

**Minutes of the WADA Foundation Board Meeting  
12 May 2013, Montreal**

The meeting began at 8.30 a.m.

**1. Welcome, roll call and observers**

THE CHAIRMAN formally declared the meeting of the Foundation Board open and welcomed everybody, in particular the new members, as he tried to do each time there was somebody present for the very first time. He welcomed the minister from Ireland, Mr Varadkar, and the new member, Mr Kryukov, representing ANOC. He also noted an old friend who had come back, Mr Muyters from Belgium. He welcomed from Botswana Minister Kgathi, and acknowledged Mr Kolobkov from Russia. He acknowledged Mr Baumann, a well-known representative in the world of sport, at his first meeting formally. He had had the privilege of spending some time with Mr Schneider at the Olympic Games in London. He welcomed Professor Erdener, who was a great contributor to sport and with whom he had had the privilege of having some discussions in the past, and Minister Fukui, who was with the Foundation Board from Japan. He acknowledged everybody for joining WADA for the important work and wished the members a good and productive meeting. He was sure that it would turn out that way, as he had had the privilege of sharing productive meetings with the members for almost six years.

He distributed the roll call and asked the members to sign it.

The following members attended the meeting: Mr John Fahey, AC, President and Chairman of WADA; Professor Arne Ljungqvist, WADA Vice-Chairman, IOC Member and Chairman of the WADA Health, Medical and Research Committee; Mr Toni Pascual, Chairman, IPC Anti-Doping Committee; Professor Jiri Dvorak, representing Mr Joseph Blatter, Member of the IOC, President of FIFA; Mr Patrick Baumann, Member of the IOC, Secretary General, FIBA; Dr Robin Mitchell, Member of the IOC, President, Oceania National Olympic Committees; Mr Richard Pound, IOC Member; Mr Patrick Chamunda, IOC Member; Mr Eduardo Henrique de Rose, Chairman, PASO Medical Commission; Mr Andrey Kryukov, Executive Board Member, Kazakhstan National Olympic Committee; Dr Richard Budgett, representing Mr Tamas Ajan, Member of the IOC, President of the IWF; Professor Ugur Erdener, Member of the IOC, President, World Archery; Mr Anders Besseberg, President of the IBU; Ms Claudia Bokel, IOC Member and IOC Athletes Commission Member; Mr Adam Pengilly, IOC Member and IOC Athletes Commission Member; Ms Beckie Scott, IOC Member and IOC Athletes Commission Member; Mr Romain Schneider, Minister of Sports, Luxembourg; Ms Snezana Samardzic Markovic, representing Mrs Gabriella Battaini-Dragoni, Deputy Secretary General, Council of Europe; Mr Leo Varadkar, Minister for Transport, Tourism and Sport, Ireland; Mr Pavel Kolobkov, Deputy Minister of Sport, Russian Federation; Mr Vincent Meriton, Minister of Community Development, Youth, Sport and Culture, Seychelles; Mr Shaw Kgathi, Minister of Youth and Sport and Culture, Botswana; Mr Fikile Mbalula, Minister of Sport and Recreation, South Africa; Mr Osama Ghoniem, representing Mr El Amry Farouk, Minister of State for Sport, Egypt; Mr Ernesto Irurueta, President, CONSUDE; Mr Teru Fukui, Minister in charge of Sports, Japan; Dr Ramlan Abd Aziz, representing Mr Dato Ahmad Shabery Cheek, Minister, Youth and Sports, Malaysia; Mr Mohammed Saleh Al Konbaz, President, Saudi Arabian Anti-Doping Committee; Mr Zhiyu Chen, representing Mr Duan Shijie, Vice Minister, State Sport General Administration, China; Mr Bill Rowe, representing Ms Kate Lundy, Minister for Sport, Australia; Mr Craig Reddie, IOC Member; Justice Warwick Gendall, representing Mr Murray McCully, Minister for Sport and Recreation, New Zealand; Mr Gian Franco Kasper, IOC Member and President of the FIS; Mr Francesco Ricci Bitti, President of the International Tennis Federation and President of ASOIF; Mr MacAdam, representing Mr Bal Gosal, Minister of State (Sport), Canada; Mr Edward Jurith, Senior Counsel, Executive Office of the President, ONDCP, USA; Mr David Howman, WADA Director General; Mr Rune Andersen, Standards and Harmonisation Director, WADA; Mr Frédéric Donzé, Director of the European Regional Office and IF Relations, WADA; Mr Rob Koehler, Education and Programme Development Director, WADA; Ms Julie Masse, Communications Director, WADA; Dr Alan Vernec, Medical Director, WADA; Dr Olivier Rabin, Science Director, WADA; Mr Olivier Niggli, Legal Director, WADA; Mr Kazuhiro Hayashi, Asia/Oceania Regional Office Director; Ms Maria José Pesce, Latin America Regional Office Director; and Mr Rodney Swigelaar, Africa Regional Office Director.

The following observers signed the roll call: Valérie Fourneyron, Una May, Kari Tolliko, Tim Scully,

Patrick Ghelen, Yves Defoort, An Vermeersch, Andréanne Morin, Joseph de Pencier, Pierre Masson, Andy Parkinson, Tanja Vogel, Hongxia Wei, Jeff Siamisang, Natalia Zhelanova, Patrick Schamasch, Christian Thill, Françoise Dagouret, Anik Sax, Ayako Abe, Mark Brente, Yaya Yamamoto, Natsuko Horie, Naoki Himiya, Shin Asakawa, Ichiro Kono, Taro Ide and Yoshio Yamawaki.

– 1.1 Disclosures of conflicts of interest

THE CHAIRMAN asked if there were any particular conflicts of interest that the members wished to disclose. He noted that this was not the case.

## **2. Minutes of the previous meeting on 18 November 2012**

THE CHAIRMAN drew the members' attention to the minutes of the previous meeting on 18 November and asked if it was their wish that he sign those minutes as a true and accurate reflection of the discussions that had taken place in November. The opportunity had been given before the meeting for anybody who wished to make a contribution on those minutes to indicate that to the office, and there was nothing that he needed to indicate to the members that had come up before that day.

### DECISION

Minutes of the meeting of the Foundation Board on  
18 November 2012 approved and duly signed.

## **3. Director General's report**

THE DIRECTOR GENERAL informed the members that, with regard to UNESCO, there were 173 ratifications, and two were on the way to Paris: one from Syria and the second from Tuvalu. UNESCO would be holding its conference of parties in Paris on 19 and 20 September that year, and he encouraged all the government representatives to attend. There would be monitoring of the treaty with the compliance report made available to states parties and other important matters on the agenda for that conference.

WADA had seconded one of its experts to UNESCO to ensure that, internally, there was somebody there who could make certain that the treaty progressed in appropriate ways.

WADA's partnerships with Interpol and the WCO continued to flourish. WADA was seeking a secondee to go to the WCO in Brussels. If there were a government with a highly intelligent customs officer who could be seconded to Brussels, WADA would appreciate talking with the representative. A recent WCO report had said that the trafficking in steroids was prolific. He mentioned later in his report the concern that he saw that doping (steroids, EPO, growth hormone and so on) was growing in societies. It was not a matter for WADA to deal with, but it was a matter for WADA to take notice of and pass on by way of information to others who could do something about it. It was a trade in which the criminal underworld was making huge profits with little fear of prosecution.

There was a list of NADOs that WADA was currently assisting alone or with a partner. WADA needed to work very hard with Brazil as little progress had been made there since November. There would be meetings the following week and the week after in Brazil with the sport movement representatives and with the government to try to accelerate things.

In Russia, WADA had a tripartite arrangement with RUSADA along with Anti-Doping Norway and matters were proceeding very well. Good structures and systems were in place, but RUSADA needed more money from its government and WADA had asked the minister in a polite fashion to supply that. RUSADA would be taking on many of the responsibilities for the anti-doping programme in Sochi, working alongside the organising committee in that respect.

In Turkey, the NOC had taken on responsibility for the national anti-doping programme, as the government had declined to allocate sufficient funds to set up an agency. WADA was working closely with the NOC to ensure that that progressed and wanted to ensure that the programme encompassed all sports in that country.

In Belarus, WADA had another tripartite agreement, this time with UK Anti-Doping and Belarus, which had led to the establishment of a NADO. There were already 10 or 12 people fully employed. The NADO suffered from limited resources, and WADA was working with it to see that that could be enhanced.

The members might recall him mentioning Nigeria some years ago, when there had been high hopes that a NADO would be established. Nigeria had passed the legislation but had not gone any further, so he thought that WADA should go back to Nigeria (one of the largest countries in Africa) and work with it to establish a NADO.

India had had an operating NADO for some years but, over the past 12 months, had suffered a number of problems. WADA had partnered with the Japanese anti-doping agency to assist India get back on track and would be making visits for that purpose in the coming weeks.

The only other NADO he wanted to mention was the Kenyan NADO, which was part of a RADO. The President had gone to Kenya the previous year, and there had been a number of issues relating to allegations about long-distance runners and drugs. WADA had asked the Kenyan Government to set up a commission of inquiry. There had been pledges that that would be done, but nothing had been done. There had been a change of government and president, but not yet a new minister for sport. WADA would take up the issue with Kenya again as soon as possible to ensure that the allegations were investigated fully.

Regarding management, certain decisions had been taken in recent months, including bringing the IT issues in house, which had meant new staff. There would be considerable changes to the mandate as a result of revisions to the Code and standards, and the members would see attached to his report an initial draft impact report for those duties. It was inevitable that that would require more members of the management team, and that they would need to be experts in anti-doping when looking at the tasks required of WADA. In that regard, not only would 2014 be quite a different year, but the years following would be even more so, and that would require WADA to look very carefully at its budget, how it was structured and what tasks would eventually have to be eliminated from the large list that the management had at present. There would be some very hard decisions to make, and he had previously asked the members to help him by telling him what they felt ought to come off that long list. He had made an attempt in November to take one topic off the list and it had been rejected and put back on. That was how hard the decisions would be. He would formulate a way forward and draft appropriate documentation for the Finance and Administration Committee meeting in July in Lausanne and see how to cope with the increased mandate that the management would have.

As far as the activities requiring extra resources in 2013 were concerned, they were listed in his report. The revision of the Code was obviously the predominant matter, as was the organising of the World Conference on Doping in Sport in Johannesburg, the RADOs, ADAMS and the ABP. All of those activities would receive enhanced attention that year. That did not mean that the other activities on the long list would be neglected. WADA would do them, but not with the same urgency or priority.

WADA had been invited to send teams to the winter Olympic and Paralympic Games in Sochi. The teams would be formed in the coming weeks and WADA would liaise appropriately with the IOC and IPC to undertake the Independent Observer programme and the Outreach programme.

WADA had been very pleased to receive 300,000 euros from the Russian Federation and had acknowledged receipt of that. The members might have seen a letter from the Russian minister attached to his report. That had been sent to him as a result of a media release suggesting that the Russian payment was conditional and that there was some sort of expectation of favoured treatment from WADA. That was simply not true. The money had been received unconditionally. There were no tags to it and there were no underlying intentions from the Russian Federation. The Executive Committee had discussed the receipt of the money the previous day and agreed to put it to the Finance and Administration Committee with a suggestion that it be used for one of the priority projects he had mentioned earlier, probably the ABP.

Regarding the US investigation, the members would remember discussion of the Armstrong decision in November. No appeals had been made in relation to the USADA Armstrong decision. The UCI had indicated that it would establish an independent commission to inquire into allegations within the report that suggested that the UCI had been complicit in the conspiracy. The USADA hearings had not been completed. USADA had three more alleged conspirators to deal with, so this was still in progress.

A UCI commission had been established and independent commissioners selected by the president of the CAS. They had made their own terms of reference. Neither of those issues had been referred to WADA for comment. WADA had not been consulted at all, but had been asked to participate as soon as the commission met. WADA had had many meetings with the lawyers for the commission and the

commissioners suggesting that, to make it a proper inquiry, there needed to be changes to the terms of reference and the way in which the commission would operate. None of the suggestions had been accepted, and so WADA had indicated that it would not partake in the hearings. The UCI had abruptly ceased the commission and its management committee had met in February to see whether there should be another attempt made to establish something along the lines of WADA's suggestions. A special group of the UCI management committee had been established in February, and WADA had heard from it in late March and then, on 18 April, the Legal Director and he had met the team in London. WADA had received no formal response to the suggestions or ideas that had been raised at that meeting, but he had heard from the director general of the UCI and would meet with him in Lausanne on Tuesday morning to see what ideas could be put into place.

Regarding Operación Puerto, which was also covered in the legal report, all he wanted to say was that it was a major blow that the blood bags gathered in the investigation had been directed by the presiding judge to be destroyed by 17 May. WADA was appealing the decision. The president had written to the Spanish prime minister. WADA would leave no stone unturned in its attempts to get this important evidence made available to establish whether there had been anti-doping rule violations by athletes treated by Dr Fuentes.

The Veerpalu decision relating to an Estonian skier had been delivered by the CAS some weeks previously. The synopsis of the decision was in his report. Essentially, the court had decided that the athlete had self-administered Hgh and that the test to detect Hgh was reliable, but the panel had not been comfortably satisfied that the decision limits for the test had been established. It was like saying that speeding on roads was wrong, the radars for detecting speeding were accurate, but one did not know whether to set them at 110 or 120 km/hour. That was the effect of the decision. WADA had immediately established a new group of people to look at how decision limits could be created to satisfy the criticism made by the panel. This would take some weeks. It would probably not be completed until the end of July. It would need to be revised and modified in Hgh guidelines and published in a peer-reviewed scientific journal.

On special projects, the management had taken back the paperless project as the members had asked and there would be meetings in the coming weeks to take that further. He was hopeful to produce something that would be in practice that year.

Considerable progress had been made with statistics and, later that year, WADA would be publishing statistics to provide the sort of information that the members had been requesting.

Regarding risk assessment, the members would see attached to his report a risk assessment report relating to internal management and the way in which WADA operated. It was a very satisfactory report, and one that followed an initial report undertaken in 2002.

Regarding the major leagues, the Major Baseball League had hosted the Athlete Committee meeting in late January. WADA's Athlete Committee had had an opportunity to discuss all sorts of issues with Major League Baseball, and had found that, of the team sports, the league probably had the most far-reaching testing programme of any team sport in the world. Every player on every major league roster was tested for urine at least four times a year. Every player on every major league roster was tested for blood at least twice a year. That was a considerable programme and one that WADA was looking at making sure could be closely scrutinised by team sports. He was not suggesting for one minute that quantity meant quality. There had been discussions with baseball as to how quantity could be better in terms of quality. For the other major leagues, WADA continued to liaise and work with them to try to get their programmes to be closer to the Code.

He reported on an investigation being undertaken in Australia by ASADA. There had been a report in Australia handed down by the Australian Crime Commission called Organised Crime and Drugs in Sport, formed after a number of months of investigation and work done by the Australian Crime Commission, which had found that members of the criminal underworld in Australia had been involved in providing banned substances. The commission had collected evidence that had been handed to ASADA to take further in relation to any suspected anti-doping rule violations. ASADA, however, could not use the evidence collected by the Crime Commission and had to go out and recollect it. It would take some time, and there had been a lot of discussion in Australia about the delays. He had been in Canberra recently and had met with the minister and ASADA and had had a full briefing. ASADA was doing a very professional and proper job. It could not talk to the media and, although it was receiving heavy criticism in the media from people who should know better, it could not reply. WADA was trying

to do its best to ensure that the integrity of the inquiry continued and that people were better informed as to how ASADA could operate.

THE CHAIRMAN asked if the members had any comments or questions.

MS FOURNEYRON thanked the Director General for his extremely comprehensive report. She wished to underscore the fact that all of the European countries supported WADA in wanting to appeal the regrettable Puerto decision and supported the steps taken by the President. The other important decision was the fact that the Spanish anti-doping agency was also appealing the decision. A few days previously, there had been a first vote for new legislation in Spain, showing that the public authorities in Spain wanted to advance the fight against doping in sport. 2012 would be remembered by all those involved in the fight against doping in sport as the year of the Armstrong case, so there had to be a before and after in anti-doping policy. This was WADA's duty and it could not shy away from it. In order to make progress and envisage a positive future for anti-doping, it would be necessary to shed light on anything that had happened in the past. That was why the public authorities had wanted to make official, in a formal communication, the need for an independent inquiry commission whenever stakeholders in the fight against doping in sport, whoever they might be, were called into question. The paper had been signed by all of the European public authorities representatives, the USA, South Africa, Canada, Japan, China, Australia, the Seychelles and Uruguay. It had been handed that morning to the President of WADA, and confirmed the public authorities' support of WADA, whilst requiring that the inquiry commissions comply with three main criteria: they should be entirely independent, with a mandate given to them by WADA, the results must be transparent and available to the public, and there should be total cooperation by the suspected party. That was the purpose of the paper and all those parties that wanted could sign it. It was the conclusion of a process initiated some months previously by Mr Jurith.

MR JURITH associated himself with the remarks made by Ms Fourneyron. The purpose of the communication was to be forward-looking. Lessons had been learned as a result of the USADA investigation, and he recommended that, if his colleagues had not looked at the report on the USADA website, they should do so, because it was very illuminating and thorough and raised a number of serious issues which, as the Director General had pointed out, were the subject of continued inquiry by USADA. However, he was pleased to note, as the Director General had observed, that discussions with the UCI were continuing. He thought that that was encouraging. The purpose of the communication by the public authorities was to aid that process in terms of pointing out areas that it felt that any future inquiry, whether it involved government, a federation or a NADO, should encompass: common sense, independence, transparency, thoroughness – all of the same common sense principles that had led to the creation of WADA in the first place. He was very thankful to the governments concerned for moving the initiative forward and he looked forward to continuing discussions on the issue.

MR RICCI BITTI followed up on what he had said the previous day and, based on what he had heard from Ms Fourneyron, said that this had certainly been a year characterised by the Armstrong case, and obviously the sport side regretted the situation. On the other hand, the sport side was convinced that the major contribution to the development of doping, at least to date, had been from the sports side. Having said that, looking to the future, as his colleagues had recommended, he reiterated what he had requested the previous day to the WADA office, as he believed that the future of the WADA programme was based on complementary cooperation between the two major players, the IFs and the NADOs. The point that could make all systems effective had not yet been reached so, to start with, he asked formally for information regarding the countries that had signed the UNESCO convention: which of those countries had a law in place already and whether the law had criminal content, the countries in which a NADO or RADO had been instituted (or the countries that were covered by a RADO), the funding system of the NADOs (as in many countries it had been discovered that the sports funded the NADOs through the national governing bodies), and if result management capability existed in a country. This information would help WADA to progress, and he fully agreed with his two colleagues from the government side that it was necessary to look forward, but something should also be learned from the lessons of the past. He was ready to support WADA in any efforts as would be seen in the next item of the agenda, but he recommended progress on the government side that could make such cooperation effective.

MR POUND thanked the Director General for his usual very complete report. He certainly associated himself with the comments about cycling and the independent inquiry. It was a very unsatisfactory

state of affairs and he did not wish to sound as if he thought that cycling was the only sport with a problem, but it certainly was the current gold medallist.

The affair in Kenya really did need to be followed up. That was potentially a lot more serious than perhaps many people thought and he hoped that it would attract the right amount of attention as quickly as possible.

He associated himself with the comments regarding the Puerto affair. That was most unfortunate and anything that could be done to obtain a better resolution than currently existed should be done.

On the Hgh test, he thought that this was a good opportunity to reconsider how to approach some of the scientific questions. Even though the result seemed rather odd, it looked to him as if perhaps WADA had not had all of the knots fully tied before the test had been put out there, so WADA might be able to learn something for the future.

MR SCHNEIDER underscored the fact that his country had always practised zero tolerance when it came to doping and cheats. In 1989, his country had signed the Anti-Doping Convention of the Council of Europe and, the following year, had established a national committee to fight doping in sport. As the 30<sup>th</sup> signatory, his country had had the privilege of triggering the process regarding the UNESCO International Convention against Doping in Sport. He picked up on the report mentioned earlier, which was so important as it would allow the governments to get involved officially. WADA fully understood the significance of this and had acted concretely by seconding Mr David Julien to help the UNESCO secretariat so that, in September, there would be the fourth session of the conference of states parties to the convention. It was important for all of the public authorities, as well as the sports movement, to work together to ensure that WADA could be strong and efficient so as to do away with cheating in sport.

MR MBALULA said that, on the issue of Kenya, the African ministers had interacted and felt that it was important to act in a transparent and very expeditious manner, and had agreed to reach out to the incoming minister of sport in Kenya to impress upon him or her the need to cooperate with WADA in dealing with the alleged reports of doping among Kenyan athletes, as the postponement of the issue did not assist Kenya or the struggle for doping-free sport.

MR PENGILLY said that, with regard to the Armstrong case and the UCI, he wanted to get back to basics in terms of sport and the Olympic Movement, which was all about values. That was what everybody always talked about and that was what it always had to come back to and, therefore, getting to the truth and the bottom of things was absolutely vital and something that really had to be done. Similarly, it was thoroughly disappointing to hear about the outcome of Operación Puerto, and he was sure that everybody around the room agreed that whatever could be done to get to the bottom of this and find out the truth and understand what was going on with those bags of blood would absolutely be recommended and wholeheartedly pushed forward.

THE DIRECTOR GENERAL responded to those who supported WADA in trying to achieve something with the UCI and thanked them. He reminded them that WADA had no power to do anything alone. If anything was to happen for the UCI, it had to be pursuant to its mandate and jurisdiction. The current Code did not allow WADA any ability to undertake inquiries or investigations of its own, so it was dependent upon the attitude and the way in which the UCI wished to travel forward, and WADA would find that out on Tuesday. It had been a rocky road to date and he had declined to engage in the very many media outbursts criticising WADA, as he did not feel that the media was the right place for such matters to be discussed.

He thanked Mr Ricci Bitti for repeating the request made the previous day. As he had said to Mr Ricci Bitti the previous day, WADA would need to work with the government stakeholders to ensure that the information that the sport movement was seeking was given in a complete fashion.

He told Mr Pound that WADA was of course looking at every aspect of the Veerpalu case and Hgh and the way in which these things were put into place. The test in place had been peer reviewed but it had not been published, and that appeared to be something that ought to have occurred and would certainly occur.

He thanked Mr Schneider for his support. WADA was certainly well versed with the many experts in Mr Schneider's country and the way in which they had displayed their commitment.

To his friend from South Africa, he was very pleased to hear the support of the efforts that WADA was making with Kenya and he knew that he could rely on Mr Mbalula to talk to his colleagues.

He agreed with and noted Mr Pengilly's comments. WADA was disappointed from an athlete perspective as well, and disappointed that there were still UCI issues that had to be looked at, and WADA would do its best to do what it could with the limited mandate that it had.

THE CHAIRMAN said that it was perhaps important to reassure the members on two matters. He very much appreciated any additional funding that was given to WADA to assist in the efforts WADA was making for all those clean athletes around the world, and he thanked Russia for being the most recent to make an additional contribution, to which the Director General had referred earlier. There were a number of other countries, including Australia, Japan, New Zealand, and France, which had been doing a little bit more for many years, and WADA was very grateful for that support and hoped that it would continue in the future from additional countries, let alone the ones that had done it in the past.

In the context of the Puerto decision on 30 April, he had taken an unusual step on the members' behalf to write to the Spanish prime minister and explain that WADA would appeal through legal channels until such time as it had no other avenue to pursue, and ask the prime minister, since it was so important, to look at a regulatory legislative executive intervention, as WADA regarded the case as being so important that it was warranted. WADA would continue the journey that had been going on for the best part of seven years. The current government had almost concluded a revision of that law: it had passed the lower house of parliament and was with the equivalent of the senate in Spain and would soon become law to overcome the inadequacies of the law upon which that case had been determined over the past years. WADA saw it as so important that it would continue to do whatever it took to try and get a conclusion to allow those blood bags to be analysed and identified for whatever that would tell WADA and the world in the fight against doping in sport. He thanked the Director General for his report.

## DECISION

Director General's report noted.

### – 3.1 Executive Committee meeting update

THE CHAIRMAN said that the Executive Committee meeting had worked very constructively and diligently during the course of the previous day, and it had been a long and productive day. He asked the Director General to indicate the decisions of the Executive Committee meeting.

THE DIRECTOR GENERAL stated that several decisions had been taken by the Executive Committee. The first had been the approval of the programme for the World Conference on Doping in Sport in Johannesburg. He wanted to exemplify one item: the separate sessions on the standards would be chaired by members of the Executive Committee. Professor Ljungqvist would chair the session on laboratories, Professor Erdener would chair the session on TUEs, Ms Fourneyron would chair the session on data protection, and Mr Rowe would chair the session on testing.

The second decision taken by the Executive Committee had been an approval giving broad support to the ten recommendations made in relation to a laboratory strategy for future accreditations. This, however, was a topic that would be considered further at the September Executive Committee meeting following discussion of those details by the Health, Medical and Research Committee in August.

The Executive Committee had approved the accreditation of the laboratory in Mexico subject to two conditions being satisfied: the first was that professional liability insurance coverage was to be maintained to an amount of no less than two million dollars annually, and the second was confirmation of the 11 remaining reference materials, which were substances that the laboratory must have and store.

The Executive Committee had approved the revocation of the accreditation of the Tunis laboratory; in other words, the Tunis laboratory had had its accreditation fully revoked.

The Executive Committee had resolved to accept the report on the lack of effectiveness of testing programmes. It had been specifically noted that the management team had responded to many of the internal WADA issues immediately, and the Code Drafting Team had incorporated many of the recommendations in relation to improvements within the current versions of the revised Code and

standards. The report was to be circulated among the various groups responsible for testing as named within the report, namely the international sport organisations or IFs, the NADOs, governments, major event organisers and laboratories. Responses from each of the groups would be requested promptly to enable the Executive Committee to consider the issues further at its September meeting. The Executive Committee had also decided that the paper was to be tabled to the Foundation Board members along with the decision he had just read from the Executive Committee so that each of the Foundation Board members would have an opportunity to read the report and either ask questions of the committee or make comments to the Foundation Board that day.

The final decision made by the Executive Committee had been in the context of discussion of the Code revisions and when talking about the List and the required criteria for inclusion on the List, and the members would recall that the current Code provided for two of three criteria for a substance to be on the List. The draft before the members made the potential for performance enhancement to be the number one criterion, mandatory, and then one of the other two. During that discussion, a proposal had been made which was specifically directed at dealing with the issue of cannabis, and the Executive Committee had determined that there be a change in the WADA technical document (TD2013DL) that related to thresholds and decision limits of substances, and had decided that the threshold limit for cannabis be raised from 15 to 150 and the decision limit to 175. In practical terms, this was the same approach that the document had taken towards pseudoephedrine. Cannabis would remain on the List in competition and be tested for accordingly, but the number of positive cases would be reduced to those who were imbibing or taking cannabis on game-day or the day of the event. With that decision, and he said this by way of a conclusion to the context, the Executive Committee had agreed that the criteria for inclusion on the Prohibited List should revert to that presently in place; in other words, two out of three.

Those were the decisions that had been taken. He had tried to put the last matter in context. It would of course be discussed by Mr Young when he raised the matter of Code revisions.

MR POUND stated that he agreed with the raising of the limits with respect to marijuana, but he thought that WADA should make certain that it did not send out the wrong message as a result of the change. The background to it was that it was clear from the number of cases encountered with respect to marijuana that the threshold level to date had been set far too low and it was catching athletes who had simply possibly been exposed to marijuana, as well as circumstances in which, whatever use of marijuana had been made, it had not been in competition for any possible performance-enhancing benefit. The objective, as he took it from that, and with which he agreed, was that the new limit was intended to ensure that in-competition use was caught, which was the real objective of having marijuana on the List, and that there was a collateral benefit with respect to the costs of laboratories, NADOs and in fact the entire anti-doping system. Those costs ought to be reduced significantly as far too much time was spent on cases that were simply not involving athletes who were doping as opposed to those who might potentially have used marijuana in circumstances in which it was clear that there had been no performance enhancement and no intention to have it. Finally, if WADA had got the limit right, that was perfect, WADA could look at it every year and, if it turned out that WADA did not have the limit right, it was in a position to fix it, but it was not a weakening or backing off anything having to do with the work of WADA and, because this was a public forum, WADA should make that clear. He thanked the Executive Committee on behalf of his working group for agreeing to make the report available to the Foundation Board, and he hoped that people would look not only at the recommendations but also at the attached summary of some of the weaknesses identified in the testing programmes as part of that leading to the recommendations.

THE CHAIRMAN thanked Mr Pound for the comments. He reassured Mr Pound that the concerns that he had expressed had been aired and discussed at length during the report review the previous afternoon and each one of the concerns was foremost in the members' minds. They did not wish to convey any message that they were going soft on the issue of marijuana. The Executive Committee had come to a practical resolution, and that would be discussed later on in the day.

He said that Mr Pound had wished that time the previous year for an examination to be undertaken by an ad hoc committee established by the Foundation Board into the effectiveness or ineffectiveness of the testing regime in the world of anti-doping. As a result of the work done by the ad hoc committee, a report had been given the previous day to the Executive Committee, and he asked Mr Pound as chairman of that ad hoc committee to provide an indication and summary of the report that the Executive Committee had considered in some detail the previous day.

MR POUND said that he appreciated that many members of the Foundation Board had not yet had a chance to look at the report. One of the working group members, Mr Pengilly, was present at the Foundation Board meeting. He thought that it had been a useful exercise and he was grateful to the Foundation Board and the Executive Committee for pursuing this. It had been an eye-opener for everybody regarding some of the difficulties facing a testing programme under the current circumstances but, overall, he would say that there were three general areas to think about when reading the report. The first was that it was clear that WADA had to focus far more on compliance with the World Anti-Doping Code than it had to date. The standards of compliance were frankly ridiculously low and, if any significant progress in the fight against doping in sport was to be made, the bar for compliance had to be raised considerably, and that would require some realignment in the priorities of WADA itself. It would take more time, more effort and probably more money, and that might mean that certain activities that WADA had been used to doing would have a lower priority.

The second related to testing because, as the members would see from the report, the mandate had been to look at why the testing programmes appeared to be so ineffective, and the suggestion he was making and which the stakeholders would have to absorb and comment upon, was that the approval authority for all testing needed to be WADA in terms of setting the standards to make sure that the testing that was done was based on the best available information, so that it was not simply random, not simply a matter of doing X number of tests in order to be in compliance, and finally that the analysis be done on the full menu of prohibited drugs and methods, not some selection of it, unless WADA agreed in the circumstances that that was not unreasonable. There were too many testing organisations that were not testing for everything, and that might be one of the reasons WADA was not getting as many positive tests as it probably should.

The final point was that WADA had to recognise, and the members would see if they looked at the weaknesses identified, that all anti-doping programmes had a human factor to them, either human failure or human fragility, so WADA had to make sure that all of the stakeholders represented were genuinely committed to the values for which WADA stood and the enforcement of compliance with the World Anti-Doping Code to which everybody had agreed and which had been adopted and revised. That was the law and it was necessary to make sure that everybody observed that law and complied with it. He appreciated that many of the members were reading the report diagonally as fast as they could whilst he was speaking, but they would certainly have a chance between then and September to provide any input that they had and he hoped that they would.

THE CHAIRMAN said that, as the Director General had indicated earlier to the members, the decision the previous day had been to accept the report given to the Executive Committee and further consult in the context of the sections that were in that report, to go to the stakeholders and seek their input, and those stakeholders included the laboratories, sport, the NADOs, and so on. In that context, the management would seek further input on the recommendations that the report contained and do its best to incorporate those recommendations to ensure that, going forward, particularly in the context of the review of the Code, the constructive and relevant recommendations were incorporated. WADA got a chance once every six or seven years to make some changes to the Code and WADA was in that particular cycle, at the tail end or overall end of the process, so it was important to ensure that any good and constructive suggestions were taken on board, incorporated and used for the betterment of what everybody tried to do. He assured the members that that process was in place. He was sure that Mr Pound would be more than pleased to answer any questions about the process and the recommendations or about concerns, so he invited the members to address any questions on the report that they had commissioned of Mr Pound. Were there any questions or comments?

MR RICCI BITTI supported what had been said. The Olympic Movement was very happy to have received the document. It was a very useful exercise. The reason the document required more consultation was simple because it affected four very important areas. The first was the policy and mission of WADA. The second was better cooperation among stakeholders. The third one was that it would undoubtedly overlap with the Code review exercise and, the previous day, there had been a very good example of many points on which the suggestion of the group had been taken, and this was not currently open to everybody, as it had just been received. The fourth point was that it also meant unfortunately the availability of more resources, and he had no solution for that; but, due to that reason, he obviously supported the idea that at least deeper consultation among the stakeholders, keeping in mind that he generally supported the majority of the ideas raised in the document, was needed.

DR BUDGETT also commended Mr Pound and his colleagues on the report, which was very challenging but also gave many issues about which to think. Many of the recommendations in the report and also some of the ideas in the new Code pointed towards the importance of intelligence, and that was talked about a great deal. He knew that there was a chief investigative officer in WADA, and he wondered whether there should be more thought about the intelligence function that perhaps only WADA could carry out, with all the information coming from all around the world, to actually have an active role in feeding into those test distribution plans of ADOs all around the world, so that everybody had more intelligent testing and more intelligent anti-doping programmes.

THE CHAIRMAN said that he thought that there was a great deal of support for the sentiment expressed by Dr Budgett and, hopefully at the conclusion of the explanation of the progress and revision of the Code, the members would see some emphasis on that intelligence component in the changes that he hoped the Foundation Board would approve in November.

MS SCOTT thanked Mr Pound and his group for the report. She thought that the recommendations were very impressive. One of the last points had been about addressing the theme of human fragility and vulnerability, and she invited everybody to think about that and how it could be addressed and advanced to ensure that everybody dealing with anti-doping was there for the right reasons and really fighting on behalf of clean athletes and fair sport and integrity in sport. It was of utmost importance and it was very valuable to have it written in the document, but also to invite concrete actions to ensure that it remained a part of the mandate.

MR POUND told Ms Scott that, in a report of that nature, when one talked about human fragility and failings, it was a heavily coded term. There were many people out there who were not committed to doping-free sport and were prepared to do whatever was necessary to gain the advantage that WADA was trying to avoid through its efforts, so there were lots of examples that had been encountered, and they had been expressed in very general terms because those who were doing this knew who they were and they should know that WADA knew that they were out there too.

THE CHAIRMAN thanked Mr Pound and his committee, acknowledging those who had served the Foundation Board in the compilation and hard work that had been necessary. It had involved some level of sacrifice on the part of the individual people. It was easy to make a decision to create a committee of that nature and leave it to the members to do the work. In that case, it had involved travel and time and he acknowledged Messrs Parkinson, Ryan and Pengilly, Professor Ayotte, and the considerable input from the Director General and staff. In that context, he acknowledged and thanked all those involved, and believed that it had been a very valuable exercise with a constructive outcome which would not simply be gathering dust. There had already been a response from WADA, and WADA would consult the various stakeholders as indicated in the Director General's response from the Executive Committee meeting and do its very best to include all of those very helpful suggestions and constructive recommendations in the review of the Code. The opportunity was there and WADA could not let it pass.

#### DECISION

Executive Committee meeting update noted.

#### **4. Operations/management**

- 4.1 Endorsement of Foundation Board composition for Swiss authorities

THE CHAIRMAN asked the members to approve a legal formality. WADA was an organisation registered and regulated in Switzerland, requiring WADA to file each year the names of the members of the Foundation Board, the governing body. The members would see before them the names of all those who would be registered in that context, and he needed a recommendation from the Foundation Board that would allow WADA to file that document. He indicated a slight change, noting the departure of the representative from Portugal, who had been replaced by Mr Muyters, who had returned from Flemish Belgium. With that change, he sought the members' approval.

#### DECISION

Foundation Board composition endorsed for Swiss authorities.

– 4.2 World Conference on Doping in Sport update

THE DIRECTOR GENERAL said that the report was in the members' files. He had informed them about progress by advising them about what had been said at the Executive Committee meeting the previous day. The programme had been approved and he very much looked forward to November.

MR MBALULA informed the members that a local organising committee had been set up and it was all systems go in South Africa. All the technical aspects of organisation were in place, all committees were in place, and he was looking forward to a very successful conference. He was quite enthusiastic about this. The challenges existing were not insurmountable, and were within the capabilities of the organisers, who were ready to welcome WADA and looked forward to a very successful conference in November.

THE CHAIRMAN expressed a sentiment. He sincerely hoped that a distraction he might have caused on the previous occasion six years previously in Madrid did not revisit that conference and he was confident that it would not. He believed that it was an extremely important conference for what WADA sought to achieve – a level of exposure – a spotlight that did not occur that often. He hoped that all of the members would attend and participate actively in the conference and the objectives of it and he looked forward to sharing that time with them in November.

DECISION

World Conference on Doping in Sport update noted.

– 4.3 Operational Performance Indicators

THE CHAIRMAN said that the document was for information only. He did not necessarily need any input from the members, but he would certainly be happy to hear comments. He was happy to state that the paper was noted.

DECISION

Operational Performance Indicators update noted.

**5. Legal**

– 5.1 Legal report

MR NIGGLI said that the members had his report. Since it was a public meeting, he would not elaborate on any of the pending cases, which included the Puerto case, which WADA would soon appeal. He certainly had sought advice from the Spanish lawyers regarding the fact that the interpretation by the judge on why Spanish law would prevent the sharing of evidence that was part of the case was probably not straightforward, and WADA would certainly argue that in its appeal and do all it could do ensure a better outcome.

On the positive side, he highlighted the data protection issue. A lot had been said about it in the past. Since the meeting in November, the members would see that a lot of work had been conducted, in particular by a number of European Member States, Ireland and France in particular, leading to an encouraging outcome at European Council level, where the current legislation being discussed in Europe had been amended, and one of the most problematic provisions, about the consent of athletes being a valid basis for exchanging data, had been taken out, so that was a positive step forward. It was not the end of the process. There were two processes running in parallel at European level, one between the European Member States in the Council framework and the other among the MEPs, and the process at Parliament level had not yet been concluded, so he did not know what the draft Parliament text would look like. Once it was completed, there would be a tripartite negotiation between the European Parliament, Council and Commission to agree on the final text, so there were still steps to be taken, and WADA needed to keep arguing the matter forcefully, but at least the indicator was moving in the right direction, and that was very encouraging.

Since his report had been written, a few cases had been resolved: judo, in the Netherlands (case number 4), in which the athlete had been given an 18-month sanction, which was satisfying; a case involving an ice hockey player in Poland (case number 6 in his report), in which the athlete had been given two years, and an equestrian case (case number 13), in which the athlete had also been given a two-year sanction. That had been satisfactory.

He wished to highlight something that had been part of the Executive Committee discussion. The members would see that there were a lot of cases linked to methylhexanamine. That was a concern and an issue that had been discussed previously. There were clearly a lot of supplements out there that were spiked by the substance. Some were really spiked and some were actually known to contain the substance, so not all fell into the same basket, but it certainly meant that each organisation should warn athletes about the risks of using supplements and of finding such substances in certain supplements.

MR VARADKAR commented in relation to the data protection issue mentioned. Ireland currently held the presidency of the EU and had been very active with other Member States in making the European system aware of WADA's concerns in relation to the data protection issue. The issue had been discussed by the EU working party on sport and, following the discussion, the chair of the sports working party had written to the chair of the working group on information exchange and data protection (DAPEX). His French colleague had also been very active, working with WADA with a view to finding a solution. The following Friday, on 17 May in Brussels, there would be an EU Council of Ministers meeting, at which the role of public authorities in combating increased sophistication in doping in sport would be discussed, and the issue of data sharing would obviously be included in the discussion. In summary, the EU took the matter very seriously, discussing the issue at the highest level, and wanted to find a solution that protected the privacy of athletes but also ensured that anti-doping and the fight against doping in sport continued to be enforced.

MR KGATHI informed the members that he was attending the Foundation Board meeting for the first time and thanked the Chairman for his warm welcome. With regard to athletes testing positive, his concern related to the conduct of the coaches. In the majority of cases, athletes were led into a particular diet or drink, at times ignorantly but on advice from coaches. He wanted to appreciate the extent to which WADA would be in a position to hand down penalties or offer guidance, even in the form of public education, to the coaches because many of the young people partaking in sports were under the influence of their coaches and led into some of these doping activities. What was WADA doing in this regard or what did it need to do to advise and guide accordingly?

MR PENGILLY thanked his European colleagues for their work on the data protection issue and encouraged them to continue. The second point on supplements was that athletes would take them and it was not sufficient just to advise not to, which had certainly been the case in the past, probably less so currently, but sport was relatively impotent on the supplementation issue, whereas the public authorities obviously had a lot more power and, with that in mind, he requested that the public authorities squeeze into the agenda of the upcoming meeting the issue of supplementation with a view to continuing the discussion about what might be done to further address the problematic issue, which had been present for many years.

THE CHAIRMAN responded briefly by acknowledging the issue of the legislation that was the subject of considerable debate and work by the European Parliament in Brussels, and said that he had in the past challenged and perhaps admonished the European representatives by saying that it was their duty and obligation to use their significant influence in Europe to shape the outcome of the legislation in the interests of WADA's anti-doping efforts, and he could say that a significant effort had been made by the European representatives. There had been mention of Ireland and France, but it was more widespread than that, and he thanked them. WADA was in the home strait. It was heading in the right direction, although it had not yet won the race and needed a strong finish. There was still work to be done, but WADA was nevertheless in a good position, so he thanked all those involved for their efforts and asked them to ensure that there was a clear message there for those who made the laws that dictated what people did in their lives to recognise that WADA had a very important obligation in the world of sport to have the laws that supported the fair play for which WADA stood. He thanked all those for their efforts to date.

MR NIGGLI thought that the issues raised were certainly part of the discussion on the Code revision, and he was certainly conscious of the issue of coaches and entourage, and every time WADA could do something, it did. By way of an example, he referred to case number 1 in his report, a South African case, which had been resolved. The athlete had been given one year for cooperation and the coach had been banned for five years. When WADA had the information, WADA always tried to go after the entourage, but the information was not always available. As Mr Young would explain later, WADA was trying to have a new provision in the Code to do as much as possible about the entourage. The only remark he wished to make to Mr Pengilly was to distinguish between supplements that were

contaminated and supplements that were in fact truly doping, because the athletes knew exactly what they were ingesting. That should be looked at carefully on a case-by-case basis.

#### DECISION

Legal report noted.

### **6. Finance**

#### – 6.1 Government/IOC contributions

MR REEDIE said that the members had in their files a paper illustrating the contribution situation as at 10 May that year. The contributions from the public authorities were matched on a dollar-for-dollar basis by the Olympic Movement and, as at 10 May for that year, WADA had collected 79.47% of the hoped-for contributions from governments which, from a financial point of view, was regarded as an acceptable situation. The detailed breakdown was there continent by continent, and if a member saw their name on the list, he asked them to get their government to send WADA a cheque. Contribution collection was an important part of the revenue of the agency and he was happy with the situation that existed at the moment.

#### DECISION

Government/IOC contributions update noted.

#### – 6.2 2012 year-end accounts

MR REEDIE said that, in general terms, the accounts were prepared under the terms of the IFRS and were in, perhaps, a slightly different form to that with which the members might be familiar, but this was how WADA had decided to present its accounts and it was the way in which the Olympic Movement presented its accounts, and WADA had been doing this for a number of years.

Generally, the outcome had been a deficit for the year of just over 770,000 dollars. The budgeted deficit for 2012 had been 1,853,000 dollars, so WADA had done much better in money terms than originally budgeted. He had speculated slightly the previous day and proposed to be more accurate on the reasons for that. The reason why WADA had done much better (by about 1.1 million dollars) was that it had collected substantially more in contributions than it had budgeted for. The Finance and Administration Committee had budgeted on a conservative basis and had done so at a rate of 97% of total contributions. In fact, WADA had collected substantially more, and it had also benefited (he was delighted to say) from exchange rate differences. WADA had lost money on exchange rate differences for some years but, in 2012, WADA had benefited. The end result was that the deficit was well within the amount with which the Foundation Board had decided to proceed one year previously, and he hoped that that was satisfactory.

He would be happy to try to answer questions on some of the figures in the accounts. The members would also see the very useful piece of paper that WADA used. It was pretty old-fashioned, but it was called 'Actual against budget'. It was done on a quarter-by-quarter basis, and showed every cent collected and every cent spent. Looking at the budget figure and the actual figure, the members would see how accurate the budgeting process had become. WADA operated pretty close to 100% of revenue estimates and, on expense estimates, was getting close department-by-department to 100% as well. He would be happy to take any questions that the members might have.

The accounts were audited by PricewaterhouseCoopers, on behalf of which Linda Beauparlant was present, and it was correct that the Foundation Board should hear from the auditor before he formally put the accounts to the Foundation Board for approval.

MS BEAUPARLANT said that she was an associate at PricewaterhouseCoopers in Montreal, and she was in charge of auditing the agency's accounts and had been for some years. The Montreal team worked with the Lausanne team on signing off the financial statements of the agency. She aimed to give an update on the audit process and comment on the financial statements and certain operational points.

PWC had completed its 2012 audit for WADA and could conclude that the financial statements as at 31 December 2012 provided a true and accurate reflection of the financial situation and activities and in accordance with the IFRS and Swiss law. She could confirm that an internal control system was in place with regard to establishing and presenting the financial statements, and there was no internal

shortcoming that needed to be mentioned to the Foundation Board. Consequently, she was ready to give a final opinion on the accounts, to be submitted to the Foundation Board for approval.

It was important to note that this was a draft expressed in US dollars and Swiss francs. The accounts had to be presented in Swiss francs in accordance with Swiss law, but the accounting was done in US dollars, which was the operational currency of the agency. The members would note that the end of year statement was stable, the notable variations being the reduction of long-term investments (approximately 1.2 million US dollars), offset by approximately 875,000 US dollars' worth of short-term investments. When it came to the state of the various activities, there was an overall excess of expenditure over revenue of approximately 771,000 US dollars in 2012 as compared to 475,000 dollars in 2011. This was the result of an increase in operational expenditure (approximately one million US dollars), offset by variations in currency exchange rates. The variations in operational expenditure were mainly the result of an increase in research project subsidies. These were the highlights of the work done and concluded her report. She sincerely thanked the management and staff at WADA for their support.

THE CHAIRMAN thanked Ms Beauparlant. It was always good to receive a green light or a clean bill of health from an auditor. Once again, WADA had received that, and in no small measure that was the result of a very good team in that section of the organisation and a committee that supervised the finances of WADA chaired, of course, by Mr Reedie.

MR REEDIE said that it was standard practice to produce a detailed report to the Foundation Board, which gave the findings of the audit process, and this was about as clean a report as he had ever seen and happened year after year after year. He expressed his thanks to Ms Pisani and the team doing this. The members could be satisfied that the financial arrangements were in safe hands. He would formally put to the Foundation Board that it accept the accounts for the year to 31 December 2012.

THE CHAIRMAN said that the recommendation was for the Foundation Board to approve the annual financial statements, which would be filed upon approval.

#### DECISION

2012 year-end accounts approved.

- 6.3 2013 quarterly accounts (quarter 1)

MR REEDIE said that he always showed the members the quarterly figures in accounting terms, and the quarterly figures to the end of 31 March were before the members. These were in some ways splendidly misleading, as they covered a period during which WADA collected a lot of its income and spent only one-quarter of its expenses, so the fact that they showed profit was correct in accounting terms, although in the real world this was an indication only that WADA was behaving properly.

Yet again, the actual against budget figures for the first three months were before the members, and they could see where any items of expenditure were above or behind the agreed budget figures. He had gone over them closely and had raised a number of modest questions with Ms Pisani and he saw nothing there that gave any particular cause for concern.

#### DECISION

2013 quarterly accounts noted.

- 6.4 2014 Draft budget – preliminary planning

MR REEDIE said that, some years previously, at the request of the public authorities, WADA had been asked to put a draft budget on the table as early as possible so that the public authorities could plan ahead. That year, he had decided not to do that for a number of reasons. It was quite easy to work out what the contribution income was for 2012. The members had figures showing estimates for 2013 and, if contribution increases were to be applied, which he was sure they would be, then it was easy to work out whether these should be 0%, 1%, 2%, 3% or 5%. The Finance and Administration Committee had indicated that that was the easy bit. It had also indicated that laboratory accreditation payments were likely to be less than WADA had become used to, and interest on investments was difficult to achieve at any reasonable rate due to the very low rates of interest available in the market. WADA did not just keep money in the bank (the members would have seen that from the accounts): it bought safe and secure investments, as the Finance and Administration Committee was aware that it was dealing with public money. The Finance and Administration Committee did not take risks. He

would dearly have loved to take some risks over the past six months, as the figures would have looked splendid. The end result was that the revenue that WADA could receive was a lower figure than that on which WADA had operated for years. However, the biggest problem faced was to absorb the changes with which the Finance and Administration Committee thought the agency would be faced, first as a result of Mr Pound's report on the effectiveness or otherwise of testing. There were 90 recommendations there. Secondly, WADA was getting very close to finalising a final draft for the World Anti-Doping Code, to come into effect on 1 January 2015, but WADA would have to prepare for the impact of that throughout 2014, so his guess was that there were increased costs to be met. Mr Howman had already spoken about the impact of IT costs. WADA had actually taken some additional space in the building on the next floor, as there had not been enough space for the people that WADA needed. Those costs would exist, so he would go through Mr Pound's 90 recommendations to work out which would produce cost pressures and then guess which ones the Foundation Board and Executive Committee would accept and undertake, so this was quite a complex situation from a financial point of view. Given all that information, the Finance and Administration Committee would spend a long hard day in Lausanne in July and produce a draft budget, which it would submit to the Executive Committee at its meeting in Buenos Aires in September and, on the basis of that, a final budget would be put before the members.

All that having been said, WADA had managed to absorb deficits for the past two years, and it might have to absorb more in the future. This could not go on indefinitely. There were elements in Mr Pound's report that quite clearly demanded higher levels of revenue. The base part of that revenue came from contributions from the public authorities matched by the Olympic Movement so, instead of him jumping up and down shouting about percentages then, he would probably do it only in November in Johannesburg. He did not want anybody to go away believing that WADA could keep doing this. WADA had a figure of unallocated cash, which it would use, and it had used it for years. It was a question of the speed at which WADA would use the unallocated cash because, when that went, the only option thereafter would be substantial increases in contributions or a reduction in the activities of the agency, so those were the choices. He had said it before: those choices did not go away. The Finance and Administration Committee would work hard on all of the options and bring back an accurate set of figures to the members in November as opposed to bringing a complete guess to the meeting that day. He thought it would be better if the members had accurate figures on which to base the budget for 2014.

THE CHAIRMAN asked if there were any questions or comments.

MR MUYTERS thanked Mr Reedie for his work and the presentation. He understood that it was difficult to come up with a draft for 2014 and understood completely that, with the WADA Code and the implementation of the recommendations contained in the report by Mr Pound, costs could rise, but there were a lot of countries in Europe that were in crisis and had to cut their own expenses daily. Although they would like to increase WADA's budget, this was not possible in such circumstances and, therefore, the preference of the European countries would be a zero per cent growth budget for 2014, and they supported a balanced budget. They would appreciate it if WADA could come up with different scenarios for the 2014 budget linked to the different possible priorities. He thought that the Director General had already mentioned that difficult decisions would have to be made, and the scenarios would help make such difficult decisions. One of the scenarios could take into account the contributions that some countries and perhaps also the IOC would be willing to pay as an additional voluntary contribution. That was the position of the European countries.

#### DECISION

2014 draft budget update noted.

### **7. World Anti-Doping Code**

- 7.1 Code and International Standards review

MR ANDERSEN informed the members that he would present the important changes since the previous meeting in November. Since that meeting, there had been extensive meetings with many stakeholder groups, including governments, IFs and NADOs. There had also been several Code Drafting Team meetings and 11 different draft versions of version 3.0 of the Code, which the members had before them. Before handing over to Mr Young, he wanted to give the members some figures to put the process into perspective.

The figures showed the number of stakeholder submissions and comments submitted by the stakeholders. On the right hand side, a total of 109 stakeholders had submitted close to 1,200 different comments on the Code in the third and final phase of the consultation process. Looking at all three phases during the past 16 months since December 2011, WADA had received close to 4,000 different comments on the Code, and the members would also see the comments submitted on the four international standards. This had resulted in more than 2,000 changes to the Code which the members had before them.

MR YOUNG said that the Executive Committee had spent more than three hours the previous day going over detailed article changes to the Code, and it had been only a coincidence that the process had been finished three minutes before the bar had opened!

He proposed to take the members through a 20,000-foot view of the Code changes in terms of general themes and then drop down to specific Code articles for examples. After that, he would be happy to talk about any Code change or article about which the members might want to ask questions.

Regarding the first general theme, when looking at the Code changes, the members would see a greater emphasis on being hard on the real cheats and giving more flexibility to deal with the people who were not cheating. They might be stupid and might make mistakes, but they were not real cheats. The best example of being hard on the real cheats was the four-year ban for intentional doping. In the 2009 Code, an ADO could ask that the normal two-year ban be increased to four years where there were aggravating circumstances. Intentional cheating was one of those aggravating circumstances, but the experience over the years was that that had rarely been done. The team, in the draft to the 2015 Code, had shifted that burden so, when an athlete engaged in intentional doping, the consequent period of ineligibility would be four years, and the members could see in the article, depending on the substance, that the burden was on the athlete to show no intent or the burden for specified substances was on the ADO to show that there had been intent.

The next thing had been to expand the anti-doping rule violation article 2.9 for complicity and, in that article, the team had used the term 'conspiracy' to further describe the anti-doping rule violation. The team had also expanded the anti-doping rule violation for tampering. In doing that, the team had moved 'intentionally interfering with a DCO' out of a footnote into the text, moved 'providing false information to an ADO' back from the definition into the text, and added a new example of the violation, which was 'attempting to intimidate or intimidating a potential witness', as there had been recent cases of that in the news. On the other hand, examples of being more flexible when there was no intent to cheat would be the addition of a new concept of contaminated products, and that would allow a hearing panel or an ADO to address the situation where the athlete had used reasonable care in using a product, the athlete could prove that the product was contaminated and that that was not something he or she would have discovered using reasonable care and, under those circumstances, there was a wider range of sanctions available going all the way down to a reprimand.

The final point under that general theme was the List criteria and increasing the reporting threshold for marijuana. That had been mentioned by the Director General. The List criteria went back, based on the decision of the Executive Committee, to any two out of the three criteria, the criteria being potential for performance enhancement, potential detriment to health and spirit of sport but, in increasing the marijuana threshold, the team had done something that made more sense if what WADA was really trying to do was catch cheats. Marijuana was currently and would continue to be prohibited in-competition; it was not and never had been prohibited out-of-competition. What happened when one increased the threshold was that one would catch people who were actually doping with marijuana in-competition but would not also be catching people who might have used marijuana in the days or weeks before, but happened to test positive during an event.

The next general theme was consideration of the principles of proportionality and human rights. Looking at the first five pages of the Code, the members would see two specific references to proportionality and human rights. The first reference said that the Code had been drafted with the principles of proportionality and human rights in mind, and the second reference on page 5 said that the Code should be interpreted with the principles of proportionality and human rights in mind. Concepts of proportionality and human rights appeared in lots of different places in the Code, not just using the words, but also in the way in which the Code had been changed. For example, a number of provisions dealt with special treatment of minors. The burden to show no significant fault was different for minors than it was for adults. The mandatory obligation to publish the names of people found to have committed anti-doping rule violations was different for minors than for adults. It had previously

been the case that the mandatory obligation to publish the name of somebody who had been found to have doped was triggered at the hearing stage, i.e., if the athlete lost the hearing, their name was published. In the interests of fairness, that had been extended until the final appeal process. In the 2003 and 2009 versions of the Code, WADA had obtained legal opinions dealing with critical parts of the Code to ensure that they complied with legal principles and to put an end to arguments over whether any particular provision was legal or not legal. That had been done again, and the team had worked with Judge Costa, who was the former chief judge of the European Court of Human Rights. The team had given him the different drafts of the Code for his advice on particular sections. After the publication of version 3.0 of the Code, he would render a written decision on the legality of specific provisions in that draft. That decision would be published at the end of June. An example of Judge Costa's input into the process could be found in article 10.9, which talked about the repayment of CAS awards and fines. From the ADOs' point of view, it would be nice to have a simple rule that said that an athlete could not come back and start competing again until they had paid back the CAS cost awards in relation to their anti-doping rule violation or repaid forfeited prize money. In Judge Costa's view, particularly in light of a recent Swiss Federal Tribunal decision, that was too harsh and the athlete had to have the opportunity where requiring them to pay when they did not have the money unless they could compete to earn it would be manifestly unfair, and they should have an opportunity to go to the CAS and seek a payment plan.

The next general theme was the amendments that assisted in increasing the importance of investigations in the fight against doping in sport. Looking at the article in the Code (article 22) which dealt with the stakeholders' expectations of what the governments would do in the fight, there was a new article, article 22.2, which said that each government would put in place legislation, regulations or policies for sharing information with ADOs. He could not tell the members how important this would be, whether it was cases in which he had been involved, such as BALCO or Armstrong or Puerto or other cases around the world.

Also in support of investigations, in the article of the Code that dealt with the roles and responsibilities of stakeholders, all ADOs and NFs were given a duty to cooperate in anti-doping investigations. The same was true for athletes and athlete support personnel. He noted that, if an athlete, for example, did not cooperate in an anti-doping rule violation investigation, that would not be doping, it would not be an anti-doping rule violation, but there would be disciplinary rules through the sport that provided for discipline of that athlete for failure to cooperate.

Also in the general theme of investigations, WADA was specifically authorised to conduct investigations. It addressed, for example, the Kenya situation that Mr Howman had talked about. Finally, based on discussion at the Executive Committee meeting the previous day, article 5, which the members had before them in the draft and was entitled 'Testing', was going to be expanded to read 'Testing and investigation', thus recognising the importance of investigation in the anti-doping process.

The next general theme addressed something that the members had already talked about that day, and that was better ways to get at the bad athlete support personnel who were influencing or causing the athletes to dope. In the roles and responsibilities section of the Code, there were articles that made clear that, where a minor was involved in an anti-doping rule violation, that automatically triggered an investigation of the athlete support personnel who had worked with that minor. Similarly, when a coach or other athlete support personnel had two or more athletes found to have committed an anti-doping rule violation, again there would be an automatic investigation.

The next article that went to athlete support personnel was the one on prohibited association. This was a long article, and he had provided only a part of it. The principle of the article had been uniformly approved. There had been considerable devil in the detail. The principle was that athletes should not be associating with people who had been made ineligible during the period of ineligibility, been convicted of crimes or professional violations that would have involved an anti-doping rule violation or were serving as a front for somebody who met one of the first two criteria. Examples would be Marion Jones and Tim Montgomery, who had been training with Charlie Francis, who had been Ben Johnson's coach and had been banned for life, and there was nothing that anybody could have done about it. Victor Conte had been at the Olympic Games in London working with athletes even though he had been criminally convicted of doping athletes. In the Armstrong investigation, there had been people serving as a front for Dr Ferrari and had been carrying out his orders. The team would be stopping that. To protect athletes and others in the process, the devil in the detail had been expanded to make clear that prohibited association was in a professional and sport-related capacity only; there were

examples of what professional and sport-related capacity meant; there was an exception when it could not be avoided, for example when the coach was the athlete's husband or parent; and, before an athlete could be found to have violated the rule, the athlete had to have been given specific written notice that they could not associate with the person and the consequences if the athlete continued to do it, and the article was triggered only after that happened. Notice was also given to the athlete support personnel to make sure that one did not have the wrong Victor Conte or something like that.

A new provision dealt with what happened when athlete support personnel doped themselves. There were already anti-doping rule violations that would prohibit athlete support personnel from administering doping substances to athletes, trafficking in doping substances or possessing doping substances in the context of a competition, but there was nothing in the Code that talked about it being a bad thing for athlete support personnel to go home on the weekend and use steroids. This article addressed that and dealt with it as being the role and responsibility of athlete support personnel not to do that, and again it was not made an anti-doping rule violation, but it was made the subject of disciplinary action under the rules of sporting bodies.

The next general theme had to do with the fact that everybody knew that there were limited resources in the fight against doping in sport and, to better progress the fight, WADA needed to use those resources intelligently and efficiently. It had been heard many times that it was not all about the number of tests that one did; it was the quality of tests that one did. There was a series of amendments to the Code that addressed this specifically, dealing with the concept of smart testing, smart sample analysis and smart storage and retesting of samples. He gave an example of smart testing. The idea was, and it was consistent with what Mr Pound had been talking about that morning, that WADA, in consultation with IFs and other ADOs, would develop a technical document that identified which doping substances and methods would be most advantageously used by people who wanted to cheat in particular sports and particular disciplines. That technical document would then be the basis of test distribution plans developed by different ADOs. It was a good thing that it was a technical document, since it could be changed as WADA got smarter. Related to that, WADA was given the authority to request that the test distribution plan, which was based on the smart technical document, be provided in the context of compliance monitoring. That was the testing piece.

Next came the sample analysis piece. The reality was that full-menu sample analysis was not currently always done. Blood was not being collected and analysed by every ADO. Often, the very substances that would be particularly beneficial in a sport were not being tested for. The smart sample analysis series of articles addressed that. There was the technical document that identified substances and methods that would be particularly beneficial in particular sports, and the technical document would also set out what substances needed to be analysed in samples from particular sports and disciplines, so this would be the standard menu for that sport for the laboratory. If an ADO wanted to have a broader menu, it was free to do that; if an ADO wanted to have a narrower menu, it would have to convince WADA that, in the unique circumstances of its sport or country, it made sense based on its test distribution plans to have that narrower menu. When a laboratory got a sample and was told to analyse for X, Y, and Z, and that was what it would be paid for, the laboratory would be authorised at its own expense to go forward and analyse for additional substances. If it planned to do so, it should communicate it to the testing authority, but it would be allowed to do that.

The next general theme was that the amendments were intended to be clearer and fairer in balancing the interests of the IFs and NADOs. There had been a lot of comments from the NADOs in particular that that balance had not treated them fairly. The team had been sensitive to all those comments and was particularly sensitive to how the balance between the IFs and the NADOs affected athletes. WADA wanted the whole system to be as smooth and efficient and clear and understandable to athletes as possible. One example had to do with TUEs. The changes were not dramatically different but, from the athletes' point of view, they should be better and clearer. The general rule for an international athlete was that they needed to get their TUE from an IF. A national athlete needed to get a TUE from a NADO. When a national-level athlete wanted to compete in an international-level event, the national-level athlete had a national TUE, and they took that TUE to the IF. The IF had to recognise it unless, in reviewing it, the IF said that the national TUE did not comply with the IST and provided the written reasons why it did not. In that case, the athlete had a right to appeal to WADA and subsequently the CAS and, for national purposes, that national TUE would remain in effect until the appeal process was over, not for international competitions but for national competitions.

Another area in which the team had worked on the balance had to do with the exclusive testing window found in article 5.3. The basic approach that had been in place since the 2009 Code was that, if an IF was holding an event in a country, during the event period, the IF had exclusive testing authority. The NADO in that country was supposed to go to that IF and explain that it would like to test and why. If the IF said no, the NADO could go to WADA and explain why it wanted to test. WADA would consult with the IF and, ultimately, WADA would decide whether the NADO could test during that event. What was different was that it had been made clear that, when WADA made that decision, it was final and could not be appealed. This was an appropriate role for WADA when such disputes existed. It should not be at all confusing to athletes and it had to happen in a very timely fashion because the event was coming up. The other change made in the exclusive testing window dealt with the unique situation where, in some sports, there was a single event that involved competitions that went on all year and there was not an exclusive competition window for the whole year so, if an event lasted less than 35 days (35 days or less), there was an exclusive window. If the event lasted longer than 35 days (for example nine months in some rugby situations), there was not an exclusive window.

The last general theme that the team had seen from the comments and had been incorporated into the changes was the desire to make the Code clearer and shorter. He thought that everybody wanted that. Looking at the 4,000 comments received, everybody said that, but it went something like: 'The Code should be clearer and shorter, but now let us give you several situations in which more definition, expansion and words are needed'. He could not think of a single submission received that actually made the Code shorter as opposed to longer. They were all very good suggestions, such as: 'We had a legal case involving such and such an issue and, to avoid a loophole, a separate paragraph is needed to deal with this potential loophole'. The team had tried to take all those good comments on board, had cut out repetition where it could, had reorganised sections of the Code, particularly in articles 10.4 (no fault), 10.5 (no significant fault) and 10.6 (the other grounds upon which a sanction could be reduced). In the area of multiple anti-doping rule violations, the members would remember in article 10.7 that there had been a big long table mixing and matching first and second violations for different types of anti-doping rule violation. The team had done away with that table and put in a simple short formula that effectively reached the same result. All that would hopefully make the Code somewhat shorter, but it would still be a long technical document that would be useful to all stakeholders, useful in CAS hearings but not, admittedly, a particularly athlete-friendly document, so the team would publish an athletes' guide to the Code to focus on those things that particularly affected athletes. It would be shorter, clean, and written not for the purpose of lawyers in CAS proceedings but for the purpose of athletes understanding how the basic rules worked and what their responsibilities were.

He showed the members a chart of where WADA had been and where it was going. Draft 3.0 of the Code would go out in early June. Judge Costa's legal opinion based on version 3.0 would be published in late June. The team would continue with its schedule of extensive meetings with stakeholders, including participating in SportAccord. Another draft of the Code would be tabled at the Executive Committee meeting in September and, following that meeting, a final draft would be published in October in advance of the World Conference on Doping in Sport in Johannesburg in November.

THE CHAIRMAN asked if the members had any questions.

PROFESSOR DE ROSE announced that he had just one doubt. When talking about the exclusive window for event testing and mentioning that, if the event took more or less one year, it was not an exclusive window for that, he was curious about the fact that many sports had world cup events, which were the sum of five or six very compact events. What did Mr Young think in this case? Was it considered to be a window only for IFs or was it open to NADOs?

MR YOUNG responded that it was up to each IF to define what its event period was, and so it might well be the case that, in a world cup scenario, each world cup competition was an event in itself. There were some scenarios in which each competition was just a competition and the series of competitions over nine or ten months or whatever was defined as the competition and, under those circumstances, the IF could not keep a NADO from testing in the gaps between when they were actually playing their matches. They could create a period of up to 35 days, but not cover all the gaps.

PROFESSOR DVORAK asked Mr Young to explain why 35 days, and not 32 or 37 days, had been chosen.

MR YOUNG replied that the team had wanted to pick a conservative number. He knew that the Olympic Games lasted a long time, and that some single-competition world cup events took a long

time. Sometimes, those went slightly over 30 days, so the team had picked a number that it thought would be safe. It could have picked one month, but then, it was in the Code and why would one want to have a problem with something that went on for 33 or 34 days? That was not fixed in stone, but the team had been unable to think of any normal single-competition events that went beyond 35 days.

PROFESSOR DVORAK said that his second question referred to the balance between the NADO and the IF as it related to the exclusive window for event testing. Mr Young had said that the decision of WADA was final and could not be appealed. He assumed that the team had foreseen that there had to be rational reasons and discussion with the IF; it was not out of the blue, so it had to be substantiated, and the same applied to the TUEs.

MR YOUNG replied that the obligation to consult with an IF before letting a NADO test during an event was already built into the 2009 rules and was carried over into the new drafts and, for TUEs, the same kind of thing applied. That was simply an interpretation of what the TUE standard required. In that kind of situation, an NF said that it met the TUE standard, an IF said that it did not meet the TUE standard, and WADA needed to decide, and of course it would be a rational decision based on the TUE standard; it would not be out of the blue.

MR RICCI BITTI said that he was basically satisfied and thanked Messrs Young and Andersen for the huge efforts made. He thought that the Code was close to the end. He was happy that they had left the process open, as there were some details that came also from the crossing of the very interesting proposals in the document by the effectiveness working group which had already been taken into consideration, but perhaps some fine-tuning would be carried out, and he thanked and commended the team members for the attention they had paid to the roles and responsibilities of the two major players in the field: the IFs and the NADOs. He was really grateful for their sensitivity on the matter. He obviously had some comments, which he had made the previous day but would not repeat, as this was a matter for the experts, but he believed that what had to be noted with great satisfaction was the effort to understand that the key to the success of any anti-doping programme in the future was based on complementary cooperation between the IFs and the NADOs where NADOs existed and were good and effective.

MR YOUNG thanked Mr Ricci Bitti. Along the lines of what he had said, the formal consultation process was over, but the goal of the Code Project Team was to get it right and come up with the best document that suited the needs of anti-doping around the world, so the lines of communication were still open and there would still be dozens of meetings with stakeholders to explain and get feedback on version 3.0 of the Code.

MR BESSEBERG made a small remark on the exclusive window for the IFs in connection with their competitions. He hoped and thought that there would be no real problem if a NADO came and asked an IF to test during a competition at which the IF was testing, but an IF might say no and, when talking about smart testing and analysis, many NADOs were currently doing excellent work. They might be tracking something to do with their own athletes, as this was seen often. NADOs often came to test their own athletes because they had found something that they were following up on, and then it would be very bad if there were a procedure that made it impossible to do the necessary smart testing at the right time, if it took some days to obtain a final decision from WADA if it were necessary to go to WADA if an IF said no. He hoped that WADA would be able to see this in connection with smart testing and analysis and not complicate the work of the NADOs that really needed and wanted to test their athletes at international competitions. He did not think IFs would refuse, as most thought that it was very good that NADOs came to test, possibly the same athlete a couple of hours after the IFs had tested, because then there was a control of the testing of the IFs and whether their laboratories obtained the same results as those used by the NADOs' laboratories.

MR YOUNG said that one of the things that the team had heard loud and clear at the start of the Code process was that athletes had been perplexed and annoyed that one tester would come after another and that there was no coordination among the ADOs. To the athletes, that had not been right. If the plan was to test and then re-test, that was fine, but not if it had not been planned. The basic exclusivity window was the same as that in 2009. There had been good cooperation between NADOs and IFs, and he could tell the members that, as he could count on one hand the number of times that NADOs had come to WADA to say that IFs would not let them test but, when talking about smart testing, if one had good reasons for testing, and if the IF would not let the NADO test, that was the kind of information WADA would want to hear.

MR POUND appreciated that the Foundation Board was not the size of group that made for a good drafting session, so he had three short general comments. He was disappointed to see that the huge differential between team and individual sports did not seem to have been addressed. In his view, there was a much lighter responsibility on team sports than there was on individual athletes and he found it frankly offensive that players could go back to practising with their teams during a period of suspension.

Regarding the sharing of information, he thought that there had been very good progress in that area. He had been concerned regarding the governments, however, and the fact that they 'will' adopt policies instead of 'shall', because WADA said 'shall' when it seemed to really mean what it said.

His third point was that it was an ongoing disappointment to him that, when WADA improved its rules to make them more effective in the fight against doping in sport, it then put them on a shelf for 13 months before they came into effect, and he saw frankly no reason why the new Code should not take effect as of 1 January 2014.

MR YOUNG replied that the return to training was discussed in article 10.12.2 and the change was to allow athletes to return to training on the shorter of two months before the end of their period of ineligibility or the last quarter of their sanction, so it would never be longer than two months. It was true that the team had heard arguments on that point from the team sports, but it had also heard it from the individual sports. A ski jumper who could not use the ski jump would have effectively a longer period of ineligibility to get back up to form. The same would be true of a gymnast without the spring floor or uneven bars or balance beam, so it was not just a team sports issue; it was a principle issue of whether one wanted the normal rule of not participating in anything to go all the way through the period of ineligibility, or whether one wanted to let people back to train early. This had been raised the previous day at the Executive Committee meeting and the Executive Committee had decided to leave it as it was.

Regarding the second point on the sharing of information and the difference between 'will' or 'shall', there might be some difference between American and Canadian English. He had not seen a significance to that. It was the expectation of the stakeholders that this was what they would do, whether it was called a 'will' or a 'shall'. It had been changed to 'will' because everything else in article 22 said 'will'.

How quickly the new Code went into effect was a policy decision for the Foundation Board. It was not the Code Drafting Team that would make the decision but, when the Code went into effect, every stakeholder would have to have Code-compliant rules and policies, so one had to give people some period of time to change their rules and policies to be compliant. Obviously, WADA would help with model rules, etc.

MR BUDGETT echoed many people's congratulations to the team; it was an extraordinary achievement and it always amazed him when he heard Mr Young speak. He wondered if the team had received any recommendations that might help reduce the confusion that many people had regarding the terms 'specified' and 'non-specified', which many also thought should logically be the other way round.

MR YOUNG responded that the recommendation of the Laboratory Committee was to do away with the terms 'specified' and 'non-specified' and use the term 'stipulated'. He thought that that had been the general view of the Executive Committee the previous day. From a drafting point of view, that was not particularly hard to do. The only hesitancy in doing that would be that this was all pretty complicated stuff as it was and, when people had finally come to understand the concept of specified substances, one hated to change the name again, but that was certainly something that had been taken on board and on which there would be more consultation, but it was likely to be something that it would change unless people raised their hands and accused the team of trying to confuse them again.

MS BOKEL thanked Mr Young for the vast amount of work done. The athletes' guide had been mentioned. There was also a date mentioned in the WADA committee report and she reinforced that date, as it would coincide with the IOC Athletes' Forum, at which many athletes would be present, as well as the WADA Athlete Committee meeting, and it would be very helpful if the athletes' guide could be available by then. It could be a draft version, but that was pretty important, as it would be the last big athletes' event before the implementation of the new Code.

Education of athletes was key and, if WADA wanted to do smart testing, the athletes had to know as much as possible about it. She commented on the different menus of the IFs. If one tested for different substances and different menus, it made sense, and it was even more important for athletes to know what they were being tested for so as to avoid any problems because they had not known.

MR YOUNG said that the athletes' guide would be made available to review at the athletes' meeting in Singapore. He thought that feedback from athletes on the menus would be valuable in establishing the menus, as athletes could have a pretty good idea of what competitors were using. The scientists would say what athletes ought to be using, but the athletes might know better what people were actually using.

In terms of telling athletes what they would be tested for, he thought that athletes ought to assume that they were going to be tested for everything, because an important part of anti-doping was unpredictability. There might be a sport such as shooting, in which one would not normally think that shooters would be taking EPO or Hgh, but there ought to be some, not a lot, Hgh or EPO tests of shooters, just for the deterrent effect.

MR KOLOBKOV said that he wanted to make some comments on the changes in the draft of the Code. First, he referred to flexible List criteria. The European representatives agreed that the main goal of the fight against doping in sport should be to catch cheats. Consideration of the spirit of sport and the need to ensure that the public health agenda was not undermined should be taken into account, so he agreed with the proposal related to the flexible List criteria but, in his opinion, the issues in relation to certain specific substances, e.g., cannabis, should not influence the overall important principle in sport.

Concerning government involvement (article 22), the European representatives welcomed the introduction of the UNESCO convention text in article 22 of the Code but, in article 22.6, about the independence of NADOs, the team should better clarify what kind of independence, because most NADOs were fully financed by the governments. A more appropriate reference would be that NADOs should be operationally independent and make their decisions without any interference, political or otherwise.

He commended the general themes of the new Code. The European representatives welcomed the strong support of balance in the last draft of the Code between IFs and NADOs, and one of the most important steps in the balance was recognising the right of NADOs to issue TUEs for national-level athletes.

MR YOUNG responded that the policy foundation for the List when one balanced the issues of public health and performance enhancement, whether performance enhancement was necessary or whether health and spirit of sport were sufficient, had been widely discussed at the Executive Committee meeting the previous day and had been widely discussed back in 2001 when the team had first started working on the first Code, and the Executive Committee's decision had been to go back to the 2009 Code. The team had received good comments on independence from the Executive Committee the previous day, and that was something that the team would work on. The concept of being free from interference was the general point that the drafting had been intended to make; it might be that 'autonomy' was a better word than 'independence', but everybody knew and greatly appreciated that most ADOs received government funding, and many received NOC funding.

MR KONBAZ thanked Mr Young for the great job. On the issue of marijuana and the increase to 150, of course athletes always debated, they took it out of competition and it did not enhance performance. Could the level of 150 scientifically prove that marijuana had been taken immediately before the event and to enhance performance, or was it only an ethical matter?

MR YOUNG said that the question was a good one and he wanted to be very clear. If one had a test for marijuana greater than 150 with the uncertainty threshold that took it up to 175, it was a positive test. The current rule that was continued was, if the performance was enhanced by a prohibited substance, it made no difference whatsoever. A shooter could be full of stimulants and these could be detrimental to performance, but it did not matter. The shooter had used a prohibited substance. In this case, if the marijuana level was over the reporting threshold, it was doping. He would not go into the facts and circumstances; it did not matter. The idea was that, when a threshold had been set, that was what the laboratory reported, and that was what a positive test was. It was not a perfect threshold, like all of the thresholds, but it did a pretty good job of distinguishing between current and past use. It

would not be a defence to say that it had not helped the athlete and he or she had not smoked during the competition.

MR MUYTERS said that he had two remarks about the definition of athletes. Europe recognised and appreciated the efforts made to simplify the definition, but stated that the use of the proposed wording from the Council of Europe would be better. What Europe really wanted was that lower levels of athletes could be included in a national anti-doping programme, but that these lower levels of athletes were not immediately subject to the rules of the Code.

Regarding the concern about the mandatory publication of sanctions, he thought that this was a very important point. In Flanders, for example, the legislation complied with what the Code requested regarding the mandatory publication of sanctions; however, the constitutional court had found that it had a disproportionate impact, and therefore he thought that skipping that part in the Code or making it possible to have a restricted website that could be seen only by those who had to prevent the athlete from competing was a solution. What was Mr Young's opinion about those points?

MR YOUNG replied that the definition of athlete had been changed to try to accommodate those concerns raised. The whole Code applied to national-level athletes and international-level athletes, full stop. There were no exceptions. There were some countries that wanted to test lower-level athletes, recreational-level athletes, and even people working out in gyms who were not competing at all. The Code said that any of those countries wanting to test those other people could. They could either test or not test. When they collected a sample, they could have it analysed for the full menu or a partial menu, or whatever they wanted. If one of those recreational athletes tested positive, the countries could give them a retroactive TUE if they met the standards, because otherwise they would have to get prospective TUEs from the entire sporting population. One could not ignore sanctions and, if one of those recreational athletes tested positive, the normal Code sanctions would apply except for the mandatory reporting, and the change that was being considered was the distinction between a recreational athlete and somebody who was just working out in a gym. A ban from competition made no sense for somebody who was just working out in a gym. That was something that needed to be addressed.

In terms of mandatory publication, that article had been in place since the 2009 Code. He knew that there was legislation in different countries that created a problem with that. In the interest of proportionality, the team had made the mandatory publication required only after the appeal process instead of at the time of the initial decision, which was helpful in terms of proportionality. In terms of putting it in a secret sport-only list, he thought that there would be strong resistance from the stakeholders to that, because the deterrent effect of having one's name published if one was a doper was very significant. If the team thought that it could get away with it, if an athlete had been found to have committed an anti-doping rule violation, it would have personal certified letters sent to the athletes' mothers and all of their relatives, so it had a real deterrent effect.

MS SAMARDZIC stated that she wished to make three points on behalf of the Council of Europe and the European governments. She echoed all those who had commended the work done by Messrs Andersen and Young and the whole team. She expressed the great satisfaction with the constructive approach and the good work with CAHAMA and she really wanted that on the record, because it had borne fruits and had been really fantastic cooperation.

The second thing was that she wished to recognise the efforts of the drafting team to reflect the human rights dimension in the draft Code; that was really great, she appreciated it very much and she wanted that on the record as well.

She fully understood the reasons why this issue of not having a fixed compliance calendar was present, but she was obliged, especially from the Council of Europe perspective, to underline the potential for political problems, namely, that there were a lot of monitoring mechanisms in the Council of Europe and they were all bound to a regular procedure monitoring cycle that was totally objective, so sometimes in the newspapers some problems in the member states were underlined, etc., and sometimes she believed that perhaps the monitoring cycle should be more flexible so as to be able to respond to all of the concerns, from the public, the media, etc., but the issue of having a fixed monitoring calendar helped the member states to realise that not one was specially monitored while the others were not monitored enough. The fixed calendar provided a guarantee that everybody was equally monitored and the process could be envisaged in a way. That was in order to avoid politicising or political problems if the monitoring cycle was flexible. She understood why the team had not been

able to follow the logic completely, and why the Foundation Board would be the place to decide things, but she was still obliged to warn about the political or politicising potential if there were no fixed monitoring cycle.

MR YOUNG thanked CAHAMA; when looking at version 3.0 of the Code, all sorts of good ideas in there had come from CAHAMA. On the fixed compliance calendar, under the 2009 rules, the signatories were mandated to provide compliance reports every two years. The draft said that it would be up to the Foundation Board (or maybe it was the Executive Committee) to decide what that schedule would be. The reasons were to have it in sync with the new Code, in sync with a major event, and in sync with the conference of parties. He would expect that whatever schedule WADA came up with would be applied equally. It was not going to be one schedule for Europe, another for Africa and the like, so that was a decision that the Foundation Board would ultimately need to make.

MR KOLOBKOV said that he wished to speak on behalf of ANOC, with the permission of his colleagues from ANOC. He wished to deliver ANOC's position regarding the proposals to the drafting team. The general principles ANOC wished for NOCs to be involved in the fight against doping in sport were based on the following principles: countries involved in RADOs and NOCs in partnership with governments should play an active role. Almost all of Africa, the Caribbean, Oceania and Central Asia formed part of RADOs. NOCs that chose to be a NADO should be part of the compliance programme. ANOC believed that NOCs and governments should be partners in the fight against doping in sport and the partnership should be on a 50-50 basis. Finally, the NOCs must have a role and responsibility in the revised World Anti-Doping Code.

MR YOUNG responded that those principles were supported in version 3.0. The previous week, additional comments had been submitted by ANOC, and at least one had been put before the Executive Committee the previous day and would be in draft 3.0.

MR SCHNEIDER said that he did not wish to ask questions but wanted to make a few suggestions. He thanked the WADA team for the work done on the Code revision and also in particular for the very focused presentation on the matter that day. He suggested that it would be useful to inform all the stakeholders, in particular the public authorities, as early as possible about the most important changes made to the Code to enable the member countries to adapt their respective national laws.

Article 18 of the Code referred to education. It was very important to continue to promote education, especially prevention, in the fight against doping in sport, and to work on programmes together. When he said together, he meant the IFs, the NADOs, WADA, UNESCO, the Council of Europe, and the member countries, so as to progress together and target the programmes in terms of education and prevention in the fight against doping in sport. He wished to mention the invaluable help given by WADA to small countries when they held games. Joint action was undertaken to enable athletes to be better informed or informed about doping. He suggested, in addition to the team's proposal to make the Code simpler and clearer, a practical guide for athletes so that they could quickly see the various provisions in the Code. He thanked the team again for the great work done thus far.

MR YOUNG replied that the education point had been taken on board and was what the athletes' guide was all about. In terms of identifying important changes, the team would do two things. The members would receive a red line version of changes in the Code, some 2,000 of them, but the team would do an overview document of important changes, much like the presentation to the Executive Committee the previous day. The team understood that it was important to have a written document that talked about big changes; it would not be a tome that talked about all 2,000 changes.

MR ROWE said that Australia would like to add its thanks to the team, Messrs Andersen and Young and others. He wished to thank the Executive Committee for its decision the previous day and, as reported by Mr Young, the decision to undertake additional work in looking at how investigations and intelligence-gathering could be afforded a higher profile, particularly looking at article 5. He recorded that his government disagreed with the amendments that allowed for an athlete found guilty of an anti-doping rule violation and serving a period of ineligibility to return to training prior to the end of that period. He strongly endorsed the comments made by Mr Pound earlier in that regard. His view was that a period of ineligibility was just that. Allowing an athlete whilst still serving that period of ineligibility diluted the deterrence effect of the sanction and sent the wrong message to athletes. It also seemed inconsistent with the tougher sanctioning provisions set out elsewhere in the Code, and he took the opportunity to draw the Foundation Board's attention to recommendation 57 of the Working Group on the Ineffectiveness of Testing, which said that athletes sanctioned for doping

activities should have no connection with their teams or sport during the sanction period. He did not expect a response from Mr Young, as he had addressed the issue already, but he thanked the Chairman for giving him the opportunity to put his comments on the record.

MR VARADKAR appreciated the very clear presentation and all the work done to date. On behalf of the European governments, he wished to make two comments. One related to article 20.7 on the roles and responsibilities of WADA, and he expressed his support for the expansion of WADA's authority in investigations, which was consistent with the current evolution of anti-doping practices. It was now widely accepted that testing alone was not sufficient to combat doping in sport. Secondly, in relation to article 10 on sanctions, and in particular article 10.2, he supported the four-year ban for cheats and the efforts to ensure that only real cheats would be given the four-year ban, but had some concern about the unintentional anti-doping rule violation. While this was welcome, he had some concern that it could create too wide a loophole and he looked forward to some more clarity and greater assurances that the unintentional provision could not be used in that way.

MR YOUNG absolutely acknowledged that it would be difficult, particularly in the case of specified substances where the ADO had the obligation to prove intent. It was a little different where, in the case of steroids or EPO, the athlete would have to prove that it had not been intentional. In an EPO case, it would be a lot harder for an athlete to prove that, for example. An athlete could not test positive for EPO from a contaminated supplement, for example. This was a move in the right direction; it was a lot stronger than in the application of exceptional circumstances and he would be happy to consider language that would toughen up the definition of what was and was not intentional. The team had tried to deal with proving that somebody had actually meant to do it or had been walking through a minefield that they knew was a minefield and, instead of looking at the ground, had been looking at the birds in the trees. That was the concept that the team had been incorporating.

PROFESSOR LJUNGOVIST thanked Mr Varadkar for bringing up the issue of the four-year ban again. He agreed with Mr Young. Regarding the four-year ban, an option for that was already in the existing Code for the real cheats, and it was interesting to note that it had hardly ever been made use of. That was why he welcomed the clear explanation that the real cheats with a serious anti-doping rule violation should be given a four-year ban. The Olympic Movement had been frustrated that that had not been exercised, although it had been a possibility under the present Code, to the extent that it had introduced a rule of its own for the Olympic Movement, as it had not wanted to see the real cheats coming back to the next edition of the Olympic Games. The Olympic Movement had introduced a rule that a person who had committed a serious doping offence should not be allowed to partake in the next edition of the Olympic Games. This had not been upheld legally and unfortunately the Olympic Movement had had to drop it, so he welcomed the clear improvement, which also satisfied the attitude of the athletes, who wanted an extension of the ban up to four years for serious doping offences.

On behalf of the Olympic Movement, he appreciated very much the work done by the team. It was a remarkable exercise and, with the many consultation rounds and stakeholders' comments received, it was obvious that the team could not satisfy every stakeholder. He therefore expressed that the Olympic Movement was generally pleased with what it had before it, together with the amendments suggested by the Executive Committee meeting the previous day, and was particularly pleased that the marijuana problem could be resolved so as to be able to continue with the two out of three criteria for placing a substance or a method on the Prohibited List. He repeated his appreciation of what the team had done and just had a final very personal plea, which was that the team take the opportunity to do away with the 'specified' and 'non-specified' confusing terminology and pick up on what the List Committee had proposed.

THE CHAIRMAN thought that the discussion had been exhausted at that point in time. He said what had been said a couple of times in the comments. The Foundation Board had been well served, indeed blessed, by having such a skilful and dedicated team that had embarked and carried through on the task. WADA was in the final stages. He asked Mr Andersen to remind the members of the remaining steps. He expressed the Foundation Board's sincere thanks to the team, and everybody would recognise from what had been read, the discussions in the room and outside the room, that there would be (even if not every section was to their satisfaction) an overall outcome that would give the stakeholders a much better set of tools to go forward with the work to which they had committed.

MR YOUNG said that, in terms of the IST, the changes to the document largely incorporated the smart testing principles and the principles of registered testing pools being proportionate and appropriate.

For the purpose of the ISTUE, they went into more detail and put meat on the bones of how he had described the TUE process would work, and the rebalancing of that.

The ISPPPPI added some language that one would expect in privacy documentation. It required documentation on how the privacy system worked, and it required notification of people whose information might have been compromised in the event of a breach.

The ISL followed a number of changes made to the Code, some of which included a requirement that laboratories post their schedule of prices for different types of analysis so that the testing authorities of the world could see what it would cost them if they went to different laboratories to comply with the technical document on how they ought to be analysing samples.

Another provision talked about when a laboratory reported to WADA in ADAMS on results. There had been a problem of the testing authority not being identified and other information not being filled in, and the current ISL said that laboratories would report that if provided, and that 'if provided' had been taken out because WADA was developing a very sophisticated set of data that would make it possible to see who was testing and for what, and that was a very effective tool in the fight against doping in sport and for compliance.

Another change that the laboratories would very much appreciate, and it was a change to the Code as well, was to clearly identify something that had been learned from the WADA Ethical Issues Expert Group. The problem was that laboratories, before they discarded samples, would very much like to do analysis on those samples for the purpose of quality assurance and control, and develop reference ranges. The concern had been that they could not do that on all samples because it might be considered research. The change in the Code and the ISL provided that, consistent with medical practice, in the medical context, when one was just doing work on a sample to develop reference ranges or for quality improvement, it was not research, so it would give the laboratories a larger pool of samples on which to develop their reference ranges, which would be helpful in situations such as the Veerpalu Hgh situation.

THE CHAIRMAN indicated, and he knew that Mr Andersen had done so at the beginning of the session with his slides, that there would be individual sessions relating to each of the standards in Johannesburg attached to the conference, so another opportunity would be presented there for those with a particular interest in any one of the standards.

MR ANDERSEN said that, first thing the following morning, the drafting team would consult on what it had heard that weekend. It would come up with a new draft, which would be distributed on 1 June. It aimed to publish the legal opinion by the end of June and would then maybe make minor adjustments to the documents for the September meeting of the Executive Committee, and then post them on the website prior to the World Conference on Doping in Sport. He hoped that this would be published at the beginning of October.

#### DECISION

Code and International Standards review noted.

- 7.2 Code compliance
  - 7.2.1 2009 Code

THE CHAIRMAN said that the members had a paper, which he knew they had read. It was pretty straightforward and recognised compliance with the Yemen NOC, the sports of dragon boat, amateur sambo, international lacrosse and wheelchair rugby. Was it the Foundation Board's wish to approve the resolution, acknowledging compliance with the Code of the federations to which he had referred?

#### DECISION

2009 Code compliance proposals approved.

- 7.2.2 2015 Code – strategy

MR ANDERSEN gave the members a brief update on the paper that they had before them. He referred to the 2011 report. He thought that most of the members agreed that the criteria and the bar, as mentioned earlier, were quite low for that part of the process. They were a limited assessment of

efficient and effective anti-doping programmes. WADA had reviewed the rules through independent legal advice and had reviewed the programmes but, as had been mentioned before, the bar for declaring an ADO compliant was quite low. As a result of the draft revised Code and the Pound report, there was a call for a new approach. The basis before the members was that there was a revised Code that would hopefully be adopted in November, international standards that were good tools to concretely monitor compliance and, looking at the IST, this dealt with risk assessment, establishment criteria for registered testing pools and other pools, prioritising sports and disciplines among different athlete groups and testing regimes and analyses. He thought that the criteria were clearly marked in the various standards and those were the criteria WADA needed to use. Testing was better monitored through ADAMS. It was a powerful tool, and WADA was able to monitor the TDPs, the registered testing pools, target testing and no-notice testing. The TUEs were better monitored through ADAMS, since everybody was supposed to enter such information in ADAMS. WADA could monitor result management through ADAMS because all of the laboratory reports were entered in ADAMS, and would be able to monitor education and prevention measures by reviewing materials and follow up on these.

WADA was carrying out monitoring through self-assessment reporting; there were statistics through ADAMS and, later that year, the members would see much better statistical reports that would report on actual anti-doping activities, not only generally from the laboratories but also more specifically from testing authorities and ADOs, and there would be a specific questionnaire that dealt with all anti-doping rule violations and analytical findings that would deal with how they had come about. WADA also had the self-assessment on how ADOs were performing, and had a system in place and would establish systems to facilitate cooperation with various international bodies. Lastly, WADA had independent assessors of which it had to make use to assess the various ADOs. He proposed using the documents in the Code and international standards; WADA would define clear criteria on how to develop, implement and execute an efficient anti-doping programme, which would have to be fully implemented. When the programmes were implemented, WADA would have to use all available means to measure and audit compliance with the criteria. In doing so, WADA would use the means available to measure these with the means he had mentioned in his presentation.

MS SAMARDZIC said on behalf of the European public authorities that she would approve the strategy and expressed full support of the principle of establishing an enhanced compliance-reporting framework. The Council of Europe had experience of monitoring the anti-doping convention, so she extended an offer of assistance in the exercise, as it was an important one in the overall fight against doping in sport. The Council of Europe was offering its assistance.

THE CHAIRMAN asked the members to look at the decision required in the papers, that the Foundation Board approve the strategy outlined by Mr Andersen and which was contained in the members' papers for monitoring compliance with the 2015 Code.

There was absolutely no doubt in his mind that one of the most important things that WADA did and must always do as the custodian of the Code was ensure that WADA exercised its responsibility as a regulatory body for compliance. He did not think that was something that could be set in stone and left alone. It had to be returned to constantly and one had to test oneself against the policies approved to see that they were working. Standards had to be maintained and compliance was very much a part of that, so he trusted that the strategy, which he fully supported, would work, but he was sure that it would be necessary to revisit it from time to time, just for reassurance if nothing else, and he was sure that this would be done.

## DECISION

2015 Code update and strategy approved.

### **8. Athlete Biological Passport**

DR VERNEC said that the members would see a full report in their files, but he wished to highlight the current ABP developments. The haematological module had been operational for a few years, and there were 35 ADOs currently reporting ABP tests in ADAMS. A total of 28 sanctions were now directly related to the atypical longitudinal profiles. Also very important was the number of EPO positives, which were based on targeted testing through the ABP. What the members did not see was the deterrent effect of the ABP, which was harder to give any numbers on but was, of course, just as important.

The steroid module was coming up in 2013, and WADA was working very hard on many fronts to try and get it delivered by the end of that year. IT teams and expert groups were already looking at result management and there would be meetings on that held in Lausanne in a few weeks.

The big difference between the steroid and the haematological modules was that the steroid one was a urine-based module. An ABP haematological test was a blood matrix and one had to identify that this was a passport athlete. The steroid module was urine-based so, basically, any time one took a urine sample from an athlete, the athlete became part of the passport programme. There were numerous steroid metabolites and ratios calculated. The one with which many of the members would be familiar was epitestosterone, which had been around since the 1980s and was still one of the key variables. To get the concept, looking up at the top-left of the screen, the members would see the blue line, which was the athlete's normal haemoglobin red blood cell values, and then the upper and lower reference values changed over time based on the athlete's own values. What was also interesting in this case was that the athlete had triggered a positive atypical test by going up to 15.4. For those who remembered the old no-start rules in cycling and skating and other sports, people had been prevented from competing at 17, so an athlete like this one would have been completely under the radar and essentially free to dope. This was an actual case in which the athlete had been targeted and had tested positive for an EPO-like substance.

The same principle applied for the steroid module. The blue in the middle was the athlete's own values, and the members could see the red upper and lower reference values. What was interesting was that it had been known for a while that, for anything above a 4:1 T/E ratio, there would be a recommendation for an IRMS test to be carried out. Looking at that one, all but one sample had been above four, so the athlete could have a higher normal value and one might be doing a fairly expensive test for no reason. Having said that, IFs had been doing longitudinal profiling to some degree anyway, and so they would not be doing IRMS testing over and over again on such an athlete. WADA was moving towards a far more consistent system with the steroid module.

There were athletes who had very naturally low T/E ratios due to some genetic polymorphisms, and the members would see that their ratios were extremely low. He referred to an athlete who had been given a testosterone injection and had ended up with a ten-fold increase in his T/E ratio. Despite the ten-fold increase, this was far below the 4:1 ratio, and therefore this was an athlete who would have had a license to cheat but, as could be seen in the steroid module, this would trigger IRMS testing.

That was a very brief update on the passport. Not only did he believe that the ABP was an important tool, but it also helped to make programmes smarter, cost-effective, cost-efficient and intelligent. The ABP was the model for this kind of approach. It was still called the passport and not the longitudinal profile, because it included the longitudinal profile and all the other information about the athlete, including training and competition schedules, and information gathered from intelligence techniques and other methods.

PROFESSOR DVORAK said that he would support Dr Vernec by any means. He shared some of the practical experience of his federation. It looked very nice and easy on the slides but, when it came to practical performance, there were some logistical and organisational pitfalls. It was very clear: WADA had to move in this direction of blood examination. It would be more complicated when Hgh was included, but for the others it was clinical routine. The steroid profile was definitely the longitudinal one in which there would be a clear indication that athletes were altering their genetic blueprints, and suspicion could be raised and then finally there would be rational reasons for including athletes in the registered testing pool and doing targeted testing. This was also the solution for team sports in the future. His IF had done some experiments during the 2011 and 2012 club championships with all participating teams and had tested all of the players participating in the competition, which meant the entire squad (30 players), and prominent teams such as Chelsea, Barcelona, Santos, Monterrey and other teams around the world had been involved. The positive message of the athletes was that they had been very happy to cooperate, so there had been no refusals, and they had contributed. He had been doing some of the teams alone, and it was amazing how fast it had gone and how responsive the athletes had been. They had supported it. FIFA had decided that it would implement this in the upcoming 2013 Confederation Cup in Brazil, and it would test all players for blood and urine for the first time ever. He did not think that any other IF had done that. Now his IF was faced with challenges. It had teams from Tahiti and no laboratory there, and the blood had to be given to the laboratory within 48 hours at the most if one had a good cooling system. FIFA had teams such as Nigeria and

Uruguay and others and the laboratories were far away, so this had to be taken into account, but he thought that it had to be done. He highly appreciated the fact that WADA had established a list of criteria for non-accredited laboratories to do blood sampling. This was clinical routine, something that was done every day in hospitals, so any good laboratory could do it and that would make his federation's life much easier if he could have it examined at the hospital in Tahiti. WADA's duty would be to establish a robust system in ADAMS. It had been decided by FIFA that the same system would be applied for the World Cup in 2014, and FIFA would examine all participating teams so, by the time of the World Cup, there would be more than 1,000 football players in the database. This was what WADA had always been asking for, that FIFA establish such a testing system. He thought that this was the future. He was speaking to scientists and examining. He congratulated WADA. The pitfall was still logistics. FIFA would be starting the following week by testing the participating teams, and it would face pitfalls, which might be expensive at the start, but which would be cost-effective in the long run, and he thought that this was definitely the way to go.

PROFESSOR LJUNGOVIST thanked Professor Dvorak for his information. What was encouraging was the enthusiastic participation and support of the athletes, which was a very important sign for WADA. The IAAF had done the same experiment two years previously at its World Championships in Daegu, at which blood had been collected from all participating athletes, and almost 90% had participated. Therefore, WADA had that support from all the clean athletes which was a perfect basis on which to work further, and both FIFA and the IAAF had found it quite encouraging from that point of view.

MS FOURNEYRON asked about the timeline for the steroid module.

DR VERNEC replied that the plan was to have this by November 2013 if all things went well. WADA was working on many different fronts at the same time. The IAAF and FIFA were doing things, and Hgh and IGF-1 had been mentioned, so there were endocrine modules that were also added, which he had not discussed for the sake of brevity. The ABP was a fairly complex system and the future was very interesting. Professor Ljungqvist had alluded to the genomics and genetic elements, which could really transform anti-doping; all WADA needed was the resources to push these things forward. Speaking of that, WADA was grateful to have the participation of several IFs working on pilot projects and all in cooperation and discussing with one another to try and advance the passport.

PROFESSOR DVORAK said that FIFA would accept the passport and eliminate the profile to get the additional information. The explanation provided had been very clear.

THE CHAIRMAN said that the Foundation Board would be familiar with some comment on the steroid module for some considerable time. It was fair to say that the ABP had to be under control by the time of the World Conference on Doping in Sport in South Africa. Everybody was quite excited about the additional value that would come to the work with the steroid module, and it was nice to know that it was very close and the likelihood was that it would be finalised by the time of the World Conference on Doping in Sport in Johannesburg.

## DECISION

Athlete Biological Passport update noted.

### **9. Anti-Doping Administration Management System (ADAMS)**

MR WEINSTOCK said that he had prepared a presentation to take the members through the plan for the ADAMS mobile application. Some of the members might ask why there should be a mobile app for ADAMS. He had some statistics from a leading market research firm, International Data Corporation, showing that smartphone penetration increased with the younger generations, with the largest users the 18- to 24-year-old and 25- to 34-year-old age groups. Also, time spent on mobile apps surpassed all other Web consumption. In the fourth quarter of 2012, there had been 227 million mobile operating systems shipped, 159 million of which were Android and 47 million of which were iOS. Android and iOS made up 91% of the mobile operating system market; consequently, WADA had targeted these two platforms for the ADAMS application.

Information security practices on the mobile application would be the same as those currently on the website. All communications between the mobile device and ADAMS would be encrypted using Secure Socket Layer, all access controls and permissions would be handled by the ADAMS servers, and all actions from the mobile devices would be logged and auditable through ADAMS.

On the development process, WADA had issued a request for proposal in mid-2012, and had selected Logic of Netherlands, based in part on its prior experience with the Dutch mobile app for whereabouts. Throughout the process, the ADAMS testing group had been consulted, and it would be involved in upcoming testing. This included several NADOs and IFs, as well as members of the Athlete Committee.

The release plan was split into three phases. The first phase, scheduled for release by the end of that year, was for the athletes. Users would be able to perform functions such as viewing 60-minute time slots, add, modify or delete whereabouts entries, verify compliance with the IST requirements, and receive notifications and reminders about upcoming time slots and whereabouts submission deadlines.

The next release, which was planned for 2014, was for DCOs. It would provide reader access to whereabouts for testing purposes, meaning that information would be available only for specific athletes during the days within the mission order assigned to the DCO.

Throughout the process, WADA would review feedback from stakeholders and planned to incorporate that feedback for enhancements and new features in a future release at a date to be determined.

WADA also planned to provide functionality for other user types, such as team managers, athlete agents and ADO users. ADOs and agents could view an update whereabouts for one or more athletes, and team managers could view an update on whereabouts for the teams for which they were responsible.

He shared a few screenshots of the upcoming app. On the login screen, users logged in with the same credentials as on the website and, for added convenience, could also set up a pin to protect the information in the app. The home screen showed the upcoming 60-minute time slots for the next few days and had navigation functions to the rest of the app. The monthly calendar view showed all the days for a given month, the green and red shading showing compliance with the IST requirements. The user could highlight a specific day and view the entries for that day in a scrollable area below. The daily calendar view showed all of the whereabouts entries for a given day. In that case, the 60-minute time slot had a clock icon next to it, and the user could swipe back and forth to navigate between days. The address book was copied from the website. When adding or updating whereabouts entries, users could select an address from the book manually or directly from a map.

MS BOKEL stated that her comment on this was to be expected. She looked back at the recommendations two years previously at the time of the International Athletes' Forum in Colorado Springs. One of the recommendations had been to create a whereabouts application for WADA. Two years before, there had been a recommendation that ADAMS be updated to make it a more athlete-friendly service. She knew that it took approximately two years to do anything in ADAMS and, looking at the report from the Working Group on the Ineffectiveness of Testing, believed that, if ADAMS were to be mandatory for all stakeholders, WADA should be able to make technical enhancements specifically for athletes in a much faster manner. She was happy that this was coming along, but a little sad that she would be unable to say at the International Athletes' Forum that it had been possible to do it within two years from one forum to the next. WADA should be able to do it. Whilst acknowledging that IT was not easy, if WADA wanted to make ADAMS mandatory, it should be possible for everybody to modify and enhancements made more quickly.

MR REEDIE said that he was sure that this was a step forward, as the world was ruled by mobile phones. He had struggled with IT costs for WADA since it had been established in 1999. There was one bit in the report on the interface with other systems, which had been an irritant to WADA for almost as long as he could remember. When did Mr Weinstock think that WADA could make an interface work? There had been a very successful marketing director for the Olympic Games in London, and he had often asked the director to state the percentage degree of confidence that he could deliver certain things, and he would like to know the degree of confidence on when WADA might be able to deliver an interface between ADAMS, which was now the biggest system, and the other systems, bearing in mind

Mr Pound's point that it should be mandatory. It was very difficult to get other people to use that and say that it had to be mandatory. It must be easier to have an interface and use other systems.

THE CHAIRMAN said that he understood that another five million dollars in the budget would bring some pretty quick results, but he was a realist and it was an ever-evolving issue and a difficult one to wrestle with.

MR PENGILLY had a technical question: if the athletes chose, could the GPS system on the mobile be used to inform them if they were a long way away from where they should be, half an hour before their hourly slot?

MS BOKEL asked whether the app would be available on all mobile systems (Apple, Android, etc.).

MR WEINSTOCK responded to Ms Bokel about the timeliness and the delivery of enhancements to ADAMS, and also in part to Mr Reddie on the delivery date for the interface. It was always a question of resources. He could say thankfully that WADA was in the process of reforming the organisation of the ADAMS development team and had taken on numerous new resources internally to assist in the rapid development of new functionalities and also to improve the efficiency of the process. WADA had started talking about the mobile app the previous year, and he could say with a high degree of confidence that it would be delivered by the end of 2013.

Regarding the interface with other systems, the team had been contemplating this for some time. The team envisaged, as mentioned in the paper, a universal interface that would be compatible not only with a system such as SIMON, but also any suitable system that wanted to interface with ADAMS. This was a huge undertaking, and it would require significant investment. The team was considering seriously a pilot project on doping control forms to see how to interface ADAMS with an external application for that purpose. Discussions with stakeholders would be taking place on that subject and it could hopefully be a stepping stone to a larger project to allow interface on other kinds of data, such as whereabouts, TUEs, etc. He wished he could provide more guidance on the timelines as to when this would be available. He hoped to update the members at future meetings, but was unfortunately unable to make any promises on that.

Regarding the technical questions, as he had mentioned in the presentation, the platforms supported by the app would initially be iOS and Android – the largest market for mobile apps. As WADA progressed with the release plans, the team would always be considering changes and future adaptations.

Finally, regarding GPS, the simple answer was no: WADA would not integrate any GPS functionality in the app in terms of being able to work out where the athlete was and provide warnings related to that. If WADA did decide to do something like that in the future, because the technology did exist, it would require explicit consent from the athlete.

## DECISION

ADAMS update noted.

### **10. Department reports**

- 10.1 Science
  - 10.1.1 Health, Medical and Research Committee Chair report

PROFESSOR LJUNGOVIST said that he would be brief because the members had an 11-page document in their files. WADA had received 104 research projects that year for research grants, which indicated an increase in the programme and growing interest in anti-doping research by anti-doping laboratories, accredited laboratories and other research laboratories around the world, so the WADA research grant system had become an established component in the scientific world related to sport and science.

The 2014 List of Prohibited Substances and Methods had been circulated and was in the consultation phase until 26 July, after which comments would be collected and put together into a proposal for the 2014 List to be decided upon by the Executive Committee and published by the end of September at the latest.

The previous year, there had been a conference in Paris with the pharmaceutical industry in November which had resulted in a further development with the industry, the intention being to have a cooperative approach, so that WADA would be made aware of any new substances in the pipeline in the pharmaceutical industry and that could be misused for the purpose of doping. This would then give WADA time to develop, through its research projects, the necessary methodology to meet the upcoming threats when such substances actually came onto the market. This was a fairly recent collaboration that had been developed following the conference in Paris.

WADA would stage the fourth edition of the Gene and Cell Doping Symposium in Beijing in early June. It would bring together international experts to discuss recent progress on the detection of gene doping and risks associated with the abuse of cell therapy, and he thanked the Chinese partners, CHINADA, the Chinese NOC and the Beijing Olympic Development Association, which had taken on the organisation of the symposium. There was progress being made in the field of the detection of gene doping, gene doping users and using gene technology for the purpose of identifying other types of doping. Gene technology was a high profile issue.

#### DECISION

Health, Medical and Research Committee  
Chair report noted.

- 10.1.2 Science update

THE CHAIRMAN said that he did not propose to ask Dr Rabin, Dr Vernec or Professor Ljungqvist to speak to the papers in the members' files under 10.1.2, 10.1.3, 10.2.1 and 10.2.2. He knew that the members had read them and Dr Rabin, Dr Vernec and Professor Ljungqvist would be happy to respond to comments or questions.

#### DECISION

Science update noted.

- 10.1.3 Draft 2014 List update

#### DECISION

Draft 2014 List update noted.

- 10.2 Medical

- 10.2.1 Health, Medical and Research Committee Chair report

#### DECISION

Health, Medical and Research Committee Chair  
report noted.

- 10.2.2 Medical update

#### DECISION

Medical update noted.

- 10.3 Education

- 10.3.1 Education Committee Chair report

MR JURITH said that, the previous month, from 25 to 26 April, the Education Committee had met in Montreal to discuss current and future WADA education programmes. The committee had also been pleased to welcome Mr Tyler Hamilton as a guest speaker. It was felt that Mr Hamilton had provided information that would further assist WADA in the development of an effective anti-doping education programme and activities. Some of the areas he had stressed in his presentation based on his own experience were the need for education to be mandatory for all athletes, to ensure that athletes

understood and were educated about the decisions that they made which would have long-term effects when they were exposed as cheats, and that more needed to be done to educate the athletes' entourage.

The Education Committee was recommending that the social science research programme develop a more targeted approach in terms of identifying subject matters for further research so, instead of having a lot of proposals come in and deciding what looked good and to fund them, the Education Committee recommended reaching out to the research community with four or five topics that it wanted the research community to respond to WADA on, the idea being that it would be better able to define the social science research needs of WADA in a more targeted fashion and actually get in return better research recommendations.

It had been recommended that the Education Department continue to work with partners to minimise translation costs.

The Education Committee had also recommended that a representative from ASOIF attend the education working group meeting in Lausanne. The group was looking at creating a single education resource for all stakeholders.

It had also been recommended that WADA reach out to Olympic Solidarity to encourage it to include anti-doping education as a mandatory element in its training programmes.

It had further been recommended that the education team place a focus on working with and assisting stakeholders in implementing the various education programmes.

The committee had also thought that there was a need for governments to play a more active role in campaigning for values-based education in schools, and that was something that would be talked about by the public authorities to further their public education mission.

Based on the outcomes of the Latin American Education Symposium and the Montevideo Declaration, it had been recommended that WADA develop a moral pledge for athletes and their entourage.

The Education Committee was also recommending that a regional education symposium be held in 2014, at a location to be determined.

It had been recommended by WADA that the Education Committee and the Athlete Committee remain in close contact, sharing agendas and having at least one member of each committee attend the respective committee meetings.

The next meeting of the Ad Hoc Social Science Research Working Group would take place in Montreal on 4 October, followed by a teleconference with the committee members on 5 October. He would be happy to take any questions that the members might have.

MR KGATHI was grateful to have been given an opportunity to speak at his first Foundation Board meeting. He was very impressed with the very professional conduct, and also wanted to thank the Education Committee Chairman for the report he had just presented and congratulated the entire department on what it had been able to achieve to date. He emphasised the fact that education remained the backdrop to ensure that anti-doping initiatives remained relevant, a cutting edge and a tool to reach athletes in a meaningful way.

As an African representative on the Foundation Board, he informed the members that, in 2014, Botswana would host the second edition of the African Youth Games, at which it expected almost 4,000 athletes. Africa's next generation of elite athletes would be congregating at the event, and he was of the view that this gathering of young aspiring athletes created a very useful platform to engage athletes in the issues of clean and fair sport and healthy and ethical living, so he urged WADA and the regional bodies to take advantage and catch them young and teach them what was needed. WADA had piloted the Play True Generation programme at the first edition of those games in Morocco in 2010, and he believed that ANOCA, as the custodian of the games, and the local organising committee would be very happy and honoured to have the games used for that purpose. He was also aware that the African regional office director had already initiated discussions with the local organisers and ANOCA and he would appreciate the members' favourable consideration of the issue, which would undoubtedly contribute to spreading education further. He appreciated the importance of anti-doping to sport development and human development at large and, as an African representative, he acknowledged the challenges and disparities and realised the amount of work that remained to be done at African level.

Therefore, there was an imperative to work hard and fast and he said, on behalf of his African colleagues, that he was committed to assisting WADA achieve its goals and initiatives, and would liaise with the regional office to come up with an ambitious education programme and, where possible, would call on WADA to assist.

He had proposed to the regional office that anti-doping and WADA should be an agenda item on any sports forum. When there was a meeting, it was important to discuss issues related to anti-doping, and there would be several meetings taking place within Africa at which he believed there should be more talk about education and anti-doping education and, with WADA's help, he hoped to achieve something. Education was lacking but the political will was there and a change could be made.

MR PENGILLY observed that it was a great idea to have one resource and all the different stakeholders pool that together. The second question was about the e-learning tool for athletes, which was another good initiative, and he was wondering about timelines for when that might be available.

His third point was that he thought that there had been some misunderstanding regarding his last question on GPS and the ADAMS mobile app: it was not for athletes to choose to be monitored, but more an option for them to switch on something to avoid filing failures for themselves, as a reminder to check that they were where they had said that they were going to be, so it was a tool to help athletes rather than a tool to monitor. He did not want any confusion about that.

MR KOEHLER welcomed the invitation from ANOCA to the African Youth Games and would work in partnership with ANOCA as it developed the education programmes.

The e-learning tool was already out to the athletes, to about 50 stakeholders in the beta-phase testing, so it was being circulated and it had been circulated among the WADA Athlete Committee members. In terms of timelines, realistically, WADA should be ready to launch by no later than November that year.

#### DECISION

Education Committee Chair report noted.

- 10.3.2 Education update

THE CHAIRMAN suggested that the members note this item.

#### DECISION

Education update noted.

- 10.4 Programme development

THE CHAIRMAN suggested that the members note this item.

#### DECISION

Programme development update noted.

- 10.5 Regional offices

- 10.5.1 Tokyo report

MR HAYASHI said that the Tokyo office wished to highlight recent anti-doping achievements through the six RADOs covering almost all of the countries in the region and the five main strategies.

The first was education. Several RADOS had already established education committees to support individual education programmes in member countries. The UNESCO fund was a very effective tool to support the implementation of education programmes, not only holding a workshop or seminar for stakeholders, but also for the development of education materials in their own languages.

WADA invested in human resource development through RADO DCO training courses and expert training courses, and coordinated participation in major games in cooperation with advanced NADOs in the region and also the Oceania NOC and the OCA, of course in partnership with IFs. He showed the members an image of the Beirut marathon in cooperation with the IAAF.

National anti-doping structuring was also promoted through the RADO programmes. The RADO TUE committee members had been invited to the Asian TUE seminar in Tokyo that January and also the Singapore anti-doping organisation and the Korean anti-doping organisation had hosted advanced training courses for senior DCOs and RADOs that were leaders in the anti-doping community in member countries.

Each RADO had developed its own communication strategy and used websites and social media to further communications among stakeholders and demonstrate the importance of anti-doping activities to society. The WADA Outreach model and the Say No! to Doping Campaign were also very actively used. The OCA had assisted RADOs with media policy.

As his colleague had reported, some ADOs had been making a significant contribution to RADOs recently for their sustainability, and it was becoming a common strategy for other governments in the region to facilitate and assist RADO programmes, as agreed at the previous intergovernmental meeting in the Maldives. He appreciated the fact that Mr Fukui had made a commitment to continue his strong support of RADO activities from 2013 and beyond.

– 10.5.2 Montevideo report

MS PESCE said that she wished to share some pictures of an activity in the region, the Latin American Education Symposium. It had been co-organised by WADA and the Sport Ministry of Uruguay, which had hosted the event in Montevideo. 35 representatives from 20 Latin American and Spanish-speaking Caribbean countries had attended the event on 10 and 11 April, opened by WADA's Director General, Uruguay's Minister for Sport, and the National Sport Director, Mr Irurueta. The two-day event had consisted of an overview of WADA's work in Latin America along with presentations on how best to develop and implement anti-doping education programmes. A series of record sessions and presentations from the region had provided countries with an opportunity to share ideas and develop education plans. A significant outcome had been the Montevideo Declaration on Anti-Doping Education, which had been raised by the participants as a way of ensuring that they would put into action what they had worked on and discussed during the event. In it, they had declared 10 April Play True Day, with the objective of celebrating carrying out different activities related to anti-doping education, matched with cultural diversity but unified in one single message. They had also created a group to draft a Play True Declaration, to be a document that athletes, coaches, doctors and the sport community in general, especially young people, would sign. The importance of including anti-doping education on school and university curricula had also been highlighted. It had been an excellent opportunity to exchange ideas, listen and motivate Latin American countries to keep enhancing their anti-doping programmes through strong education. She thanked Uruguay for hosting the event and encouraged other countries to help develop similar initiatives, which would result in tangible benefits for the region.

PROFESSOR DE ROSE noted that the South American Youth Games would be held in Lima, Peru, from 20-29 September.

– 10.5.3 Lausanne report

MR DONZÉ said that, as all of the members would remember, the Lausanne office was a regional office with a very specific focus due to its location in Lausanne. Its mandate and role were mainly one of liaison and interface with the IFs and their umbrella organisations, with European sporting bodies such as the EOC and, as requested by the WADA headquarters and in coordination with them, liaison and interface with the European governmental bodies, and this part of the work had increased over the past few months.

The members would see a fairly comprehensive report on the activities of the office, so he would not go into great detail, but he wished to highlight two main activities that warranted further mention. The first was the very successful anti-doping organisation event held on 19 and 20 March that year in Lausanne. Those who had been involved for years in anti-doping would remember that what had started in 2005 as a symposium for IFs had become quite an important event for the anti-doping community and personnel by bringing together IFs, NADOs, RADOs and major event organisations in Lausanne on annual basis to discuss the evolution of the fight against doping in sport and try to brainstorm on how to further enhance the fight against doping in sport. That year, there had been a record number of participants, with more than 310 coming from all over the world, representing over 160 ADOs, offering a great opportunity to discuss some of the progress made in the fight against

doping in sport, namely the review of the World Anti-Doping Code and International Standards. The agenda had also focused on the development and implementation of intelligence and investigation tools, as well as the development of the ABP. Most importantly, this was a unique opportunity for anti-doping personnel from all over the world to gather, network, interact, get to know one another better and try to address one of the points raised a number of times the previous day and that morning: the importance of cooperation in the fight against doping in sport, particularly among NADOs and IFs. The event increased confidence and trust among anti-doping personnel and WADA would take on board all of the feedback received to try as much as possible to take it into account in the development of the 2014 agenda. WADA had already secured a date and venue for the following year, and he looked forward to organising the next symposium in Lausanne.

In addition to the work that had been conducted with the European governmental bodies, the Council of Europe, CAHAMA, and the EU Expert Group on Anti-Doping, upon request, he had met with a delegation of the panel of the French Senate conducting a hearing on the enhancement of the fight against doping in sport in France. Mr Niggli and he had met with a delegation of the panel in Lausanne the previous week and the President would be heard by that panel in June in Paris. Mr Niggli had also been involved in a similar exercise with the lower house of the German Parliament, which had also been holding a hearing on the fight against doping in sport a few weeks previously, discussing a number of matters, including the Code review.

#### – 10.5.4 Cape Town report

MR SWIGELAAR said that there was a complete report in the members' files, so he highlighted two specific issues, the first on the development of RADOs in the region. Since November 2012, a great deal of progress had been made in the development of the African RADOs. The Zone V RADO administrator had been appointed through a WADA staffing grant, and the process of employing a full-time staff member for the Indian Ocean RADO was well on track. The move of the Zone I office from Tunisia to Morocco had been completed and progress was also being made in that regard. A lot of progress regarding the implementation of the WADA testing grant was being made in the Zones V and VI RADOs, and this would be extended further to include the Indian Ocean and the Zone I RADOs.

The regional office had also hosted the first African RADO staff training session in Cape Town recently, and the training, attended by all RADO staff members except for the Zone I person (who was still to be appointed), had focused on a range of pertinent general administrative as well as very specific anti-doping issues, and the outcomes had been very encouraging. It was envisaged that future training sessions of that nature would benefit the RADOs even further.

Investment made to develop the RADOs and those entrusted with the day-to-day operations was certainly yielding results and the continued support of the structures was undoubtedly advancing the fight against doping in sport in the African continent.

The second issue was one that had been discussed the previous day and that morning, but he wanted to highlight one or two issues. The President had visited Kenya in November to discuss the allegations of widespread doping practices among elite Kenyan athletes. It had been reported that the Kenyan Government and NOC had responded positively to the suggestions regarding the institution of a high-level independent investigation into the allegations. In February 2013, he had visited Kenya to attend the Zone V RADO board meeting and discuss with Anti-Doping Norway collaborative programmes to implement in Kenya and, during that period, he had followed up on progress on the investigations with the relevant Kenyan authorities. It had been reported that the government had already approved funding for the investigation, the independent commissioners had been identified and that it was all systems go for the investigation to commence; however, three or four months down the line, the investigation had not commenced and, despite continuous efforts by the regional office to ascertain the status quo, no information had been forthcoming. This was indeed a worrying situation. Whilst it might be possible to mitigate the lack of response by the authorities in Kenya based on the presidential elections conducted in March and the fact that a new minister had yet to be sworn in, the situation was indeed of concern especially in light of the fact that the allegations had not subsided and Kenyan athletes continued to confirm those. As suggested, once a new minister had been sworn in, he would engage with him or her on the need to expedite the process. Should the delays continue, WADA would have to intensify the pressure exerted, including looking at engaging the media where possible and feasible.

MR MERITON thanked the African regional office in general and Mr Swigelaar in particular for the support and effort provided to ensure that it would be possible to contribute meaningfully to the global fight against doping in sport. The ongoing development of RADOs was critical and the staffing and testing grants would go a long way to allow the RADOs to implement their objectives. The issue of Kenya highlighted by Mr Swigelaar was a very worrying phenomenon in the region, in the sense that the Kenyan authorities had not done what they had said they would do. Kenya had all of the natural ambient environment necessary to produce athletes of outstanding quality and it had been doing so for so many decades, and he thought that many Kenyan athletes were household names and role models for many thousands of young aspiring athletes. The region would continue to give unconditional support and assistance when required, and would also engage with the Kenyan authorities to see what could be done to get them to understand the concerns and challenges of the athletes with a view to finding an eventual solution.

He had recently attended the general assembly of CONFEJES and he had engaged his colleagues on anti-doping and WADA issues, particularly regarding the ratification and implementation of the UNESCO convention and dues to be paid to the organisation. It was important and critical to ensure that stakeholders were informed and educated on pertinent matters in relation to anti-doping. Progress was being made but, in a region as diverse (culturally politically and socially) as his, such interventions were vital to playing a role in the region and contribute to the global fight against doping in sport.

#### DECISION

Regional offices update noted.

- 10.6 Communications
  - 10.6.1 Athlete Committee Chair report

MS RUGGIERO informed the Executive Committee that WADA's Athlete Committee had met in New York in January, and the Director General had presented a report, which had resulted in a number of comments.

There was concern regarding the capacity of the anti-doping laboratories worldwide and the committee members encouraged the approval of laboratories and clinics to analyse blood samples to help countries without accredited laboratories.

There was deep concern from the athlete community about the recent allegations of doping in Kenya, and the Athlete Committee members called on the Kenyan Government to put in place an independent inquiry on the latest doping allegations highlighted in the media in the past year.

The Athlete Committee had acknowledged that the RADO in Nairobi had increased its programme capacity and appreciated that, but was keen to see similar development in Jamaica, which had had a change in leadership at management level.

With respect to the Code review, a very thorough explanation had been provided by Mr Young, and she thanked him for that. It was recommended that the athletes be made responsible for their choices and that ways be found to enhance the accountability of IFs in applying their anti-doping programmes.

The Athlete Committee knew that the Code Drafting Team would be working on an athlete-friendly explanatory version of the 2015 Code and would engage with the committee on that aspect, and that was a very important component of the new Code.

The Athlete Committee had received a presentation on the need to increase the role of education, and all members had agreed across the board on the importance of reaching out to athletes and educating them on the dangers of doping and why it was morally wrong, and were calling on their own anti-doping organisations to raise the levels of education and information on their anti-doping programmes.

On the Lance Armstrong case, which so many athletes had followed so closely, the members had called on Lance Armstrong to make a full confession to the anti-doping authorities for the sake of clean athletes around the world. That had not happened, of course.

Robert Manfred of Major League Baseball had given a presentation on the advances made, the implementation of a strong anti-doping programme and the league's shift in culture.

The next Athlete Committee meeting would be held in conjunction with the next IOC Athlete Commission meeting in Singapore at the end of June, at the time of the International Athletes' Forum. The Athlete Committee was also looking forward to being heard at the World Conference on Doping in Sport in Johannesburg.

- 10.6.2 Communications update

THE CHAIRMAN indicated that the communications report was in the members' files.

DECISION

Communications update noted.

- 10.7 Governments

THE CHAIRMAN indicated that the governments report was in the members' files.

DECISION

Governments update noted.

- 10.8 International Federations

- 10.8.1 International Federations update

THE CHAIRMAN concluded that Mr Donzé had already addressed the issue in his earlier report.

- 10.8.2 Anti-Doping Organisation Symposium

THE CHAIRMAN concluded that Mr Donzé had already addressed the issue in his earlier report.

DECISION

International Federations update noted.

- 10.9 Standards and harmonisation

THE CHAIRMAN said that he did not propose to ask Mr Andersen to speak to the report.

DECISION

Standards and harmonisation update noted.

### **11. Any other business/future meetings**

THE CHAIRMAN thanked the members for a very constructive and cordial meeting that had dealt with some pretty important areas on the direction of the Code and greater quality as a result of the findings and identification of how to achieve some better quality on what WADA did from the Pound report. It had been a most helpful meeting. He acknowledged the WADA staff for the preparation that went into the meetings. The Executive Committee had had the benefit of iPads the previous day. Hopefully, in the future, such technology would be extended to the Foundation Board meetings. He was sure that that day would come. The meetings had required a great deal of work from the staff, and the committee members had been extraordinarily well served so he thanked the staff, interpreters and technicians on behalf of the Foundation Board.

He looked forward to seeing the Executive Committee members on 11 September in Buenos Aires and the Foundation Board members at the World Conference on Doping in Sport in Johannesburg in November. He urged the members to register quickly for the conference, to give the management an opportunity to work on the programme and organisation knowing who would be attending and participating actively in the conference.

This might well be his last formal attendance in Montreal. He was not a nostalgic person, as he had got used to the fact that all things came to an end, but it would be remiss of him not to say to those staff members he would no longer see that he had been very grateful for the support given to him in Montreal and the fact that they had made his time in the city even more pleasant and certainly productive.

DECISION

Executive Committee - 11 September 2013;  
Executive Committee - 12 November 2013;  
World Conference – 12, 13, 14 and 15 November 2013;  
Foundation Board - 15 November 2013;  
Executive Committee - 17 May 2014;  
Foundation Board - 18 May 2014;  
Executive Committee – 20 September 2014;  
Executive Committee – 15 November 2014;  
Foundation Board – 16 November 2014.

The meeting adjourned at 1:55 p.m.

FOR APPROVAL

**JOHN FAHEY, AC**  
PRESIDENT AND CHAIRMAN OF WADA