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Minutes of the WADA Executive Committee meeting 23 September 2022, Sydney, Australia

The meeting began at 9.00 GMT+10.

1. Welcome, roll call and observers

THE CHAIRMAN warmly welcomed everyone to the meeting, including Mr James Carr, who was attending remotely and in replacement of Mr Ingmar De Vos and Mr Yoshitaka Hoshino who was attending in person in replacement of the new Executive Committee member from Japan, Mr Ide Yosei. In addition, Mr Orlando Reyes was deputising for the new CADE member, Ms María Isabel Urrutia. That was also the first meeting of the new Executive Committee member, Ms Anika Wells, Australian Minister for Sports, and he welcomed her to the committee. As previously communicated, the duration of that day's meeting would be approximately five hours.

Before addressing the agenda, there was one important matter he was extremely sad to raise with everyone. As members would know, their esteemed colleague and dear friend, Mr Frédéric Donzé, had suddenly passed away on 15 August. It had come as a shock to everybody, and they were still mourning his loss. Fred had been one of the longest serving employees, having been at WADA for 20 years, during which time he had held the positions of media relations and communications manager, director of the Europe office and International Federation relations and, more recently, COO. One could say that he had dedicated a whole half of his life to the anti-doping cause. He would be greatly missed by all of the people at WADA and the anti-doping community at large. In memory of Fred, he wished to propose that the members observe one minute of silence and invited those who were present in the meeting room to stand.

Before opening the meeting, the host representative, Ms Wells, wished to say a few words of welcome.

MS WELLS welcomed her fellow members to Australia. She started by warmly acknowledging the traditional custodians of the land on which they were gathered that morning, the Gadigal people of the Eora nation, and their connection to land, sea and community. She wished to pay her respects to their elders, past, present and emerging. Together, there in Australia, they stood on the shoulders of 1,600 generations of First Nations people, and that was their shared history. Her name was Anika Wells and she was the Minister for Sport in the new Australian Government. She thanked WADA very much for bestowing on Australia the honour of not only hosting the Global Education Conference, but also that Executive Committee meeting. Those were the first ever WADA meetings to be held in Australia and she was incredibly proud that Australia had been chosen and to be hosting the WADA members there. They were on the green and gold runway to the 2032 Olympic Games in Australia. She was therefore sure that it was not the last time the members would all be in her beautiful country. She had heard that some of the members would be off to Wollongong the following day to experience the UCI championships. For those who had just arrived, she hoped their travels had been smooth. If the members had been there all week, she hoped that they had been enjoying some of Australia's cultural experiences. She had opened the education conference on Tuesday with some salient warnings about the very deadly animals in that country. She had heard that some people had been very worried and spent the week looking over their shoulders for errant kangaroos in case they jumped out of the bushes. She assured the members that she had pulled some strings with her government connections, and that room was a kangaroo-free zone. The members did not have to worry about that.

In her opening remarks at the education conference, she had challenged people to learn from one another and to derive some meaningful outcomes, and she understood that that had happened. She was really grateful to the members for their work in that space. She thought that the participants had heard about the importance of not just providing information but changing those behaviours, and they had heard some powerful testimony from those athletes affected by doping violations and how education could prevent that. Importantly, all participants had openly shared resources and committed to future collaboration with one other. She hoped that the discussions that day would be just as beneficial for the anti-doping community as those of the education conference had already been. That was, of course, her first introduction to the WADA community, and she wanted to compliment all of the members on how welcoming they had been and their preparation and professionalism.

She currently had a burst eardrum, so her hearing was at about 40%. If she was looking puzzled, it was probably just because she had not heard it, not because she had not understood. Speaking in French, she thanked all those who had been kind enough to talk to her and listen patiently to her efforts to speak French. She promised that she would improve by the time of the next WADA Executive Committee meeting in Montreal.

THE CHAIRMAN thanked the minister for her intervention.

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

The following members attended the meeting: Mr Witold Bańka, President and Chairman of WADA; Ms Yang Yang, Vice-President of WADA; Prof. Ugur Erdener, IOC Member, President of World Archery; Mr Jiri Kejval, President, National Olympic Committee, Czech Republic, IOC Member; Mr James Carr, representing Mr Ingmar De Vos, Council Member, ASOIF, IOC Member, FEI President; Mr Humphrey Kayange Emonyi, IOC Member, representing the IOC Athletes' Commission; Mr Nenad Lalovic, Executive Member, GAISF Council, UWW President, IOC Member; Ms Minata Samate Cessouma, Commissioner for Health, Humanitarian Affairs and Social Development, African Union, Burkina Faso; Mr Orlando Reyes, representing Ms María Isabel Urrutia, President, CADE, Colombia; Mr Yoshitaka Hoshino, representing Mr Ide Yosei, State Minister of Education, Culture, Sports, Science and Technology, Japan; Ms Roxana Maracineanu, European Representative, France; Ms Anika Wells, Minister for Sport, Australia; Ms Gabriella Battaini-Dragoni, Independent Member, Italy; Dr Patricia Sangenis, Independent Member, Argentina.

The following Standing Committee Chairs attended the meeting: Mr Ben Sandford, Chairman of the WADA Athlete Committee; Mr Henry Gourdji, Chairman of the WADA Compliance Review Committee; Ms Kady Kanouté Tounkara, Chairman of the WADA Education Committee; Mr Ser Miang Ng, Chairman of the Finance and Administration Committee; Professor Lars Engebretsen, Chairman of the WADA Health, Medical and Research Committee. Ms Diane Smith-Gander, Chair of the WADA Nominations Committee also attended.

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

The following observers attended the meeting, either in person or virtually: Michael Vesper, Hannah Grossenbacher, Yumiko Nakajima, Shin Asakawa, Darren Mullaly, David Sharpe, Chris Butler, Amber Setchell, Nick Paterson, Clayton Cosgrove, Julien Attuil, Richard Budgett, Yumi Nozawa, Soichiro Sano, Robert Auguste,

Decious Chipande, Habibata Nouredine Sow, Cécile Mantel, Amandine Carton, Kerry Knowler, Richard Baum, Marcos Díaz, and Amélie De Fenoyl.

- **1.1 Disclosures of conflicts of interest**

THE CHAIRMAN asked if any members wished to disclose any conflict of interest. He saw no requests for the floor, so that meant that he could move on to the next agenda item.

2. Minutes of the previous meeting on 18 May 2022

THE CHAIRMAN noted that, ten days previously, the draft minutes had been shared with the members and Japan had made a request for some minor changes to the interventions, which appeared to have been a result of incorrect interpretation. They had been reviewed and he thought that the members could be comfortable with the changes. Were there any other comments or questions regarding the minutes of the previous meetings?

DECISION

Minutes of the meeting on 18 May 2022 approved and duly signed.

3. Director General's report

THE DIRECTOR GENERAL stated that he did not have anything to add to his written report, which was in front of the members. He just wanted to take the opportunity to thank Sport Integrity Australia for its warm hospitality and for the great organisation of the WADA Global Education Conference. It had been a remarkable exercise of partnership between Sport Integrity and the WADA education team. He also wanted to thank the whole education team and the WADA Education Committee. The feedback he had obtained randomly from participants he had met in various places had been very good. He thought that everybody had greatly appreciated the conference and the substance of it and what they had learned during the two days. He thought it had really been a great success. He thanked Mr Sharpe and his entire team and all those who had worked behind the scenes, because it had been a very, very successful conference. He would be happy to take any questions on his report.

PROFESSOR ERDENER thanked the Director General on behalf of the sport movement for his really very comprehensive report. If the members would allow him, he also wanted to say something about his friend Fred Donzé. The sport movement expressed its deepest condolences to his family and all his colleagues and friends, including those at WADA. He had been a really exceptional leader, respected by all and the entire community, which mourned his loss. It was the members' duty to honour the legacy he had left for the fight against doping. The sport movement expressed its full support to WADA during those difficult times.

THE CHAIRMAN thanked Professor Erdener.

DECISION

Director General's report noted.

- **3.1 Strategic Key Performance Indicators update**

THE DIRECTOR GENERAL informed the members that the item had been presented to them in May on what WADA would do as part of the new strategic plan and the KPIs for the future. As indicated in May, having defined the KPIs, the first task had been to try to establish a baseline so as to have a starting point from which to measure progress. That was what had been done. WADA had surveyed about 500 athletes and 300 stakeholders. The members had in their files the results of the survey. The management had also compiled some of the data that it had had internally from 2021 in order to create the baseline. If the members looked at the result, and they had all the details in their documents, they would see that about 69% of the respondents had a positive perception of WADA, 82% perceived WADA to be a leader in the field, which was good, and 77% of the athletes believed that WADA was concerned with their welfare, which was on the positive side. However, the members would also see that, for example, only about 60% were satisfied with the digital system, which the

management acknowledged and had taken note of. Since the baseline had been established, the next steps would be, at the beginning of 2023, to establish targets in terms of where WADA would like to be in the future. The management would do that. It would establish the targets on the various KPIs. Also, with the experience of the first exercise, the management would refine the way in which it collected data. In particular, regarding the survey, the management wanted to make it a bit shorter and easier for participants to complete. Then, in 2023, WADA would go back to its stakeholders and the athletes to carry out another survey and see how the KPIs had progressed. The information was all there in the files. It was the beginning of something that would, he thought, be a very useful tool in the future to measure how WADA was progressing in what it was doing. He would be happy to take any questions on the information the members had before them.

MR KEJVAL spoke on behalf of the sport movement, which had seen the document and the strategic key performance indicators for the first time, and had found that the innovation and digital transformation would be a challenge. Did the Director General have any idea about how to work with those items so as to improve the results for the future?

MS WELLS said that Oceania agreed that robust KPIs were really important. She knew, as a new member of the Executive Committee, that they were a useful tool to help her understand the objectives and targets of what the organisation was trying to achieve. She just wanted to note the good progress that WADA had been making to set that baseline data and targets and encouraged that good work by ensuring that those targets continued to be measurable and meaningful.

THE DIRECTOR GENERAL told Mr Kejval that he acknowledged the issue reflected in the KPIs that WADA needed to do better and improve its digital system. That did not come totally as a surprise, but it was work in progress, he had to say, and he thought that it had been discussed many times around the table that the IT component of things was a challenge. It was a challenge on many fronts, including the investment that was required to continuously improve and evolve. WADA had set up an internal innovation steering committee to try to think out of the box and see how it might be possible to improve on that front. WADA was looking for external partners to support it in its digital transformation. He thought, realistically, that WADA was going to need some extra resources, which were being sought from the private sector, to help take a big step forward. WADA was having good discussions at that stage with some potential partners and hopefully he would have some good news soon. That was really very much at the forefront of WADA's priorities. He was very well aware of it, and it had been confirmed by the survey. WADA would continue striving to be able to more put more resources and more effort into that in the coming months and years. He also thanked the minister for her remarks and agreed. WADA would continue its work.

DECISION

Strategic Key Performance Indicators update noted.

- **3.2 Human rights impact assessment framework**

MR KEMP noted that two of WADA's strategic priorities were to lead and to be athlete-centred. Carrying out human rights impact assessments was consistent with both of those priorities and would deliver on a request made to conduct such an assessment by WADA's Athlete Committee. It was very important that WADA carry out such an assessment thoroughly and professionally. The assessment should ensure an athlete-centred approach by not only examining current anti-doping policy relative to universally accepted human rights, but also looking at how anti-doping policy was being applied to ascertain if improvements in policy and practice could be made to better serve athletes. The human rights impact assessment framework paper that had been provided proposed a thorough and measured approach for consideration. The framework proposed draft steps and draft timelines to conduct such an assessment and, subject to any comments from the Executive Committee, a more detailed proposal would be put forward to the Foundation Board in November. To date, with expert input and review, WADA had ensured that all provisions of the Code and international standards were compatible with fundamental human rights principles. Additionally, WADA had held many discussions with stakeholders, as well as the Centre for Sport and Human Rights, in order to ensure WADA carried out its work in a thorough and responsible manner that would meet athlete expectations. It had become clear that two

elements were necessary for that exercise to be credible and meaningful. Firstly, the guidance and insight of a professional with experience in the human rights environment was important. Secondly, while such a professional should be retained with a certain amount of independence from WADA to conduct the work credibly, access to WADA and its expertise and people, as well as its stakeholders and partners, would also be necessary to understand how current policies had been developed and how to evaluate their impact as practised by the entire anti-doping community. The expert would work with WADA to develop a human rights road map outlining the process and how stakeholders would be engaged in more detail. Discussions had taken place with an available and well-suited expert to help WADA with the work and, following further discussion with them in the coming weeks, the intention was to come to the Foundation Board in November with their proposed mandate and to formally recommend that person to the board. It would be imperative that that initial assessment balance the human rights of athletes with the rights of athletes to fair competition as well. With the guidance of the senior expert, as outlined in the proposal, WADA sought to conduct the initial human rights assessment and develop a roadmap that would guide WADA on a credible and meaningful path towards fulfilling its responsibilities in the area of human rights and as the global leader in anti-doping. He would be happy to take any questions or comments the members might have on the proposed framework before the fuller proposal was made to them again in November.

PROFESSOR ERDENER said that the sport movement fully supported the initiative and the proposed framework. He wanted to give some information from the IOC's point of view related to the subject. The IOC was committed to improving the promotion and respect of human rights within the scope of its responsibility and would be happy to provide its support to WADA to coordinate the respective efforts. On 9 September, the IOC executive board had approved the IOC's strategic framework on human rights. The framework would fundamentally shape the working practices of the IOC, the Olympic Games and the Olympic Movement, ensuring that human rights were respected within their respective remits. The framework built on the recommendations produced in March 2020 by Prince Zeid Ra'ad Al Hussein, the former United Nations high commissioner for human rights and Rachel Davis, Vice President and co-founder of Shift, the centre of expertise on the UN Guiding Principles on Business and Human Rights (UNGPs). To achieve that, the IOC had defined strategic intents for 2030 for each of its spheres of responsibility. First, as an organisation, the IOC was continuously advancing respect for human rights across its operations through enhanced policies and practices. Secondly, as owner of the Olympic Games, the IOC was driving human rights best practices in the selection of future Olympic Games hosts and in the organisation and delivery of the Olympic Games, working together with the organising committees within their remit and providing them with clear requirements and supporting tools. As the leader of the Olympic Movement, the IOC was accelerating the adoption by NOCs and IFs of proactive measures on human rights-related challenges. All three strategic intents would be carried out in alignment with the UNGPs, which were the standard of reference of the IOC's strategic framework on human rights. Once again, the IOC welcomed the framework put forward by WADA, as it was aligned with the principles of the UNGPs and the IOC's intents to accelerate measures on human rights-related challenges. The IOC remained available to provide support.

MS MARACINEANU spoke on behalf of Europe, but also One Voice, to thank the Foundation Board for responding positively to the request by the WADA Athlete Committee to initiate the process and showing that WADA wanted to implement it. Europe was positive about the initial measures just described, but needed more details on what the study would comprise. She advised the Foundation Board to take into consideration the standards that had been drawn up by the Council of Europe in the field of anti-doping, and especially the recommendation of the Council of Ministers in 2022. Having more information about what the study comprised might help to have some regular points and regular reviews with WADA and the expert. She asked that the expert in charge be chosen after an open selection and also after a call for tenders so as to also think about whether it was necessary to have one expert or several experts on the subject, as it seemed to be very important at a time when WADA wanted to change the image of what it was doing and to present itself as fighting for the right for athletes to compete fairly and not just as a body that punished cheats. It was a very interesting subject on which she would like to have more information when possible.

MR SANDFORD thanked Mr Kemp and WADA for putting that together. It had been a request from the Athlete Committee. It was really great to see that being implemented and he was fully supportive of the proposed

framework. He thought that that was a really good step, not just for WADA, but also for anti-doping. It was important for WADA to lead in the space and be athlete-centred. By undertaking that process, he thought that WADA was walking along that path in a very positive way.

MS WELLS emphasised, on behalf of Oceania, that she would also like to encourage the tender process.

MS BATTAINI-DRAGONI appreciated the fact that, after many discussions over the past few years, WADA was coming very close to a situation in which there would be, she was sure, definitively an excellent document by WADA on those questions of human rights and ethics. Having said so, she wished to draw the members' attention, and she referred particularly to Mr Sandford representing the Athlete Committee, to how important it was that the work be done by taking a lot of time to discuss with athletes. They had asked for that years ago. It was therefore really time to deliver, and to deliver as quickly as possible. There was, however, something that, to her mind, the members should look at, namely the terms of reference that were there in order to make that work. She said that because, as the members had heard from Professor Erdener, speaking on behalf of the IOC, a number of organisations were working on that issue, and what she would like personally to avoid was a document that might risk taking on dimensions that were not specific to anti-doping. It seemed to her that it was very important to make clear that, if a new text on human rights had to come from WADA, it would be necessary to stick to a number of things. There was already, in the Code, a very clear indication on at least 12 rights, which were very clearly presented and really referred to the question of anti-doping. What she was trying to say was that, since there was a proliferation of documents coming out, which was a very good thing in itself, there was a risk of having too many texts. She would like to see, first, a text for WADA which was very specific to WADA and did not go beyond that frame and deal with other things. The second thing was, as she had said at the beginning, that it was necessary to move rather quickly. There was already work being done by the secretariat, as she had understood from the previous presentation. Her wish would be to see, as had been usual practice at WADA, the different bodies defining the terms of reference of the exercise together but then, as usual, the Executive Committee should charge or expect the secretariat to come forward with good proposals for the person who would ultimately have the responsibility for preparing the document. She would prefer not to waste time on heavy procedures that would slow down the process.

MR HOSHINO said that it was his first intervention and he was pleased to be attending the meeting. On the issue of the human rights impact assessment, he understood that the initiative had been based on a request from the Athlete Committee, as Mr Sandford had explained. It was the first time that the initiative had been introduced at an Executive Committee meeting. He would be grateful to know why the Athlete Committee was bringing the issue to WADA's attention. Beyond the concept that human rights were important in the world of sports, he wished to know specifically whether there were any challenges or problems or inconveniences with the current WADA system.

MR CARR wished to support the comments made by Ms Battaini-Dragoni. The sport movement agreed with the very pragmatic approach outlined by the WADA management. It sounded like there was a well-placed expert in mind for approval at the Foundation Board meeting in November. He feared and had concerns that conducting an open tender process would inevitably delay things. It would probably take months and months and months for approval in May, and then it would inevitably slow things down. He therefore thought that it would be better to appoint that senior expert subject to the approval of the Foundation Board in November. That person would have a good knowledge of WADA, as Mr Kemp had explained, and would be able to speak with the stakeholders and really progress things.

MR SANDFORD said that Mr Kemp might have to respond to some of that in a bit more detail as it related to the proposed framework. But, from the Athlete Committee's side, as he was sure most members would be aware, human rights had really come to the forefront in sport in recent years, and that had happened in a number of different ways. From the perspective of the WADA Athlete Committee, it was very important that, as the global leader in anti-doping, WADA have a robust human rights framework in place. If one looked at how the UNGPs worked, it was about committing and embedding, and it was about identifying risks and taking action and communicating. With regard to specific documents that WADA had and that it looked after, perhaps the Code or the international standards, human rights were in there and he did not see that particular framework as necessarily having an impact on the rights and responsibilities in the Code per se. However, it did make

everybody more informed about those rights and those responsibilities. One of the things a human rights impact assessment would do was identify those touchpoints that one had with human rights. He also thought that, as the global leader in the field, WADA needed to be consistent and be providing a consistent resource around the world. Human rights were currently being interpreted in a different way in different places, and athletes as a result of that were going to be experiencing anti-doping in a slightly different way. The good example of that was regarding public hearings and the proposals currently coming out of the Council of Europe. There had been frustration from his point of view in dealing with that process because he was specifically talking about a very narrow human right regarding public hearings, but, and he did not mean that in a critical way, he felt that WADA had been unable to respond effectively. WADA had been able to respond effectively legally; but, because there had been no framework in place on human rights that showed that that had been embedded in the work that WADA was doing in global anti-doping, the argument had been, in a way, lost and he would say lost for the athletes as well, because the outcome had not been what WADA had been after. So, there were, downstream, ways of making the system more robust. However, he thought that there were certain things that the framework would enable WADA to do to, to give athletes certainty that WADA actually knew what human rights were, that it was dealing with them effectively and had a good framework in place to communicate that and commit to that. He would be happy to share the letter that had originally been sent.

MR KEMP thanked Mr Sandford and all of the members for their support of the initiative. The management would make sure that the athlete perspective from the committee as to the value of the assessment would be considered. There would be an opportunity to add more detail. He also appreciated the comments regarding the pragmatism of the exercise and the need to move it forward without undue bureaucracy. It was important to have a senior expert in place who understood the anti-doping environment in order to adequately address the appropriate balance between the fundamental rights of athletes and, of course, the fundamental rights of athletes to clean sport and, therefore, understood the environment in which WADA operated. Again, the scope, he agreed, needed to be limited to anti-doping and the elements around it. Those terms of reference and more detail would certainly be provided in November. He thanked everybody for supporting the exercise.

THE CHAIRMAN thanked Mr Kemp very much for all of his comments and remarks regarding the project. He understood some of the concerns from the public authorities' side. However, it was necessary to be cost-efficient and pragmatic in that regard. WADA could not go for an open call for tenders each time it hired an expert because it would be a costly and time-consuming exercise. So, as stated in the document, the management would submit the name of the senior expert for approval in November with all the credentials and costs. He was sure that the selected person had both the experience and competence to carry out the tasks. Therefore, his suggestion was to wait until the November meeting before taking a position on the person selected for the task. Were the members happy with that approach? He thanked them very much.

DECISION

Human rights impact assessment framework noted.

- **3.3 WADA partnerships**

THE CHAIRMAN said that, as there had been some questions in the past about WADA's approach to partnerships, the management had decided to table a paper outlining the approach.

MR BOUCHARD said that he would be very brief because he thought that the document was self-explanatory. He would say a few words about the objective of the partnerships and WADA's approach, in other words, what WADA was trying to achieve, the objective in the document and which company or which organisation WADA signed those kinds of agreement with. Essentially, WADA was looking at leveraging its capacity to increase its reach and expand the scope as much as possible without any extra costs. The members had been provided with the three types of agreement that WADA had with different organisations, as well as a list of the organisations with which WADA had an active memorandum of understanding or partnership agreement. He would be happy to try to answer any questions that the members of the Executive Committee might have.

THE CHAIRMAN thanked Mr Bouchard very much.

MR REYES apologised for the late intervention. He had had some connection problems. He thanked Director General for his report, and expressed his condolences with regard to the death of Mr Donzé. He also wished to thank the Australian hosts for organising the meeting. Colombia held the presidency of CADE, and he informed the members that the recent change of government had resulted in a new minister for sport, María Isabel Urrutia, who was thus the president of CADE. She sent the Executive Committee members her greetings; she would have liked to be in Sydney, where she had won her gold medal for weightlifting in 2000. Given her new role and governmental tasks, she had asked him to represent her at the Executive Committee meeting.

THE CHAIRMAN thanked Mr Reyes very much.

DECISION

WADA partnerships update noted.

4. Governance

- 4.1 Governance reforms implementation update

4.1.1 Revised statutes and governance regulations – status

4.1.2 Athlete Council

4.1.3 National Anti-Doping Organisation Expert Advisory Group

THE DIRECTOR GENERAL informed the members that the goal of that item was actually to update them on the governance reforms that had been adopted in May. As they were aware, the management had started implementing what had been agreed upon. Some of it was work in progress. Some of it had already happened. He began with a reminder to all of the members that one of the exercises that WADA had to do was separate Executive Committee members from Foundation Board members, because they could no longer sit on both bodies. He reminded both the public authorities and the sport movement that the management expected to receive their nominations concerning such separation. That was one of the items that was work in progress but was important for the November meeting.

The Independent Ethics Board, as the members knew, had been put in place. It had been meeting virtually on a number of occasions and would have its first in-person meeting in October. It was in the process of recruiting an independent ethics officer. The members might have seen that a job description had been posted on the WADA website, and the committee was in the process of identifying the right person. Things were therefore moving forward. There was also an ongoing process, which was to identify the third independent member of that body, which was being done in conjunction between the sport movement, the public authorities and the Nominations Committee. He heard that that was also going well, and that a number of proposals had been circulated and the process was ongoing.

There had been work on revising the statutes and the regulations to incorporate the changes that had been agreed upon in May. There was a substantial amount of work to try to make sure that nothing was forgotten and everything was coherent. It was actually work in progress. The only remarks he would make had to do with the way WADA intended to proceed. The members would remember that, the previous time the exercise had been done with the previous reforms, the statutes had been voted on at the Foundation Board meeting, and then the Swiss authorities, which had the right to oversee the statutes, had come back to WADA and asked for a number of changes. Those had taken a long time to finalise, so what WADA was currently trying to do was do it in parallel, working unofficially with the Swiss authorities to make sure that they were comfortable with whatever WADA was going to propose in the new statutes before having them formally voted on by the Foundation Board. That would avoid going back and forth. As he had said, it was work in progress. He would keep the members informed as soon as there was a draft, but it might take a little longer because he wanted to get the informal feedback from the Swiss before engaging. So, again, it was work in progress. In any case, even before that was formalised in the statutes, those items that needed to be actioned had been actioned, assuming that those changes would be approved down the road more formally.

For the Athlete Council, which was one of the important pieces of work resulting from the reforms, the election for group two had been organised and had gone very well despite the complexity of the exercise. There had been many candidates and an excellent voting rate, as almost 96 or 97% of those registered and eligible to vote had voted, so that had been good. There had actually been a tie for the eighth position, so it had been necessary to organise a second round of voting, but that had also gone well. Currently, groups one and two were set and the next step would be to identify or to appoint members for group three. To do that, it had been necessary to form an appointments committee, which had just recently been formed. It had been necessary to organise a vote within group two to decide who from that group would be on the appointments committee. That had taken place, so the three members of the appointments committee would start working on identifying the gaps, in particular geographical, as it had been pointed out that there were some continents in particular with less representation. All of that would be taken into account and he looked forward to the continuation of the work. It all seemed to be on track in terms of timing and the work was progressing.

In parallel with that, there was a similar process for appointing representatives of NADOs to their group and then for the group to appoint members to the Foundation Board. The timeline again was being followed appropriately. The management had received all the names of the potential candidates from those NADOs wishing to be elected to the group and there were enough candidates in each of the regions, so that was good. They were currently being reviewed by a scrutineer to make sure that they met the eligibility criterion and, once that had been done, by the end of the month, so in a few days' time, the names of the candidates would be announced and then the process would continue with an election that was planned to take place in early November. Again, that seemed to be on track. In any case, there was a little bit of a buffer because the appointment of the members to the board would not happen before the athletes had had a chance to complete their own process and elect their representatives to the board. All that would be in parallel in the beginning of 2023.

That concluded the update. He would be happy to take questions. The summary was that everything was on track and WADA currently did not face any major obstacles in organising the various elections. He was pretty happy with the situation.

MR SANDFORD thanked WADA and the WADA staff in particular for the enormous amount of work that had been done to bring the Athlete Council to life. It had been complicated. The timeframes had been tight and people had done a lot of work to make it happen and it was great to see it coming to fruition after so many years.

MS MARACINEANU wished to congratulate WADA on behalf of the governments for the efforts to reform the governance. She was aware of the amount of work done and also wished to congratulate the candidates, because it was not always easy to dare. She looked forward to the Athlete Council and NADO Expert Advisory Group being formed and sitting around the table with the other members.

MS WELLS spoke on behalf of the public authorities to congratulate WADA on the work that it had achieved to date. It was really heartening to see that meaningful work commencing. She understood that it was extensive and had been a long time in the making, and Oceania stood ready to assist further if it could do anything more.

MR HOSHINO wished to echo what had been said. He had one small request and one point of confirmation. Once the revision of the statutes and regulations was complete, he expected that the secretariat would share the revised statutes and regulations with enough lead time so that every stakeholder would be able to confirm.

The confirmation was that, in 4.1.3, with regard to NADOs, the document said that two seats would be added to the public authorities side for NADO representatives. NADOs were rather a strange animal. In some contexts, they were required to be independent from the governments; but, in other contexts, they were regarded as a part of the governments. He therefore wished to confirm that NADO representatives were stipulated as part of the public authorities, they were not bound by the public authorities and they could speak on their own behalf. He just wanted to confirm that.

THE DIRECTOR GENERAL thanked the members for their words of support. To respond to the Japanese intervention, he had two comments. He would certainly circulate the statutes and the regulations in due course. That would probably be done by e-mail so that the members would have time to review the documents and

make their comments and so on. That would not be done as part of the regular preparation of the meeting. He thought that it would probably be better to have a bit more time to deal with that because it was complex and everything needed to be coherent. That was the difficulty when there were different pieces of legislation.

As to the comment on the NADOs, obviously, they were linked to the structure of WADA, so it had been agreed, and that had been part of the compromise, that the two seats for the NADOs would come on the public authority side. On the sport movement side, the two seats would be for the athletes. It was mainly to follow the structure of WADA. Of course, the NADOs would be independent in their comments and free to express themselves as they wished.

DECISION

Governance reforms implementation update noted.

- **4.2 Standing committee chairmen, 2023-2025 terms**

THE CHAIRMAN said that the item was for decision. He believed that Ms Smith-Gander, who was with the members in Sydney, would like to present the item to outline the work and recommendation of the Nominations Committee.

MS SMITH-GANDER added her welcome to Australia. She was delighted that her need to be in Sydney for other meetings had meant that she could be with the members in person. She also wished to acknowledge that the members were on Aboriginal land. She believed that the Aboriginal and Torres Strait Islander people had been the first sovereign nation of the Australian continent and its adjacent islands, and she believed that they had possessed it under their own laws and customs. She thought that they had done so according to the reckoning of their culture, from the creation, according to common law from time immemorial and according to science for more than 60,000 years. She therefore wished to pay her respects to their elders past, present and emerging.

She could be very brief, because the appointments that were in front of the Executive Committee were, in effect, reappointments; only with the Education Committee had there been more than one candidate to consider and a candidate who had therefore not been an incumbent. The Nominations Committee had determined that the process should be to interview candidates and take a 360-degree view. Those were the appointments that were in front of the members. The report, as usual, made some observations about the central brief. In that case, she noted that the chairmen were generally coming to the end of their final allowable term. She thought that everybody was aware that there were a lot of complexities to those committees. In the coming years, she thought that it would be necessary to take a very close look at the succession of chairmen which should become a factor in considering new members for the committees. She offered that as a suggestion.

THE CHAIRMAN thanked Ms Smith-Gander and asked if there were any comments or questions.

MS CESSOUMA said that, since she was attending the meeting for the first time, she wished to thank the members for giving her the opportunity to participate. She reiterated her condolences with regard to Mr Donzé, who had helped the African continent so much. She wished to congratulate the Chairman on the excellent work being done to ensure that athletes could compete on an even playing field. She would have liked to be present in person; but, unfortunately, she had been unable to attend. She told Ms Wells that she would have loved to have visited her beautiful country, but her commitments had not allowed her to do so.

She wished to make a comment regarding the Athlete Council, noting that one athlete from Africa in group one and two was good; however, there was another opportunity to include more people from the region as part of the group three process. It was very important in terms of regional diversity to have an opportunity to talk about the region, but it was very important to address the issue. She did not know if it was the right time to address the issue; but, for Africans and for her, the African Union commissioner in charge of all those questions, it was important for her to raise the issue and to see how, together, it might be possible to find a solution. Regional diversity was important. That had been an issue for Africa at the previous Executive Committee meeting. She had not been present, but had been represented. She wished to raise the issue and see how a solution might be found. She was happy to be able to attend the meeting, as it was very important, and she

wished to congratulate the Chairman and the team on what they were doing, which was very important for Africa.

MS SMITH-GANDER thanked the speaker for her very timely intervention. The Nominations Committee had been asked to support the Athlete Council composition, and so would actually be meeting that afternoon to have a first conversation about how group three would bring appropriate diversity. The expectation was to conduct a brief survey of group one and two panel members, so as to be able to understand the full aspects of diversity. But, of course, as pointed out, geographic diversity was very observable, and so the Nominations Committee would take that into account. She thanked the commissioner for her timely comments.

MR SANDFORD responded to the comment as well. He would encourage all members to encourage the athletes in their countries or in their sports to apply for the appointed group three membership. He thought that the deadline was 30 September, and athletes could nominate themselves. It was a streamlined, easy process. He asked the members to encourage their athletes to do so, in order to have that diversity and those skills.

MS WELLS said that, as the chairman of One Voice, she wished to congratulate the four athletes appointed to date. She also sought assurance that group three would help fill those diversity gaps, particularly with regard to geography. She did want to note from the outset that One Voice supported and endorsed the people who had been selected to date.

THE CHAIRMAN asked the members if they agreed to appoint the chairmen of the WADA standing committees for three-year terms commencing on 1 January 2023, following the recommendation of the Nominations Committee.

DECISION

Proposed standing committee chairmen approved.

- **4.3 Executive Committee and Foundation Board memberships 2023**

THE DIRECTOR GENERAL said that he had already made the remark in his previous intervention, but wished to remind people that it was necessary to have a separation between the Executive Committee and the Foundation Board. The management was waiting to receive the names from the various bodies.

DECISION

Executive Committee and Foundation Board memberships 2023 reminder noted.

5. Finance

- **5.1 Finance and Administration Committee report**

MR NG informed the members that the Finance and Administration Committee had held its annual meeting in person in Lausanne, with some attending virtually, on 27 July. The members had briefly reviewed the 2021 audited accounts, which had already been approved by the Foundation Board in May. No deficiencies had been found in the internal control system and all had been satisfactory. The members had reviewed and approved the 2022 revised budget and recommended the 2023 draft budget to the Executive Committee, and that would be presented to the members in the next section. The Director General had summarised some key notes presented at the May Executive Committee and Foundation Board meetings relating to financial matters. The annual contribution increases of 8, 6 and 6% from 2023 to 2025 had been approved by the Foundation Board in May. The Working Group on Efficiencies was also covered in the papers.

On governance reforms, three points were noted: firstly, the composition of the Finance and Administration Committee had decreased from 12 to six members. The second point about setting up a new Audit and Risk Committee and its terms of reference, which he would review, was included in section 5.1.2. As the mandate of the external auditor, PricewaterhouseCoopers, would end on 31 December 2022, and in view of the formation of the new Audit and Risk Committee, the Finance and Administration Committee members had approved and

recommended a one-year extension of the Auditors until 31 December 2023, and that would give the new Audit and Risk Committee time to consider the appointment of a future external auditor. That ended his short report.

DECISION

Finance and Administration Committee report noted.

5.1.1 Working Group on Efficiencies update

MR NG said that, following the requests made by members of the Foundation Board in May to form a small working group to look into WADA's operational efficiencies, a four-member working group had been formed, comprising two members from the sport movement and two from the public authorities. The working group had held its first virtual meeting on 9 September and, as the working group meeting had been chaired by Mr Kejval, he invited him to make a brief comment.

MR KEJVAL said that, on 9 September, the working group had met and there had been very comprehensive materials and it had been very ambitious. Generally, all the efficiencies were on the improvements. They had been divided into four groups. The first was improving the processes in WADA. The second was digitalisation. The third one was procurement, and the last was partnerships and leverage with other organisations. Then, the group had discussed the issues. It had agreed that savings were necessary but also pointed out that savings could not have a negative effect on the productivity, efficiency and flexibility of the organisation. There was a meeting scheduled for October, so he hoped that it would be possible to formalise all the steps that had to be finalised on savings and present the results at the November Executive Committee meeting.

MS WELLS thanked WADA on behalf of the public authorities and One Voice for establishing the working group so promptly and so efficiently. She thought that there had been a little bit of confusion about what the public authorities' expectation was for having a representative from outside the Finance and Administration Committee, so she just wanted to take the opportunity to clarify that for everybody. The unanimous position of the public authorities was to reserve their thoughts and position until the November Executive Committee meeting. The unanimous voice of One Voice was also that the final report was going to need to be transparent and provide a good level of detail in relation to the specific items being considered by the working group. That would give One Voice confidence in approving the yearly final budgets.

DECISION

Working Group on Efficiencies update noted.

5.1.2 New Audit and Risk Committee, terms of reference recommendation

THE CHAIRMAN clarified that the agenda item was for information only, not for a decision. The terms of reference for the Audit and Risk Committee would be produced with a view to approving them in November. The terms of reference would be developed in line with the paper tabled for that day's meetings, based on the principle that the committee should focus on financial matters, internal control and risk assessment.

MR NG informed the members that the committee had considered and supported the concept of an audit and risk committee, as it could be appropriate and would also add an additional layer of review and assessment of WADA's financial statements. The committee had agreed on the proposed size and composition of the new committee and suggested that the external experts should not be remunerated and their work should be voluntary, as was the case in other sport organisations. It was believed that the audit committee should add value without duplicating the work of the Finance and Administration Committee or the extent of the work already in place. Members would be proposing further adjustments and additions to the role of the committee which would be considered by the Executive Committee. The President had also mentioned that the work of the new audit committee should include financial reporting, risk management and internal control. It had been considered that it was practically not feasible to extend the mandate, as some had suggested, to include all other areas of WADA, for example, operations, IT, HR and so on, as it would require a different background, experience and set of skills. Furthermore, those people would not be remunerated. Regarding WADA's internal process of

improvement and efficiencies, WADA had put in place a project management office to standardise and improve internal approval processes for all projects from all areas of the organisation, while ensuring the optimisation of its resources as well as full alignment with WADA's strategic priorities. For the next step, as the Chairman had also pointed out, it was suggested that the draft terms of reference should incorporate ideas from the Finance and Administration Committee and be shared for consultation with the IOC and the sport movement, as well as the One Voice public authority body, with a view to finalising them and submitting them for the approval of the Foundation Board in November.

MS CESSOUMA said that she would like to understand the issues relating to the committee. Was Mr Ng talking about the committee or experts? She did not know. She wanted to understand more about it, and also wanted to know about the group formed to consider matters. Was it an audit? She did not know. She wanted to understand the role of the committee, how it had been appointed to consider and monitor, but to monitor what? Was it contracting consultants or independent people? She apologised because she was new and she wanted to understand what it was all about.

THE DIRECTOR GENERAL explained that the proposal had come from the governance reforms that had been approved in May, and the request and the proposal from the governance reform had actually been to reduce the size of the Finance and Administration Committee, which looked every year at the financial aspects of WADA and in particular the budget process, and made recommendations on the budget to the Executive Committee and the Foundation Board. In addition, there would be a small group of three people, who had not yet been appointed, comprising one member from the Executive Committee and two independent experts to be appointed by the Executive Committee. That small group would have the role of looking in a more permanent fashion, as opposed to the Finance and Administration Committee, which looked once a year, at the financial reporting from WADA, including the regular quarterly accounts that WADA published, so it would be able to look into that as well as look at other aspects of the activity of the organisation, mainly ensuring that WADA was following the internal rules and following its own policy in terms of how it spent its money and also ensuring that the risk assessments that it had were updated and that, if new risks or other risks were identified, it was addressing them. There would be three areas of activity and it would probably meet on a more regular basis than the Finance and Administration Committee. At least, that was his understanding of it. He imagined that, by November, there would be a concrete proposal of terms of reference which would hopefully make it very clear to everybody.

DECISION

Audit and Risk Committee update noted.

- **5.2 Government/IOC contributions update**

MR NG informed the members that, as at 31 September, WADA had received from the public authorities 95% of contributions versus 92% the previous year. About 1.2 million US dollars were yet to be received from the Americas, Asia and Europe. Europe was at 97.8%, but was still missing about 226,000 dollars, mainly from Greece, France, Belgium and Serbia, as well as Ukraine, compared with 95.3% the previous year. The Americas was at 96.3%. WADA had yet to receive 233,000 dollars from Peru, Cuba and Venezuela. Asia was at 85.3% with 665,000 dollars yet to be paid, mainly from Bahrain, Saudi Arabia and the UAE. Africa was at 51.5% compared to 45% the previous year. Oceania, he was happy to say, had paid 100% and WADA had received an additional contribution of 172,000 dollars from the usual government contributions made by Australia and Japan, while India had paid 63,000 dollars. He wished to thank them all for the additional contributions. In terms of special funding, Saudi Arabia had pledged 500,000 dollars for research and 250,000 dollars had been received to date. Also, the EU had approved a grant of up to 1.4 million euros for a two-year pilot project on building investigative capacity of which WADA had received 1 million euros to date.

DECISION

Government/IOC contributions update noted.

- **5.3 2022 quarterly accounts (quarter 2)**

MS CHUNG gave the members a quick update on the quarterly accounts. The total income was at 37.3 million dollars, representing 78% of the revised budgeted income, and the total expenditure had reached 42% or 18.9 million dollars of the revised budget. Thus, the surplus generated at 16.8 million dollars was not representative at that stage. As the members could see, WADA received more contributions and more income than expenses in the first half of the year, and it was not unusual that the first six months' spending was on the low side, as expenses would come in more towards quarters three and four. Although WADA was still operating online, there had been more activities and events taking place in person or in hybrid in that first half of the year, actually more than at the same time the previous year, for example, the Winter Olympic Games, the May Executive Committee and Foundation Board meetings in Cairo and the annual symposium in Lausanne, just to name a few. For the first six months, the total travel and associated expenses had been recorded at 1.4 million dollars. As everybody knew, 2020 and 2021 were not a good comparative base, as travel restrictions had been at their highest. Depreciation was currently at 52% after six months. Overall, capital expenditure was at 20% of the revised budget, and that was mainly due to timing. That was an update for the first six months.

DECISION

2022 quarterly accounts noted.

- **5.4 Revised 2022 budget**

MS CHUNG informed the members that the revised budget for 2022, as mentioned, had been presented and reviewed at the Finance and Administration Committee meeting in July and the members had endorsed the changes. The total income had been revised to 48.5 million dollars, so it was two million dollars higher than the budget. That was due to the late remittance of the second US payment of the 2021 contribution, plus all the payments from other countries for previous years. Thus, the matching funds from the IOC had come in early in 2022. The total operating expenditure had been revised to 45.2 million dollars. There had been a slight increase of 2% from the budget and a few areas had required increases, notably governance, for the implementation of the new governance reforms, IT, ADAMS developments and communication for work associated with the new branding, as well as for digital media. The revised budget also took into account more activities and events, as the members could see. There were more meetings in person or hybrid taking place. There were fewer travel restrictions, allowing more people to attend events, such as the meeting that day and also the Global Education Conference in Sydney and the November Foundation Board meeting, which would be held in Montreal.

As of June 2022, the Montevideo office had moved to a government building, so that helped in terms of rent savings, accounting for about 30,000 dollars annually. The operating surplus had been revised to 2.4 million dollars from a budget of 1.1 million dollars. The net excess of expenses over income was 887,000 dollars, and was an improvement nonetheless of 653,000 dollars from the budget. The capital expenditure had increased by 700,000 dollars. There were more activities on the ADAMS side for the new platform, the compliance survey and the leasehold improvement in Lausanne for a separate office space for the Intelligence and Investigations Department. With the surplus generated from recent years, as had been approved at the May Executive Committee and Foundation Board meetings, WADA had been able to increase the operational reserve by 2.2 million dollars, bringing the total reserve to 9.6 million dollars, which was equivalent to less than three months of operations. The level that had been approved back in 2015 had been six months of operations. WADA was therefore still under the level approved. That summarised the 2022 revised budget.

DECISION

Revised 2022 budget noted.

- **5.5 2023 draft budget**

THE CHAIRMAN noted that the item was for recommendation to the Foundation Board. The Foundation Board would discuss it and make a decision at the November meeting.

MS CHUNG informed the members that the Foundation Board had approved in May the annual contribution increase of 8% for 2023 and 6% for 2024 and another 6% for 2025. WADA was very grateful for those increases. Following a very robust and thorough budgeting process, WADA had prepared a detailed budget for 2023 and presented it to the Finance and Administration Committee in July. She announced some of the key highlights. The total income from all sources of funders was budgeted at 50.2 million dollars, of which the IOC and public authorities represented 47.2 million dollars, Montreal International 2.44 million dollars, and the rest came from additional contributions and other income. As the 8% increase in contributions was mostly to cover 4.5 million dollars in research, obviously most of the other departments were required to lower their budget expectations. As the priority of ADAMS continued, there was an increase in the budget for ADAMS developments and security. Inevitably, the new governance reforms also required an increase, and the Director General had mentioned earlier the change in the numbers and the different members of the Executive Committee and the Foundation Board. Those were a few examples. As it was assumed that activities would be resumed in 2023 and onwards, the total operating expenses for 2023 were budgeted at 47.8 million dollars, generating therefore an operating surplus of 1.4 million dollars. The net bottom line when all the non-cash items such as depreciation were included was a figure of 2.6 million dollars of excess of expenses over income.

For 2023, WADA had been asked by the Executive Committee and Foundation Board to stabilise the organisation, so there would be no staff increase. It would remain at the same level as the 2022 revised budget. On the cash flow impact, because of the increase in research, WADA would use about 980,000 dollars from the unallocated fund (that represented about 4.5% of the total unallocated funds that WADA had), while maintaining a limit of 500,000 dollars of cash depletions as approved by the Finance and Administration Committee. As mentioned earlier by the Director General, the KPIs would be in place to track the effectiveness and the efficiencies of the programmes. Last but not least, one of the things that preoccupied a lot of people those days was inflation. Inflation was undoubtedly a concern, it was high and WADA was still very uncertain about where it would be the following year. WADA was very grateful for the 8% increase in contributions for the following year. However, if inflation remained high, it would reduce contributions significantly for the following year. A quick note on investment: the portfolio was close to 20 million dollars, split between UBS and Lombard, and WADA continued to invest as per the policy of no-risk investment. WADA followed the recommendations of its banks in terms of investments. That wrapped up the 2023 draft budget.

MS WELLS confirmed on behalf of the public authorities that the decision was approved, and thanked WADA for ensuring that research had been prioritised, because she knew from previous calls and from stakeholders that that was important in approving the budget increases from 2023 to 2025.

MR KEJVAL thanked Mr Ng and Ms Chung for the excellent work and on behalf of the sport movement fully supported the draft budget for 2023.

THE CHAIRMAN asked the members if they agreed to recommend the 2023 draft budget to the WADA Foundation Board for approval in November. He saw some nods, so concluded that the budget would be recommended.

DECISION

2023 draft budget to be recommended to the Foundation Board for approval.

6. Athletes

MR SANDFORD informed the members that they had his report in their papers. He would also briefly at the same time touch on items 6.1 and 6.2. Mr Kemp would be able to talk to the members more about 6.2 and athlete engagement. It was an important part of what the Athlete Committee did as well, so he just wanted to touch on that. To start with, the Athlete Committee had met for the first time in person earlier that year on the side of WADA's annual symposium, and it had been fantastic to actually meet the members of the committee in person for the first time in a number of years. There had also been a special day after the symposium which

had been an athlete session. It had been well attended and there had been other athletes joining online. It had been done in the past and he thought that it was a really good forum for the Athlete Council in the future.

As had already been spoken about, the transition from the current Athlete Committee to the Athlete Council was progressing well. It had been fantastic to see so many athletes put their name forward and also so many IFs and their athlete committees engaging in the process. He thought that that showed the level of interest that athletes had in anti-doping and how they wanted to be contributing to WADA and to anti-doping. That was very promising. It was also a real help when WADA needed engagement in the future. It would give a vital database of where athlete representation was within the international community. It would be possible to lean into that in the future and make sure that there was athlete engagement across the sporting spectrum.

DECISION

Athlete Committee report noted.

- **6.1 Ombuds update**

MR SANDFORD informed the members about the athlete ombuds. They would all be aware of the project and the fact that it had been approved as a pilot project for one year. It was taking a little bit longer than everybody had thought it would to set up. WADA had advertised for the position earlier in the year, and there had been over 140 applicants of an exceptionally high calibre. Ironically, that had created a bit of a dilemma because the funding available for the position was not enormous and a lot of the people applying would be, in their current positions, receiving remuneration on a much higher level. The process had been taking place and a second round of interviews had just been completed. The number of candidates had been narrowed down to 14 originally and then to a final five after interviews. He believed that the last interview had been that morning. The interviewers had really been talking to the final five candidates about whether, if the remuneration was appropriate, they would be able to work full time or part time and, if they were going to be working part time in the role, what sort of conflict of interest they might be bringing to that and whether that would be manageable, because the idea was for the position to be as independent from WADA as possible. It was important for athletes to know that the ombudsperson was also independent from other sports bodies. That was the process that had been taking place with the applicants. He thought that a point had been reached at which there were a couple of really strong applicants and the group would be able to make a recommendation in the coming week or so and work through any other follow-up procedures with them. The interview process was coming to an end, and he was very confident that, by the next meeting, there would be somebody for the Executive Committee to recommend as the ombuds and the pilot project would be able to commence.

Finally, on the athlete engagement piece, one of the things that had come out of the pandemic was the importance of online engagement. He thought that WADA and the President had engaged with a lot of athletes online, whether through webinars or through virtual meetings. That year, it had also been possible to go back to being at major events and those two things working together were putting the Athlete Committee and the future Athlete Council in a really good position to be able to reach athletes at a much wider and higher level than in the past. He thanked WADA for its support and getting the Athlete Committee to the major events to talk to athletes, but also for facilitating the webinars and the help that had been given.

MS MARACINEANU asked for more information on how the choice would be made and by whom because, for the public authorities, it was very important that the ombudsperson answer to the needs and expectations of the athletes. It had been said that there were five final candidates; she did not know who would choose the best one between the five, but maybe it would be an opportunity to involve the Athlete Committee and at least to present five or three profiles so that the interviews could be done together and to be sure that the ombudsperson met everybody's expectations, as opposed to the person chosen being presented. She did not really know who would be choosing.

MR KAYANGE EMONYI spoke on behalf of the IOC athletes' commission to support the initiatives on athlete engagement, because athletes benefited a great deal from such engagement, especially around games. The biggest thing had been demystifying and having an open line of communication between the anti-doping world

and the athletes. In terms of the initiatives and the feedback from the satisfaction survey, he would like really to see where more might be done in different regions where the feedback from athletes had been insubstantial and what initiatives could be promoted to ensure responses from such areas. As everybody knew, doping was not only prevalent in one area.

The last thing was on the ombuds report. He welcomed the process that had taken place to date. It had been tough, whittling down the applicants from 140 to five and, he guessed as the process came to an end with the questions that were arising about the timeframe and when it would be rolled out, it was always good to have that information available for athletes. He thanked the management very much for the work done to date.

MR REYES welcomed the report. He wished to inform the Executive Committee that the USA, as one of the government members of CADE, was monitoring the process of establishing the Athlete Council as an essential part of its participation in decision making, so as to ensure diversity and athlete independence in such decision making.

MS MARACINEANU emphasised the interest, especially in Europe, where the pilot would take place, in perhaps asking some of the 140 candidates to carry out further work for the NADOs and do the same things that WADA tried to do at an international level, perhaps at the national level. She would be very interested in all athletes benefiting. As a limited budget had been mentioned, it might be possible to work on a European level and encourage the development through the public authorities.

MR SANDFORD thanked the speakers for the questions. On the process, there was the working group. He represented the Athlete Committee, Mr Kejval represented the Executive Committee, and Ms Kacie Wallace was the ombudsperson for the US Olympic and Paralympic Committee. That was the little working group and that was really how it had been driving the process internally to date. The next step forward was that it would be necessary to have a working group meeting on the best candidate or candidates. His understanding was that the group was down to three candidates, so would have to carry out an analysis. That was an Athlete Committee working group, set up by the Athlete Committee, which would need to then report back to the Athlete Committee on who it thought the best candidate was. The process would then be worked through with the Athlete Committee to answer any questions about why the group thought the person was the best one and whether the committee had any concerns about that. If any of the committee members wanted to talk to any of the other final candidates, he was sure that that could be arranged. The recommendation from the Athlete Committee would then go to the Executive Committee and, finally, because it was a contractor position, the contract would need to be signed by the Director General and President. The Executive Committee would therefore receive a recommendation from the Athlete Committee on who it believed the ombudsperson should be.

In terms of a timeline, he really hoped to finish the process soon and definitely wanted to see the ombudsperson in place by the end of the year. Ideally, the ombudsperson would be in place by November so that, that year, they could do some preliminary set-up work. Come February the following year, they would be able to start delivering services, because they were going to have to build the position from the ground up. There were a lot of documents and procedures in place, but the idea was for the ombudsperson to own the process and really to be able to contribute to its set-up as well. Making sure that it was in place by November would be good for the timeline.

In terms of the future, there had been some fantastic candidates from around the world who had reached out to WADA. There were a couple from Australia who had expressed a keen interest in, if the role was to expand globally, being an ombudsperson in that part of the world and others. A lot of that was going to fall on the ombuds once they were in the position. It had been made very clear to them that it could be enormously successful and beneficial for athletes, but they were going to have to do the work, obviously to justify to the members and to WADA that it was meaningful and that athletes were really seeing the benefits, so that future-building would be there to support them through the advisory group. However, the ombuds would need to drive that. Currently, nobody knew where the bulk of the work was going to come from, and it was hard to predict that. Once the office opened or once the lines opened and the communication opened, the ombuds would be able to see where those points were and where there was a real need in the system. His hope would be that, if

they needed more resources, they would be able to go to the Executive Committee and ask for more resources. That might be hiring somebody else in a different continent, for 20% of their time. He did not know what that work would look like until it actually got under way. That was all very much in the future and obviously it was a pilot project for one year, so it would be necessary to make sure that it was a success from an athlete point of view.

Responding to Mr Kayange Emonyi on the feedback, he had been interested in the numbers there and what athletes were thinking of WADA as well. His point was therefore really relevant. There was work for the Athlete Committee to do in that space as well to really dig a little bit deeper into why athletes were having those struggles or why they had those perceptions. There had been some interesting discussions during the Commonwealth Games with athletes about filling in the survey. On that, the survey also needed to be improved for athletes.

THE CHAIRMAN thanked Mr Sandford for his very comprehensive response and explanation.

DECISION

Ombuds update noted.

- **6.2 Athlete engagement update**

MR KEMP said that Mr Sandford's comments had been very thorough, so he did not have too much to add. The intent of the paper was to capture some of the work that WADA did with athlete engagement above and beyond WADA's Athlete Committee. However, many of WADA's activities were indeed driven by the committee, so much of the work was on the transition to the new council. One of the things he had been going to mention was the work on the key performance indicators and the perceptions of athletes. And, regarding Mr Kayange Emonyi's point, the new Athlete Council would be an essential part of that work, given that hopefully there would be better representation worldwide and athletes could be a part of the solution to identify why there were some gaps that needed to be addressed and how to go ahead and do that. The only other point he wanted to make was just a point of thanks. WADA had operated its engagement programmes at the World Athletics Championships in Oregon and the Commonwealth Games in Birmingham that summer, and had taken a more collaborative approach. He wished to express his thanks to World Athletics, the Athletics Integrity Unit, with which WADA had cooperated, the United States Anti-Doping Agency in Eugene and the Commonwealth Games Federation, UKAD and the Commonwealth Games Federation athlete commission as well, with which WADA had worked to advance its anti-doping messaging and bring athlete groups together.

MS WELLS wished to note, as the Oceania representative, her support for that and her thanks for the significant work that had gone into getting it to that point for the members to see that day. She was very interested in exploring how, if the pilot project was successful in Europe, that model might be brought to Oceania. She just wanted to note that formally, and also use the opportunity to note her commitment to athlete engagement, which she knew the President focused on greatly. She was glad to see the recent developments.

DECISION

Athlete engagement update noted.

7. Education

MS KANOUTÉ said that, instead of just going through the report, which was already in the meeting papers, she wanted to give the members some highlights of the Global Education Conference, which had taken place in Sydney and might be a bit more insightful. She had a short presentation. As the members could see from the faces and the smiles in the images, it had been a very successful conference. There had been over 300 participants from all over the globe. She started by sincerely thanking the host, Sport Integrity Australia, for a really amazing conference and amazing infrastructure to host the conference. She also wished to thank the WADA leadership, the President and the Vice-President, for their presence, along with the Director General and also all the Executive Committee members who had been willing to attend and be part of the session. A special prize could be given for even coming to the breakfast session on Code compliance. She thanked the members for bearing with her. It had been really amazing. She wished to thank the WADA Education Department and,

for once, was really empowered to have with her the Education Director, Ms Amanda Hudson, who, in less than six months, had pulled together an amazing agenda to work through. She also thanked the WADA staff and her fellow Education Committee members. As the members could see, the theme had been cooperation, innovation and education. A certain context and a certain era had had to be considered. That was the first conference held after the implementation of the International Standard for Education, currently in its second year, but WADA had also wanted to take into account certain key points: that athletes started in sport clean and that the majority competed clean, and that the sport system was complex and that athletes were vulnerable. The aim was really to rebalance the system by striving to support and prevent as well as to catch and punish. The idea was really for anti-doping organisations to strive to educate athletes before they were tested, as stated in the standard. Some of the key outcomes that she wanted to highlight regarding the conference were that the theme had been innovation, implementation and cooperation, which had changed a bit from the previous theme in Beijing, which had been more on harmonisation. As for innovation, that time, the aim had been to reach athletes from playground to podium with progressive and tailored education programmes, and to work collectively to elevate the knowledge and expertise of practitioners in all areas of anti-doping through education. The idea had been to continue to implement the ISE in an innovative and creative manner while ensuring that it related to athletes and others. As for collaboration, it had been agreed that there was a shared responsibility to educate athletes and their support personnel, and WADA really wanted to encourage ADOs to do it themselves, to get help from peers if necessary and to use the WADA tools and resources. The idea was really to ensure that WADA remained as an enabler and that practitioners were given the freedom and the expertise to implement. WADA encouraged a balanced approach to anti-doping with a renewed focus on supporting athletes and preventing inadvertent anti-doping rule violations. WADA strived to work to ensure that education programmes were evidence-informed and based on social science research. As for implementation, WADA encouraged clean sports behaviour by educating athletes to make informed choices, not just telling them what they needed to know. WADA engaged athletes and encouraged values-based education as a means of ensuring that athletes who started in sport clean stayed clean. WADA actively advocated for education and delivered through a variety of activities as a means of ensuring a continuum of learning. A long-term approach had been agreed upon, following the spirit of sport. It was also aligned what the WADA Education Department wanted to do on a long-term basis (SPIRIT) which was: strategically positioning education as a fundamental component of any anti-doping programme; promoting a clean sport culture by recognising that athletes started in sport clean; increasing access to education for athletes and their support personnel through digital learning and education solutions; raising the quality of education programmes through policy standards and guidance; improving the capability of the clean sport community through professional standards, training and development; and transforming anti-doping programmes in practice through impactful social science research. If WADA could do all that, she believed strongly that everybody could do it together and raise the bar through education.

Again, she wished to take the opportunity to thank the Executive Committee and the Nominations Committee for considering her for another term. She was very grateful for that opportunity. As an athlete, education had been very important to her as part of her journey, and she was also happy to raise awareness among other athletes and to be part of the solution.

PROFESSOR ERDENER congratulated Ms Kanouté, who had done a great job with the support of Sport Integrity Australia. In general, that had been one of the best education activities carried out by WADA.

MS MARACINEANU said that, as she had been there for one week, she had had the chance to participate in those two days of education. The event had really been outstanding. She had been very delighted to discover Sport Integrity Australia. It should really be made known outside, because it was a very interesting organisation that dealt not only with doping but also other themes of sport integrity. She would try in France to do as good a job in 2024. She was happy that the event would be organised in France, the year of the Olympic Games. She was really grateful for the organisation, but WADA might need to think not only about building for the national or international athletes, but also just information, so perhaps it could aim to ensure that 100% of the children entering into regular training heard about doping at least once a year. She really appreciated the accuracy of ADeL and everything that the participants had learned during those two days, which were testament to the great job WADA was doing. Perhaps, however, it might be possible to be less ambitious in terms of the level of accuracy and more ambitious in terms of the quantity of people that WADA could reach, at least by informing

children about the existence of doping by the time they reached the age of 10 or 12 years, and when they began to train once a day.

MS BATTAINI-DRAGONI congratulated Ms Kanouté. For somebody like her who had been a member of WADA for some time, involved in the Executive Committee and the Foundation Board, but who had never had an opportunity to take part in meetings such as the education event held that week, the result had been extraordinary. It was very important to deal with the work and the meeting agendas of the Executive Committee and Foundation Board, but the education event and the quality of the presentations and work was something that all of the members should have an opportunity to experience. It would be excellent training for all of the members. She had asked Ms Kanouté whether it might be possible to disseminate some of the presentations that had been made, because they deserved to be reviewed and re-read. There had been all kinds of extraordinary content. The members should take maximum advantage of the content. Using experiences such as the education conference that week could only be beneficial to the members. Events on education and other important themes should be repeated. She thanked Ms Kanouté and her team for the excellent work.

MS KANOUTÉ thanked the members very much for their support and really kind remarks. A lot of them could be passed on to Ms Hudson and her team as well. Ms Hudson was present to answer some of the concerns that the members had addressed. In her world, Ms Hudson was referred to as fallen from heaven. That was why the programme was so intense. The committee was obviously very grateful to her. Some members might be aware that she would be leaving soon for a short period of time, so she would be missed, but the work would still be delivered.

MS HUDSON thanked the members for their support. Just to clarify, it might be slightly longer than a short period of time, but she was really grateful that, in addition to the Chairman, Ms Yang and Mr Niggli, members of the Executive Committee had taken the time to attend the event. There was a different crowd in education, as the members had probably seen on the boat in terms of the cultural entertainment.

Regarding Ms Battaini-Dragoni's request, she would look at all of the presentations and would be very happy to make material available to the Executive Committee. She would work with the WADA staff on how to distribute that, but was just grateful for the interest and the support. She thought that the message was loud and clear about rebalancing the system. WADA needed to pick up on athlete vulnerability, try and rebalance the system and increase the investment. Credit was due to WADA. WADA was leading the way in investment in education. She thought that that had been well received by everybody who had attended. Ms Kanouté and she had had an opportunity to talk to different regional groups and understand more about their challenges, which had been very insightful for her, and there were lots of actions that could be taken away to improve the system. She thanked Mr Sharpe and his team and everybody who had attended.

THE CHAIRMAN said that he would like to conclude the item and echo what had been said regarding the conference. He thought that everybody agreed that it had been a great success. He was very happy with the outcomes. He wished, first of all, to thank the hosts for their amazing hospitality, the friends from Sport Integrity Australia, the Australian Government, Ms Kanouté, Ms Hudson and the whole WADA team, the volunteers and everyone involved. The outcomes were extremely important for the future of anti-doping and the goal was that anti-doping policy was not only about catching and punishing; support and prevention were equally important. That was the direction and the goal for the future ahead of the whole anti-doping community. There had been fantastic debates and amazing people who had been very engaged. He had to say that the bar had been set very high. He looked forward to France 2024. Finally, he wished to thank the hosts for the opportunity to present his dancing skills on the boat!

MS YANG thought that everybody agreed that the education conference had been a great success. She suggested that, in the future, if feasible, WADA could look to combine the events with an Executive Committee or Foundation Board meeting, because those events provided a great opportunity to educate everybody. Not only should people come with papers; they should also participate in activities.

THE CHAIRMAN thanked Ms Yang for her great idea.

DECISION

Education Committee report noted.

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 previous Executive Committee meeting in May. There had been one hybrid meeting on 11 and 12 August, as well as a one-day meeting in camera of the Compliance Review Committee. He first summarised the compliance activities. With respect to 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 Court of Arbitration for Sport award decision. The Compliance Review Committee continued to carefully consider progress made against the reinstatement conditions and advised the WADA management on data and evidence required for their ongoing review and assessment. With regard to the Ukrainian NADO, as the members were well aware, following the publication of the WADA Intelligence and Investigation Department's report, a recommendation of non-compliance had been made 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 in February on the basis of the force majeure clause. It had therefore suspended its recommendation. There was a separate agenda item containing a revised recommendation to the Executive Committee in light of the force majeure situation. The Compliance Review Committee had also received updates on the operations of the Ukraine NADO and the testing activities on Ukrainian athletes still competing. 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 anti-doping agencies. The Compliance Review Committee had been quite encouraged to see the collaboration and the acts of solidarity from a number of ADOs, ensuring that Ukrainian athletes continued to be subject to a robust anti-doping programme.

Two new cases of non-compliance with the Code had been reviewed, one for the International Federation of Bodybuilding and Fitness, the IFBB, and the committee had made a recommendation of non-compliance to the Executive Committee which was under a separate point. There was also one for the Puerto Rican NADO. The committee had made a recommendation to give the NADO four months to correct its outstanding non-conformity, failing which WADA would automatically send to the Puerto Rican NADO a formal notice asserting non-compliance. That was also addressed under a separate point for review and consideration.

The committee had reviewed the DPRK NADO, which continued to be non-compliant, but it was getting updates.

With regard to the review of the standards, the Compliance Review Committee had received an update following the stakeholder consultation on the proposed revisions to the International Standard for Code Compliance by Signatories. A brief update had been provided to the members in the Director General's report and the committee would eventually seek the Executive Committee's approval later in the year following additional stakeholder consultation.

The Compliance Review Committee continuously provided guidance and oversight of WADA's compliance programme with satisfaction. It had been participating in and advising on the development of a compliance risk management system. It had also been receiving updates on WADA's progress in achieving its 2022 annual plan, which included its strategic objectives and targets for the year. The committee had been very pleased and he wanted to take the opportunity to thank WADA's compliance programme unit for all the support that it had given to the Compliance Review Committee and the great work that it had been doing to date that year.

That concluded the Compliance Review Committee report to the Executive Committee and he would be pleased to answer any questions the members might have. He was also ready to present on items 8.1 and 8.2. He wished to take the opportunity to thank the Nominations Committee and the Executive Committee for considering his candidature, the confidence placed in him and appointing him chairman for the upcoming term.

THE CHAIRMAN thanked Mr Gourdji and asked the members if they had any comments or questions regarding the report.

MS MARACINEANU said that, on behalf of Europe and the public authorities, she wished to really mark her admiration of Ukraine and the centre dealing with anti-doping policies because, as a former minister, she knew how hard it was to find a place in the law to bring national codes into compliance, especially during times of conflict. It was really impressive that they had managed to do it. She also wished to thank all the European NADOs for testing the athletes from Ukraine training in their countries. She encouraged other NADOs to make similar efforts, because she knew that it was an effort to find the athletes and to be aware that they were in their countries. She also encouraged WADA to excuse for as long as necessary any non-conformities by the national centre in Ukraine for as long as the country was in that situation.

DR SANGENIS wished to take the opportunity to make a comment regarding Puerto Rico. She wanted to sympathise with the people of Puerto Rico. They were undergoing a major disaster after a hurricane, which had left people injured and dead and three-quarters of the island without electricity. It was a recent event. She knew that they had been working to remedy all the issues. However, regarding the four months for the law, which was the major point that they had to work on, perhaps the Compliance Review Committee and the Executive Committee should take the major disaster into account, because it was very possible that there would be significant health and security issues in the coming months in that country.

MR LALOVIC thanked the Chairman for giving him the floor and also thanked the chairman of the Compliance Review Committee for the report. The sport movement supported the proposal by the Compliance Review Committee to provisionally excuse the non-conformities of the National Anti-Doping Centre of Ukraine while the force majeure continued to prevent the signatories from the timely correction of the non-conformities.

On another topic, he also wanted to say that the sport movement supported WADA sending a formal notice alleging non-compliance with the World Anti-Doping Code and all the international standards to the International Federation of Bodybuilding and Fitness as well as the Puerto Rican NADO. He had just heard about the challenges the country faced, but thought that those who had been members of the Executive Committee for a long time had seen that the lack of response would go on for too long if action was not taken.

MR REYES wished to make an important point regarding Puerto Rico, since a last-minute report had been received on compliance by the Puerto Rican NADO. He thanked the Compliance Review Committee for its excellent work. He informed the members of the Executive Committee about the recent important information regarding Puerto Rico, which was a CADE member. It was a country linked to the USA but was independent from a sport point of view. The Compliance Review Committee had recommended a declaration of non-compliance because of five critical findings and unfulfilled corrective actions. The Puerto Rican NADO had made a huge effort, with the assistance of the WADA Latin American regional office, the government and the cooperation of the RADO, and two days previously it had completed four of the five pending corrective actions, meaning that the Compliance Review Committee had changed its non-compliance recommendation and made a new recommendation to place the NADO on the watch list. It had four months to implement the final corrective action. He welcomed the change in recommendation by the Compliance Review Committee. The Compliance Review Committee had carried out a great deal of work. The final corrective action was a modification to national legislation, for which a draft law had already been submitted to the national congress. Approval of such law depended on the legislative body of Puerto Rico, and Puerto Rico was currently in an emergency situation given the impact of the hurricane, with a large part of the country without electricity and water, as could be seen in the media. He asked that this be considered as a situation of force majeure. The national congress would be focusing more over the coming weeks on recovery. CADE therefore asked for an extension to the deadline given by the Compliance Review Committee with regard to the fulfilment of the outstanding requirement.

MS WELLS noted the contribution of her colleague and would take that into consideration; however, she just wanted to formally note that the position of One Voice was to support the recommendations of the Compliance Review Committee.

- **8.1 Approach regarding Ukraine**

MR GOURDJI informed the members that, regarding the non-compliance case for the National Anti-Doping Centre of Ukraine, the members had the report before them. It provided the background concerning the NADO and the recommendations made of non-compliance following the publication of the WADA Intelligence and Investigation Department's report. 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 therefore suspended its recommendation. At the previous meeting, the Compliance Review Committee had decided to recommend to the Executive Committee that it provisionally excuse the NADO's non-conformities while the event of force majeure continued to prevent the signatory's timely correction of the non-conformities. That was in accordance with 8.43 of the standard. He assured the Executive Committee that the Compliance Review Committee would continue to review the situation and activities of the NADO and would reassess the case at each of its future meetings. The report before the members also provided an update on the NADO, including the testing of Ukrainian athletes, which represented excellent collaboration between WADA, the Ukraine NADO and other ADOs. The decision requested in paragraph one of item 8.1 was before the members.

- **8.2 Non-compliance cases**

MR GOURDJI proceeded with item 8.2. The attachment had been updated, as rightly pointed out. The version had been shared with the members just a few days previously. The first case was the International Federation of Bodybuilding and Fitness (IFBB). The Compliance Review Committee was requesting that the Executive Committee approve WADA sending a formal notice to the IFBB, alleging that it was non-compliant with the World Anti-Doping Code and the international standards. The case relating to the IFBB was reflected in paragraph two. In summary, WADA had conducted a virtual audit on the IFBB in June 2021. At that time, there had been 15 out of 17 critical corrective actions that had not been implemented. WADA's Compliance Task Force had initiated a compliance procedure and the IFBB had received continuous support and guidance from WADA. Following the expiry of the three-month deadline given by the task force, the IFBB had implemented five critical actions as reflected in paragraph two. The Compliance Review Committee had discussed the case at its previous meeting and decided to recommend to the Executive Committee that it approve WADA sending a notice to the IFBB asserting that it was non-compliant with the Code and proposing that the consequences based on Article B.3.1 of Annex B of the standard as set out in paragraph two of the attachment be applied. With respect to reinstatement, the Compliance Review Committee recommended to the Executive Committee that it make the implementation of the pending corrective actions and compliance with the consequences of non-compliance a condition for the IFBB to be reinstated. The decision requested could be found in paragraph one of 8.2.

The last case pertained to Puerto Rico. He had heard some very supporting interventions regarding what had been written. The details could be found in paragraph three of the report, but could be summarised as followed: the Puerto Rico NADO had had non-conformities resulting from WADA's continuous monitoring programme, as well as its review of its anti-doping rules. At the time of the previous Compliance Review Committee meeting in August, the Puerto Rican NADO had had five pending critical actions that had not been resolved, as well as existing legislation and regulations that were not in line with the 2021 Code. However, since the meeting in August, the NADO had effectively implemented the pending critical actions drafted and adopted the required amendments to its rules, and had shared the necessary revisions to another law and provided a calendar for its promulgation. Therefore, the Compliance Review Committee recommended to the Executive Committee that it instruct the WADA management to give the Puerto Rican NADO four months, starting from the date of that Executive Committee meeting, to correct the outstanding non-conformity. If the remaining law was not adopted by 23 January 2023, in accordance with Article 8.45 of the standard, WADA would automatically send to the Puerto Rican NADO formal notice asserting non-compliance and proposing the following consequences that were based on Article B.3.1 of Annex B of the standard and reinstatement conditions as reflected in paragraph 3e in the attachment, so the decision requested was in paragraph one of attachment 8.2. That concluded his report.

THE CHAIRMAN thanked Mr Gourdj for his report.

MR KEJVAL thanked the Compliance Review Committee and Mr Gourdj for the report, especially regarding Ukraine and the steps taken. He wished to thank Poland and the Polish NADO for the extraordinary help given to their Ukrainian colleagues. That deserved recognition.

The second thing he wished to point out was that, one year previously, the members had received documents regarding Operation Hercules and there had been some very serious allegations. There had also been mention of some breaches of law. His question was whether WADA was 100% sure that all the people related to those practices had been excluded from the system. He was talking about officials or athletes.

MR YOUNGER said that the answer to the question was yes, and even more than expected.

MR GOURDJI stated that he had nothing else to add.

THE CHAIRMAN expressed once again his thanks for the great solidarity and unity being shown by the anti-doping community regarding Ukraine. The war in Ukraine was a tragedy, but it had brought out the best in the global anti-doping movement. The collaboration and solidarity of others in maintaining an effective anti-doping programme for Ukrainian athletes who were still competing was critical and crucial. He was very pleased that the anti-doping community had passed that test of humanity. It had to continue its efforts and stand united with the athletes and clean sport colleagues from Ukraine. He gave special thanks to Mr Kejval for his comment regarding his country and the attitude of the Polish ADO.

For the record, regarding item 8.1, did the members agree to provisionally excuse the non-conformities of the National Anti-Doping Centre of Ukraine due to the event of force majeure that continued to prevent the signatory's timely correction of its non-conformities?

The second question was in relation to item 8.2. Did the members agree with the recommendation to approve WADA sending a formal notice of non-compliance to the International Federation of Bodybuilding and Fitness? And did they also agree with the recommendation to instruct the WADA management to give the Puerto Rican NADO another four months to correct its outstanding non-compliance, failing which WADA would automatically send it a formal notice asserting non-compliance? That concluded the two items, 8.1 and 8.2.

DECISIONS

1. Compliance update noted.
2. Proposed approach regarding Ukraine approved.
3. Proposed approach regarding non-compliance cases approved.

9. Health, Medical and Research

PROFESSOR ENGBRETSSEN said that he was going to talk about the Health, Medicine and Research Committee. It comprised a very good combination of scientists, laboratory professors and clinicians, as well as gender, geography and professions. He would provide some of the highlights on the Prohibited List as well as on the research grants. Dr Rabin would then help him with details on the research grants.

The main highlight was basically the discussions regarding cannabis and whether there should be no change or a change to the Prohibited List. That had been a thorough process. The committee had consulted with many different groups. Almost 100% had agreed to keep cannabis on the Prohibited List with no change. There were three countries opposed to that, but the vast majority wanted to keep cannabis on the Prohibited List. There would be a scientific publication soon on what the committee had been doing on the review and there would be more results on the performance enhancement of cannabis. There would be research performed in that area.

The other area that the committee wished to highlight was the addition of tramadol to the Prohibited List. As many of the members knew, the UCI already had tramadol as a prohibited substance on its list for health

reasons, and WADA would include tramadol on the Prohibited List in 2024. In a nutshell, the reason it was being moved from 2023 to 2024 was that WADA needed time to conduct the study to establish the MRL for tramadol in urine and time to prepare the laboratories and educate the medical and athlete communities, just as it had done with regard to corticosteroids one year previously. The timeframe was the same: basically two years before the change had been made. The same thing would happen with tramadol. Tramadol was performance enhancing. Several projects had shown that and, as he had said, the UCI already prohibited it for health reasons. So that would be on the list from 2024 onwards.

As for the research projects, there had been 46 applications that year, which was a reduction in the usual number of applications. That was a concern. Three reviewers had gone through each of the applications. There were about two million US dollars to use for those kinds of application. A total of 18 projects had been granted funds that time or had been suggested to be granted funds that time. There was a total of one million dollars left for designated studies in the pipeline and for targeted projects. He had been very happy to hear that the budget for research would be increased the following year. He thanked the members for that. He also wanted to say that the process for research projects would probably be changed. As the members knew, at that time, there was only one date on which they had to submit, after which it was necessary to wait a year before the next opportunity. The aim was to start a more dynamic process, enabling people to send in their projects, which could be reviewed dynamically in a short period of time, and then they would find out the results within a few months, as opposed to almost a year, which was what currently happened

- **9.1 2023 Prohibited List**

DR RABIN informed the members that Professor Engebretsen would present the Prohibited List and he would jump in after the decisions on the Prohibited List and the monitoring programme.

PROFESSOR ENGBRETSSEN informed the members that there was no change to the cannabis part. In terms of tramadol, the members would see that it would be on the Prohibited List from 2024, but there was no change in 2023.

DR RABIN highlighted some of the other changes beyond those that Professor Engebretsen had mentioned related to cannabis and tramadol, which was recommended to be added in 2024. There were a few modifications that had been made. In section S1, as the members could see on the screen, there were two substances that had been added. As the members knew, there was no lack of creativity by people inventing new anabolic steroids. Two had been identified in particular that were becoming more prominent in the sport environment. The decision was to add them as examples to the Prohibited List. They had already been prohibited by definition, but they had been added as examples. One was 17-alpha-methylepitiostanol, which was also known as epistane, and the other one was androl-4-en-3-11-17-trione. Continuing briefly, on other anabolic agents, ractopamine had been added. It was already prohibited; there was no question about that. It was a growth promoter used in cattle. It had been added because it was also being referred to in some of the technical documents. That was just a technicality. Two examples of SARMS had been added. The problem was the same as with anabolic steroids. Some of those SARMS were increasingly being seen coming onto the market. They were non-approved substances. They could be considered as illegal substances to some extent, but they were increasingly being seen. There were two code names: S-23 and YK-11. Continuing to the next changes, just to mention creativity again, that time on the part of the biopharmaceutical industry, in which there was a lot of research going on into muscles and elements that could promote muscle growth, WADA had seen recently not antibodies neutralising myostatin, which was the brake on the muscle growth, to make it simple, but there were currently antibodies that targeted the precursor of myostatin inhibitors. That was something new, and apitegromab had been added as a substance because, in the end, it had exactly the same effect of promoting muscle growth or preventing the brake on muscle growth. That was a substance that, by definition, had an impact on the muscle, and so it had been added. Just below in section four, there had been a renumbering of the section. That was a cosmetic element. Just to clarify, the section had needed to be better numbered. That was something that had been mentioned and corrected, in a sense. There had been some comments from the stakeholders that Section S5 needed to be more aligned with some other sections of the Prohibited List, which had been agreed upon by the List Expert Group members. Again, it was only a cosmetic change. The example

of a diuretic, torsemide, had been added to the list of examples in the diuretic section. Continuing, there was an exception for the application of imidazole, which did not have any impact. Again, a clarification: a substance had been added, which was voxelotor, which had been approved for sickle cell disease. Its effect was interesting because it displaced the binding of oxygen to the organs and, also, as an effect, increased the secretion of EPO. The experts had reviewed it and considered that voxelotor should be added as a substance to the List of Prohibited Substances and Methods. Continuing, he made two clarifications: stimulants was an area in which there were a lot of new substances, but those were, technically speaking, not new substances. Simply, some of the manufacturers or distributors of the substances were very creative and kept changing the names. Some of the stakeholders had said that two of those substances, in particular the methylhexanamine derivatives, had different names in their territories. They had recommended that WADA add those for the information of the athletes, which the expert group had agreed should be done. Quite interestingly, a substance had been added, solriamfetol, which was an anti-narcoleptic. It was a new substance that had been added. Simply, on the exceptions for imidazole derivatives, the otic route of administration had been added for clarification. As had been mentioned by Professor Engebretsen, section S8 did not change. Section S9, which had been heavily modified the previous year, had not changed. Otic had been added to the list of exceptions for glucocorticoids. The water sports had wanted to have beta blockers also prohibited out of competition, which had already been the case for shooting, and minigolf had been added as a federation in which beta blockers could be performance enhancing. He thought that that concluded the modifications proposed for the 2023 Prohibited List.

There were a couple of significant modifications on the monitoring programme for 2023, one of which was the addition of gonadotrophin-releasing hormone (GnRH) in young females. It could be used to delay puberty, which was something that was of concern in certain sports. The idea would be to do the monitoring in some targeted sports in which delaying puberty could be an issue. WADA was currently working on that. A substance that had been added but not necessarily classified under a certain category was hypoxen. It was a substance that helped the metabolism in the body and that had been seen in a few cases. There was a willingness to monitor the use of that substance in different sports and different countries. Finally, as a narcotic, diamorphine had been added, together with its analogues. It was a category of analgesics, which were peptides, and they were different modifications around the same backbone of the peptide. It was known to be used for doping in horses. One of the questions was whether it could be used also in humans. There was an interest in seeing whether diamorphine or its analogues were an issue in human sport as well. That concluded the presentations on the modifications to the Prohibited List and the monitoring programme for 2023.

PROFESSOR ERDENER thanked the Health, Medical and Research Committee for the presentation. He wished to say something about tramadol. There was evidence of small improvements in performance in certain sports, such as cycling, as also mentioned, so it was correct that it should be prohibited. However, it was important to be proportionate and avoid inadvertent adverse analytical findings. Tramadol and codeine were the most commonly prescribed opiate painkillers, as they were not controlled drugs. They could be prescribed on a normal prescription, commonly used in many sports, such as rugby for traumatic injuries and rowing, for instance, for back pain, and therapeutically they were very useful. The extra year was needed to educate medical staff in particular, also to withdraw individuals from tramadol onto alternatives. The use of tramadol was routine in medicine and especially sport medicine. There needed to be time to change medical practice. If there was not an extra year, there were likely to be inadvertent positives and innocent athletes would suffer. Tramadol was not an effective ergogenic aid in most sports, so it was proportionate to delay the prohibition by a year. It was already effectively controlled in cycling, according to the UCI rules. Based on experience and the issues that had emerged with the inclusion of meldonium on the list, the Executive Committee had discussed and agreed on the importance of ensuring sufficient time for communication on the introduction of the prohibition of glucocorticoids administered by injection, and similar prudence should be applied in that area.

On behalf of the public authorities, MS WELLS confirmed, as the chairman of One Voice, their approval of the Prohibited List. However, there was not a unanimous position from One Voice on the delayed introduction of tramadol, so each region would express its individual views on that. Speaking as the Oceania representative, that series of meetings had been her first opportunity to review the Prohibited List. She therefore wished to express her support for and complimented WADA on the work done and the various experts who had contributed. She noted two issues specifically. Firstly, when Oceania had consulted with the athlete advisory

groups of both Australia and New Zealand, the majority view had been a preference for tramadol to be prohibited from 2023. However, since those consultations, One Voice had had the benefit of further scientific and legal information that highlighted the impediments to doing that. One Voice therefore accepted the 2024 deadline, and it was imperative that clear communication as to the reasons for that delayed introduction be provided to external stakeholders to prevent any criticism.

Her second note was that she would really like WADA and the appropriate expert groups to continue studying the ways to allow for the donation of life-saving plasma. She was advised that it remained prohibited for athletes of all levels with no recourse to therapeutic use exemptions. Speaking also as the minister for aged care in Australia, that had a significant impact on community health and on the donation of plasma, which was a life-saving process. She was also advised that the potential impact on the blood passport could be managed. Therefore, Oceania and other public authorities would continue to ask WADA to find a way to make those life-saving contributions of plasma donations possible when reconsidering the Prohibited List in 2024.

MR SANDFORD referred to cannabis and tramadol. He would also like to thank the List Expert Advisory Group, which, in the process of its review of cannabis on the Prohibited List, had reached out to the Athlete Committee and had a number of discussions with the members. The Athlete Committee had appreciated being asked and that its opinions had been sought. He would definitely encourage that more in the future. It was a very topical subject and he looked forward to that research as well because there did seem to be a real lack of research on cannabis being performance enhancing. From the Athlete Committee's side, opinions were divided on cannabis remaining on the Prohibited List. There was a wide range of opinions on cannabis and its use. Overall, he thought that probably the majority of the Athlete Committee members were supportive of its current status on the Prohibited List, but he would not be surprised at all if the Athlete Committee continued to engage on that and maybe, also, as the Code review came up in a couple of years, look at the sanctioning regime, especially regarding cannabis. Obviously, the substance of abuse provisions had helped a lot, but there was probably still some work specifically on cannabis that could be done.

In relation to tramadol, the opinion of the WADA Athlete Committee was that having it on the Prohibited List from 2024 was the most appropriate option. As had been said already, there had been a meeting with New Zealand and Australian athletes earlier in the week and the opinions coming from that meeting had been for introduction sooner rather than later. One of the main reasons was a concern that athletes would be able to qualify for major events such as the Paris 2024 Olympics using tramadol, and then it would be essentially taken away, so there would be two different rules through the qualification process. His understanding was that, as had already been said, more information had come to light, especially regarding the thresholds in and out of competition and making sure that those were accurate and then, also, there were athletes who were potentially addicted to tramadol and the procedure required for getting athletes off it. In light of the new information, he was in favour of 2024 for the inclusion of tramadol on the Prohibited List.

MS YANG said that she knew that there had been some discussion among athletes about cannabis. It was not only about performance enhancement; it was also a matter of public health, as the minister had just said. Athletes should be promoted as role models. It was important to show the world, because there was research to show that cannabis caused brain damage, especially among young people. WADA had to promote the idea of athletes as role models. It was not only about performance enhancement, but also about showing that WADA cared about public health.

MS MARACINEANU welcomed the informal discussions and explanations that she had received the previous day informally from Dr Rabin and Mr Niggli, and also other colleagues. However, she wished to express the European position, which was to include the substance as of 2023. Europe welcomed the fact that WADA was taking into account the abuse of tramadol through the inclusion of the substance in the monitoring programme since 2012. She emphasised 2012, meaning that the substance had been on the monitoring list for 10 years. Europe had also listened to what the athletes had to say, as mentioned by Ms Wells, as well as certain sport federations, which had been asking for tramadol to be placed on the Prohibited List for years. Europe also understood the legitimate concerns of WADA and the sport movement not to have an agenda imposed on it by others who saw themselves as an authority when it came to doping. Nevertheless, the situation existed and it needed to be dealt with. The world of sport, the media, athletes, coaches and physicians had all seen Mr

Quintana disqualified from the Tour de France, a huge media event that attracted large numbers of spectators, after tramadol had been found in his blood samples, despite the fact that it had been said that tramadol was not a doping substance, since it was not on the Prohibited List. That was why she believed that it was essential to include tramadol on the Prohibited List as of 2023, although she had not really understood how such ban would be confirmed, as it had not been mentioned in any list for 2024. There were currently studies that provided sufficient evidence to prove that tramadol was performance-enhancing. That meant that it was a substance that made it possible to cheat and compete unfairly. It was also an analgesic, meaning that athletes using it could go beyond their limits. It was therefore a product that enabled athletes to enhance their performance in competition and it was also dangerous for athlete health. It had already been mentioned that it was very addictive, and it was used quite extensively in certain disciplines and in certain parts of the world. One could say that tramadol was similar to a drug. Given all of the aforementioned, what was WADA going to do? If she had understood correctly, WADA was going to say that it was hard for athletes who were addicted to tramadol to do without it. She wanted to know why they would find it easier to do without it in one year's time as opposed to immediately. As for those athletes whom the joint communication efforts to be deployed over a one-year period failed to reach, would they not be caught off-guard if they saw tramadol appear on the Prohibited List the year of the Olympic Games? Mr Sandford had highlighted on behalf of the athletes that, if that happened, there would be two different rules for qualification and participation in the Olympic Games. Public authorities and states investing in organising major events such as the Olympic Games did not want to see their events tarnished by doping scandals. That was why she thought that it would be better to anticipate issues. It had also been said that, if WADA went ahead too quickly, physicians would be upset because they were not being given sufficient time to find alternatives. She understood that the sport movement was worried about too many TUEs. She believed that the fight against doping in sport should be a shared responsibility involving health professionals, and exercising caution would harm people who did not deserve to be harmed. She understood the argument about the lack of studies allowing for the definition of a threshold in and out of competition. It was a good argument. The UCI used blood samples and WADA used urine samples, and further research was necessary for the latter. She understood that it could lead to legal issues for WADA and the payment of fines in the event of appeals won by athletes before the CAS. She understood that the Director General was concerned about the financial aspect, as were the members, since they contributed to the funding of the organisation. Everybody was concerned about the credibility of WADA should it approve rules that were not be applied immediately. In Europe's view, WADA needed to show the way and assume the consequences of its role as the guardian of fair sport and athlete health. WADA currently had sufficient tangible elements to show the way and to be ready before the inclusion of tramadol on the Prohibited List. She was certain that WADA could not allow athletes to continue to cheat, albeit unknowingly, and to continue damaging, or risk damaging, their health, for another year, even for another day. Perhaps alternative sanctions should be considered for a one-year period, or perhaps other solutions existed. Either way, Europe believed that WADA's decision needed to be clear, legible and considered. She asked her colleagues to consider including tramadol on the Prohibited List as of 2023.

MR KAYANGE EMONYI said that the athletes and the sport movement would be happy to have more studies and more research being done on tramadol so that it could be added to the Prohibited List. The integrity of sport was key to all athletes competing on a global and even local level. The athletes supported the proposal for tramadol to be included in the Prohibited List in 2024 for two reasons, the first one being a greater emphasis on education, ensuring all athletes and athlete support personnel were well aware and well informed through the education campaigns that would be carried out, and also to follow the science and just understand much more about the limits and the levels of tramadol in the athletes' system. The sport movement agreed with the Athlete Committee and supported all the necessary requirements being put in place before burdening athletes with a process, the rules of which WADA was not clear about.

DR SANGENIS said that she perfectly understood the concern of the public authorities. However, she wished to share some information with the members, given her expertise as a clinician and sport medicine doctor. Tramadol was a widely prescribed drug in several sports, and WADA really needed time to educate not only athletes, but also doctors and the entourage who might give athletes that commonly prescribed drug. Another thing was that the athletes needed time to withdraw from the painkiller and get used to another drug or

change to another drug if needed. The evidence in cycling was under the control of the UCI at that moment in time. In her opinion, WADA did not want to have a repeat experience of what had happened with meldonium. Regarding tramadol, she would appreciate it if the members would consider the opinion and advice of Professor Engbretsen that the drug should be on the Prohibited List in one year's time, in 2024. That was her opinion.

Regarding plasmapheresis, she would be brief. She thought that the Executive Committee should consider excluding it. It was a common medical procedure. She was not aware of evidence of ergogenic effects from plasmapheresis. The amount of red blood cells after the separation was minimal and, in many situations, plasmapheresis was necessary for health issues. That was her opinion.

MR REYES thanked Dr Rabin for his presentation. CADE wished to support the position of the WADA Science Department concerning banning tramadol and placing it on the Prohibited List. Within CADE, there had been discussion about the fact that the substance was an opiate, and those substances tended to be addictive and were a potential risk to the health of athletes. The fact that they were used in some sports did not reduce their risk. On the contrary, he would have thought that that was another warning sign. All physicians knew that it was an opiate, it could reduce stress and enhance performance. It was banned by the UCI and other organisations, meaning that laboratory analysis and education could be based on prior knowledge and expertise. Finally, the USA had sent a request to WADA to increase scientific research into the use of cannabis and its effects in sport. That communication was supported by CADE.

MS CESSOUMA said that she had followed the debate with interest, but she understood that everybody agreed that tramadol should be included on the Prohibited List. All of the reasons cited were valid. Nevertheless, she thought that some time was needed for the laboratories to be able to find alternatives and it would be necessary to ensure time for education. It was important to take some time to place tramadol on the Prohibited List and enable the athletes and physicians to find an alternative. She understood what the French delegate had said. Nobody wanted to see a repeat of what had happened during the Tour de France. Nevertheless, some time should be allowed to raise awareness. She thought that 2024 was a long time away; however, given the work that needed to be done, 2024 was a good date. She did understand the concerns, but a certain amount of time was necessary to raise awareness.

DR RABIN responded to the comments raised in a slightly different order, starting with cannabis, just to acknowledge the global support by the Executive Committee members. He emphasised the fact that very thorough work had been done by the List Expert Advisory Group supported by external experts who were international experts on cannabis and cannabinoids. The recommendation that had been made was quite sensible. There was still a question mark regarding the capability of the main active principal of cannabis, which was delta-9-tetrahydrocannabinol, with regard to performance enhancement. That was something that WADA planned to study more in the years to come, hopefully with the support of the National Institute of Drug Abuse in the USA which had vast expertise in the field.

Concerning plasmapheresis. It was certainly high on the agenda of the List Expert Advisory Group. There had already been extensive discussions that year in August on plasmapheresis and it had been deemed to be a bit too early and the group had not wanted to precipitate a decision that could have some serious consequences. It wanted to further review the influence that that would have on the haematological module of the Athlete Biological Passport before a final recommendation was made. He hoped that, in 2023, there would be a recommendation in that regard.

Finally, trying to summarise on tramadol, he heard the support to delay its inclusion in the Prohibited List by one year. That was the recommendation by the List Expert Advisory Group and the Health, Medical and Research Committee. There were several reasons for that. The members had heard about the necessity to have a value, known as an MRL or minimum reporting level, which would make it possible to distinguish or give sufficient credibility to in-competition versus out-of-competition use of tramadol. That was certainly the essence of what WADA was facing. He thought that it was necessary to acknowledge that there was a worldwide opiate crisis and tramadol was part of that opiate crisis. It was necessary to be aware of that. In certain regions of the world, tramadol was highly consumed, including by the athlete population. If WADA were to include tramadol on the Prohibited List very quickly, it would probably catch quite a few people who were large consumers of

tramadol because they were addicted to it, not because they were using it for performance enhancement. That was an element that had to be borne in mind. It was not just about medical practice. It had been said several times by members of the Executive Committee that day that it was about allowing time for information and education, as had been done for injectable glucocorticoids, and that had been very well received by the community, not only the athlete community, but also physicians and sport physicians. There had certainly been a reduction in the risk of a higher number of TUEs, because WADA had taken the time to explain and to educate the community. It was quite important. In terms of whether there was a risk of confusion with changes to the rules, personally, he did not really think so, because tramadol was a prescribed medication. By allowing time to inform the athletes, coaches and physicians, WADA was giving them time to acknowledge the information and the change in the rule as of 1 January 2024, if accepted, and they would clearly, as had been seen for injectable glucocorticoids, modify their practice to avoid using tramadol in competition. That was something he thought would benefit what WADA could do. Finally, from a purely scientific and medical perspective at WADA, not having a solid MRL would place the organisation (in particular from a legal point of view were WADA to go to court with a value that it could not strongly explain and justify from a scientific and medical perspective) in a fairly risky situation vis-à-vis athletes caught for supposedly doping and who could demonstrate that their consumption had absolutely no relation to doping. There was also an element of fairness, again, related to the high consumption of tramadol by some athletes and also, but he would not be too technical, the diversity of metabolism that existed for tramadol. Taking all of that into account, there was what he would consider a sensible recommendation by the List Expert Advisory Group members and the Health, Medical and Research Committee members to delay implementation to 1 January 2024, to allow WADA sufficient time to prepare the ground for the whole sport and anti-doping community.

MR WENZEL informed the members that some of the legal aspects had already been touched on, but one that had not perhaps been highlighted enough was that, if there was not currently sufficient data to establish a robust MRL, it would be very difficult for athletes, not just for WADA, but also for athletes, to be able to demonstrate that they had taken the substance out of competition. One should not forget that that was a burden that was on the athletes. Once there was an in-competition positive, it was an AAF and it was the athlete who had to establish how the substance had got into their system, including when it had got into their system. With respect to the consequences that might be imposed, if any, for a violation, that question, if an athlete could establish whether or not it had been out of competition or in competition, had a significant impact. Tramadol might or might not be a substance of abuse but, as an example, the regime for substances of abuse stated that, if athletes were able to demonstrate that they had taken a prohibited substance out of competition and in a manner unrelated to sport, the sanction would go down to a three-month default period of ineligibility, which could be further reduced to one month. Even beyond that, the rules on intention stated that athletes would be able to establish that there had been no intention in the event that they could show for specified substances that the use had been out of competition. But, again, those were burdens that the athletes had to meet. He also thought that, even beyond the question of intent, even with respect to fault, an athlete might say in a tramadol case in the future that they had been told by their doctor that if they took it X days before, it would be entirely out of their system, and they had taken it X days before, and it would be for the athlete to establish all of those facts, when they had taken the tramadol and that there had been medical advice and, if all of that could be established by the athletes, including that it had been out of competition, that might be a very, very low fault case. Comparing that to a case in which an athlete took tramadol deliberately to enhance performance in competition, it was a completely different level of fault and a completely different sanction that would be imposed. All of that was to say that, if the data were not there, the data might not be there for WADA, but if the data were not there for athletes and for their experts to be able to convince a tribunal that their use had been out of competition, then perhaps the biggest difficulty procedurally would be for the athletes, not for WADA, because again, once the AAF was reported, it was the athlete's burden to establish the facts that they would rely on to mitigate any sanction. He therefore thought that one element, which perhaps had not been highlighted enough in the discussion that day, was that there was also a question of procedural fairness for the athletes in the absence of adequate data on the excretion of tramadol at the present time, the idea being, of course, that there would be further studies and research done before 2024 when it would come onto the Prohibited List so that the issue of procedural fairness and uncertainty and, frankly, also, difficulties for the hearing panels would be at least mitigated if not resolved.

MS MARACINEANU thanked Mr Wenzel for his answers. She had not understood how it would be mentioned that tramadol would be prohibited in 2024. It was still on the monitoring programme. Given everything that had just been said, she wondered whether WADA had already planned to set some money aside to do the research because, in the research plan, she had not seen anything dealing with that kind of research that had to be done.

THE CHAIRMAN noted that that was another item.

DR RABIN apologised. He should have noted that point and answered the question. There was a document called the *explanatory note*, produced in support of the Prohibited List and the monitoring programme and published every year. It explained and provided information on the Prohibited List itself and the monitoring programme, of course, and some key modifications either passed or to come. That was what had been used for glucocorticoids, and it would be used also for tramadol to explain that the change was going to take place in 2024. It was neither necessary nor possible to have it on the Prohibited List, but WADA would of course keep it on the monitoring programme. In terms of research, yes, it would be taken on in terms of what was called targeted research, not research projects that WADA received, but research commissioned by WADA.

THE CHAIRMAN asked, as the item was for decision, whether the members would like to approve the 2023 International Standard for the Prohibited List, including the monitoring programme for 2023. The Executive Committee had also been requested to approve the prohibition of the substance tramadol to come into effect in January 2024 to allow time for education and awareness the following year. Did the members approve the decisions requested? He thanked them very much.

DECISIONS

1. Proposed 2023 Prohibited List and monitoring programme approved.
2. Prohibition of tramadol to come into effect on 1 January 2024.

- **9.2 Annual research projects 2022**

DR RABIN guided the members through a PowerPoint presentation on the recommendations for the 2022 scientific research projects that had been reviewed and were recommended by the Health, Medical and Research Committee. He started with a few facts. In 2022, WADA had received 46 grant applications, which was a record low, probably related to two facts. Mainly, first of all, the research community knew that WADA's budget was very low, so the chances of receiving a grant were very low. That was a consequence of the money WADA could dedicate to that activity. Also, there was the fact mentioned earlier by Professor Engebretsen, that the process was extremely good but rather long. When one was a researcher, one wanted a decision that was pretty quick. That was something that WADA planned to modify in 2023. There had still been a good range of applicants from the five continents and 20 different countries and, of course, as WADA liked to see, teams that were not directly affiliated with anti-doping laboratories. It was good to have a wide range of projects coming from outside, or principal investigators coming from outside the anti-doping community. WADA had a very thorough and robust review process for the projects. First of all, they were reviewed independently from WADA by independent scientific experts. There were at least three experts per project, which was quite cumbersome but made the process very robust and independent. Then, there was the scientific project review panel, which compiled all the information, looked at all the projects and classified them in order of recommendation for the Health, Medical and Research Committee, which had met that year at the very end of August to review and recommend the projects.

Looking at the projects that had been selected for 2022, 18 projects worth about two million dollars had been selected, which was still a reasonably good success rate (40%, which was above the international average). Also, there had been, as usual, a few projects for which there was a recommendation to reduce the budget. Looking at the different categories of project, not unexpectedly, the anabolic agent section was always quite well supported in terms of projects accepted. Looking at the first bullet point, there were constantly some

new steroids put on the market that WADA needed to identify even better and include in its routine anti-doping detection capacity. That was what was also proposed with the first project. When talking about analytical procedures, there were constantly some improvements either to the equipment that was used or the methods being used, and in particular standardised methods used across the different anti-doping laboratories to facilitate the identification of anabolic steroids. That was what there was with the project that related to solid phase extraction of anabolic steroids by an expert group in the field, which WADA thought had a high value with the objective of routine analysis. There was also an issue about oral turinabol, a substance that had been widely used in Russia in particular. There had been several cases reported in the reanalytical phase after the London Olympic Games and there were still some questions about the long-term metabolites of oral turinabol that WADA would like to clarify with that project.

Finally, the members had heard Professor Engebretsen and him regularly talking about the doping memory of muscles, what was known as muscle memory. It was something that was rather well studied for physical activity. However, there were reasons to believe that there was also a muscle memory of doping. That year, there had been a project that was really on target to study that phenomenon, but the Health, Medical Research Committee was also of the view that WADA should consider having a request for proposals subject to available resources in 2023 that could be launched in relation to the issue of muscle memory of doping. At least that project would already be able to answer some of the questions.

There was also a category that was well supported, and that was the category of peptide protein hormones and metabolic modulators. There were many, many substances covered by that category and two projects sought to look into what was known as AICAR and acadesine. That was a substance that had created a big buzz a few years previously. WADA had not really been able to identify major abuse of AICAR but, because it was also a substance that could be produced by the body naturally, there were two projects that year to really look deeper into the metabolism and capacity to analyse AICAR, and maybe it would have to be acknowledged that there was still a grey area because of the endogenous production of AICAR that some athletes might make use of to use acadesine. Therefore, the idea would be to go deeper into the analytical capability for that substance.

There was also, of course, constantly work on EPO detection, and the next two projects related to EPO detection from two very different angles. One was really improving the analytical capacity to analyse EPO receptor agonists, a category of substance that was becoming increasingly available in different environments, in particular also on the Internet, but not only on the Internet. WADA had come to realise that there was a mutation in Asia, in certain populations in Asia, that mimicked, in a sense, the metabolism when EPO was excreted, the metabolism that could be seen with recombinant EPO that required blood analysis in addition to urine analysis for EPO. That was therefore something that the project would try to address, also to simplify the current procedure for EPO analysis and reporting.

Finally, he had mentioned myostatin a little earlier when the Prohibited List had been presented, and there were a few peptides that would deserve more attention because they were inhibitors of the myostatin pathway and could be potentially used for muscle building. That was a project that was also recommended for approval.

Beta-2 agonists were a widely-used class of substance, in particular therapeutically for asthma. There was a project that looked deeper into the metabolism and the sulphate fraction of salbutamol, which was probably the most widely-used beta-2 agonist. There was the famous case of a British cyclist using salbutamol that had led WADA to look into the sulphate metabolism of salbutamol and that was something that WADA wanted to further explore. Higenamine was a beta agonist, not beta-2, it was beta-1 plus beta-2 and maybe beta-3. Nevertheless, the fact was that higenamine was increasingly found in dietary supplements. There had been several cases of higenamine found by athletes in dietary products, in particular in fruit juices. Even though WADA tended to exclude that possibility, it wanted to explore it a little further.

Finally, talking about glucocorticoids, there were several glucocorticoids that were less used than those covered to date, and WADA wanted to continue exploring some of them for their metabolism and to be able to fine-tune the thresholds or the minimum reporting levels and possibly later on the thresholds for some of those glucocorticoids.

Four projects related to the Athlete Biological Passport. There was a big push on WADA's part to try to provide tools to correct the plasma volume changes for the Athlete Biological Passport. It was believed that it would be possible to reduce by a factor of 50% the variability on some profiles if WADA could correct the plasma volume. The idea was therefore to continue exploring that possibility with the first project.

The second project related more to the endocrine aspects, in particular in elite female athletes, related to the longitudinal monitoring, in particular, of steroids. That was something that WADA wanted to explore a bit further with that second project.

Finally, there was a project that was the reverse of what had been seen to date. To date, WADA had tried to look at the differences between some urine profiles to reveal manipulation. That project did exactly the opposite when two urine samples were too similar, as they could also reveal manipulation. That was a completely different angle that the Cologne laboratory wanted to take and something WADA wanted to further explore with the laboratory.

Finally, there was the validation of artificial intelligence projects. WADA was starting to use artificial intelligence in what it was doing in anti-doping. The project in question applied algorithms of artificial intelligence to suspicious steroid profiles. That was a project he would say a few words about later on that WADA wanted to co-fund with the Fonds de recherche du Québec as part of the joint initiative in support of the application of artificial intelligence in anti-doping.

Finally, there were two projects, one of which was on dried blood spot. WADA continued to work on dried blood spot. For those members who were interested in the matter, WADA had mainly developed quantitative analysis with dried blood spot, in other words, substances that WADA had found could lead directly to an adverse analytical finding. However, the big challenge would be quantitative analysis and how WADA could report quantification of some substances in dried blood spot. That project was an attempt to answer, at least partially, one of those questions.

WADA heard more and more about gene doping and certainly trying to apply some MALDI-TOF assays to gene doping in some particular aspects of gene doping was an element that could be quite useful and was recommended by the experts.

He returned very briefly to the application of artificial intelligence, because that was also part of the approval of those projects. That was a follow-up project. The first step of the project was to see whether artificial intelligence could be applied to the steroid profiling of the Athlete Biological Passport. The initial results appeared quite promising. The research team, which was composed of researchers in Montreal, Canada, and a researcher from the anti-doping laboratory in France, proposed a second phase, which was recommended by the experts and would be co-funded by WADA and the Fonds de recherche du Québec to a level of a little bit more than 156,000 Canadian dollars. The Fonds de recherche du Québec had already approved the project and it was up to WADA to do the same, so as to continue with the work.

In terms of financial support for research, as the members knew, it was an essential element in WADA's ability to do research and commission research at WADA, the 18 projects amounted to just over two million dollars. WADA had less than that in the 2022 research budget: 1.77 million dollars. WADA would like to take the additional amount of money from the special research fund that remained and also, as he had said, in collaboration with the Fonds de recherche du Québec, he believed that WADA could cover the amount of money needed for that year. However, the members should be aware that, in 2023, if the budget was approved, WADA would return to a more normal level of support for research of 4.5 million dollars. There would be some money left in the special fund. Currently, there were eight million dollars' worth of targeted projects in the pipeline. In 2023, WADA would probably need anywhere between four and five million dollars just to cover some of the projects that were currently in the WADA pipeline. That concluded the recommendations from the Health, Medical and Research Committee on the research projects selected for approval in 2022.

THE CHAIRMAN thanked Dr Rabin and asked the members if they agreed to approve the funding recommendations for research under the 2022 annual call for grants. He thanked them for approving the projects.

DECISION

Proposed 2022 annual research projects approved.

- 9.3 Laboratory accreditation

9.3.1 Approval of laboratory accreditation – Lisbon, Portugal

9.3.2 Approval of candidate status for laboratory accreditation – Athens, Greece

DR RABIN informed the members that there were two laboratories in the accreditation pipeline at two different levels. The first one was the Lisbon laboratory, which was requesting WADA accreditation. The Lisbon laboratory had previously been a WADA-accredited laboratory, but the laboratory had, in 2018, faced non-compliance with the ISL, leading to the revocation of its accreditation. At the time of the revocation, the Executive Committee had agreed to fast-track the accreditation procedure should the Lisbon laboratory ever be interested in re-entering the system, which it had done. In 2019 and 2020, WADA had worked with the laboratory and included the laboratory as part of the re-accreditation process. In September 2021, when performing the final accreditation audit, WADA had realised that the laboratory had not been compliant with a major aspect of the new version of the ISL, which was operational and administrative independence of sport organisations, because the Lisbon laboratory had been hosted as part of the ministry of sport. The laboratory had addressed that major issue by transferring to a national research institute, a public institution under the ministry of health. In August 2022, the laboratory had been moved under the research institute, validated its ISO certificate and then had been able to return to WADA and say that it was fully compliant with the ISL. That had been reviewed by the Laboratory Expert Group and the recommendation from the Laboratory Expert Group was for the Executive Committee to grant accreditation to the Lisbon laboratory, but with two provisos: first, that WADA conduct an audit in six to 12 months of the laboratory in Lisbon to ensure everything was in place and also that it make sure (and that was fairly standard for laboratories returning into the system after facing some issues) that all the adverse analytical findings that were potentially reported by the laboratory were double-checked by another WADA-accredited laboratory before being fully reported.

With regard to the Athens laboratory, the proposal was for it to be a candidate laboratory, meaning that the laboratory was a candidate to enter the probationary phase of the WADA accreditation system. First of all, he recalled that the Athens laboratory had been a WADA-accredited laboratory in the past but had lost its accreditation because of a lack of support. In fact, the laboratory had not received major investment after the Olympic Games in 2004. There had been a major crisis in Greece in 2008 and 2009. The government had not been able to support the laboratory as expected, and that had led to the laboratory underperforming vis-à-vis the rules in place. The laboratory had therefore lost its accreditation. It had expressed an interest in returning to the system. There were some non-conformities that the laboratory had to address, including, like the Lisbon laboratory, the issue of having a laboratory fully independent of the sport authorities, and the laboratory had had to be moved to a national research centre to ensure that it was fully independent of the ministry of sport. The research centre was under the ministry of education in Greece. That element was currently in conformity and WADA had looked into the different requirements of the ISL. The experts were confident that the elements were currently fulfilled and their recommendation to the Executive Committee was therefore to grant candidate laboratory status to the laboratory in Athens.

That concluded the two recommendations for the Lisbon laboratory and for the Athens laboratory.

THE CHAIRMAN thanked Dr Rabin for his presentation. Did the members agree to grant WADA accreditation to the Lisbon laboratory and candidate laboratory status to the doping control laboratory of Athens? He thanked them very much.

DECISION

Proposal to grant WADA accreditation to the Lisbon laboratory and candidate laboratory status to the Athens laboratory approved.

- **9.4 Technical document: revised TD IDCR**

DR RABIN said that the item was fairly technical. It was a modification of the Technical Document on Identification Criteria. Identification criteria were essential to qualify the product found in the samples. In other words, when one analysed a sample and found a potential substance, one needed to compare it to reference material to really qualify the peak in the sample of the athletes vis-à-vis some reference standards that allowed one to identify with a high degree of certainty the nature of the substance. There were different elements to ensure the certainty of the identification, some of which referred to the specificities that one wanted for the reference material and the fact that they did not deviate too much from what was absolutely expected. There was a slight clarification that had been brought to what was called the maximum tolerance window of related abundances. He knew that it was a bit technical, but it meant, in other words, that one did not deviate from a reference peak by more than X percent. It was really technical, but it was quite essential to the way in which the laboratories could ensure the quality of their analysis. It was not a major modification in terms of changes in the standard, but it was a very important clarification for the people doing the analysis.

THE CHAIRMAN believed that the Executive Committee could approve the TD IDCR to come into effect on 1 January 2023.

DECISION

Proposed revised TD IDCR approved.

10. World Anti-Doping Programme

- **10.1 International standards**

10.1.1 Therapeutic Use Exemptions

THE CHAIRMAN asked Mr Wenzel to walk the members through the proposed modifications to the standard.

MR WENZEL said that he would be even briefer than Dr Rabin had been on the changes to the ISTUE. Those changes were minor in nature. Most of them were clarificatory, and some of them were minor changes to reflect the new TUE module in ADAMS, in particular the use of online application forms through ADAMS. The changes had already been subject to stakeholder consultation and they were summarised in the papers. Of course, the detailed drafting changes were tracked against the current draft of the ISTUE. Therefore, he did not propose to go through those changes one by one, but of course would be happy to address any questions that there might be.

MS MARACINEANU said that she wished to be certain that the changes would not affect or require changes to laws or rules because it was so difficult to find space in legal agendas in countries at that time. If they did require changes, she wanted to make sure that that would not lead to penalties for the NADOs.

MR WENZEL responded that he could not comment as to the situation in every country. It might depend on how the ISTUE was implemented, if it was implemented through a regulation or law. The ISTUE was a WADA document which was binding. And again, the changes were largely clarificatory and certainly minor in nature. So it was a document that needed to be followed. It was a mandatory document, of course. However, he did not in principle see a reason why there would be a legislative issue in countries without knowing precisely how those matters were implemented and dealt with at a national level in each country. He could not be more specific than that, but the changes were minor, largely clarificatory in nature.

MS MARACINEANU said that, in France, everything was passed through laws. She wanted to make sure that it would not be an issue of non-compliance for the agencies.

THE DIRECTOR GENERAL stated that there would be an issue of non-conformity if it was not implemented where it had to be implemented; it was mandatory, as Mr Wenzel had said. Different countries had different systems and, if legislation were required, they would have to modify whatever rules they had. It was the same

for all standards. Most of the time, the standards did not go through the law; they were done by the NADO rules. Countries would have to be in line as of 1 January 2023.

MS MARACINEANU said that one could also imagine that, with all the laws that had to be passed in the countries with health emergencies, the current situation, with the war and with the difficulties for people given the energy crisis, it was normal that the governments could not find a window in the legislative agenda to change something in a formula. It would be problematic, should it lead to a non-conformity if it was not changed.

THE DIRECTOR GENERAL said that he understood what Ms Maracineanu was saying. Again, he thought that it would be necessary to look at the specificity, but it was no different to the Prohibited List or other standards. He was sure that, in her country, the agency was used to having to modify the standard. He did not know how it did that, but he was sure it knew how to do it because it happened regularly. That was all he could say.

THE CHAIRMAN asked the members if they agreed to approve the modifications to the international standard on TUEs to come into effect on 1 January 2023.

DECISION

Proposed modifications to the ISTUE approved.

10.1.2 Testing and Investigations

THE CHAIRMAN said that the decision being requested under the agenda item was to approve the revisions to the International Standard for Testing and Investigations. He invited Mr Ricketts to go through the proposed modification.

MR RICKETTS said that the committee had before it the proposed amendments to the International Standard for Testing and Investigations, of which the major amendments were included in a summary of modifications. The document was in the members' papers. The proposed amendments had come about following the implementation of the ISTI over the past 18 months and with some fine-tuning required to the document following learnings and feedback from stakeholders as well as the incorporation of dried blood spot sample collection procedures into the ISTI from an existing technical document as a new annex. In addition, over the past 18 months following the pilot and review of virtual sample collection programmes implemented during the Covid-19 pandemic by several NADOs, as well as the general learnings of the Covid-19 pandemic and the impact that limited sample collection that had occurred during the pandemic on global anti-doping programmes, a new annex had been developed by WADA's Strategic Testing Expert Advisory Group, entitled *Collection of urine samples in a virtual environment during a pandemic*. However, that Annex K was not on the table for approval that day. It was going to be postponed, as there would be further discussions with those stakeholders who had had some comments on it. Also, the proposed procedures would pass through WADA's Independent Ethics Committee. He hoped, following those steps and further discussion, to be in a position to bring that Annex K back to the November Executive Committee meeting for consideration.

However, he wished briefly to run through the other elements, the other major changes of the ISTI for the members, and he would summarise those as quickly as possible. The first was the dried blood spot. That was really the major addition to the ISTI, including the procedures related to the implementation of that process that had previously been incorporated into a technical document. The dried blood spot procedures had originally become a technical document, as they had been launched six months after the new ISTI had come into force in 2021. That had really been a temporary solution to enable ADOs to be able to implement the procedures. Since the implementation of the DBS sample collection within the anti-doping community over the past year, the proposal was to move the procedures into the ISTI so that they would be structurally consistent with procedures for the collection, storage and transport of urine and blood samples, which already had their own individual annexes in the ISTI. The transfer of the DBS procedures also included requirements regarding dried blood spot sample collection equipment, which had been missing from the technical document. As members knew, research continued to expand the list of prohibited substances and methods that could be detected using dried blood spot. It was therefore important that the requirements for equipment and the collection procedures

be incorporated into the ISTI. He thought that it was important also to understand that the collection of DBS was currently not mandatory; however, for those that did so, the procedures proposed in the new annex were mandatory to follow to ensure standardisation. As a result, and in addition to the inclusion of the DBS in the ISTI, there had been a request to differentiate between DBS and normal blood sample collection. A new reference had therefore been added to blood samples being venous rather than just referring to blood samples to help clarify the difference between the dried blood spot sample collection, which was done by capillary collection, and other venous puncture collection of blood samples. Another area of change was the blood stability score, which was included in Annex I relating to Athlete Biological Passport samples. That was to ensure that the venous blood samples for the ABP arrived at the WADA-accredited laboratories in a suitable condition for analysis. The changes were based on revised calculations that took into account the temperature and the time taken for the venous blood samples to be transported to the laboratory. In respect of athletes who were minors, there was a specific annex on that, Annex B of the ISTI. The annex had been revised slightly to reflect the importance of further safeguarding athletes who were minors. That was following comments from stakeholders in the consultation process. The current ISTI Annex B required that a second sample collection personnel member be present only when collecting a sample from an athlete who was a minor, in addition to any representative of the athlete who might be present. The proposed amendments currently required a minimum of two sample collection personnel members to be present, not just for the collection of the sample, but for the whole process, including the notification. Additional language had also been added to recommend that the athlete who was a minor have a representative present with them throughout the sample collection session, and that the sample collection personnel make reasonable efforts to assist the athlete to locate one. If a representative was unable to be located at the point of notification, then the second sample collection personnel member would accompany the athlete until the representative was located or until the athlete arrived at the doping control station. A test would not be invalidated if an athlete representative could not be located; but, when planning a test on an athlete who was a minor, there was a recommendation that the location selected be one that was likely to have a representative present. If WADA were to mandate that an athlete who was a minor have a representative present at all times, that would allow athletes and their entourage the opportunity to manipulate the testing system and potentially prevent a minor athlete from being tested. That aspect of the current rules remained unchanged as per the language in the ISTI. An additional small change was the inclusion of the sport gender of the athlete rather than just the gender on the doping control form. That was to reflect the inclusiveness that WADA was seeing with the greater involvement of transgender athletes. There were several other smaller changes to reflect current practices in the field or to align definitions with other international standards that had an impact on the international standard for testing and investigations. However, rather than go through every individual change, the ones he had outlined that day were the main ones worthy of the committee's attention. That concluded his overview of the major changes to the ISTI. He would be happy to take any questions or comments from the members regarding the proposed amendments to the ISTI, noting that Annex K regarding virtual testing was not part of the amendments to the standard for the committee's approval that day.

THE CHAIRMAN asked if there were any comments or questions other than on Annex K? He did not see any, so asked the members if they agreed to approve the revisions to the International Standard for Testing and Investigations without Annex K to come into effect on 1 January 2023.

DECISION

Proposed modifications to the ISTI approved.

- **10.2 Technical Document for Sport-Specific Analysis**

MR RICKETTS said that the Technical Document for Sport-Specific Analysis, or the TDSSA, as it was known, was a mandatory level-two document that had to be implemented by all ADOs. It had come into effect on 1 January 2015 and had been revised several times since. The TDSSA contained a minimum level of analysis, or MLA, represented as a percentage that all ADOs would apply to the number of tests they planned to conduct on sports or disciplines as represented within their test distribution plans for the following prohibited substances: erythropoietin, receptor agonists, growth hormone and growth hormone-releasing factors. In terms

of the amendments, the IFs for four sports had requested changes to their respective discipline names and to some of the minimum levels of analysis. Those had come about as a result of changes within their own sports. The Strategic Testing Expert Advisory Group had considered and approved those at its meeting in August. Just briefly, they included cycling (some changes to discipline names and to the minimum levels of analysis), roller sports, paraskiing (the International Ski Federation had taken over the paraskiing disciplines that had previously been under the IPC), and also some changes had been made to the discipline names for underwater sports. In addition, the 2023 TDSSA version 8.0 included some minor amendments in its text to align with the changes to the 2023 ISTI. None of those was affected by the postponement of Annex K of the ISTI. So, in line with due process concerning technical documents, the operational changes proposed by the expert group were being presented for approval by the Executive Committee and, subject to the approval, the documents would be updated and circulated among all anti-doping organisations shortly after that meeting and would come into effect on 1 January 2023.

THE CHAIRMAN asked the members if they agreed to approve version 8.0 of the Technical Document for Sport-Specific Analysis.

DECISION

Proposed modifications to the TDSSA approved.

- **10.3 Enhancement of athlete identification and mandatory long-term storage of samples**

MR RICKETTS said that the paper was for the Executive Committee's information and served as an update to the previous paper presented at the May meeting. The Strategic Testing Expert Advisory Group had considered ways to further enhance the identification of athletes at the time they were tested in an attempt to prevent and detect doppelgangers. That followed on from the outcomes of WADA's investigation into the International Weightlifting Federation, in which several athletes had been found to have committed anti-doping rule violations by using doppelgangers. That had brought about that review and a need to consider ways to improve the current procedures. In doing so, the expert group had looked at ways to also potentially mandate the long-term storage of samples for further analysis and potential DNA analysis to assist in that. A couple of the areas that were being looked at in terms of enhancements to identification of athletes included confirming the types of document that would be accepted as suitable identification from athletes, as currently it was left up to each individual ADO to determine. There had been discussion about potentially taking a photograph of the athlete at the time of the test and linking that photograph to the doping control form, which would be stored securely in ADAMS; and, as the members had heard earlier from Dr Rabin, the use of the steroid module and artificial intelligence to also assist in identifying samples that might not be from the same athlete. In the interests of time, he would not go into too much detail on that. However, the next steps for the expert group were to consider those enhancements at its next meeting in 2023. The WADA management would keep the Executive Committee updated on its progress in the various areas of innovation and enhancements.

DECISION

Update on enhancement of athlete identification and mandatory long-term storage of samples noted.

11. Legal

- **11.1 RUSADA CAS update**

MR WENZEL informed the members that the report in their papers dealt with three aspects: the monitoring of the consequences imposed through the CAS award, an update on the reinstatement conditions also imposed through the CAS award and, finally, an update on the result management of cases arising from the data and samples seized from the Moscow laboratory in 2019. With respect to WADA's monitoring of the consequences, as he had said in May in Cairo, WADA continued through an internal project team to monitor the implementation of the consequences by signatories. That work had been reduced by the measures that had been taken independently by sport bodies in connection with the invasion of Ukraine by Russia. Nonetheless, WADA

continued to follow up on those consequences. With respect to the reinstatement conditions, starting with the financial ones, many, perhaps most, but many of the cost items (arbitration costs, legal costs imposed in the CAS award) had been paid. A certain amount or certain cost items still had to be paid, in particular the balance of the investigation costs that WADA had incurred before the CAS award and then also the costs of monitoring that WADA had incurred and would continue to incur until the end of the two-year period, which would come to an end in mid-December of that year. With respect to the investigation costs before the CAS award, the amount imposed had been approximately 1.27 million dollars. He believed that that figure had perhaps changed since the amount indicated in the papers due to a further interim payment by RUSADA. But, of the 1.27 million dollars, he understood that 795,000 US dollars had been paid with approximately 475,000 US dollars to go. WADA had been receiving regular payments from RUSADA towards that amount. With respect to the monitoring costs, of course, over the two-year period, which had not yet concluded, that total sum could be calculated only after the end of the two-year period, in particular with the work on the monitoring of the reinstatement conditions. However, the plan was to send RUSADA an interim bill, probably covering the period up until September of that year, with a final bill covering the remaining amount having to be sent after the two-year period had come to an end. With respect to the remaining conditions of reinstatement, other than the financial ones, they broadly related to the cooperation of RUSADA with investigations by WADA and other ADOs in prosecuting relevant LIMS cases, in providing relevant information. So, cooperation on the one hand, and also independence on the other hand, and it would fall to the WADA management in the first instance at the end of the two-year period to assess whether those reinstatement conditions had been met. The paper that the members had received mentioned a virtual audit conducted on RUSADA which was currently taking place. The follow-up from that virtual audit would be processed shortly. The third one of the elements covered by the report, as mentioned, was the result management of the cases, the prosecution of the LIMS cases arising from the seizure of data and samples in 2019. The members would see from the table at the end of the report that the number of ongoing cases continued to drop as cases were concluded in one way or another. There were currently only 295 ongoing cases, whereas that figure had been 518 in November 2021 and 396 in May when the members had met in Cairo. It was steadily dropping. Perhaps he ought to highlight that, since May and the end of July, a further 17 sanctions had been imposed on Russian athletes as a result of those cases.

It was not linked to Operation LIMS and it was not linked to the CAS award, but it was relevant to RUSADA, and he wanted to confirm that the Valieva case arising from the Beijing Olympic Games was ongoing at first instance. WADA was not a party to those proceedings. He understands that a hearing was scheduled to take place shortly on 29 September, and WADA would, of course, when it received the reasoned decision, review that carefully and exercise its right of appeal or intervention as necessary.

MS MARACINEANU made a point about the recent declaration of the president of Russia, who had spoken about wanting to organise some kind of parallel championships or competition with a certain number of countries. She asked for the opinion of the sport movement and wished to be reassured that WADA would be present as at any competition held in the world.

THE CHAIRMAN said that he thought that the matter was not related to anti-doping, so it was not WADA's business. It was not up to WADA to decide about special games organised by Vladimir Putin.

DECISION

RUSADA CAS update noted.

- **11.2 Possible consequences due to voluntary withdrawal of funding**

MR WENZEL said that, as discussed at the previous meeting in Cairo, a working group had been set up with representatives of the sport movement and the public authorities to discuss the potential consequences that could be imposed in the event of a voluntary withdrawal of funding of the contributions. That working group, despite the fact that it had been over the holidays, the summer months, had met on two occasions to discuss those consequences. Some of them would affect the statutes, others would affect the World Anti-Doping Code. Those discussions, at least from his perspective, had been helpful and constructive. The management had set out the preliminary feedback from the sport movement and the public authorities in the papers that the members

had, albeit both had emphasised that internal consultation was necessary. The management had set out the positions on each of the potential options that the parties had taken so that the Executive Committee could see the direction of travel of those discussions, and also see where a consensus was forming or where there was no consensus. The paper that had been shared with the members to update them had been shared with the working group in advance of being communicated to the Executive Committee with the papers, and the comments made by the representatives were reflected in that draft paper. It was important that the internal consultation by the sport movement and the public authorities, to the extent that it had not yet taken place, take place as soon as possible so that the working group could further its discussions before the meetings in November with a view to making further progress and narrowing down the options.

MR LALOVIC said that the sport movement supported the ongoing reflection on possible consequences of the voluntary withdrawal of funding but disagreed with the view that no consequences should be imposed on NADOs because of their operational independence. It was undeniable that NADOs played an important role in advising governments on anti-doping policies and sometimes even with regard to WADA's agenda, including its budget. NOCs were also independent entities, and yet they were subject to consequences when a NADO or government failed to comply with the Code. The sport movement was of the opinion that consequences on NADOs should be further explored. Regarding consequences the sport movement could use to help support WADA, consideration could be given to the following: the possibility that government representatives from the non-paying country could be excluded from participation at events and other areas controlled by the ruling body and at sporting events such as world championships and Olympic Games; exclusion from submitting a bid for such events when payment was outstanding; the exclusion of government representatives from sitting on the boards and committees of signatories; excluding a representative who sat on a sport organisation in a personal capacity. Removing events from a country was not an option, as that could have negative financial implications for an IF and that was without counting the logistical hurdles. Finally, the sport movement strongly supported the view of the working group that consequences under that framework should never affect athletes.

MR WENZEL said that he was grateful for the clarifications just made by Mr Lalovic. He thought that it was important, certainly, that whatever consequences were eventually agreed upon and implemented were sufficient to provide a deterrent effect to withdrawal of funding, so they needed to be material. He was grateful for the clarification that the sport movement was willing to consider restrictions about government representatives from the relevant country attending major events and also about the bidding for those events, even if not the reallocation of events that had already been allocated.

DECISION

Update on the possible consequences due to the voluntary withdrawal of funding noted.

- **11.3 Extension of WADA's investigation powers**

MR WENZEL said that, as discussed in Cairo in May, a specific proposal had been worked up and shared with two experts, an expert in human rights and an expert in data protection and privacy matters. Very broadly speaking, the feedback from those experts had been that that would not be impossible. It was not something that was necessarily incompatible with those two legal fields. Nonetheless, it would have to be implemented very carefully. There would have to be significant safeguards to avoid infringing laws in those areas. The reports of those two experts were appended to the papers that the members had received. Nonetheless, it had become clear from comments that had been received from stakeholders on all sides prior to the meeting that there was little or no appetite for the project to continue. And, therefore, unless he heard otherwise, WADA's proposal was to terminate the project and instead continue to operate within the framework of the existing provisions in the Code, with each investigation being assessed on its merits.

MS WELLS welcomed the contribution. She was encouraged by it. She would just keep her powder dry at that point and note that she would encourage WADA to continue to work with law enforcement agencies.

THE CHAIRMAN understood that there was, as Mr Wenzel had said, no appetite for exploring the project further. WADA would therefore respect that day's decision and discontinue the project.

MR WENZEL was conscious that he was keeping people from their lunch, but noted that there were two issues that had arisen recently, and thought it was important just for information purposes to draw the attention of the Executive Committee to them. One of them related to CAS costs. The other one related to a defamation suit that had been filed against Mr Niggli in Italy. With the members' permission, he would just explain those two issues.

Starting with the issue involving the Court of Arbitration for Sport, there had always been a provision in the CAS code which said that, regarding appeals against the decisions of international sport bodies involving exclusively disciplinary matters, which would include anti-doping, those international cases, if he could just refer to them like that, international disciplinary cases, had always been free, meaning that the parties did not pay arbitration costs, either WADA as an appellant, or an IF or athletes, and NADOs or IFs as respondents. That had also been applied, until recently, where those international sport organisations used external independent adjudication services, which could be, for instance, arbitral tribunals to render decisions on their behalf. And, indeed, many IFs did that. To give one example, World Athletics had its anti-doping cases heard on its behalf by an adjudication centre called Sport Resolutions which was based in London. The CAS had recently appeared to have changed its approach to those cases in which an international body used an external adjudication service. Previously, they had been subject to the free procedure, as they had been considered as decisions of the international sport body. However, recently, in more than one case, it had advised that, in fact, those decisions, because they were taken by an external adjudication service, were no longer considered as decisions of the IF, which meant that they were not subject (in CAS's consideration at least) to the free procedure. That was despite the fact, as mentioned, that those bodies were rendering the decisions on behalf of the federation. It was perhaps also important to mention that, from the perspective of the Code, regardless of whether an independent, external tribunal was used, those decisions were still attributed to the relevant international sport body, for instance, the IF. And that was all the more the case as, since 2021, it had been clear that, even at first instance, signatories had to use operationally independent tribunals to render their decisions. That was an apparent change in practice or interpretation of the rules by the CAS, which would have a significant impact on IFs in particular, but also on WADA. Those appellants, when they appealed, would have to advance significant sums by way of arbitration costs. To give the members an idea, if it was a three-person panel, which was the standard before the CAS, the advance of arbitration costs was typically somewhere north of 40,000 Swiss francs. Where the respondents did not pay their share, WADA or the IF would then have to suffer or advance those costs as well. It seemed to him that there was a risk that the requirement to pay for the arbitration costs when, again, by way of example, IFs appealed against the decisions of their tribunal, that that could discourage at least certain IFs from appealing against those decisions at all. If that were the case, then it would place a greater burden on WADA to appeal against those decisions and, as he had said, pay significant sums by way of arbitration costs. He just raised the issue at that stage to flag it for the Executive Committee. There was, as he had said, more than one case in which that interpretation had been given, and there was an internal process within the context of those proceedings to challenge that ruling before the panel, which, of course, WADA would do.

The second issue he had mentioned was a defamation case that had been filed against Mr Niggli in Italy in connection with the case of Alex Schwazer, the Italian race walker and gold medallist, he believed, from the 2008 Olympic Games in Beijing. He thought it was important to explain the background to the case. It would take, unfortunately, a few minutes. Mr Schwazer, shortly before the London Olympic Games, had tested positive for EPO. He had also evaded a doping control. Within the context of the criminal proceedings after those 2012 violations, Mr Schwazer had admitted also to using testosterone from 2011. He had therefore been banned until sometime in 2016. Shortly before the Rio Olympic Games, after he had come back, he had tested positive (or, in fact, it had perhaps been towards the end of his period of ineligibility) for testosterone. That case had been heard by the Court of Arbitration for Sport in Rio right before the Rio Olympic Games had started. He had been found to have committed an anti-doping rule violation because it had been his second violation after the 2012 violations. He had been banned for eight years until 2024. Because intentional doping in Italy was a criminal offence, there had again been a criminal process initiated and the judge overseeing that criminal procedure, or at least the initial phase of it, had ordered a DNA analysis of the relevant sample that had tested positive for testosterone and had been the object of the CAS proceedings in order to verify that it was indeed a sample that

had come from Mr Schwazer. The DNA analysis conducted by the Italian criminal authorities had confirmed that the only DNA profile in the sample was that of Alex Schwazer. Then an issue had arisen as to the level, the concentration of DNA in the sample, and it had been concluded by the judge based on evidence that he heard that the DNA concentration was atypically high and based on, in his view, the abnormal levels of DNA concentration, again, all the DNA had been from the athlete, but based on his conclusion that the DNA levels were too high, he, the judge, had developed a complex theory of manipulation of the sample, effectively concluding that the sample must have been manipulated. And that theory had involved allegations of mixing Mr Schwazer's, in the judge's view, negative urine sample with a positive urine sample from a third party and then heating the combination of those two urines, in his view, in order to make the test more likely to be positive. That heating process, which was part of his manipulation theory, would explain, in his view, the elevated levels of DNA. It had been a very unusual case. When that decision had come out in February 2021, WADA and World Athletics had both made statements to refute that manipulation theory. And since that time, the Integrity Unit of World Athletics had conducted a study on more than 100 samples from male endurance track and field athletes, walkers, marathon runners, etc., to ascertain the range of DNA concentrations in samples. That study had demonstrated that the levels found in Mr Schwazer's urine, the DNA levels had not been abnormal, or at least not unprecedented and, in fact, something around 20% of the samples in that study had had higher DNA concentrations than the one that had been found in Mr Schwazer's urine. Again, the elevated DNA had really been the only basis for the manipulation theory. WADA had also consulted a scientific expert, who had provided an opinion, which was public, which was an attachment to a joint statement by WADA and World Athletics that had been made earlier that year. In the opinion of that scientific expert, the manipulation theory simply made no sense and would not have worked, not least because, by heating a sample, one would not increase the risk that it would test positive on an IRMS analysis for an endogenous steroid. In the wake of the decision by the judge in February 2021, Mr Niggli had done an interview with an Italian journalist in which he had discussed, amongst other things, the far-fetched nature of the manipulation scenario that the judge had posited. He should have said that the judge was from the region in which Mr Schwazer lived. The judge had then filed a defamation case against Mr Niggli in Trieste in Italy, in respect of the comments made in that interview. If he understood correctly, part of that defamation case had been dismissed summarily by the judge in Trieste who would be hearing it. However, it appeared that at least part of it would move forward. Mr Niggli had instructed Italian counsel, including local counsel in Trieste, and would of course vigorously defend the case. He had wanted to bring the matter to the members' attention for information purposes.

DECISIONS

1. Project regarding extension of WADA's investigation powers to be discontinued.
2. Legal update noted.

12. Other business/future meetings

THE CHAIRMAN asked the members if they had any other issues that they wished to raise. Regarding future meetings, in November, the members would meet in Montreal. The following year, the May Foundation Board meeting would be eliminated as a result of the governance recommendations. Executive Committee meetings would therefore take place in May, September and November, as was the tradition, and the management might look at adjusting those dates as of 2024, if it felt that other months would better support the work of the Executive Committee. WADA was seeking hosts for the 2023 meetings.

He wished to thank all of the staff for planning and supporting the hybrid meeting. He also thanked the interpreters for their hard work. Most importantly, he thanked the gracious hosts who had welcomed the Executive Committee and the broader anti-doping community Down Under. It had been a very, very successful occasion for which he was extremely grateful. He looked forward to seeing the members in Montreal in November.

DECISION

Executive Committee – 17 November 2022, Montreal, Canada;
Foundation Board – 18 November 2022, Montreal, Canada.
Executive Committee – 9 May 2023, Montreal, Canada, TBC;
Executive Committee – September 2023, TBC;
Executive Committee – 16 November 2023;
Foundation Board – 17 November 2023.

The meeting adjourned at 14.15 GMT+10.

FOR APPROVAL

MR WITOLD BAŃKA
PRESIDENT AND CHAIRMAN OF WADA

MR OLIVIER NIGGLI
DIRECTOR GENERAL AND RECORDING SECRETARY