing WADA programmes and projects budgeted for. Also, the proposed agreement clearly indicated that the activities were suggestions only and implementation would be dependent on the resources available to either party at the time of request. It was a very good agreement from both a policy development and operational perspective. The agreement would allow WADA to structure its relationship, plan activities, lever resources and influence and focus on results.

MR AUGUSTE spoke on behalf of the African region to thank WADA for the very important initiative. A lot of the African countries were CGF members and the agreement would support them in their activities, providing assistance for programmes on the continent, in particular in smaller countries.

MR COLBECK said that it was good to see the members again. On behalf of the public authorities, he confirmed that they approved the cooperative agreement with the Commonwealth Games Federation and were very pleased in relation to the proactive approach. In doing so, he noted that the next edition of the games would be taking place very soon in Birmingham and then, of course, he looked forward to welcoming the athletes of the Commonwealth to Australia for Victoria 2026. He had a couple of points though, or one point in particular: given the number of cooperative arrangements recently signed by WADA, he wished to request a short strategy paper for the next Executive Committee meeting that ensured a prioritisation of the important work to deliver those agreements in the context of WADA's strategic goals. He was very supportive and congratulatory of the proactive approach, but sought focus to ensure that arrangements were delivered in accordance with the strategic goals.

THE CHAIRMAN said that the number of MoUs signed by WADA should always reflect the real needs of the organisation and its partners so each and every memorandum of understanding signed was duly analysed to avoid any doubts as to whether the memorandum served the goals of WADA, so all the memorandums of understanding were aimed at leveraging capacity in different areas such as investigation, science, education, programme development, testing and many others, so WADA was progressing with a number of memorandums of understanding to support the work and network of relations. He strongly believed it was the right approach.

He believed that the members could approve the agreement.

DECISION

Proposed WADA-CGF cooperative agreement approved.

4. Governance

- 4.1 Recommendations from the Working Group on the Review of WADA Governance Reforms, final report

THE CHAIRMAN noted that, that day and the following one, he expected to finalise the discussion on the second phase of governance reforms. In a moment, the members would hear from Professor Haas as to the recommendations that were on the table, and after the presentation he would, of course, open the floor for discussion.

PROFESSOR HAAS thanked the members for giving him an opportunity to present the final report of the Working Group on the Review of the WADA Governance Reform. He noted a couple of things. He would give a very short overview of the work of the working group. He would then dive into the recommendations. There would be reference to the financial implications of the recommendations, and then a glimpse into the future. As for the work of the working group itself, it had comprised seven members: an independent member, two members nominated by the sport movement and two by the public authorities, and two athlete representatives. They had held 36 meetings over 18 months. Unfortunately, it had never been possible for everybody to meet in person; meetings had been either hybrid or online only. There were hundreds of hours

of recordings. The members had met a lot of stakeholders (more than 80 had been consulted). There had been a lot of comments and recommendations by other stakeholders, with over 2,500 received. And, of course, there had been over 20 versions of draft recommendations.

As to the final recommendations, one of the major changes he would like to propose was athlete representation within WADA. The recommendation was that there be an Athlete Council and that that council represent a broader athlete community, that it be enlarged to 20 members, five appointed by the athletes' commissions of the IOC and IPC, eight to be elected by IF athlete committees, and seven appointed by a special appointment panel. Some of the key principles as to how they would like the elections to take place and the appointments could be seen in the report, but the detailed rules and regulations on appointment and election had been drafted by the WADA management in consultation with the WADA Athlete Committee and Mr Sandford, and those rules and regulations would be discussed at a later point in time. The group also recommended that the chairman be elected by an absolute majority and that they be sitting on the Executive Committee. They would be assisted by a vice-chairman also elected by the members of the WADA Athlete Council. One of the main tasks of the Athlete Council would be to then appoint from among its members the WADA athlete members who would be members of the various WADA bodies.

The group wanted to recommend some important changes to the Executive Committee as well. It would recommend having one additional independent member and the public authorities and the sport movement should jointly submit at least two candidates for that position. Furthermore, the group wished to see the WADA Athlete Council chairman sitting on the Executive Committee. That would mean that there would be five members of the Executive Committee from the sport movement and five from the public authorities, five independent members, including the president and the vice-president, and of course the WADA Athlete Council chairman. The group also recommended that the Executive Committee be responsible for taking all decisions that were not reserved by law or by the statutes to the Foundation Board or other bodies. It also thought that some of the very important substantive decisions of the Foundation Board, such as the international standards, the World Anti-Doping Code, the Independent Code of Ethics reconsideration measures and Compliance Review Committee recommendations should be taken by a two-thirds majority of the Executive Committee. Finally, the group recommended that three regular meetings take place every year with the publication of important decisions.

There were important changes recommended regarding the Foundation Board, and some had already been presented at the November meeting. The group recommended that, because of the important roles of NADOs, two NADO representatives be appointed to the Foundation Board, sitting on the public authorities side. The group also recommended strengthening the athlete voice on the Foundation Board by adding two further athletes from the WADA Athlete Council to the sport movement bench. In order to decrease the current overlap between the Foundation Board and the Executive Committee, the group proposed that Executive Committee members no longer sit on the Foundation Board, except of course for the president and vice-president, because both of them chaired the Executive Committee and the Foundation Board. The group had drawn up an exhaustive list of decisions to be taken by the Foundation Board, in particular concerning governance regulations, the World Anti-Doping Code, the budget, the strategic plan, major transactions and high-level appointments. The group would like such substantive decisions to be taken by a two-thirds majority, with exceptions for the election of president and vice-president, where the two-thirds majority would not make as much sense. Finally, the group recommended that the Foundation Board meet once a year on a regular basis, with further meetings to be scheduled if necessary.

The group's experience and analysis of the Nominations Committee was that it was a very well-functioning body and the group proposed maintaining the current status and composition of the committee. The members sitting on the committee were sitting there in their personal capacity. The group encouraged having a specific section in the governance regulations outlining all the tasks of the Nominations Committee.

The group's analysis of the Compliance Review Committee was equally positive. The only amendments it would propose were that it be changed from a standing committee to a special committee. It was not a super material change because, looking at the governance rules, there were so many particular rules applying to the Compliance Review Committee that the point was simply highlighted by giving the Compliance Review Committee a different status. He also thought that the current composition of the Compliance Review Committee should be maintained. The only change the group would propose was that

the athlete sitting on the Compliance Review Committee not be from the WADA Athlete Council but somebody from outside the Athlete Council membership. Of course, that person would have to fulfil the same eligibility criteria as an athlete sitting on the WADA Athlete Council. Again, the group wished to make it explicit that people sitting on the Compliance Review Committee sat there in their individual capacity and took no direction from anybody whomsoever, and it thought that it would be a benefit and an asset if there were a skills map drawn up for the people sitting on the Compliance Review Committee.

The group acknowledged that the internal committee and working group structure within WADA was rather complex. It had found out that there were four different levels of committee: the special committees, the standing committees, working committees and advisory committees. The group recommended not adding any complexity to those four layers and sticking with them. It did recommend, however, a five-member finance and remuneration committee, to be chaired by the WADA president, and a three-member audit and risk committee, with one Executive Committee member and two external experts. He would come back to that point at a later stage because the sport movement and public authorities had met prior to the meeting and made some suggested adjustments to those two committees. The group had also recommended some simplified appointment processes for standing committees. In the past and in the future, NADOs would play a very important role within the WADA structure, so the group proposed maintaining the NADO Expert Advisory Group but enlarging it to ten members. The members would be elected on a regional basis, with two representatives from every continent. The group did provide for some key elements for appointment and election in the recommendation; but, again, the detailed rules and regulations on the selection process had been drafted by the WADA management in consultation with the NADO EAG. The group recommended that two members of the NADO EAG sit on the Foundation Board and it would be up to the NADO EAG to elect from among its members the two representatives to sit on the Foundation Board. It recommended that the NADO EAG report to the Foundation Board and give advice and technical expertise to WADA where relevant.

Independence had been a complex issue upon which a lot of feedback had been received throughout the work of the group, especially during the stakeholder consultation process. Nobody had come up with a definition with which everybody could work, so the group had taken a rather pragmatic approach. It had approached independence from three angles and defined three categories of independence: operational, personal and organisational independence. It had applied the independence criteria to all the organs in WADA and come up with three types of officials needed within the organisation. The independent official should meet all three criteria, the nominee or the applicant had to fulfil operational and personal independence, and representatives had to fulfil, at the very least, the first requirement, which was operational independence. To make the slide more readable, colours had been used to distinguish the three categories.

Another important point on which there had been a lot of feedback during the stakeholder consultation was diversity. The overwhelming view or significant trend had been that WADA should follow a rather broad concept of diversity, so the group had picked up on that; therefore, diversity covered a lot of factors such as geographic origin, gender, disability, nationality, ethnicity, culture, background, age, etc. The group had realised, however, when looking at the stakeholder feedback, that there were two elements that were of vital importance to stakeholders, and they were geographical origin and gender. The group had carried out a study of the various organs and had seen that, especially in the governing bodies, the Executive Committee and the Foundation Board, there was room for improvement. The members would see from the statistics on the right-hand side of the slide that, when it came to gender and geographical origin, there was room for improvement. Things looked quite different on the standing committees. Especially when it came to diversity and respect for geographical origin and gender, a lot of that had already been accomplished. The group recommended that the public authorities and sport movement establish a mechanism to ensure progress in that field. It was aware that, once appointments had been made, it was not possible to change the diversity criteria overnight, so suggested a period of three years during which to make significant progress based on an action plan, which needed to be drawn up. The financial implications of those recommendations were quite considerable. The members could see that the total additional running costs of the recommendations ran up to approximately 450,000 US dollars per year. Those would cover enlarged committees. For example, the WADA Athlete Council, with 20 members, would be meeting twice a year. That would be an additional cost. Of course, for the election process, a platform would need to be set up, and all of that would result in

additional costs. Most of the costs would come up in 2023 because most of the recommendations would be implemented in 2023; therefore, the cost estimate was 670,000 US dollars for 2023. The cost of the 2018 and 2022 reforms had been added. It was quite considerable: 1.2 million US dollars per year. 2018 and 2022 had been put together because without the 2018 reforms there would not have been the 2022 reforms, so the group thought they went hand in hand. To make everything transparent, both sets of figures had been added. The working group noted that those were considerable costs when taking into account WADA's overall budget. Of course, some of the larger IFs had carried out governance reforms as well, but most operated on a completely different budget to the budget before the members, so he was aware that they were considerable costs.

Looking to the future, the group thought that a further assessment of governance reforms should take place at a certain point in time. It recommended carrying out that assessment within three to five years after the implementation of the reforms. The bulk of the reforms would be implemented the following year, so that would be the point to which the three to five years would refer. The group had also listed a couple of things that might require further analysis, such as athlete representation models, changes to the Foundation Board and things that had been put on the table, such as more transparency in the decision-making process. For the Executive Committee, there had also been some suggestions, including reducing the size and changing member status. Another point might also be to decrease the complexity of committees and working groups within WADA. He had said that there were four layers, and perhaps those could be reduced. It might be worth looking at the independence criteria for certain independent officials. There were also cooling-off periods, which should be considered, and also in terms of whether they might be necessary for other independent officials. It might be worth looking again at the Code of Ethics and whether the scope of application should be enlarged.

He thanked the Executive Committee and President for extending the mandate of the working group, enabling it to finish the recommendations. He thanked the members of his group who had put in a lot of time and energy, and also thanked Mr Sandford for the cooperation and input of the athletes. He also thanked Ms Rangeon for her assistance.

MR DE VOS thanked the working group and its chairman for all the work it had done. It had been quite difficult and complicated. A lot of progress had been made and it had also been necessary to find some compromises. On behalf of the sport movement, he could say that he supported the recommendations. However, he had a couple of comments that he would like to make and maybe they could be considered and reviewed or at least noted the following day when the decision was taken. He had already made the point regarding the Independent Ethics Board (the famous table with the different types of independence for the different positions within the organisation), and repeated that the members proposed by the sport movement and consequently also by the public authorities did not require organisational independence. The sport movement wanted the same requirements as for those members proposed by the public authorities and the sport movement for the Compliance Review Committee and Nominations Committee, and they did not have to fulfil the organisational independence requirement. The table with all the crosses could easily be amended by taking out one little cross.

Regarding the Finance and Administration Committee and the Remuneration Committee, the sport movement was of the opinion that both committees should be separate. The Finance and Administration Committee should be made up of representatives, 50% coming from the public authorities and 50% coming from the sport movement. The committees had a different role and it was difficult to combine them. Without wishing to cause offence, the sport movement believed that it was not a good idea that the Finance and Administration Committee be chaired by the president of the organisation or even that the president be involved in that work. The sport movement recommended keeping the two committees separate. In view of the comments made regarding the financial consequences of restructuring, the Finance and Administration Committee should be small and the sport movement proposed a maximum of six members.

He believed that it had been said that a two-thirds majority would be required for the election of the president and the vice-president. He believed that it was important that the president and the vice-president of the organisation be supported by a large majority and he would be grateful if Professor Haas could provide clarification on that point.

All in all, taking into consideration the comments made, the sport movement would be very happy to support the proposed reforms so as to turn a page and move on with the core business of the organisation, which was the fight against doping in sport.

On behalf of the public authorities, MR COLBECK wished to agree or confirm his support for the final report on the recommendations outlined in the updated agenda paper. He also acknowledged the comments just made by Mr De Vos and indicated that he was comfortable with those points that had just been raised by him as well. They had certainly been discussed at a meeting held recently. He thanked the Working Group on the Review of the WADA Governance Reforms for the great work that it had done on the report, and also particularly thanked Professor Haas for his expert chairing of the discussions that had been held between the public authorities and the sport movement. He also particularly wanted to thank his colleague, Mr De Vos, for his interaction and engagement in respect of some of the issues through which the members had had to work their way. It had been great that they had been able to come together and agree on that quite important topic.

There was one point that he would ask receive some consideration and that related specifically to the issue relating to registered deputies. There had been circumstances in which full representation had not been available from the public authorities, when ministers had not been available and they had been limited to just one circumstance of appointing a registered deputy. He would request that some work be done to investigate how that could be dealt with, not necessarily going back to the Swiss authorities at that point in time, but looking at the way in which WADA operated as an organisation. The concept of delegation from his perspective as a minister was one that he managed through government on a regular basis and he thought it was important that the concept of the balance that sat around the table was available to all at all times, and how best to achieve that was something that the members did need to have a look at to ensure that full representation was available in all circumstances. Of course, improvements to governance were an ongoing process, but he thought that WADA had come a long way as part of the process that the members had just been involved in. Again, he acknowledged Professor Haas and his committee. Great work had been done. Again, he thanked Mr De Vos for his interaction as part of the negotiations that had taken place. It was good that it seemed that the members were in a situation whereby they could agree on the final circumstance to take back to the Foundation Board the following day.

MR IKEDA thanked the members for their contributions from the bottom of his heart. He had to echo what had been mentioned, because with regard to the recommendation draft, he would like to welcome all of the items, because the clarification of the roles and responsibilities of the Executive Committee and the Foundation Board would make the members' work more efficient, laying the foundations for governance reform. However, the governance reform should monitor better efficiency in the field work, and it would be important to closely monitor whether or not it was achieved through that effort.

MS MARACINEANU wished to commend the working group for the major progress on the review of governance reforms. She congratulated Professor Haas and the President. They had spoken about advocating greater independence of WADA and a greater presence of athletes, and WADA was getting there. That was important, because it was a major challenge if WADA wanted to keep the decisions of the major bodies independent and transparent. Since Mr De Vos had suggested a change to governance, she wished to say that she felt that required further thought, and she would like the final report to be adopted by e-mail procedure so that the members could reflect on those issues. Another point she wished to make was the need to take into account sustainable development goals in implementing recommendations and in any future activities on governance reform. France was a co-signatory with other members of the European Union of the recommendations following the French Presidency on the topic of green sport and recommendations on sustainable development which needed to be honoured by all stakeholders in contributing meetings and events, but also in the daily operations of those bodies. She would be very attentive to the way in which WADA took those developments into account. She thought that that was currently indispensable.

Having heard Mr Colbeck's very kind words, MR DE VOS wished to reciprocate what he had said and thank him for the very good cooperation negotiating on some difficult points. He thanked him for the very constructive dialogue. The sport movement also supported the proposal regarding the registered deputies. It was very important that all stakeholders be represented in the decision-making process. It was not

necessary, as Mr Colbeck had mentioned, to check with the Swiss authorities; the WADA Legal Department was more than capable of checking whether such proposals were compliant with Swiss legislation. He had spoken only about the Finance and Administration Committee; but, when it came to the Remuneration Committee, it was important that the president of the organisation and the leadership be involved.

THE CHAIRMAN agreed that it was difficult to agree with the working group proposal that the committee include the WADA president and vice-president. The Finance and Administration Committee had an important advisory role to play and was intended to provide an objective, independent, external perspective on WADA's financial issues, and that did not seem possible to him when the WADA leadership was part of it. Furthermore, he did not find such solution very transparent. He understood the proposals but had to say that he did not agree. He also understood the reduction of the members of the committee, and understood the need to reduce the number of members of the committee to make it more efficient. However, with regard to the composition of the committee, he would strongly recommend maintaining the status quo, which was that only WADA representatives sit on the committee and not the WADA leadership. Regarding deputies, the current rules had been agreed upon and adopted one year previously, and he remembered how hard it had been to convince the Swiss authorities to allow for deputies at one meeting per year. Everybody knew that it was a principle under Swiss law that the membership of statutory bodies was a personal mandate; therefore, allowing for deputies at one meeting per year was a great exception made by the Swiss authorities. From his perspective, he did not think that it was a good idea to reopen the discussion just one year after the decision had been taken. It could really backfire on WADA. The members should be aware that the meetings were currently hybrid in nature, allowing for participation with a minimum time commitment. If they were to reopen the discussion, the members should not be surprised to see the Swiss authorities banning deputies at all meetings.

PROFESSOR HAAS noted that the Mr De Vos was right and the election of the president and vice-president was with a two-thirds majority. He would clarify it once more in the report but the report explicitly said that.

For the other points, as had already been the case prior to and after the November meeting, there had been a very swift and efficient discussion between the sport movement and the public authorities on outstanding issues, which he called adjustments of the recommendations, and he summarised the adjustments agreed upon in that final process. First of all, there had been an adjustment with respect to the Finance and Administration Committee and the Remuneration Committee. The recommendation had been to merge the two committees; the adjustment was that, since the scope of the committees was different, there was a wish to maintain the two different committees. There would be a Remuneration Committee on the one hand and a Finance and Administration Committee on the other, and the Finance and Administration Committee would be reduced in size to six members. As for the Audit and Risk Committee, there had been an agreement between the sport movement and the public authorities that the committee would report to the Foundation Board and audit against defined policy objectives through key performance indicators, so there would be a direct line of communication from the Audit and Risk Committee to the Foundation Board. Furthermore, there had been an agreement that the NADO Expert Advisory Group would remain an advisory group; however, the group would report to the Foundation Board as a standing item on the agenda. Further adjustment had been made and agreed upon between the sport movement and the public authorities regarding group 2 within the Athlete Council. The idea was that the athletes with the highest number of votes would be elected, irrespective of any other criteria such as region. Furthermore, as had been explained during the discussions, the two nominated members of the Independent Ethics Board would be required to comply with two levels of independence, operational and personal, and that would be exactly the same status as the two nominated members of the Compliance Review Committee and the Nominations Committee, therefore in line with other organs within WADA, and then there had been a wish and an agreement that the minutes of the Executive Committee continue to be verbatim and published. That summarised the items that had been adjusted and agreed to in addition to the special discussion between the sport movement and the public authorities. He had left out the issue of deputies, as that was a separate item that he had not put on the list of adjustments.

MR DE VOS made a clarification regarding the verbatim minutes. He would also appreciate a summary of the decisions so as to have a clear overview of the decisions taken after the meeting rather than wait until the minutes had been written.

MS GROSSENBACHER said that she had noted the recommendations discussed regarding the NADO Expert Advisory Group, but wished to confirm: did that change the status of the group or did the group remain as it was?

PROFESSOR HAAS replied that the status of the group would remain as it was.

THE CHAIRMAN asked the members to recommend the reforms proposed by the working group. He thanked the members very much. Before he formally concluded that point, he wished to thank Professor Haas and the working group as well as Messrs Colbeck and De Vos for their hard work on the second phase of governance reforms. Without their commitment and dedication, it would not have been possible to achieve such great success.

DECISION

Recommendations of the Working Group on the Review of WADA Governance Reforms to be proposed to the Foundation Board for approval.

- **4.2 Governance reforms implementation update**

4.2.1 Athlete Council and National Anti-Doping Organisation Expert Advisory Group rules/procedures

- a. Athlete Council (group 2) election rules**
- b. Athlete Council (group 3) appointment procedure**
- c. Athlete Council transition measures**
- d. National Anti-Doping Organisation Expert Advisory Group election rules**

THE CHAIRMAN asked the Director General to provide a brief update on what steps had taken place since November to implement the agreed governance reforms.

THE DIRECTOR GENERAL said that he would deal with items 4.2 and 4.2.1. The members had the report in their files. He would shortly give the floor to Mr Sandford, who would present the documents related to the election of the Athlete Council, as well as the transition measures. He would then take the members to the same rule applying to the NADOs. Before that, however, he wanted to highlight two things. The members had in their files the road map for implementing all the changes that were coming. He was asking the Executive Committee to approve the documents on the assumption that, the following day, the Foundation Board would approve the reforms. So, obviously, the acceptance of the documents was conditional on the Foundation Board approving the main documents the following day. He had put a timeline in there which, as the members would see, was relatively ambitious. He hoped that most of the reforms would be implemented by the beginning of the following year or in the first months of the following year. There were two points he wanted to highlight. First of all, that the Executive Committee members from both the public authorities and the sport movement would have to come together and have a discussion on identifying the new independent members for the Executive Committee, because there were two names that had to be put forward to the Nominations Committee jointly. The members could start thinking of a timeline for that, because there would not be much time.

The other thing he wanted to make very clear was that the management was going to start working, as soon as the governance reforms were approved, on what it would mean in terms of statutory changes. That would be transcribed into the statutes. The idea would be that that would be presented to the Foundation Board in November for formal adoption. In the meantime, it would be necessary to discuss the changes with the Swiss authorities because they were overseeing that, as mentioned earlier. Some of the proposals that were in the current proposal were relatively challenging, in particular the fact that WADA was proposing to increase the board above the 40 members set out in the statutes to 42. He hoped that they would be amenable to that. Some of the discussions might be complicated. It was clear that WADA was not controlling

the timing with them. Sometimes it took a lot of time. It had been the case previously. He hoped to have good feedback by November, but could not guarantee that.

THE CHAIRMAN clarified that the first item concerning the Athlete Council was for decision. A few adjustments to the item (4.2.1) had been discussed among the stakeholders. A new version of the document had been distributed and would be presented by Mr Sandford.

MR SANDFORD observed that it was good to be there in person and see all of the members in person after a number of years doing meetings on Zoom. He wanted to take the members through the documents that brought to life the recommendations from the working group. They related to how to change from being the Athlete Committee to an Athlete Council. The members had already seen the slide, but he just wanted to go back to it. The new Athlete Council would have three groups. Group one would be five members appointed by the IOC and IPC. Group two would be eight athletes selected by IF athlete committees, and group three would be seven athletes appointed by an appointments panel. He would be talking primarily about groups two and three, but he would also take the members through a transition document for their information. There were two documents for decision that day: the Athlete Council election procedure and the Athlete Council appointment procedure. Thirdly, there was the Athlete Committee to Athlete Council transition document. For the first two, the members had received in their original document package the outline procedures, and those had been amended the previous day following the meeting between the sport movement and the public authorities. The new versions should have been sent out to the members the previous day. As he went through the presentation, he would highlight some differences, which really came about following the amendments made the previous day to the documents. The Athlete Committee had thought long and hard about how it wanted to implement the recommendations of the Governance Working Group and it had landed on a set of procedures. The original documents that the members had received were a lot closer to that. The ones that had been amended the previous day were a bit further away. He would just highlight some of those differences as well.

The first document was the WADA Athlete Council election procedure, and it was quite a detailed document, so he would not take the members through it in any great length. He would just brush over some of the main points. However, if the members had any questions at all, they could ask him at the end and he would be happy to answer any questions. To be in the election, to be able to vote in the election, to be able to nominate a candidate in the election, one would have to be an eligible athlete committee or council or an IOSD, which stood for International Organisation of Sport for Disabled, which managed the IF in that particular sport. Essentially, one had to be an IF athlete committee. If one was that, then one could nominate a candidate for the election and could also vote in the election. The election procedure was divided up into two main parts, the preliminary phase and the election phase, and there would be a scrutineer appointed during the preliminary phase. The scrutineer would be appointed from the Independent Ethics Board. Obviously, for practical reasons, that person could not be appointed straight away because the board did not currently exist, but they would be appointed during the preliminary phase and have oversight of the election. It would be an online election and WADA had been talking to a number of providers about making sure that it had the right system in place come the time of the election. During the election, each eligible athlete committee would get a minimum of three votes and a maximum of eight votes, but they would have only one vote per candidate. Timing was crucial. The members would see in the documents that there was a timeline. It would be necessary to start the process almost immediately after those meetings to make sure that the election would be held in time. If they got the appointment process right, they could have the Athlete Council in place by the beginning of the following year.

In terms of differences, on the right-hand side of the slide, he just wanted to highlight that one of the key things from the Athlete Committee had been making sure that there would be gender and diversity requirements across the Athlete Council, and what had been amended the previous day essentially removed the gender and diversity requirements from the election procedure. The committee had had in there that the top vote-receiving candidate from each of the five Olympic continents would go through and then the next highest three would also go through. Athlete committees had always been really strong on diversity requirements, and it was one reason why athlete committees normally had very good diversity. He would encourage that to be rethought. He believed that it was really important that there be diversity among the elected members and obviously the appointed members. One of the reasons why that was there was to fill

in any skills gaps or diversity gaps. However, group three was not there to do the heavy lifting in terms of diversity. The aim was to have diversity right through the Athlete Council, and he highlighted that the Working Group on the Review of the WADA Governance Reforms did recommend that the diversity of WADA's organisations and bodies be improved. So, there was a policy and the group was actively implementing it, and yet it had been removed. He therefore encouraged the members to consider putting that back in so as to have diversity and particularly regional diversity in that case among the elected members.

Moving on to the next procedural document and the next part, the WADA Athlete Council appointment procedure, seven members were to be appointed to fill skills and diversity gaps. As he had said, they were meant to be there to fill gaps. They were not meant to be there to do the heavy lifting if diversity had not already been fulfilled. They had to fit the eligibility criteria, and a candidate could apply themselves. The Athlete Council Appointment Panel would be set up and that panel would be the panel that did all the work in that space. It would review what diversity and skills the Athlete Council was missing and what it needed. The panel would be made up of one member from group one, one member from group two and one member representing the Nominations Committee. The idea and the principle behind that was to have all the athletes on the Athlete Council by way of other athletes, so it would be athletes electing athletes or athletes appointing athletes. The majority of the Appointment Panel would be made up of athletes. It would do a skills assessment and look at diversity gaps. It would consult to make sure that it understood what was happening within WADA by consulting the WADA president and also within the council as well. Finally, it would be up to the Appointment Panel to decide on which candidates would become members of the Athlete Council. It would be a robust process that would allow for those seven members to be added. Again, in terms of differences, and that came about purely because of the changes that had been made the previous day, it was really just in relation to the makeup of the Appointment Panel, the group had originally written it so that the athletes on the Appointment Panel would be elected by the members of the Athlete Council, so every member would have the right to vote on that. And obviously, going through the process, it had been highlighted that the Athlete Council should be a democratic body in which all members had the same rights. Working on that principle, it had been deemed important that, whether one came from group one or group two or group three (and he would talk about that in a minute), one should have the right to vote for members to be on that panel or should be able to be on that panel. Looking at the current proposal, it gave more weight to certain groups and it also left group three out. The original proposal, and what he would again recommend, was that all members not seeking reappointment should be able to vote and be on the Appointment Panel. So, obviously, there was a conflict of interest. If a member of the council was appointed and they were running for reappointment, obviously they should not be part of the Appointment Panel or selecting members for it. It would be quite easy to remedy that situation by just saying in the rules and the procedure that all members not seeking reappointment should be able to vote for and be on the Appointment Panel. He highlighted a practical consideration. It was currently written that there would be one member from group one and one member from group two on the Appointment Panel. He was just a little bit concerned that that might be a bit too prescriptive and that there would be a huge amount of work that the Appointment Panel had to do in a very condensed amount of time later in the year. He did know that members from group one, the IOC/IPC group members, had a lot of commitments already and they were often very short of time. It was more of a concern that, if it was prescribed that one of them had to be in the group, it might be quite difficult for them to arrange their calendars very quickly to attend all the meetings and do all the interviews that would be required. Any delay in the process was obviously going to delay the outcomes and would delay when the council could be up and running. That was just something to highlight as a possible concern.

Moving on, the document in the members' papers was not for decision but was to update them on the procedures and the timeline. It was a very condensed timeline that year. Obviously, it was May and, by the middle of December, he was saying that all the members would be ready to go on the Athlete Council. The Athlete Council would start from 1 January. To make that happen, there was a clear transition timeline. Group one would be in place by the end of August, group two by the beginning of September and group three by mid-December, and that was with all things going well. The Athlete Council would be in place and ready to go by the end of the year/by 1 January. All current Athlete Committee members were to complete their membership at the end of the year and, obviously, if they were eligible, they could return to the Athlete Council and group one, two or three if elected or appointed. The chairman, the vice-chairman and two Foundation Board members would be elected by the new council at the latest by mid-March, but he would

hope that that could be earlier. There were procedures and recommendations for the new council to look at to implement how it would elect the chairman and the vice-chairman, but it would ultimately be up to the new council to decide how to do that and the timeline. He was just keeping the members aware of that. At the latest, as per the Working Group on the Review of the WADA Governance Reforms recommendations, by the May Executive Committee meeting, there should be a chairman of the new Athlete Council. That was his presentation on that.

He wished to take a moment to thank everyone who had been involved in the process. It had been a big change to even make recommendations to move from being an athlete committee to an athlete council. It was fantastic to see WADA taking athlete representation so seriously and wanting to improve that. It was great that there would be athlete representation from the council on the Executive Committee and on the Foundation Board. There were some really good positives there about how WADA was implementing athlete representation and really working towards making WADA a more athlete-centred organisation.

That was not the end of the journey. Being athlete-centred was not just arrived at; it was something that WADA had to continue to work on as an organisation. Although he would be finishing his term at the end of that year, he really encouraged the members to continue to push forward on athlete representation and making sure that WADA was athlete-centred. He also wished to take a moment to thank Professor Haas and the Working Group on the Review of the WADA Governance Reforms for the recommendations and the time and the consideration that they had given to the recommendations that the Athlete Committee had put forward. Obviously, the Athlete Committee had been working on athlete representation through its working group for a number of years, and it had been a very difficult and political subject. It was really nice to see some recommendations on paper that would be approved as well. He recognised Ms Kanouté as a member on that working group, and a lot of hours had been spent talking about athlete representation and the way that it was thought best to represent athletes within the organisation. He gave special thanks to Ms Rangeon and Ms Withers for the enormous amount of work that they had done on the procedures. They were tier-two documents, and there had been a really tight timeframe to turn them around. He thanked the Athlete Committee members for their feedback in that process as well, as they had made some really significant changes and recommendations. He would be happy to take any questions.

MR AUGUSTE welcomed the very enlightening discussion and the process that had been gone through to ensure that athletes had a voice on the Executive Committee. He believed that there were still some issues that needed to be discussed further and he wanted to put on record that maybe he would wait until the final process was completed in December. Nevertheless, there were still some discussions that he wanted to go through. They would also be raised the following day at the Foundation Board meeting by the Foundation Board members. However, he still wanted to ensure that the process was as open as possible to ensure that African representation on the committee was assured or reassured in a sense. Therefore, he wanted to put on record that he would reserve his vote on that position until then.

MR KAYANGE EMONYI thanked Mr Sandford for the presentation and congratulated him and the working group. The IOC athletes' commission was ready to work and assist through its network of athletes in terms of the voting process and looked forward to working with Mr Sandford as he got the election on board. On group two, he thought Mr Sandford had mentioned something about gender and diversity. Some of the discussions before had been to address that in group three. He just wanted to check whether something different to the previous presentation had been presented.

MR DE VOS congratulated Mr Sandford and his team for coming to those conclusions. Further to the intervention of the African colleague, it was really important, and he believed that the Athlete Committee would support that, that WADA should not further delay the process and that the Executive Committee should agree then and there about the rules and the regulations so that the process could be put in motion. Perhaps it was a question for the management, but he thought that it was the Executive Committee that was being asked to approve the regulations and not the Foundation Board. The decision had to be taken that day, and he would strongly urge having an approval that day so that the process, which was very democratic with such a big committee, could be put in motion. He sought clarification about that and more specifically the transition measures. He was a bit surprised that that was only for information. He believed that that was part of the rules, so it should, in his view, be approved by the Executive Committee as well and not be just for information. It would then also be a stronger document than if it was only for information.

He had a few questions, but did not know how they could be addressed without delaying the process. Of course, the Olympic Movement and the IFs would encourage their athlete commissions to propose candidates, but experience had taught him that it was not always easy to find candidates because they were concentrating locally on their sport and on performance rather than on sitting on boards that, in that case, were maybe even further away from them than the athlete committee of their own IF or organisation. He was not really worried about that and believed that WADA could trust the Olympic Movement and the sport movement to find candidates. However, had any consideration been given to what would happen if not enough candidates were found? Or what might happen, because each athlete committee, as mentioned, and it was laid down in the proposed regulations, had to vote for a minimum of three candidates and a maximum of eight candidates in group two? But what if there was equality for the eight candidates? So what if two candidates for eight positions had the same number of votes, and how would that be dealt with? In another scenario, what would happen if there were enough candidates but not all eight or there were not eight who received a vote because the athlete committees had given their three votes to the same athlete candidates? He knew that that was a minor detail, but it would be good to have a solution. It would be good if that could be solved immediately rather than afterwards identifying gaps in the rules and regulations and then having to repair them. For everything else, WADA had his support.

MR SANDFORD answered Mr Kayange Emonyi's question first. Group three was there to fill skills and diversity gaps. Therefore, if there was no particular skill that was required within the council at that time, it would be his hope, through those regulations, that the Appointment Panel would identify the skills gap and either someone with those skills would apply or the Appointment Panel would also be able to look for a person with those relevant skills. His point on that was that, if WADA was only using group three to fix all the skills and the diversity issues of the entire Athlete Council, WADA would run into issues. It was the group's belief that there should be minimum diversity requirements right through and then group three should be allowed to fill those gaps instead of actually doing all the work to basically make up for what was not already there. It was the original proposal that within group two there would be regional representation because then it would not be necessary to have that to the same degree in group three and then it would be possible to allow group three to have more of a focus on skills or other diversity, which did not already exist. So, one would be building capacity with regions around the world by getting members elected, but one would also be helping out the WADA Athlete Council, because one would not just be relying on seven members in group three to fill all the skills and diversity gaps that existed. The lived experience of that existed right at that moment, at which there were only 12 members, which made it incredibly hard to cover all the regions of the world. Essentially, the current position was that, if the member from Latin America came off the committee, they had to be replaced with another member from Latin America because there was nobody else. He would not want to see the council falling into that same trap of, every time it got to the appointments process, having to use those seven members to only replace people who were already there. One wanted those people to add value to the overall diversity and skills of the members who were already there. On that point, the Executive Committee did have to make a decision on that that day. It would be the recommendation from the Athlete Committee that the original procedure that the members had received in their documents be approved, taking into account the regional diversity. The clause in there said that the candidate from each of the five Olympic regions, Africa, the Americas, Asia, Europe and Oceania, who had obtained the highest number of valid votes would be declared elected. The remaining candidates with the highest number of votes would be declared elected, irrespective of the region that they came from and in accordance with the number of seats left open for election. He would encourage that to be adopted because then WADA would be building regional diversity into the election criteria and more widely through the Athlete Council.

As to what Mr De Vos had said about a transition document, he agreed, but the advice that had been given was that that did not need to be a document for decision and it was just a document for information. He had originally been concerned that it needed to be a document for decision, because WADA would be ending people's terms before their terms were set to expire. The main reason why it was a document for information was that there was a timeline in there, but that was a best-case scenario and there would probably be a week here or there where things did not go exactly to plan, and he thought it was important in that regard to allow the WADA management and the people managing the election and the appointment process to have enough leeway to actually make it work because, if there were really rigid timelines, it just

might not work. WADA was doing that for the first time, and there was a lot of learning that had to take place as well. That was his understanding, but someone might be able to clarify that more. In terms of there not being enough candidates, a clause had been built in according to which, if it was for the election, the scrutineer would be able to extend the time to ask (and that went back to the timeline), so they would be able to extend it by the amount of time that they thought was necessary to attract enough candidates to make sure that there were more than eight candidates. Regarding the question about the same number of votes, that was one of the reasons why the group had changed it from one vote per athlete committee to having up to eight votes, because it had imagined a situation involving 20 athlete committees taking part (although there would be more). If there were 20 and 10 of them put an athlete forward, then he would assume that those 10 would be voting for the 10 members that they had put forward, and then there would be only 10 other votes to work out who the eight members would be, so there would be an election with an incredibly low number of votes per candidate, and also the situation that had been described whereby a lot of them could end up on the same number of votes, which would be a real problem for the scrutineer and deciding who was going to be elected. That was why eight votes had been given to each athlete committee, so they would have to vote for more people than just the person they were putting forward. He hoped that that was a clever way to get around the problem, because there would be more votes in the system, and one would be unlikely to get people in that eighth position on exactly the same number of votes. Again, there was a clause and the procedures that, if that did happen, the scrutineer would call an election between those two members and, in the weeks after that, a new vote would be held.

As to the no-vote question, conceivably, it was possible that one could get no votes and be elected. That was the way that elections worked sometimes, especially if WADA were to go with the regional model suggested. It was quite conceivable that there would be a member from Oceania and that that member would be the only person running and, because they were the only person running in that region, no one voted for them. That was the way elections worked. He was very familiar with sport elections and government elections, and had seen it happen in both cases where there was only one candidate. In that situation, they would automatically go through. Just as an example, he had been looking at the nominations for the International Bobsleigh and Skeleton Federation the previous day which he was a part of and on the executive board. Four of the members of the executive board were running by themselves for those positions so, obviously, there would not be a vote. They would get there because they were the only candidate. That would be the same sort of situation if WADA had that regional representation model, which was being suggested, and no one voted. He thought that it would be highly unlikely, but that would be the situation.

MR AUGUSTE clarified a point that had been raised earlier. It was not that he was holding up the election on that point, but he just wanted to ensure that the African region really got a chance to have that representation, through due process, but not through any other means just because the region did not have a position on the committee.

MR COLBECK said that the public authorities had reached a majority view regarding supporting the approval of the documents. They had agreed, as had been discussed with the sport movement, on a number of changes to the election process. The whole point of the process had been to increase athlete representation and the public authorities had been very supportive of that throughout. It was necessary to get agreement on that, however, and the members should not be allowing the perfect to get in the way of the possible. It was necessary to consider where WADA had come from. The Athlete Committee had started off with 12 members and would be increased to 20, which was a significant change, and then there would be representation on other bodies, so it was necessary to be mindful of the process of how WADA had got to where it currently was. The discussion during the earlier negotiations had been to bring in group 3 to achieve the required diversity and that needed to be remembered as part of that process. He wanted to see diversity and greater athlete representation, but that could be achieved through the elections and then subsequent nominations through group 3. Having said that, the reform process was never over and neither was the process of seeking continual improvement. He noted some other perspectives, in particular from his friends in Africa, but the point of the negotiations from the public authorities' perspective had been to improve the concept of athlete representation. That had been a process of negotiation and, at some points in time, it had been highly contested. The members had got to a point at which there was largely agreement on that which was important. The objective of the process had been to increase athlete representation and the scale of the Athlete Committee, which was what the athletes had said they wanted, and to get to a point

at which it could achieve that. To make the changes that had been proposed, it would be necessary to unpick some of the negotiations that had taken place and allowed WADA to get to the point it had reached, and he would be concerned if WADA were to go down that path. That was the basis of the conversations that had taken place, in particular with the sport movement. He had made quite clear the objectives of the public authorities: a genuine desire to increase athlete representation and participation in the process. They were a long way down the track towards achieving that and there was a proposal that could be moved forward. There was the capacity, with the agreement reached between the public authorities and the sport movement, to achieve all of those objectives of representation and diversity through the structure that had been negotiated.

MR REYES referred to the process for the election of the Athlete Council. CADE, which comprised 41 public authority members, believed that it was necessary to take into account diversity and regional criteria to ensure a good balance among members and acceptance of different points of view, and it would be good to take that into account also for group 2.

MS GROSSENBACHER echoed the points raised by Mr Colbeck. The Foundation Board had adopted the previous year a recommendation that the membership of the Athlete Council be increased to 20, taking into consideration the diversity criteria as well, as something very important for the work of the group. Based on experience, she was quite confident that seven members to fulfil the diversity gap would be sufficient. She also thought that nothing would prevent the Appointment Panel from ensuring that each continent was always represented in the event that an athlete from one continent were not seated on or represented on the WADA Athlete Council. She was very confident that that was something that was realistic and achievable, and also for the sake of respecting the timeframe that was being proposed, so she suggested approving the proposed modification and moving forward.

MR DE VOS referred to the legality of the document. There were some points in the transition that were important and that should be approved by the Executive Committee. He understood the point made by Mr Sandford regarding the timelines, but it was clearly mentioned in the document that those were suggested timelines. He did not think that there was a legal issue with that point. Having said that, when it came to the election process, if there were not enough candidates, the process would be reopened. Nevertheless, in the interest of moving on quickly, there should be a limit on reopening timelines. He would therefore suggest reopening for a period of two weeks, but only once. It would be good to build in that clarification so that, if there were not enough candidates for group two to be elected, the timeline for application would be reopened for another period of two weeks maximum, but then it would be finished. And if then there were not enough candidates, there would be fewer members in the committee. Again, that was a scenario that he did not foresee happening, but it should be covered so that the process was not delayed.

THE DIRECTOR GENERAL said that, on the transition rules, he had no problem if the Executive Committee wanted to formally adopt them, on the understanding that there would be a few moving parts in there and everybody would try their best to fit the process to the timelines. If that were understood, then that could be done.

MR DE VOS asked whether the reopening process for two weeks would be built into the final document.

THE CHAIRMAN asked the members if they approved the Athlete Council group two election rules as outlined in the paper and the Athlete Council group three appointment procedure and transition measures. He thanked them very much.

THE DIRECTOR GENERAL referred to item d and explained that the rules had been developed in cooperation with the NADO Expert Advisory Group, which was satisfied with the rules. They were modelled along the same lines as the athlete election rule. The difference, really, for the NADOs, was that it was in fact five regional elections and not one big election because each region would appoint two members. The NADOs from the region voted for the member of their region. There would be five regional elections conducted at the same time on a platform that was similar to the one that would be used for the athletes. He had no other comments to make on that. Then, once the group was formed, it would elect a chairman and appoint two of the members who would be sitting on the Foundation Board. The important thing was that the process moved at the same speed as the athletes' process because, in the end, in order to have the two members on the board, it would be necessary to have simultaneously the two new members from

the Athlete Council. That had to happen at the same time, ideally before the next main meeting. It therefore needed to be formally approved.

THE CHAIRMAN asked the members if they agreed to approve the NADO Expert Advisory Group election rules.

DECISION

Proposed Athlete Council and NADO Expert Advisory Group rules and procedures approved.

- **4.3 Independent Ethics Board composition**

MS SMITH-GANDER apologised for not being able to be with the members in person. She thanked the Chairman very much for the indulgence of changing the agenda in order to suit her travel schedule. She was in Perth, Western Australia, and wished to acknowledge that she was on the lands of the Whadjuk people of the Noongar nation and paid respects to their elders past, present and those who would come in the future. She just noted the wonderful contribution Australia's First Nations people had made to the country's sporting landscape. The Australian rules football team was more vibrant for their presence and they had achieved in so many other sports. She did not need to tell the audience of their achievements.

The Nominations Committee had been delighted to be asked to work on the Independent Ethics Board. The next slide would show the agenda that she planned to cover with the members that day. She was going to cover the process overview, the recommendations that had been made regarding the chairman and a couple of further observations. On the next slide, she just briefly reminded the members of something about which they probably needed no reminding, which was the design of the Independent Ethics Board. It was a nine-member board with seven independent appointees who were recommended by the Nominations Committee and then a nominee from the sport movement and a nominee from the public authorities. There was an independent chairman to be recommended by the Nominations Committee and a deputy chairman to be elected by the board itself.

The role of the Nominations Committee was shown on the next page and, as in many of the other pieces of work that had been done, the committee had received nominations that came from a broad call that WADA would place out through its more traditional and new social media channels. The committee's role was then to determine which candidates would be retained for further consideration and then, if necessary, search for additional candidates. The members would see later on that there had been a very vibrant group of nominees, and so there had been no need in that case to search for additional candidates, which was something that the Nominations Committee had been delighted with. It was then its responsibility to design and run the process to assess the candidates. Given that it had run a few processes for WADA, she thought that the committee members were feeling that the design process was currently really fit for purpose and meeting WADA's requirements. The Nominations Committee then made a recommendation to the WADA president and vice-president through conversations with them, and then finally reported to the Foundation Board, which was what it would do the following day, with a report out to the members that day. The first thing that the Nominations Committee had wanted to do with the process was to actually work in what the competency profile would be. So, the core competencies that it thought were necessary for the Independent Ethics Board, based on the work that had been done to define the group, the committee would expect that people would have some sort of accreditation regarding ethics or a compliance organisation, so they would probably be licensed in some way, or formally certified. It required international exposure, but then the vast majority of what the Nominations Committee was looking for was people who would work together in a very complex and a very values-driven environment, who would be able to work together well, to listen well, to communicate well and, while they were collaborative, to also be assertive and to be looking for a solution. They needed to have attention to detail and be able to follow up on investigations and put the facts together to come up with a determination, being able to make difficult decisions and, of course, very much a table stakes requirement for a group like that, to be able to maintain utmost discretion and confidentiality. Around that core, the committee had also identified a set of preferred options, which were shown on the next page: that professional delegation, perhaps some past experience on an international ethics advisory or investigative committee, some experience in overseeing ethics or standards of conduct and integrity, a background in conducting investigations would be useful and a knowledge of WADA

regulations and ecosystem. What the Nominations Committee had not been seeking was that every individual would have all of that because of course she did not think that person existed at all; the idea had been that it would be able to find those things across the group of people. And so, having designed that, the overall process looked, as on the next chart, very similar to the other pieces of work that had been done.

The Nominations Committee had defined that profile that she had just taken the members through, reviewed the resumes that it had received, developed a targeted selection interview guide and then taken the retained resumes through to interview. The committee had conducted all of its interviews by Zoom so that everyone had exactly the same interview experience. There had been a lead interviewer and a support interviewer and all the interviews had been recorded so that other committee members could watch them if needed and the Nominations Committee could go back to ensure that it had all the relevant information. It had run a scoring process against the profile and then also identified a set of questions to go to referees, if there were any question marks that the committee members might then wish to interrogate. It had conducted and documented the reference checks again via Zoom and all of that had gone into the Sharefile site, which was confidential to the committee. There had been a vetting process conducted by Control Risks, the external third party, which the committee had been using since the beginning of its work, and then it had come to a decision, which it would be ready to present to the members.

The next page showed the results of the call. The committee had received 72 nominations. That was the highest number it had ever had. Of course, it paled by the number received for the Ombuds process which she had heard about. She thought that it was absolutely an indicator that the communication had been improved as requested and she thanked the WADA team for that. Once the independence criteria had been checked and the committee had had some support from WADA executives for that, there had been 68 nominations of those 72 that had met the independence criteria, and the committee had retained 27 candidates, scored them against the competencies and then put them into some priority groups. In the end, the committee had interviewed 18 candidates because, moving through the priority order, it had been able to assess the need to interview all of the 27 retained candidates.

Moving on to the next section, on member recommendations, thinking about the broad demographics, the Executive Committee had asked the Nominations Committee to provide diversity, including geographic diversity and gender diversity. The next page showed that the Nominations Committee had been able to achieve that with four female and five male candidates across the nine-member board, with one of the female candidates proposed as the chairman. Four regions were represented with nine countries. There were large nations and small nations, developed nations and emerging nations, and it had been possible to deliver some age diversity. The committee had been disappointed with the lack of candidates presented from Asia and hoped that that might be addressed in the future. She was not too concerned about the fact that there was only some age diversity because the gravitas, the experience and the knowledge that were necessary to meet the core and preferred elements of the competency profile would suggest someone perhaps with some grey hair.

Looking at the skills composition of the board, one of the questions asked in the targeted selection interview had been, who should sit on the Independent Ethics Board? From all of the candidates who had been interviewed, it had been very clear that there needed to be a lot of legal skill and representation from ethicists, public policy and enforcement practitioners, which it had been possible to achieve. She also felt that there was respect for the athlete voice. There was one past elite athlete and, in the legal fraternity in the group, there was experience in representing athletes as well as in representing sporting organisations. The vast majority of the board did have experience in sport and anti-doping, but there were some with more limited exposure, which she thought brought fresh eyes. However, it was not unexpected that the majority of people who would wish to make a contribution of that sort would have a great interest in sport in any case. So, in the report that had been provided to the members, there was a lot of detail on the individual candidates. In terms of their names, their gender, geography and the main skill that they brought, the members would see it on the next page. The Nominations Committee had interviewed Ms LaBelle and Mr Theisen, the nominees of the public authorities and sport movement respectively, not to assess their fit against the profile, but to understand where they would bring skills, what it was that they had distinctively to bring to the board so that that would not be duplicated in the other nominations and so that there would be board members who would work very well together. It had been a very useful part of the process to have

them involved in an interview and to hear from their referees, who had been able to illuminate what they would bring. As the members could see, there was a retired judge, there were some very globally well-known ethicists in the academic sphere in Professor Dr Borry and Professor Hartlev, a number of lawyers, and Mr Perna from Australia had a storied career as a law enforcement officer and then as an integrity commissioner within the racing industry, which those members who knew Australia would understand was an extremely important and large industry in the country. That gave a very balanced board. The committee had noted in the call that people would generally be appointed for three-year terms, but it had been the practice that the Nominations Committee always suggested staggered terms because it avoided having the entire board come to the end of their term at the same moment. The suggestion was that the two nominated candidates and three candidates who the Nominations Committee felt could be appointed as chairman should receive a three-year term, and then two independent candidates would receive a two-year term and two independent candidates a one-year term. The details of which person would receive which term were contained in the report.

The Nominations Committee recommended that Professor Mette Hartlev, from Denmark, be appointed as the chairman of the Independent Ethics Board. The Nominations Committee had a very brief notation of Professor Hartlev. She was a former chairman of Anti-Doping Denmark, where she had served for six years, and was a subject matter expert on governance, anti-doping and ethics from the legal and ethics point of view. She was a very experienced chairman, having chaired groups across government, within academia and in areas where business, government and academia intersected. She was someone who had a very strong work ethic and was very skilled in crafting written opinions, which the Nominations Committee thought was quite important in terms of the chairman being able to bring to life the conversations and recommendations of the Independent Ethics Board. The Honourable Mary Ang'awa, a retired high court judge from Africa, was someone of unassailable independence who the Nominations Committee felt also would have been able to chair, and professor Dr Pascal Borry, again, was someone with great chairing skills. However, overall, in looking at the experience that Professor Hartlev had and the personal qualities that had been noted through the interview process and from her referees, the Nominations Committee felt she was the strongest candidate who had presented and was prepared to chair.

She wished to make a couple of final observations before turning to the interventions. As mentioned, activating candidates from Asia appeared to need some sort of a new approach, and she was sure WADA would put its creative hat on so that, as it moved forward with other committees, it would perhaps be able to find more candidates from Asia. The other thing the Nominations Committee had noted was that only a few of the candidates it had received had recent experience as elite athletes. The Nominations Committee had been able to suggest Dr. Rozle Prezelj to join the board, but there were just relatively fewer recent elite athletes in the pool, and the Nominations Committee had felt it was something that the Executive Committee might wish to consider in terms of whether that might be of any concern in the future. Perhaps it was something that the Athlete Council might be able to consider in terms of how candidates came into the other parts of the WADA ecosystem. Those were the prepared comments that she had and she would be very happy to take any interventions, questions or comments.

THE CHAIRMAN thanked Ms Smith-Gander very much for her effort and great job. Were there any comments or questions?

On behalf of the sport movement, MR DE VOS congratulated and thanked the Nominations Committee for the thorough work carried out. He approved the proposed composition. There was a small remark, which he would come back to under item 4.1 of the agenda, regarding the recommendations from the Working Group on the Review of the WADA Governance Reforms because there was a point regarding the Independent Ethics Board, more specifically about the independence requirement for the members proposed by the sport and the public authorities. He would make a comment that, in his view, the members proposed by the public authorities and the sport movement should not be required to meet the organisational independence requirement, only the operational and personal independence requirement. That was just a footnote he wished to add, since the order of the agenda had changed. Nevertheless, he supported the proposed composition.

MR COLBECK said that the public authorities supported the recommendation of the Independent Ethics Board composition to the Foundation Board. He thanked Ms Smith-Gander and her committee for their work

and was very pleased to see the calibre of the applicants who were proposed. He supported the recommendation to the Foundation Board.

THE CHAIRMAN thanked the members very much. Did the members agree to recommend to the board that it approve the composition of the inaugural nine-member Independent Ethics Board?

DECISION

Proposed composition of the Independent Ethics Board to be recommended to the Foundation Board for approval.

- **4.4 President and vice president, 2023-2025 terms**

THE DIRECTOR GENERAL referred to the documentation sent to the members. As they knew, in November, the Foundation Board would have to endorse the continuation of the President and Vice-President for the final three-year term of their mandate. In order for that to happen, first, they had been asked if they would be willing to continue. The members had received the response from both of them that they would be willing to continue their mission. The second thing that had been done in line with the process in place was to ask the Nominations Committee to verify that the independence criteria that were required were still being met by the President and Vice-President. That had been done. A vetting procedure had taken place, and the response from the Nominations Committee had been that the requirements were still being met. On that basis, and as had been done in the past, the intention was to have the matter on the agenda of the November Foundation Board meeting for formalisation of the renewal of the three-year terms. He just wanted to make sure that the Executive Committee members were comfortable with the process that was being followed.

THE CHAIRMAN observed that Ms Yang and he had expressed their interest in being reappointed for a second and final term. The decision on the matter would be taken by the members in November. He informed the members that, at the meeting in Montreal, he would try to sum up the passing term and present his plans for the next term. That day, however, he wished to thank the members again on behalf of Ms Yang and himself for the trust they had placed in them since the start of his term in January 2020. It was a great honour and privilege for them to lead the organisation with so many committed and dedicated stakeholders.

MR IKEDA thanked the President and Vice-President for their efforts during a difficult period. The anti-doping effort had been continued in spite of the pandemic and WADA's presence had increased. Together with WADA, it had been possible to host clean Olympic Games and Paralympic Games in Tokyo. Five months after the Tokyo Olympic Games, the Beijing Olympic Winter Games had been held. There had been some doping incidents, but WADA had responded decisively, and he expressed his utmost respect for how WADA had handled the incidents. He had high expectations of the continued leadership of the President and Vice-President.

THE CHAIRMAN thanked the minister for his comment and asked if there were any other questions or comments.

DECISION

Renewal of 2023-2025 terms of President and Vice-President to be put to Foundation Board for approval in November.

- **4.5 Standing committee chairs 2023-2025 – call for candidates**

THE DIRECTOR GENERAL reminded everybody that the deadline was 31 May. He did not know if that day there would have to be a discussion on some related amendments linked to the governance reform. It did not seem to be the case. He therefore thought that the four positions would still be there to be fulfilled at the September meeting. The process was on and the call for membership of the standing committees would be released shortly after that meeting. They would be appointed in November.

THE CHAIRMAN thanked the Director General and asked if there were any comments or questions.

DECISION

Standing committee chairs call for candidates noted.

- **4.6 Nominations Committee membership – terms ending May 2022**

THE CHAIRMAN noted that the item was for decision. WADA was expected to formally reappoint two members of the Nominations Committee for a three-year term from May that year until May 2025.

THE DIRECTOR GENERAL informed the members that that was also a matter that they had already discussed because they had been asked the question during the previous Executive Committee meeting, given that, otherwise, a new process would have had to be opened. It was time to formally reappoint as an independent member Ms Buettner and as a representative of the sport movement Mr Fairweather to the Nominations Committee. Both of them had expressed their willingness to continue, and the Nominations Committee had supported their renewal. It was therefore a matter for decision.

THE CHAIRMAN asked the members if they were happy to formally reappoint Ms Regina Buettner and Mr Kelly Fairweather for the next term. He thanked them very much.

DECISION

Nominations Committee membership proposal approved.

5. Finance

- **5.1 Government/IOC contributions update**

THE CHAIRMAN gave the floor to Ms Chung for an update on the contributions.

MS CHUNG said that she would go over the government and IOC contributions for 2022. She had an update for the members from the papers that they had received. As of 18 May, that day, WADA had received 53% from the public authorities versus 56.6% the same time the previous year. She had also just got the news mere minutes previously that a confirmation from Japan had come in for 1.5 million dollars. Thus far, WADA had received 11.6 million dollars. Also, the contributions from the United Kingdom and Czech Republic had come in after the members had received the papers. By region, Oceania had reached 100%, and the Americas region was at 44% (having been at 31% the previous year). WADA had also recently received a commitment from Venezuela to pay for 2022 and the government also planned to clear prior outstanding years. She would hopefully update the members on that in due course. Asia was at 59%, thanks to Japan's payment, which had just come in, and Europe at 54% (having been at 69% the previous year). Africa was at 30% compared to 20% the previous year. WADA had received the Montreal International contribution for 603,000 dollars to a budget of 2.44 million dollars. Also, there had been additional contributions from the governments of Japan and India for 116,000 dollars and, for special funding, the Government of Saudi Arabia had pledged 500,000 dollars for research, and WADA had received 250,000 dollars of that in March. As for the special funding for research and investigations, WADA had also received all the pending amounts in 2021 from the IOC and public authorities, which brought the total to over 7 million US dollars. The members would also find the latest details of contributions on the WADA website. She thanked the funders for their contributions.

THE CHAIRMAN asked if there were any comments or questions.

DECISION

Government/IOC contributions update noted.

- **5.2 2021 year-end accounts**

THE CHAIRMAN noted that the item was for recommendation to the Foundation Board. As was the annual practice, the auditors would present the accounts formally the following day to the Foundation Board.

MS CHUNG informed the members that, for the 2021 accounts, on the income side, WADA had recorded 42.2 million US dollars. In operating income from the public authorities, WADA had received 99% of the contributions and 91% from the IOC. She noted that all the matching contributions from the IOC had come in in early 2022, given that some of the public authority contributions had come in very late at the end of 2021. It was also important to note that WADA had received 387,000 US dollars from several public authorities for contributions related to previous years. The usual additional contributions of 90,000 dollars from the governments of Australia and Japan to support the programmes in the regions had also been received. Of course, from Montreal International, WADA had received 2.2 million dollars. On the surplus side, for the second year of the pandemic, WADA had recorded a surplus or excess of income over expenses for 4.2 million dollars. As the year had progressed, travel restrictions had been lifted in some parts of the world, prompting WADA to quickly adapt by opting for a hybrid meeting format such as the September Executive Committee in Turkey and the November Executive Committee and Foundation Board in Paris. Operating expenses had been recorded at 38.5 million dollars for 2021. In 2020, the figure had been 33.9 million dollars. Needless to say, everything had come to a stop in 2020. In 2021, as explained, there had been some more activities, and WADA had attended and participated in important and critical activities such as the Tokyo Olympic and Paralympic Games, although on a much smaller scale than normal. A smaller executive team and independent observer team had been present to perform their duties. Larger events such as the annual symposium had had to be postponed for a second year. The majority of all of the activities and projects had been carried out online. Recruitment of new resources had been mainly in information technology, education and human resources. Recruitment had been in line with the budget and in response to the constant and high demands for activities and deliverables. Also, in IT, a number of positions had been filled to replace consultants, thus transferring the costs from consulting to salaries. Of course, that had been done as a matter of policy to encourage the know-how to stay within the agency at a time when the IT market was highly competitive and the retention of employees was quite difficult. Despite the increase in the headcount, the actual costs remained more or less the same, and the specific resources hired for special three-year projects in investigations were being fully covered by the extra contributions from the IOC and public authorities. Also, WADA had invested in developing the full redesign of the agency website, and that was a one-time investment. It would last WADA for many years to come. WADA had invested in a revamped and enhanced education e-platform, ADeL. It had been successfully relaunched, attracting over 80,000 users by the end of 2021. For research grants, the total commitments for scientific research for 20 projects for 2021 had amounted to close to four million dollars. As for research grants paid out, WADA was at about the same level as the previous year, at 1.4 million dollars. That was because WADA awarded projects in a single year, but they were paid over many years depending on the progress of the research projects. Consulting fees had included legal fees and some other external services for ongoing support. The legal costs for 2021 had amounted to 2.7 million dollars. They included, of course, a number of high-profile anti-doping cases, such as RUSADA and the Chinese swimmer Sun Yang, which had continued to require financial resources in 2021. Administration expenses had increased by 650,000 dollars from the previous year for the reasons mentioned earlier, as there had been a few more activities than in 2020, and also due to insurance costs. IT costs had amounted to 1.4 million dollars, covering the increase in security measures, software licences and system maintenance. In terms of capital expenditure, 2.5 million dollars had been incurred, representing about 400,000 dollars less than in 2020. Of that, 1.8 million dollars had been invested in ADAMS. A major milestone had been reached in 2021 for ADAMS, as the paperless doping control system had been launched in the first quarter of that year. Some of the expenses for the web redesign and ADeL had been transferred into operating expenses as per the IFRS. On the interest income on investment, WADA had registered a 7% decrease from 2020.

Of course, WADA continued to maintain a conservative investment policy of not investing funds in speculative financial products. However, the rise of inflation in the second half of 2021 had had a negative impact on future interest income. On the surplus, as WADA had a surplus, the operating reserve had also increased to 7.4 million dollars, an increase of 1 million dollars for 2021 as per the agreed reserve policy. Even with that level, WADA was not close to the level of six months of operations as approved by the Executive Committee in 2015 to build six months of reserve when there was a surplus of 9.6 million dollars. The 9.6 million dollars had been based on the level of 2015 operations. Some uncertainty still loomed over the global economy, so the reserve definitely helped to ensure the business continuity of the agency.

The auditor's detailed report on internal control systems had once again been favourable and there had been no deficiencies found in the accounting control systems, so it had been fully satisfactory. Overall, she was pleased to report that the financial position of the agency had been positive for 2021. The 8% annual increase previously endorsed by the Foundation Board for 2021 had been a tremendous help, of course, for WADA in its planning and pursuing of its core activities, and WADA would continue to deliver on the Foundation Board's and stakeholders' expectations. That ended the 2021 highlights. She would be happy to take any questions.

MR KEJVAL thanked Ms Chung very much for all the files sent to the members which gave a full picture of the financial situation of WADA. The sport movement supported the approval of the 2021 year-end accounts. There was just one issue, which related to the operational reserves. He understood that WADA had increased the reserve by about 1 million dollars and was currently at the level of 7.4 million dollars. In 2015, the Executive Committee had decided that the operational reserve might be at the level of the six-month operations of WADA, which in the document was 9.6 million dollars. Given the current situation, he would like to see the operational reserve at the full level of 9.6 million dollars as agreed in 2015.

THE DIRECTOR GENERAL referred to the operational reserve. If it was the wish of the Executive Committee, that could be done.

THE CHAIRMAN believed that the members were ready to recommend to the Foundation Board that the agency's 2021 audited financial statements be approved. As already mentioned, the following day, the Foundation Board members would hear from the auditor, who would present the accounts to the Foundation Board for formal approval.

DECISION

2021 year-end accounts to be put to the Foundation Board for approval.

- **5.3 2022 quarterly accounts (quarter 1)**

MS CHUNG said that, for the first three months of that year, the total operating expenses had reached 10 million US dollars, or 21% of the budget. Although WADA continued to largely operate online or in hybrid mode, there were very encouraging signs of recovery from the Covid-19 pandemic and the reduced travel restrictions had allowed for more activities and meetings to take place, notably the Olympic and Paralympic Games in Beijing, at which a number of WADA members had been present. As mentioned earlier, the redesign of the WADA website had been launched at the beginning of that year. The agency's annual symposium would have normally been included in quarter one, but had been postponed to June that year. Most of the departments were slightly under budget, with a few exceptions, but those were mainly due to timing. Depreciation had reached 29% of the budget. Overall, the capital expenditure was at 17%, but again it was mainly timing and it included the leasehold improvements for the Montreal office. The members would see that the surplus of 13.7 million dollars was obviously not representative at that point, as WADA received more contributions at the beginning of the year and expenses were more spread out throughout the year. The update was short and sweet for the first quarter.

THE CHAIRMAN thanked Ms Chung. Were there any comments or questions?

DECISION

2022 quarterly accounts noted.

- **5.4 2023-25 budget forecast**

MR DONZÉ explained, by way of background, that those members who had been present at the time might remember that the WADA management had presented the first draft of a budget forecast for 2023-2025 to the Finance and Administration Committee back in June 2021. The initial three-year budget forecast had included a proposal of budget increases of 8% for 2023, 6% for 2024 and 6% for 2025 which the Finance and Administration Committee had approved. The draft 2023-2025 budget forecast had then been presented to the Executive Committee in September 2021. At the time, the Executive Committee had asked for additional information prior to reconsidering the file and making a recommendation to the Foundation Board.

That had resulted in a very detailed proposal presented with proper rationale to the Executive Committee at its following meeting in November 2021 and, at the time, the Executive Committee had appreciated the additional information but had also requested additional scenarios for discussion at the Executive Committee and Foundation Board meetings in Cairo. The members had therefore received additional information related to the 8-6-6 scenario, as well as a scenario involving a 5% annual budget increase for the 2023-2025 period and a detailed explanation related to the financial impact. To provide the information, every area of activity within the organisation had been carefully considered. The current situation was one in which WADA had been asked by its stakeholders to significantly expand the scope of its activities since 2016, in particular in the aftermath of the so-called Russian scandal. Among numerous developments and following approval from the Executive Committee and the Foundation Board, WADA had, for example, created a fully-fledged intelligence and investigations department. WADA had significantly increased education and Code compliance monitoring activities. It had also engaged in significant governance reforms that had had and would continue to have a significant cost, with the growing number of members in the governing bodies. The members had heard from Professor Haas earlier that day that WADA would spend an additional 450,000 US dollars more or less each year to implement those reforms. If one took into account the reforms approved back in 2018, WADA would reach a cost of more than 1 million dollars extra a year. It was also a world in which IT security and development costs had become a real challenge, with exponential cost increases. If WADA wanted to continue to improve ADAMS and maintain the security of its global IT environment, significant investments were required. Additionally, at the meetings in November 2021, the members would remember that both the Executive Committee and the Foundation Board had supported the call from the Chairman of WADA's Health, Medical and Research Committee and the Senior Director of Science and Medicine to increase the budget for scientific research in the future. WADA's increased mandate had pulled funding for scientific research from a high of approximately 6.6 million US dollars back in 2006 to less than 2 million dollars that day. It was therefore the strong belief of the anti-doping scientific community that, in the future, an annual budget of 4.5 million US dollars for scientific research would be a minimum to be able to run a credible research programme. He would therefore be seeking approval from the Foundation Board the following day, and first a recommendation from the Executive Committee that day for an 8-6-6 budget increase for 2023-2025 to be able to deliver the expanded scope of activities that were being requested of the Executive Committee and Foundation Board, to raise the scientific research budget to a level that was considered as acceptable by the scientific community and to properly implement the strategic plan. Of course, he was very conscious that, with the Covid-19 pandemic, inflation rates soaring worldwide and other elements, the economic situation was challenging in many parts of the world. WADA was extremely grateful to the Olympic Movement and to the public authorities around the world for their continued support. That was also where he should say that the funding system of split contributions from governments would help limit the increase in terms of individual countries' contributions. In real terms, with an 8% budget increase in 2023, the highest additional amount to be covered by an individual country would be just over 250,000 US dollars, while many major countries would pay just above 30,000 US dollars more and a majority of countries in the world would pay less than 500 US dollars more.

WADA would, of course, continue as an organisation to be fiscally responsible and to look at ways and means of continuing to streamline operations and being cost-effective. The members had heard earlier that day from the Director General that that would be further supported by the implementation of new key performance indicators in line with the new strategic plan that would help better assess the performance of WADA's various activities and of the organisation in general.

WADA would need to continue monitoring and taking into account the soaring rates of inflation, hoping to be able to continue to operate without having to make too many cuts. As an example, Canada, where the headquarters were based, foresaw a rate of inflation of more than 7% in the coming month, a situation that, as everybody knew, had significantly worsened since WADA had started talking about the 2023-2025 budget forecasts back in June 2021. That meant that, even with an 8% budget increase in 2023, inflation at that level would force WADA to limit some of its activities.

In terms of process, what the management was seeking from the Executive Committee that day was a recommendation for the following day's Foundation Board meeting. The following day, following the Foundation Board's decision on that matter, as was done every year, details of a draft 2023 budget would be discussed with the Finance and Administration Committee, which would meet in late July of that year.

The management would provide the Executive Committee with a detailed draft 2023 budget for review and discussion at its September meeting before asking the Executive Committee for a further review when seeking the formal approval of the Foundation Board in November. That ended his brief outline of the 2023-2025 budget forecast. The Director General, WADA's Chief Financial Officer and he would be very happy to answer any questions or comments.

MR KEJVAL thanked the management very much for the detailed budget forecast and also for setting the priorities. The sport movement confirmed its support, but it was of the view that support for the increase had to be conditional on four points. First of all, it had to be a balanced budget and it had to be systematically submitted to the Executive Committee and Foundation Board, including for 2023. Then, the organisation also had to strive towards greater efficiency, which would include continuing to improve reporting mechanisms on targets being met, stabilising the growth of the organisation through increased controls over cost and headcounts, prioritising projects and activities based on the assessment of the various fundamental missions and where WADA alone could bring added value. The last one was leveraging other sources, such as other research funds and private funds for targeted initiatives and, regarding concerns for the funding of research, the sport movement encouraged WADA to seek external sources of funding.

DR SANGENIS apologised for not being present in person. She congratulated the Chairman on being designated a European young leader. Regarding the budget, scientific research and education should always be a priority for WADA. It was her view that the budget for both should never be reduced; on the contrary, it should be increased to previous or higher levels. If not, WADA would go back to the years of being behind and would pay the price. Stabilisation of the organisation was important.

THE CHAIRMAN thanked Ms Sangenis for her comments.

MR COLBECK made a couple of comments on the forecast which he suspected would be echoed the following day. He very much appreciated the regular updates from the management but did remain concerned about the size of the increases. He noted the explanation provided earlier in relation to what was driving those, but it was certainly causing discussion among the public authorities, particularly given that they were dealing with the economic effects of the pandemic themselves. The public authorities had agreed to the following six points: the support of the requested budget forecasts of increases in funding of 8%, 6% and 6% on an in-principle basis; to require budget accountability and transparency by continuing to request specific and detailed annual budgets for final approval; the organisation needed to stabilise staffing and administration costs by making effectiveness and efficiency improvements rather than by simply increasing budget requests; to request that a committee or working group linked to the Finance and Administration Committee be implemented with minimum cost, effectively meaning virtually, to look at possible efficiency improvements, meeting quarterly and reporting to the Foundation Board; as had been commented on earlier, seek assurances that, with the 8-6-6 increase, funding for research was maintained or increased, and he would also add weight to the discussion on external sources of funding or co-funding of research, there was a real opportunity to leverage the amount of money spent by the organisation. He knew that that had been discussed before, but WADA should certainly continue that; and to highlight the important work of the regional offices and seek their prioritisation and an appropriate increase in funding for their activities in the budget planning processes.

A couple of comments went to previous items: the comment that WADA was at about 21% of expenditure for that year, and his question in that sense would be: where was that against the expected outlays? The other point, with WADA recording a surplus of 4.2 million dollars against a budgeted surplus of 213,000 dollars, was that there was an opportunity to look at whether or not more was put into the reserves and meeting the target for reserves.

MS MARACINEANU commended WADA on its ambition in the fight against doping in sport. It was necessary to keep that same level of ambition and, as minister of sport for France, she would certainly not say anything different two years prior to hosting the Olympic Games in her country. It was necessary to have the appropriate level of funding to support such ambition, but it was also necessary to look at what countries were investing nationally in the fight against doping in sport with the NADOs but also in terms of education and prevention of doping through school programmes. It would be interesting to take a look at what each government was doing and what the national sporting movements were doing to get a bigger picture of what was being invested in anti-doping the world over. She shared the concerns expressed and was happy that

the governance reforms and athlete representation were being taken seriously. She referred to the diversification of funding sources. She had already said to the Director General that the countries were there to help WADA in that regard and urged the management to call upon the governments regarding the marketing strategy, as they could help WADA with companies that were supporters of major events or partners of the sport movement to ensure clean sport at major events. There were companies that were looking for corporate social responsibility opportunities.

MR IKEDA said that he approved the proposed budget increase for 2023-2025 on condition that WADA stabilizes its budget and does not rely on the increase in the contribution from 2026. Since the government contributions were covered by national taxes, WADA should remember that it was accountable for the money spent and the contribution increase to taxpayers around the world. WADA had to continue to work hard to develop sustainable projects and secure annual revenue without relying fully on contribution increases.

MR REYES said that, at the latest CADE meeting in the Dominican Republic, the members had supported the 8-6-6 formula, but had two recommendations: increasing financial support to the Science Department, which supported research to advance the fight against doping in sport. That had been mentioned in the past and continued to be supported. Secondly, their request was for an increase in the budget for the regional offices. The governments mostly financed the NADOs, but the regional offices, such as the Latin American one, guided the NADOs when it came to meeting their Code obligations. That was a very heavy workload due to the difficulties that sometimes arose with the public authorities, so he requested more financial support.

MS BATTAINI-DRAGONI underlined that WADA was entering a new phase with the coming three years which could not be compared to the past. Indeed, an effort had to be made. She was very pleased to see that there was a kind of agreement about the 8-6-6 increase in the budget. At the same time, she fully agreed with those who insisted on the need also to improve the capacity of WADA to obtain money from other sources. That was becoming a very important subject for the future. How could WADA become more effective in dealing with the possibilities for voluntary contributions and also other forms of external funding? All in all, she believed that it was important to recognise the new dimension of the work of WADA, to see how the reform process increased the quality of WADA on one side. However, there was a cost to it, of course, and WADA should not refrain from trying to support, more than ever, at that important moment, the development for the coming three years. She insisted on the fact that WADA was not dealing just with the budget as it had in the past. WADA was really making the necessary changes that had been requested and it was important to be logical and give it a chance.

THE CHAIRMAN thanked Ms Battaini-Dragoni for her comments.

THE DIRECTOR GENERAL noted that common points had been raised in most of the interventions. He would therefore respond collectively. First of all, absolutely, yes, to an annual budget as described by Mr Donzé. The process would remain annual. All the management was currently doing was approving the envelope on which the annual budget was to be built. It would go to the Finance and Administration Committee mid-year, and then to the Executive Committee in September, to be approved in November. That process would not change. He thought that everybody agreed that they wanted to increase the amount spent on science and the proposal was to increase the science budget by 60%. That was a clear goal and that was where most of the increase would go. Everybody agreed on the need to try to diversify the sources of income. It was not easy. The management had started working on that. There had been one success recently, but it was ongoing work and it would take some time. Nevertheless, the management was putting a lot of effort into that and would continue to do so. Some resources would be required in order to do that work, including human resources.

As to the stabilisation of the organisation, he agreed with that too, based on an annual review and based on priorities. WADA had had to face enormous challenges. Hopefully, WADA would be able to stabilise and concentrate on what it did. WADA was going through a whole range of changes that had an important financial impact. It had been discussed. The governance review had represented a lot of work for the organisation. When all of that was implemented and WADA could have that as part of its routine process, he hoped that WADA would effectively stabilise and that it would be possible to concentrate more on anti-doping matters than on governance matters.

To the Japanese minister in particular, he was very conscious of the fact that WADA was receiving taxpayers' money. WADA's accounts were very transparent, in terms of what was being spent and why. That was important.

Regarding regional offices, there had been some remarks about the fact that WADA should increase the regional work and resources allocated to them. First of all, as part of the plan and the budget that had been approved, WADA had already increased or was increasing the number of staff members in the regional offices. He just wanted to make sure the Executive Committee members understood that when they saw a few more numbers in the headcounts, and that they would realise that it was a request that had been received from the Executive Committee to increase the size of the regional offices, because that was what had happened. In reality, the regional offices were actually supporting the organisation in the region. That was human resources, to have people available to talk to the organisation in the region. It was part of the plan and he agreed with that, but it would require investment.

He thanked the French minister for her remarks on countries being willing to help in raising private funding. Anybody who wanted to support WADA in that was very welcome. The management was actually working on that. If any members had ideas of private companies that might be willing to join the efforts, they would be extremely welcome. He would give the floor to Mr Donzé to talk about staffing a little bit so that everybody understood where the management was coming from. He had one question for the Executive Committee, because Mr Kejval had said as part of the condition from the sport movement that he wanted a balanced budget. He understood that a balanced budget was the right practice. On the other hand, as had been mentioned, WADA had, during the Covid situation, ended up with a little bit of surplus. One thing that would be done was to increase the reserve and he agreed with that and that had been discussed, but the other thing was, and it was a question to the Executive Committee, that there had been a policy from the Finance and Administration Committee that WADA could go with a 500,000-dollar deficit in the budget as long as it had the money in its account, because rather than keeping the money sitting in the account, he thought that WADA should spend it on anti-doping. He sought confirmation that the Executive Committee members were comfortable with continuing with the half-a-million-a-year deficit as long as, obviously, WADA had the reserve to do it outside of the operational reserve. Because, otherwise, it would actually mean reducing what WADA was spending by half-a-million dollars. That was an important clarification in terms of how the management would prepare the budget.

MR DONZÉ added to what the Director General had said before talking about staffing, because there had been a number of questions and suggestions about scientific partnerships, and that was something that WADA was pursuing very actively. The Senior Science and Medicine Director, Dr Rabin, had been in touch with a number of research institutes and so on over the past few months and years and, if necessary, he could provide more information. WADA was pursuing that area of activity very, very actively.

In terms of staffing, it was important to look at the big picture and the fact that, as he had said earlier, WADA had an expanded scope of activities. The management went with requests to the Executive Committee and Foundation Board for budgets and budget increases, and then the Executive Committee and the Foundation Board approved them or rejected them. However, what the management did was ensure that every single person recruited was covered by existing funds. Those existing funds could be either the ordinary budget or special funds. In that particular regard, for example, the contract signed with the Canadian authorities back in 2019 for the extension of the hosting of the headquarters in Montreal had mandated WADA to create a minimum of 20 new positions in Montreal by March 2021. Those had been covered by the annual contribution of 2.4 million US dollars, which was an annual increase of approximately 1 million US dollars over the previous agreement that WADA was receiving from Montreal International until 2031 as part of that new agreement. It was an important element to bring forward. The other element was that WADA had also hired a number of staff members on fixed-term contracts, thanks to the special fund announced back in 2019 at the World Conference on Doping in Sport by the IOC and to which a number of public authorities had contributed, in particular in the area of intelligence and investigations. Earlier that day, Ms Chung had mentioned the area of IT, in which a number of consultancy contracts had been transformed to staff contracts. That was important because not only was it a very competitive market, especially in Montreal, but WADA also wanted to maintain corporate expertise and knowledge and ensure sustainability on a key component of its activities.

All in all, WADA could commit, of course, and would continue to be very prudent in terms of management of human resources. The demands had never stopped over the past few years. But, of course, WADA needed to prioritise. That was a request from the Executive Committee and the Foundation Board, and the management would continue to do so.

Lastly, it was important as well to look at the nature of the business WADA was in. WADA was obviously not producing goods, but conducted its activities and provided services based on skills and knowledge. So, inevitably, if WADA increased its activities and services, it was through the hiring of consultants or the creation of staffing positions. Of course, the second option allowed WADA to be more sustainable and to keep a certain level of stability and knowledge. It was important as well to bear in mind that that was the service that WADA provided. It provided skills and expertise. That was the nature of the business. Certainly, WADA would continue to be very fiscally prudent and to scrutinise any recruitment.

MR KEJVAL referred to the balanced budget mentioned by the Director General. He agreed. He knew that the organisation had more than 26 million US dollars in cash but the statement from his side was that he would like WADA to be very conservative and, if it used the money, he would like to use it as leverage for private funds and the other funds as discussed before.

THE CHAIRMAN thanked the members for their comments and support for the 8-6-6 budget increase that was being proposed for the period from 2023 to 2025. Even with the current inflation rate, he believed that it would help WADA to meet the expectations of its stakeholders and improve capacity in underfunded areas such as research. He assured the members that WADA would continue looking for alternative sources of funding for its activities. WADA would continue to look for partnerships in the field of science, apply for external funding for projects, as had been done successfully with the European Union project on investigative capacity building, obtaining 1.5 million euros from the European Union, and continue to actively seek sponsors. He believed that, like any dynamic organisation operating in a very dynamic and difficult environment in very challenging times, the members could not give up on any chance to make WADA stronger and more impactful. He promised the members as WADA's president that WADA would always be prudent in hiring, that any future budget would be planned solely on the basis of real needs, and the management would continue its efforts to obtain alternative funding. In that regard, he had to mention the first contract that had been signed with a company from Africa, from the private sector, SuperSport, and he believed that that was a first positive step. He therefore echoed what the Director General had said and thanked the French minister for her initiative to help WADA in terms of looking for possible partners from the private sector. It was a challenge for everybody, and they had to do it. As the Director General had said, WADA had already tried to reach out to socially responsible partners to co-finance its projects and actions. Before concluding the discussion, he asked the members if they agreed to recommend to the Foundation Board that it approve the 2023, 2024 and 2025 budget forecast.

DECISION

2023-25 budget forecast to be recommended to the Foundation Board for approval.

6. Athletes

MR SANDFORD referred to his report, which the members had in their files. The only thing he wanted to highlight from that was that, after the annual symposium in June that year, there would be an athlete forum. It would be a half-day athlete forum on the morning of 13 June. He asked the members to encourage their athletes to attend. He would like as many athletes to be there in person as possible. There was a really good agenda set out. Participants could enrol via the WADA website.

DECISION

Athlete Committee report noted.

- 6.1 Ombuds update

MR SANDFORD informed the members that the next part of his report was about the athletes' anti-doping ombuds. As the members would be aware, in November the previous year, it had been approved as

a pilot project for a year. There had been quite a bit of progress since then. A full job description had been released and over 140 people had applied for the position, which was, he thought, an enormous amount of interest in the role and showed how much belief there was out there in the sporting community in the need for such a role. The process was being worked through and interviews had already been started. 140 applications had been received. Those had been gone through and narrowed down to about 14, which had been narrowed down further to an initial six people who would be interviewed. There had been one interview already and there would be four more in the coming week. The idea was, hopefully very soon, to reach a conclusion there and make a proposal to the Director General and the President in terms of who would be the right person for the position. After that, it would be necessary to work out the contract and the exact start date. That was moving along well. He had also obviously been in contact with the WADA Legal Department, which was something that had been highlighted at the November meeting as well, and worked through some of the concerns that the members had had about insurance. That issue had been sorted. Further work would be done with the ombuds once they were on board regarding the terms of engagement or terms of use, and putting in place proper procedures concerning conflict of interest to make sure that it was effective and worked well. He wished to thank the members of the working group. Messrs Kejval and Kemp and he were the three people currently doing the interviews. It was obviously an ongoing process, and he wished to thank them for their ongoing support

MR KEJVAL stated that he was very happy that WADA had reached that stage and that there were so many participants and such a huge amount of interest in the position. It would be good to get clarification as to the procedure and to start the pilot project as soon as possible.

MR SANDFORD noted that the one point of clarity that was probably needed, as Mr Kejval had said, was about the process of appointment. The idea was to do that as thoroughly as possible, but also quite quickly. The group would make a recommendation to the Director General and President as to who it thought the suitable candidate was and then whether to interview or whatever process that was undertaken with that candidate as well, and then the group would leave it in their hands about how they approached that with the Executive Committee, whether they would advise them or whether they would seek their approval. He was not quite sure. That was probably the only bit that was unanswered from his side but, from the point of view of getting that done in a relatively tight timeframe, he would suggest that the group was undertaking all the due diligence and checking the candidates, and so his hope would be that, over the next couple of weeks, it should have a candidate to propose to the President and the Director General.

MR KAYANGE EMONYI supported Mr Sandford and congratulated the management on its initiatives in terms of athlete engagement. The process had become more athlete-centred, in terms of the forum coming up in June and the athlete survey that had been done the other day; those were avenues that allowed feedback from the athlete community and the IOC had shared the survey with the different groups to ensure as much feedback as possible to allow the management to make the decisions in terms of anti-doping. He encouraged the management to keep up the good work and he supported such initiatives.

THE CHAIRMAN thanked Mr Sandford for all his efforts and engagement in the project.

DECISION

Ombuds update noted.

- **6.2 Athlete engagement update**

MR KEMP stated that he would be very brief. The members would have received a report on the athlete engagement initiatives of WADA above and beyond what the Athlete Committee had been working on of late. Given the discussion that morning on the progress with the Athlete Council and the volume of work to be done between then and its implementation, he had thought he would raise what work was being done, in particular to support the promotion and the advocacy for the council to ensure that its future membership was strong and robust. That, of course, required a great deal of work to bring it to the attention of athletes. So, to that end, in the past few months, he and his colleagues had been working hard to reach out to IFs to ensure that they were aware of which ones had viable athlete committees and commissions that would become eligible to be a part of the electoral process. To date, they had collected information on the composition of more than 80 different committees that would be eligible. Since the rules would be

established following the meetings that day and the following, he looked to communicate to athletes and IFs about the process between then and the new year so that they could continue to communicate with their membership about the role of the new council and how they could become engaged both through the elected group and the appointed group.

In addition to those promotional and communication activities, he was looking for other ways to engage athletes directly to raise awareness about the new council and the impact that it could have on WADA's policy, decision-making and governance in the future. To that end, some of the traditional athlete outreach initiatives and activities in the year ahead had been recalibrated. In particular, the Commonwealth Games in July and the World Athletics Championships that summer would be used to engage the athlete committees of those organisations and related organisations to raise awareness about the council and its future. There were also several regional outreach events planned for the remainder of the summer at which the opportunity would be used to leverage the regional offices in communicating to the athlete populations of those events the ways and means through which they could potentially get involved with the Athlete Council. Finally, as mentioned by Mr Sandford, there was an athlete session planned following the two day Anti-Doping Organisation Symposium in June at which there would be a unique opportunity not only to speak to the athletes present, but, because it was to be a hybrid event, he hoped to attract as many athletes as possible from around the world so as to raise awareness of the council and its future impact as well.

THE CHAIRMAN thanked Mr Kemp for his report.

DECISION

Athlete engagement update noted.

7. Education

MS KANOUTÉ thanked the Chairman for the opportunity to provide both a verbal and digital overview of her report on the latest WADA education activities. She also thanked those members joining remotely. The visuals would be more suitable as well in that sense. The members had a report in their files and she would focus on the elements that were for their consideration as Executive Committee members and on which she would be seeking approval and formal recognition. Right after her intervention on items 7.1 and 7.2, she would be joined by the WADA Education Department Director, Ms Amanda Hudson, who would provide a more detailed presentation on the two matters for consideration: the 12 social science research projects that were recommended for funding and the six professional standards proposed for formal recognition.

In 2022, the Education Committee had been able to hold its first in-person meeting since the outbreak of the pandemic. That had taken place in Montreal. Unfortunately, it had been a hybrid meeting because two of the members had been unable to attend in person. Nevertheless, she had been very impressed by their willingness to remain connected online, despite very odd time differences. She was happy to report that there had been full attendance.

It had also been the first opportunity to have the joint meeting with the Social Science Research Advisory Group and to be able with its members to finalise the recommendations for the social science research projects that would be presented to the members later for their approval for funding. She had included an image of the University of Sherbrooke because she felt that it was also symbolic that the committee members had been able to meet in the university with the support of the host of the first anti-doping research chair and also in connection with the first graduate diploma in sport governance in anti-doping. She had very much appreciated and thought that the committee members had all been very grateful for the opportunity to also foster synergies between the committee and the research chair, and highlighted that there was currently a full graduate diploma on anti-doping with 14 graduate students, among which eight of them were doctorates in the field. She mentioned that in the hope that that close partnership would continue.

Among the agenda items, although the focus would be on social science research that day, the committee had also discussed the education strategy, which was more of a long-term vision of what it felt the strategy with regard to education should be, always bearing in mind the spirit, which was the core aim,

which was to strategically position education as a fundamental component of any anti-doping programme, but also promote a clean sport culture by engaging stakeholders and recognising that athletes started in sport clean, increasing access to education through global local education solutions, but also raising the quality of education at all times through education policy and improving the capability of the clean sport community and through focused and impactful research.

The debate there was that there was already a working group working on education strategy. During the meeting, what had been realised was the need for more insights and more members involved with that, and the goal would be to launch that strategy during the upcoming global conference that would take place in Australia towards the end of the year. The committee had also received updates from the Education Department, as always on the Global Learning and Development Framework, on different aspects, especially with regard to the ongoing training sessions that had started with the pilot programme. The committee had received insights from those members who were part of the technical committee who had already started the training. They had all been positive with regard to how the training was going. One question that the committee had had was with regard to the follow-up after the training and expectations from the trainees. She was happy to hear that there was a community that had been built and that would be able to communicate through the ADeL platform after those training sessions to ensure some continuity after that.

Digital learning was also always part of discussions. One had to refer to digital learning and digital solutions. Regarding digital learning, one always referred to ADeL, the WADA anti-doping e-learning platform. There had been updates with regard to the numbers. There were currently over 87,000 active users, among whom over 53,000 were athletes who were using the platform. There were 201 sporting disciplines and she had been happy to hear that basketball came second. She was very proud of that. Also, there were 114 power users, including the NADO in Egypt. She had been very happy to see that as well and to see the numbers for ADeL. The members had also praised the pre-Games initiatives developed with the ITA, IPC and IOC before the Olympic Games and Paralympic Games in Beijing and in Tokyo. She was also happy to hear that Birmingham for the Commonwealth Games had requested its own branded ADeL. That really gave a new avenue and perspective, also for e-learning platforms and solutions. It was always good to hear about that and how that was performing.

The committee had discussed strategic positioning with regard to how to best market education, especially when speaking to different types of stakeholders: ADOs, NADOs or governments. The objective was to have the right narrative to speak to the right stakeholders. The committee had therefore started brainstorming towards that and seeing how to position WADA better and show the work and investment that WADA was doing with regard to education. As to the global conference, she would come back to it a bit later on and show the members a short video. The meeting had also happened to be on Play True Day. If the members did not know, Play True Day was the first Friday of the month of April. She was happy to have been able to contribute and, especially given the context that year, thought that all of the committee members had been happy to contribute to the success of the event. Lastly, the committee always worked with its work plan, which was the guiding plan for the committee, because it was working thanks to Ms Hudson and her busy agenda on a lot of projects. There were two new members, and the committee had had to keep them informed and ask also for their engagement with regard to the work plan.

With regard to the approval of the recommendations by the WADA Education Committee to fund a total of 12 social science research projects as part of the 2022 WADA Social Science Research Grant Programme, by way of a reminder, she referred to the process concerning the projects before they were presented to the members. As they would see, regarding the new social science research strategy, it was quite a robust process that those projects went through, because they were first reviewed by the Social Science Review Panel before they were proposed to the Education Department, which then forwarded them to the Education Committee for recommendation before she was able to present them to the members. By way of a reminder, also of the research priorities and principles, also in line with the new strategy, athletes' pathway and athletes' experience were very much valued as much as sports policy, but also prevention model, the effectiveness of anti-doping, evolution of sport practices, anti-doping policy and impact and people investment, and always also following the principle that the research should be impactful, should translate into concrete implementation, be athlete-centred at all times and as much as possible in

partnership with the ADOs. The aim was really for researchers to be able to cooperate where possible with ADOs, also with capability development, cooperation and global insight.

The members would see that, out of that robust review process, tier-one projects could be summarised as larger-scale projects that could be also multisport, targeted and with multiple researchers. Two projects had been selected in that regard for a total of 209,996 US dollars. Looking at tier two, which was the scale under, there were two projects as well for 109,100 US dollars, and there were eight tier-three projects for a total of 157,535 dollars. She would not go into further detail on those projects because, as she had said, Ms Hudson would provide more details right after her presentation on the projects.

Another matter for the members' consideration that day was with regard to the Global Learning and Development Framework and that would look into the professional standards that were there for formal recognition and also for feedback, if the members had any. As well, as a reminder, the GLDF was an outcome of one of WADA's six priorities under the 2020-2024 strategic plan to grow impact. So, as one of the key initiatives under that priority, the agency had committed to developing training programmes and qualification standards for anti-doping professionals to improve professionalism and enhance the capability of the anti-doping workforce. Those standards were not mandatory, but they were a benchmark of good practice and described the function and expected standard for competence for a given role. There was obviously education, but also hearing panel, result management, investigation and intelligence, communication media and result management. Ms Hudson would also give the members more details on the professional standards.

Moving on to the exciting part, which was the Global Education Conference, she welcomed and invited all of the members to join her. It would be from 20 to 22 September in Sydney, Australia. Since it was said that images spoke louder than words, she was happy to show the members a video. Before doing so, however, she wished to take the opportunity to thank the hosts in Australia for their flexibility. She was really excited and looked forward to welcoming everyone to Australia. As the members had seen, it would be a new era, a new innovation and she was really, really excited to see that happen. With regard to the global conference, there was one discussion that had already been had with regard to the Code compliance questionnaire, which, with the new international standard, also contained questions with regard to education (there were 29 of them) and she had heard that some ADOs might need support. The Education Committee was thinking of having a dedicated session during the global conference to support ADOs that might need help with the Code compliance questionnaire.

She was very happy to be able to show off the committee and to thank the members for the amazing work that was being achieved with all the different activities and programmes in support of the WADA Education Department, which kept them very busy. She thanked Ms Hudson and the team in Montreal as well. The commitment remained the same. The Education Committee would continue to support the Education Department to build a global education system that preserved the spirit of sport, promoted ethical sporting behaviours and protected those athletes who trained and wanted to compete clean.

THE CHAIRMAN thanked Ms Kanouté for her very comprehensive and great report and amazing work. He looked forward to visiting Australia and being part of the Global Education Conference.

DECISION

Education Committee report noted.

- **7.1 Social science research projects**

MS KANOUTÉ gave the floor to Ms Hudson, the Director of Education at WADA, who would be joining the meeting remotely with a short presentation.

MS HUDSON said that the members had already received information on the outcome of the review of the 2022 social science research grant programme, so she would provide a brief summary of the process and the outcomes. The members would remember that, in 2020, a review of the social science research function at WADA had been undertaken with the Social Science Research Review Group to determine how some of the challenges could be addressed and be in a good position to utilise the increase in funding made available in 2021. A key output of that review had been the social science research strategy endorsed by the Education Committee and approved by the Executive Committee in September 2020 and, following that

approval, the social science research grant programme had been reviewed, restructured and relaunched, including the establishment and publication of clear research priorities, an indication of what WADA would be keen to invest in, changes to the application process through the introduction of tiers, and the inclusion of an expression of interest as a first step in the application process. In addition, with the help of members of the expert advisory group and the regional offices, regional webinars had also been delivered to help promote, explain and demystify the grant programme. The desired outcome had already been realised with an increase in applications, particularly from a more diverse geographical spread, creating more opportunities to fund research in traditionally underfunded regions, one of the targets of the social science research strategy. The efforts were also enabling further development in anti-doping research capability and expertise in those regions, something that WADA was very keen to try and do.

The process to review the grant applications was comprehensive; the inclusion of an expression of interest for tier-one and tier-two applications provided an initial screen, making the process more efficient for all. Those applications deemed to have potential were invited to submit full applications. Full applications for tiers one and two were then reviewed by two independent peer reviewers, and a further review was conducted by members of the review panel, a sub-group comprising members of the Social Science Research Expert Advisory Group. All of the tier-three applications were reviewed by members of that review panel. The analysis was then discussed by the Social Science Research Expert Advisory Group and the recommendation for funding were determined by those experts. Those were then discussed and agreed upon with the Education Committee.

On screen, the members would see a summary of the 2022 grant programme, and the proposed investment per tier. There was an increase in applications from the African region which was great to see and she hoped the trend continued. The recommendations for funding for tiers one and two were on the screen. For tier one, WADA was excited to fund an evaluation of policy impact, which was good practice. The study would analyse how the introduction of a new policy (in that instance, the International Standard for Education) had affected and/or improved practice, and one of the outcomes would be a model methodology for how policy impact could be evaluated in the future. Complementing that, the second tier-one study looked at practical implications, challenges and good practice experienced by ADOs, in particular regarding education planning and delivery of programmes, looking at a range of countries in four regions to assess what happened on the ground, in particular regarding education plans and programmes and how that had been improved due to policy changes. For tier two, there were two different projects, one gaining insight into the challenges and barriers of integrating anti-doping in the sport system at various phases of the athlete pathway, providing recommendations for improvement. The second project focused on 'ed tech' with the creation of a new digital tool to help develop clean sport behaviours, analysing the effectiveness of the tool using comparative analysis with a control group.

For tier three, the recommendation was to fund eight projects, which were on the screen. Tier three was a great way for WADA to invest in exploratory or developmental research, in particular in countries and/or populations in which little was known or understood. For example, the project by Hurst would support understanding of protected persons and the vulnerability of athletes with intellectual impairments. Similarly, as anti-doping efforts continued to expand to recreational athletes, there was a study looking into the challenges and influence of peer athletes at the recreational level. She was pleased to see two projects from Latin America recommended for funding, helping to gain insight into the perceptions of athletes and athlete support personnel regarding anti-doping in Chile and the trial of a new education intervention in Mexico.

MS KANOUTÉ turned to the Chairman to ask the members of the Executive Committee for approval for the funding of the 12 projects proposed.

THE CHAIRMAN thanked Ms Hudson and Ms Kanouté. Were the members happy to approve the recommendation? He thanked them very much.

DECISION

Proposed social science research projects approved.

- **7.2 Global Learning and Development Framework, professional standards**

MS KANOUTÉ thanked the members for their approval of the funding. As they knew, social science was the backbone of everything that was done in education. It was very important.

MS HUDSON provided an overview of the Global Learning and Development Framework, its progress and the process behind the creation of the first ever professional standards for anti-doping. Learning and development or capability or skill development had been a growing trend in business for well over a decade, with the realisation that investment in people or practitioners led to higher revenue in the business world or improved quality of programmes in the case of WADA. A longitudinal study into global human capital trends conducted by Deloitte in 2015 had noted increasing concern across a range of industries and businesses from around the world, the concern being that, with the speed of change (be it markets, industries or technology) and an urgent need to accelerate skill development, they had seen what had been labelled the 'capability gap'. Many practitioners were learning anti-doping on the job, largely by osmosis. As the evolution and complexity of anti-doping continued, WADA was at risk of that capability gap if it did not continue to invest more in the development of practitioners in the system, a bit more learning by design rather than by chance or opportunity. As WADA's strategic plan indicated, there had been a commitment to do more in that space. The aim was to provide tools and guidance and training opportunities to complement existing initiatives, such as the great NADO to NADO partnership and mentoring programmes, as well its programme with well over 100 technical resources to help ADOs with the development of their anti-doping programmes.

WADA had started the journey in mid-2019 and, by the end of 2020, had established the first five technical working groups, one per role; however, the result management technical working group had also looked into the role of hearing panel members. The technical working groups comprised people doing the job from across the globe, a WADA technical representative and an external, independent expert from the European Observatoire of Sport and Employment, an organisation that had been creating professional standards for over 20 years. Each technical working group had been chaired by a non-technical expert, a representative from the field of education, to facilitate the process. Each working group had been responsible for the creation of the professional standards. Overall, there had been 31 organisations from 28 different countries as part of the five technical working groups, and also two private law firms that had been willing to help WADA for free. Two new technical working groups had recently been established for roles regarding TUEs and testing. She extended her sincere thanks to all the stakeholders who had been part of the process and those currently on the journey, as the commitment had been truly outstanding. She was very grateful for the time and commitment given by people to help WADA. The process to develop the professional standards did not vary greatly, typically starting with functional analysis to identify the core purpose of the role and its main functions and sub-functions. The next step was to determine the competence, skills and knowledge required to perform those functions. That clarity provided by the professional standards had then been used as the basis to create role-specific training programmes. In addition, each technical working group supported what could be seen on the screen, namely role descriptors and the core competency framework, a framework beneficial to all anti-doping practitioners regardless of their technical role.

A global skills survey specific to the six roles had been launched in August the previous year. Some questions had been asked about people's career paths and entry points to anti-doping, as well as professional practice and development, and also whether there was any appetite for the development framework initiative and any associated training and whether anybody would actually turn up and join in. Thankfully, the top line said a lot: 98% of anti-doping practitioners wanted to feel better equipped with the knowledge, skills and competence to achieve their role.

The end goal was not to create any more international standards, but simply to provide better guidance to practitioners and their organisations as to the competence required to perform roles that delivered, operated or supported anti-doping programmes, and to use those to create and deliver role-specific training opportunities for practitioners. Through the kind support of the Polish ADO (POLADA), WADA had been able to pilot that approach and deliver role-specific training programmes in Europe. The training had been blended and, while Covid had disappointingly prevented the sessions from being delivered in-person as planned, it had led to some positive unintended consequences, cost-efficiency and sustainability being the obvious benefits. All trainers for the pilot programme had gone through a six-week train-the-trainer

programme with practice delivery sessions and feedback prior to actual delivery. Each cohort had been kept consciously small (a maximum of 16 or a one-to-eight trainer ratio), providing a much more ideal learning environment. In addition, every participant had been offered one or in some cases two individual one-on-one sessions to discuss individual needs with a peer mentor. That had been really successful. WADA was nearing the completion of that pilot delivery in Europe and busy reviewing the feedback and data collected as part of the evaluation. The members would see some of the combined initial statistics from the participant surveys on screen. She would say that it had been a very good start with some room for reflection and improvement. After the evaluation and pilot closure with POLADA, WADA would prepare for global roll-out so as to meet the aim of having globally accessible training. She hoped that she had given the members a flavour of how the professional standards had been developed, why they had been developed and how they were being used.

MS KANOUTÉ thanked Ms Hudson for waking up very early to join the Executive Committee meeting and provide more insight. As mentioned, the standards were not mandatory, but the committee was keen on seeing them being recognised formally, at least by the Executive Committee, so that the Education Committee could provide that information to those ADOs that might be inclined to use it, so she was also asking for formal recognition of the six professional standards that were proposed.

THE CHAIRMAN thanked Ms Kanouté and Ms Hudson for that important initiative and expressed his appreciation to everybody involved in it. Were there any comments or questions?

MS YANG thanked Ms Kanouté and Ms Hudson for the great job they had done. Education was the best way of preventing doping. She congratulated them on their report. She was also happy to see the inclusion of the athlete entourage among the programmes, as that was very important to prevent doping. Education programmes were the best programmes when it came to raising funds and she encouraged members to help.

THE CHAIRMAN thanked Ms Yang for her comments.

DECISION

Global Learning and Development Framework
professional standards formally recognised.

8. Compliance

THE CHAIRMAN asked Mr Gourdji to give his report.

MR GOURDJI said that the paper before the members provided a summary of the main activities undertaken by the Compliance Review Committee since the 2021 Executive Committee meeting in November. The Compliance Review Committee had been quite busy since the previous report, with three virtual meetings in January and February and a three-day hybrid meeting in April. Regarding the Ukrainian NADO, following the publication of the WADA Intelligence and Investigations Department's investigation report, the Compliance Review Committee had made a recommendation of non-compliance to the Executive Committee; however, following the invasion of Ukraine by the Russian Federation, the Compliance Review Committee had updated its recommendation to the Executive Committee on 25 February. On the basis of the force majeure clause, it had suspended its recommendation. At that stage, the Compliance Review Committee maintained its position that the recommendation of non-compliance remain suspended. It encouraged the WADA management to monitor closely the situation and ensure that those Ukrainian athletes still competing internationally were subject to a robust anti-doping programme. The Compliance Review Committee had been kept informed of ongoing communication between the NADO and WADA and the work being performed by the NADO with support from other national ADOs.

Regarding RUSADA, the Compliance Review Committee continued to receive updates and monitored closely the RUSADA reinstatement monitoring plan, as well as the implementation of the RUSADA CAS award. The Compliance Review Committee had been informed by WADA that an in-person audit would not be possible in March, and the Compliance Review Committee needed to have that assessment to provide additional information to satisfy what was called for in the reinstatement plan. Since an on-site audit was not possible, the Compliance Review Committee had recommended a virtual audit to the WADA management,

and that had been mentioned in the Director General's report earlier that day, and he was pleased to have heard positive interventions on that.

The Compliance Review Committee had reviewed the IWF issue, and a more detailed update would be coming up shortly, but essentially the Compliance Review Committee supported the WADA position on that matter as well.

The Compliance Review Committee had reviewed the North Korean (DPRK) NADO, which continued to be non-compliant.

As for the procedures related to the Automobile Federation (FIA), the matter had been closed as the non-conformity had been satisfactorily addressed.

Regarding the review of standards, the Compliance Review Committee had started its discussion with WADA on the proposed revisions to the standards and would seek approval later in the year following the stakeholder consultation.

Regarding general guidance and oversight, the Compliance Review Committee continuously provided guidance and oversight to WADA's compliance programme, with great satisfaction. That concluded his presentation to the committee.

THE CHAIRMAN thanked Mr Gourджи for his report. Were there any comments or questions?

DECISION

Compliance update noted.

9. Science and medicine

- 9.1 Cannabis update

PROFESSOR ENGBRETSSEN said that he would mention a couple of issues. First of all, he thanked all of the members for the support that they had given to research that day. That was actually a very good thing to hear. As the members knew, research was the thing that kept WADA going because, without research, there was no way that WADA could catch people who actually cheated in sport. It was therefore obviously very important, and WADA was lagging behind. He would mention three areas. One, which the members knew a lot about, was dry blood spot testing, for which WADA would increase the test battery. It would be much more efficient than a few years ago. There were two other areas that were important and new, one of which was the research on muscle memory in general and that, of course, had to do with transgender in the first place, but not only transgender. As most of the research had to be done on animals, it took a while. It did not pay off during the first two or three years, but it was a good investment in the long term.

The final comment he had was probably the most important area of research that WADA needed to get into, and that was research about gene doping. As some of the members might be aware, there were plenty of offers on websites around the world for athletes to get into gene doping. WADA was lagging a bit behind, partly because the research was very expensive, and that was something that was really worrisome for people like him. They were trying very hard to get around the corner, possibly by creating a consortium, which WADA had been doing on dry blood spot testing and dry blood research. The same way of dealing with that could be used also for gene doping, so that was something that was going to come in the next couple of years. One area that WADA had been involved in, with great interest, was cannabis research. Dr Rabin would continue the report on that issue.

DR RABIN provided the Executive Committee with an update on the cannabis status because, as some of the members might know, WADA had received over recent years a small number of comments, but from a few stakeholders, requesting that WADA review or even remove the prohibited in-competition status of cannabis from the Prohibited List. The Executive Committee had endorsed in September 2021 the recommendation from the WADA List Expert Advisory Group to initiate a scientific review of the status of cannabis in 2022. He gave the members a bit of background on the substance and what he was talking about when referring to cannabis. In fact, in cannabis, there was the main psychoactive component, which was called delta-9-tetrahydrocannabinol, the acronym of which was THC, which was prohibited in

competition and was reported as an adverse analytical finding by WADA-accredited laboratories when the urinary concentration of carboxy-THC, which was the metabolite, exceeded a threshold of 150 ng/ml and a decision limit of 180 nanograms/ml. The threshold had been significantly increased in 2013 from 15 nanograms/ml, so 13 times more, to 180 ng/ml to minimise the number of adverse analytical findings in competition due to the potential exposure to or use of THC out of competition. With the current threshold, it needed to be clear that only athletes who had consumed significant quantities of THC in competition or close to the in-competition period or even chronic users were expected to test positive with such a level.

The 2021 World Anti-Doping Code had incorporated the new article 4.2.3 on substances of abuse for purposes of sanctioning under article 10. Substances of abuse were especially identified on the Prohibited List because they were frequently abused in society outside the context of sport. In that regard, the List Expert Advisory Group had identified THC as a substance of abuse for the 2021 Prohibited List, meaning that, if the athlete could establish that the THC use had occurred out of competition and had been unrelated to sport performance, the standard period of ineligibility would be three months, which might even be reduced to one month if the athlete satisfactorily completed an approved substance of abuse treatment programme. While it was too early to evaluate the full impact of the new rule on sanctions for THC, preliminary data for 2021 suggested an increase in the one- and three-month sanctions, suggesting that the provision was currently being routinely applied. With regard to the review process conducted by the List Expert Advisory Group, it had basically embarked on a full de novo review of the status of delta-9-THC in sport. The extensive review had focused on three criteria that were set forth in article 4.3 of the Code. Just as a brief reminder, one criterion was the medical or other scientific evidence, pharmacological effects or experience that the substance or method alone or in combination with other substances or methods had the potential to enhance or enhance sport performance. The second criterion was the medical or other scientific evidence of the pharmacological effect or experience that the use of the substance or method represented an actual or potential health risk for the athletes. The third criterion was WADA's determination that the use of the substance or method contravened the spirit of sport described in the introduction to the Code. So, under article 4.3, a substance or method had to meet at least two of those three criteria to be considered for inclusion on the Prohibited List. Two sub-groups of members of the List Expert Advisory Group had been formed, one to evaluate the effect of THC on performance enhancement, and the other to assess the health risks. All the existing scientific and medical publications related to those two topics had been reviewed, as well as testimonials from athletes who had been or were cannabis users, including published surveys on the matter. The scientific literature review had been subsequently discussed with four world-renowned independent external international experts specialised in the pharmacology, the toxicology, psychiatry and behavioural properties of THC and cannabinoids, to ensure that all the relevant publications and information had been included and that all the relevant scientific and medical aspects had been appropriately evaluated. The four experts had confirmed that the information reviewed had been extensive and that all relevant data and aspects of the impact of THC on health and performance enhancement had been properly examined. With respect to the spirit of sport criterion, the List Expert Advisory Group chairman had consulted with the WADA Ethics Expert Advisory Group, which had considered cannabis use to be against the spirit of sport across a cluster of areas listed in the Code, and in particular the health aspects, the excellence in performance criterion, the character and education, the respect for rules and laws, and the respect for self and other participants. The group had also noted that further research should be undertaken or supported in relation to athletes' perceptions on cannabis use, but also in relation to its potential enhancing effects due to the lack of convincing results and studies at that time. Levels to trigger an anti-doping rule violation in competition were such that they would be problematic on medical grounds for competing athletes or indicative of a chronic habitual user. The present rule was not, according to the Ethics Expert Advisory Group, as sometimes perceived representative of an excessive incursion into private lifestyles. Nevertheless, and mindful of the shifting public attitudes and laws in certain countries, the weight of evidence and arguments, along with broad international restrictive regulatory laws and policies, supported the continuance of cannabis on the Prohibited List at that time.

To continue the review process, the List Expert Advisory Group chairman had also consulted with members of the WADA Athlete Committee to seek their opinions and views on the use of cannabis in sport. The meeting had been a very open and frank discussion and reflected quite well the range of opinions and views of the athlete community. In total, and in addition to the complete review of existing literature, there

had been 10 consultative meetings held prior to the latest meeting of the List Expert Advisory Group on 25 and 26 April that year.

As conclusions, the List Expert Advisory Group had conducted a thorough assessment and discussion on the WADA Code article 4.3 and, looking at the three criteria, had concluded, first of all, that there was compelling medical evidence that the use of THC was a risk for health, mainly neurological, and that it had a significant impact on the health of young individuals, a cohort that was overrepresented in athletes; secondly, that the current body of objective evidence did not support THC enhancement of physiological performance, while the potential for performance enhancement through neuropsychological effects still could not be excluded; and thirdly, in consideration of the values encompassed by the spirit of sport in the 2021 Code, of which respect for self and other participants encompassed the safety of fellow competitors, the use of THC in competition violated the spirit of sport. Based on those three criteria defined by the Code, on the scientific evidence available, THC was considered to meet the criteria to be included on the Prohibited List. Consequently, no change in the status of delta-9-tetrahydrocannabinol had been introduced in the draft 2023 Prohibited List that was scheduled to be released for consultation by WADA stakeholders on Wednesday the following week.

He wished to take the opportunity to warmly thank all the participants in the review process, which had been very extensive. First of all, the List Expert Advisory Group members, who had done a fantastic job and had been available to review the mass of information provided to them, and the Athlete Committee for the frank and open discussion. He warmly thanked Mr Sandford for facilitating that communication with the athletes. It had really been a great moment of exchange of views. Also, the Ethics Expert Advisory Group and its chairman, Professor Mike McNamee. He also gave special thanks to Dr Audrey Kinahan, who had taken a lot on her shoulders. As the chairman of the List Expert Advisory Group, she had really invested time and energy to accompany the review of that process and substances on the Prohibited List. Finally, he thanked his two colleagues, Dr Irene Mazzoni and Dr Anne Danion for their constant support and hard work during the process. He would be pleased to entertain any questions.

PROFESSOR ERDENER thanked Professor Engebretsen and Dr Rabin for their detailed report. It had also been indicated by Dr Sangenis and Mr Reyes, and Mr Donzé had also mentioned something about it during the 2023-2025 budget forecast. There was no doubt that WADA needed some more income for supporting scientific projects at WADA, especially based on some new, sophisticated and expensive methods such as gene doping. This was to have effective anti-doping policies in WADA. In his opinion, both sides had to increase the amount of contributions or make some extra contributions as they had done several times to the WADA budget for that purpose. It was vital for the activities of WADA.

MS MARACINEANU said that she was very reassured by the result of the review. There should be a political debate on the subject in addition to scientific studies because in many countries the substance was considered a drug and jeopardised the health of young people. She hoped that the Executive Committee members would be informed so as to organise discussion at a European government level, at least to prepare for the meeting in September.

MR REYES congratulated those who had written the report. Cannabis had been a problem for some time. He insisted that WADA needed to look at the problem from different viewpoints. WADA should continue with research into the issues mentioned by Dr Rabin, the effect of THC on sport performance. ADOs should continue with their education programmes and try to make the sport community understand that it was a banned substance and sport was separate from the laws of each country regarding the social use of cannabis.

DR SANGENIS added that she could not agree more. She thanked Dr Rabin for all the detailed explanations provided about the use of cannabis in sport. It was necessary to increase the budget for research. She also congratulated Professor Engebretsen on all the work he had been doing and supporting for so many years. Dry blood spot testing would require money to support research and training. Muscle memory was very important not only in terms of transgender. It was a new world for her and others but not new for those who had already been involved in the research for some time.

DR RABIN responded very briefly to the French minister. Regarding the revision of the Prohibited List in September and its subsequent approval by the Executive Committee, to prepare for the September

meeting, the scientific elements used in the process to review the status of cannabis would of course be provided. The Executive Committee would be taking a decision on the matter, and all of the scientific and medical information would be made available to the members beforehand.

He welcomed the good comments in support of research. It was very dear to him. There was a lot to be done. WADA had refrained from doing the amount of work that it would have liked to do over recent years, but he hoped that, with the proposal that day, and the budget level, WADA would be able to regain the momentum that was needed to really not only support the decisions that were being taken then, but also look to the future with a certain degree of serenity in WADA's capacity to detect the upcoming substances that would be used in doping.

DECISION

Science and medicine update noted.

10. Legal

- 10.1 RUSADA CAS update

MR WENZEL said that he would provide a brief RUSADA CAS update, as there was not much to add to what was in the papers. In particular, the annex on Operation LIMS and the status of the cases was very detailed. Of course, the monitoring work by WADA of the consequences imposed in the CAS award at the end of 2020, in particular around world championships, continued even though some of that had been reduced as a result of the measures that had been taken consequent to the invasion of Ukraine by Russia. The other aspect of the CAS award, which was of course coming into more focus towards the end of the two-year period, was the reinstatement conditions and, very broadly speaking, they could probably be grouped into three categories. One was the financial payment of certain amounts to WADA relating to the CAS proceedings, but also investigation and monitoring of consequences. The second related to RUSADA's cooperation with investigations and also its adjudication of cases arising from Operation LIMS. The third category of reinstatement conditions related effectively to its independence, and those were conditions that needed to be met (or the majority of them needed to be met) at the end of the two-year period. Throughout the two-year period, WADA had been monitoring RUSADA closely, including with monthly activity reports. As far as the Operation LIMS cases were concerned, there were broadly speaking two types of them: there were the use cases (2.2 cases) arising from the data that had been recovered from the Moscow laboratory in January 2019, and there were also the presence cases (2.1 cases) that had resulted from the seizure of samples, also in late June 2019, but samples had also been seized at the end of 2014 (in December 2014), and those had given rise, when there had been adverse findings from the analysis or reanalysis of those samples, to presence cases (2.1 cases). In total, as the members would see from the detailed LIMS report, even in the executive summary, 810 cases covering use and presence had been referred to anti-doping organisations, IFs but also RUSADA in particular. The members would have read and could see from the table in the executive summary that, whether as a result of a decision to sanction or to acquit or otherwise as a result of a decision by the anti-doping organisation not to move forward, the number of cases being closed was on the increase, albeit a significant number remained subject to investigation.

WADA was and had made already a number of calls for updates and indeed made a request for updates in advance of these meetings. Where there were cases, WADA, both its Intelligence and Investigations Department and also its Legal Department where necessary, had been providing assistance to anti-doping organisations and not just assistance but forensic reports that were used within the context of cases when they were prosecuted. To date, across the use and the presence cases that he had mentioned, one could see from the table on page eight of the detailed LIMS report that 120 sanctions had already been imposed and, where decisions had been made, in particular decisions not to prosecute cases, they had been scrutinised very closely and, where necessary, appeals had already been lodged and would continue to be lodged by WADA, both against IFs (there were at least two IFs that had had appeals lodged against them, three in fact) and also RUSADA, where the decisions, including decisions not to move forward, were not justifiable in WADA's view.

DECISION

RUSADA CAS update noted.

- **10.2 International Weightlifting Federation update**

MR WENZEL said that he did not have too much to add to the report that had been provided. That related to historic non-conformities that had been discovered as part of the WADA Intelligence and Investigations Department's, but also Professor McLaren's, investigation into the International Weightlifting Federation. The key non-conformity or non-conformities had been not prosecuting anti-doping rule violation cases and not conducting result management. Those non-conformities had been historic. They had arisen before the International Standard for Code Compliance had come into effect in 2018 and, therefore, certainly with respect to the merits of the matter, it would be the old compliance regime in the Code that would apply (2009 and 2015 Codes). Under that previous Code regime for non-compliance, there were, at least in this case, no meaningful consequences that could be imposed by WADA even if the case were to be brought. The matter could be referred to the International Olympic Committee to consider withdrawal of funding and other symbolic consequences but, certainly as far as WADA was concerned, none of the consequences that were listed in the Code would be applicable in that instance. On top of that, the current compliance regime under the international standard was based on the correction of existing non-conformities. When there is a non-conformity, a corrective action report is sent out as a first step. It is not geared, or at least not primarily geared, at dealing with historic non-compliance. Even under the old provisions, one could take the same view, although it was less clear. So, on top of the fact that there were issues regarding the consequences, that, at least from WADA's perspective, no meaningful consequences could be imposed, the other issue was that, as set out in the report, the non-conformities had almost entirely been dealt with through the International Testing Agency. There were only four cases that had not yet come to a conclusion and they were in train. The underlying non-conformities had therefore been dealt with and that even extended to the prosecution of those senior persons, including the former president of the International Weightlifting Federation, who had been responsible for those non-conformities. WADA took the view, as set out in the report, a view which had been supported by the CRC, as its Chairperson Mr Gourdji had said, that it did not make sense, in view of the issues regarding consequences, the historic nature of the non-conformities and also the fact that the compliance regime was geared towards correction of existing non-conformities, to initiate a case.

DECISION

International Weightlifting Federation update noted.

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

MR WENZEL stated that there was a consensus that this was a serious issue that required measures to be taken. The WADA budget assumed that the contributions, the government contributions, would be made. And it was not merely a theoretical debate. There was one or more well-known examples of payments being withheld or delayed and, in addition to those perhaps more well-known examples, another recent case had arisen (and he would not give the name of the anti-doping organisation) in which WADA had had an appeal case against an anti-doping organisation before the CAS. WADA had prevailed in that case and the issue of who should bear the arbitration costs had been litigated before the CAS panel, and the arbitration costs had been awarded against the anti-doping organisation to be paid or reimbursed to WADA. The anti-doping organisation had written a letter in which, notwithstanding the final CAS award, it had asked WADA to reconsider again whether it would seek that payment and suggested that, if it did, that might have implications on the government contribution, at least as a possibility. So this was a real issue and it was a serious issue. As he had mentioned, a whole range of potential options had been identified, some of them recently. Those options would involve potential changes to the Code and they would potentially involve changes to the statutes. But, as set out in the report, it was felt that, at that stage, further consideration and consultation were required in terms of the legal ramifications, but also the political feasibility. The idea was to work up those options and to conduct the legal assessment at the same time, through an ad-hoc

consultation with representatives or a representative from the sports movement and the public authorities, with a view to providing something more concrete at the next meeting.

MS BATTAINI-DRAGONI was happy to see that there was consideration being given to the subject and that there was a strong intention to come forward at the next meeting with a set of possible solutions to that question. She therefore wished to express her strong support for good work to take place during the coming months so as to quickly have a list of concrete proposals.

MR REYES said that CADE was grateful to WADA for putting the important topic on the agenda. He looked forward to seeing proposals and progress. He supported the idea of having consequences, but those consequences should not result in collateral damage to the NADOs, which might not be strong enough to withstand them.

DECISION

Update on possible consequences due to unilateral withdrawal of funding noted.

- **10.4 Extension of WADA's investigation powers update**

MR WENZEL informed the members that that item, as well as the next one, which was the extension of the minimum mandatory storage period, had arisen from a recommendation from the Intelligence and Investigations Department in its report on the IWF investigation that he had addressed earlier. The Intelligence and Investigations Department was seeking the ability to access certain data to which, under the current rules, it would not have access: files, telephone records, etc. It had made the point in its report, and that was set out in the papers from the November meetings, that whereas those data or those documents had been available to Professor McLaren within the context of a consensual investigation that had been initiated by the IWF itself, they would not have been available to the WADA Intelligence and Investigations Department. WADA considered that the extension of the Intelligence and Investigations Department's powers, access to data and documents, was important in order to be able to investigate meaningfully and efficiently. That was in particular the case where what was suspected or alleged was of a serious and systemic or covert nature. Those were not the kind of things that were going to be disclosed voluntarily on a compliance review questionnaire. Also, investigation powers were an important part of the compliance piece. One needed to be able to get the evidence in order then to be able to correct whatever non-conformities that there might have been. The idea, and that was important, was not to convert WADA into an international police force or give it unrestricted public law powers. The idea, and even in the report that he had mentioned, which was the Intelligence and Investigations Department report into the IWF, had been that those powers would be subject to strict and stringent conditions, they would be used in certain specific and serious situations, they would be coupled with checks and balances, including, for instance, the possibility of an independent review prior to exercising them. That was something, the ability for anti-doping organisations to access data of that type, that was not entirely new. It was not unheard of in the world of anti-doping. There were certain national anti-doping organisations that had quasi-public law powers in certain instances. And, even within IFs, he could think of at least one or two examples whereby, in the anti-doping rules of those IFs, there was an ability to demand access to certain records where there was a suspicion, in particular of an anti-doping rule violation and, if that reasonable demand was not complied with, it could lead to consequences on the refusing party. World Athletics, for instance, was one of those organisations that had that in its anti-doping rules. Of course, there were checks and balances and, where someone objected to the demand, they had the right to take that to a tribunal, albeit handing over the relevant data, which would be held securely and not used in the interim. Therefore, that was not something entirely new, but it was true that, in view of WADA's unique position, it did raise a number of legal issues, both on an international and national level. As the report set out, WADA had consulted a professor from the University of Zurich, Professor Meyer, who had expertise across some of those areas, and he had provided a report. It was more of a troubleshooting paper, or to list the areas that would need to be looked at and required further legal assessment. And that was, in the end, what had been recommended: that further assessment with respect to issues such as data protection, privacy, human rights and the principle against self-incrimination would need to be conducted. Professor Meyer had recommended that WADA also look at other models in other regulatory spaces in which similar powers of investigation existed, and also

recommended that that work be done before entering a formal consultation. Professor Meyer had also been very clear that the legal issues would depend on the precise detail of what the investigation powers would be, what the aims were, the types of data that would be accessed, the manner in which the data would be accessed, the circumstances that would trigger the right to exercise the authorities, and also the checks and balances that were a part of the system. This was an area that WADA considered was important to strengthen the fight against doping in sport. As said, in an instance like the IWF, WADA, based on its existing powers, would not have been able to uncover that wrongdoing and the IWF was far from the only example of an Anti-Doping Organization that had had some systemic and covert issue. He was not saying that it was something that was easy to achieve or without legal risk; rather, it would need to be assessed and properly worked through. It was complex and it would require significant resources but, again, it was something that WADA's management considered important.

THE CHAIRMAN thanked Mr Wenzel very much for his very comprehensive explanation and report.

MS GROSSENBACHER said that, from the sport movement's perspective, everybody had been very supportive of developing intelligence and investigation capacity. The sport movement recognised the value it had in targeted testing and sanctioning anti-doping rule violations, which could not necessarily be caught through testing. It had also seen the value the Intelligence and Investigations Department had with its efforts into compliance monitoring. When it came to extending the investigative powers, the proposals that had been tabled thus far required further discussion and further debate. Mr Wenzel had very well detailed the concerns and the risk related to such project. The sport movement perspective was that there would be value in considering alternative approaches or whether there were any other mechanisms to access or reach the same results. She knew in the specific case of the IWF, which had been mentioned, that there had been access to valuable information for the WADA Intelligence and Investigations Department. However, that needed to be put back into context as well. That had been part of a broader internal investigation in which there had been a willingness as well to cooperate with WADA and its investigative unit. So, would a clarification of the obligation of cooperation by ADOs be a possibility to explore as well to reach similar results or targets, or reinforced compliance in audits and procedures? Those were areas she thought were worthwhile considering during the preliminary phase, because thus far with the proposals that had been tabled, the risks for WADA were still great, also in terms of financial repercussions.

THE REPRESENTATIVE FOR MS MARACINEANU spoke on behalf of Ms Maracineanu, who had had to leave the meeting. She asked Mr Colbeck to speak first on behalf of the public authorities.

MR COLBECK said that he thought that the considerations put forward by the sport movement about looking at other mechanisms should be taken into account. His country had, through Sport Integrity Australia, investigative powers, but they were heavily supervised by judicial processes that formed part of the protections within the legislative process that supported those investigative powers. The importance of gaining access to information was not in any question; it was the mechanisms by which that information was gathered. It was going to vary enormously in different jurisdictions, based on their own legislative frameworks, and the most effective way to achieve that would be by forms of cooperative agreement rather than a structure within WADA. It was going to require strong legal cooperation, in particular with sovereign governments that were not likely to change the way in which their systems worked. In Australia, the legislation to support investigative powers had been passed in recent years. There was a significant level of scrutiny over that through judicial review and protection. He referred to some of the concerns raised regarding protection of data, but also dealing with so many different legal systems across the varying jurisdictions, and a process of developing cooperation and perhaps even using the WADA processes in the context of those who refused to cooperate with a process. In most circumstances in which there was strong rule of law, use of a jurisdiction's own legal systems and investigative processes would be the most advantageous in getting a strong outcome. There would be some exceptions to that, he accepted, but it would become a very complex process and he suspected that most jurisdictions would want to ensure that there was appropriate protection in place for those who might be subject to investigation in accordance with their rule of law.

THE CHAIRMAN thanked Mr Colbeck. His understanding was that the French minister had left the meeting.

MS MARACINEANU'S REPRESENTATIVE confirmed what the colleagues from the sport movement and Mr Colbeck had said. She raised concern about the legal risks of extending WADA's powers. She wanted WADA to be able to see the proceedings through and be able to gain access to the documents; however, she had misgivings about legal certainty with regard to domestic legislation and data protection. The chairman of the working group had made reference to a legal note, but she had not seen that. The public authorities requested access to the document to be able to assess what was at stake and the impact on domestic legislation. Any change might cause changes to the Code or standards in 2025. The members would be aware of the difficulty of transposing the World Anti-Doping Code into domestic law. Legal certainty was an issue, as was the complexity of transposing the Code into domestic law, so a detailed legal analysis was required before being able to continue the work.

MR WENZEL noted and agreed with some of the concerns that had been expressed and, as he had said, it was a complex issue and one that would require significant legal assessment. And it was certainly the view of the professor consulted that that should be done before any further consultation took place, so that would be the next step. The issue with cooperation or reinforced compliance cooperation agreements was that they were unlikely to be helpful in a situation in which one was dealing with covert and systemic abuse at a senior level; that was unlikely to be disclosed within the context of cooperation. So that was the issue with that. But, of course, WADA would continue to look at other avenues of achieving the goal. He heard the point about using local jurisdiction, the state courts, effectively, or the NADOs' public law powers to achieve some of the aims. That would certainly be efficient at a national level; however, when one was dealing with a situation like the IWF, that was just one example and there were others, of an International Federation that had covert buried non-conformities right at the top level, he did not think that local or national avenues would necessarily be adequate. Of course, generally, with respect to the issue of national law, that had to be taken into consideration. Further legal assessment was required. What he could say from previous experience of some of the regimes of IFs that had those sorts of provisions was that people that had objected to whatever demand was made had raised issues of national law, including data protection, and those issues had been litigated before a tribunal before any access to the information had been given. He remembered one case in which expert evidence on data protection of the country concerned had been put before the tribunal, which had made a determination. Potentially, but he did not put it further than that, there could be some form of carve-out where the measures would infringe against national law, where that could be substantiated and demonstrated in a specific case. But he thought all of that went to show, and he did not say the opposite, that that was a very, very complex area and it was one where more assessment with respect to the legal risks needed to be done. And that would be the next step.

DECISION

Update on the extension of WADA's investigation powers noted. Management to present concrete solutions to the Executive Committee in May 2022.

- **10.5 Extension of minimum mandatory period of storage of doping control samples update**

MR WENZEL said that he had mentioned earlier that that was also a recommendation in the Intelligence and Investigation Department report into the International Weightlifting Federation from October 2020. It was important to understand that that request had been made specifically in connection with the risk of urine substitution or, more particularly, the ability to detect urine substitution through DNA analysis. In that case, the sample simply had not existed and, therefore, it had not been possible to do the DNA cross checks in order to prove or disprove urine substitution. The request was to extend the minimum mandatory storage period of three months. The samples could be held for up to ten years, but they could also be disposed of or discarded after that three-month period. The proposal was to extend that period. That raised issues of cost for anti-doping organisations, but also of space and logistical issues for laboratories. After the meetings the previous November, there had been cross-departmental discussions within WADA involving the Testing Department, the Intelligence and Investigations Department and, of course, the Legal Department. Those discussions had generated two further possibilities in order to achieve the goal of being able to investigate the possibility of urine substitution, and they were some form of enhanced identification,

perhaps biometric identification at sample collection and, secondly, the use of DBS (dried blood spot) for the purposes of DNA analysis, which did not raise the same issues in terms of storage capacity. Those two further possibilities had been discussed recently on 27 April by the Strategic Testing Expert Advisory Group. Whereas the group had agreed to discuss them in more detail at its meeting in August that year, there had been one concrete recommendation made, which had been to at least introduce into ADAMS a functionality that would allow WADA to ascertain those samples that had been kept beyond the minimum storage period of three months. That was a concrete recommendation resulting from that meeting. With respect to the two alternative options and also the original request from the Intelligence and Investigations Department concerning the extension of the minimum mandatory storage period, they would be discussed further in August, and there would have to be, of course, further input from the Legal Department and perhaps external counsel, not least due to the sensitivity and the privacy associated with biometric and genetic data in particular.

DECISION

Update on the extension of the minimum mandatory period of storage of doping control samples noted.

11. Open questions on departmental updates

12. Other business/future meetings

THE CHAIRMAN asked the members if they had any other issues that they would like to raise.

In terms of future meetings, the Executive Committee meeting would be held in Sydney, Australia, in September. The meeting would be attached to the Global Education Conference and more information would be provided in the coming weeks. In November, WADA would be in Montreal. For 2023, it would be necessary to look at the calendar to map out what the year might look like in light of the governance recommendations and changes. He hoped that all members, regardless of their location, had found that day's meeting fruitful. He thanked them for their participation. He was looking forward to seeing most of them at the Foundation Board meeting the following day. If there were any questions overnight, the members should not hesitate to send an e-mail so as to be certain to address them either at the Foundation Board meeting or directly back to the members. He thanked the WADA staff for planning and supporting the conduct of the hybrid meeting, and also thanked the interpreters for their hard work.

MR COLBECK observed that Ms Yang had raised the issue of the Russian skater at the Olympic Winter Games which he did not recall being addressed, but it did raise another question that WADA did need to consider and resolve which was that of minors and how they were managed within the Code. There were a lot of very young athletes in summer and winter sports participating in the Olympic Games and all athletes should be equally subject to the Code.

Regarding the meeting in September, he looked forward to seeing everybody in Australia. There were a couple of other big global events taking place: the UCI Road World Championships and the FIBA Women's Basketball World Cup, so there were other reasons to hang around and enjoy some top class-sport whilst the members were in Australia.

THE DIRECTOR GENERAL gave the floor to Mr Wenzel, who had prosecuted the case on provisional measures regarding the figure skater, Kamila Valieva and was following the current progress, especially on the question of minors, which had been at the centre of the provisional measure.

MR WENZEL said that the case had raised a number of issues. If he had understood correctly, the ISU had decided to make 16 the minimum age for participation in international competition or at least a table that proposal. With respect to that case in particular, it was clear from WADA's public statement that it did not agree with the decision rendered by the CAS. It was, as WADA had stated publicly, not an oversight that there had not been an inclusion of minors in the exceptions for a mandatory provisional suspension as there was for the other new regime, the substances of abuse. That was not an oversight. WADA did not agree with the CAS decision, but the decision had been made. As the Director General had said earlier, the case

was currently being tried on the merits at first instance in Russia before the disciplinary committee and, when WADA received the decision, it would be necessary to review it to see if it could be considered compatible with the Code. If WADA considered that it was not, then of course it would appeal.

THE CHAIRMAN thanked Mr Wenzel very much.

DECISION

Executive Committee – 23 September 2022, Sydney, Australia;
Executive Committee – 17 November 2022, Montreal, Canada;
Foundation Board – 18 November 2022, Montreal, Canada.
Executive Committee – 9 May 2023, Montreal, Canada, TBC;
Foundation Board – 10 May 2023, Montreal, Canada, TBC;
Executive Committee – September 2023, TBC;
Executive Committee – November 2023, TBC;
Foundation Board – November 2023, TBC.

The meeting adjourned at 15:50 GMT+1.

FOR APPROVAL

MR WITOLD BAŃKA
PRESIDENT AND CHAIRMAN OF WADA

MR OLIVIER NIGGLI
DIRECTOR GENERAL AND RECORDING SECRETARY