

Application for the position of
Independent Expert Member of the
WADA Risk and Audit Committee

CONFIRMATION OF INDEPENDENCE

I have submitted my candidacy for the position of Independent Expert Member of the WADA Risk and Audit Committee.

1. Identification

Print name:

Nationality:

Country of Residence:

2. Confirmation of Independence

By signing this **Confirmation of Independence**, I hereby confirm that I satisfy:

- WADA's **General Independence Criteria** (as outlined below)
- WADA's **Operational and Personal Independence Criteria** (as outlined below)

In addition, I confirm that I am not involved in WADA's operations and/or management and understand that, if confirmed as Independent Expert Member of the WADA Risk and Audit Committee, shall refrain from being involved in WADA's operations and/or management outside the duties of the said committee.

I furthermore commit to act in the best interests of WADA when exercising my mandate within the committee.

Signature:

Date:

Please send the completed form to the attention of:
CHAIR OF WADA'S NOMINATIONS COMMITTEE, MS DIANE SMITH-GANDER
E-MAIL (c/o governance@wada-ama.org)

Important Note: WADA's By-Laws of the Foundation Board on Independence formally in effect in April 2023 are provided for below. It is to be noted that in May 2022, the WADA Foundation Board approved recommendations to update the independence criteria. The By-Laws are in the process of being updated and are expected to be approved shortly. As soon as they are approved, they will take formal effect. Given this transition period, we ask candidates to confirm their independence against both the existing and incoming criteria.

3. **By-Laws of the Foundation Board on Independence**¹ (In effect April 2023)

General Independence Criteria

3.1 **Principle**

The requirement for all WADA officials to be independent and free of undue influence when fulfilling their duties is the cornerstone of WADA's good governance. The purpose of these By-Laws is to set out standards of independence to be observed by all individuals serving as members of WADA's bodies and committees (such as the Foundation Board, the President and Vice-President, the Executive Committee, the Nominations Committee, Standing Committees and Expert Groups, as well as the Director General) (each an "Individual").

3.2 **List of General Independence Criteria applied by WADA**

- 3.2.1 *Every Individual shall remain free of undue influence and independent in character and judgment and shall avoid any relationships or circumstances which, to an informed third party, could affect, or could appear to affect, the Individual's judgment. Membership of a sport organization or of a Public Authority is not against the General Standard of Independence.*
- 3.2.2 *Every Individual shall sign a statement of independence (the "Statement of Independence") in the form of Annex 1², to be sent to the General Director no later than 20 days after having taken office.*
- 3.2.3 *The Individual shall disclose to the General Director (or to the President if the Individual is a member of the Foundation Board, a member of the Executive Committee or the Director General), with a copy to WADA's Legal Director, any facts or circumstances in respect of which the Individual has concern that they might impair, or be perceived to impair his/her ability to remain independent.*
- 3.2.4 *Concerns also exist if a reasonable third person having knowledge of the relevant facts or circumstances, could reach the conclusion that there is a likelihood that the Individual may be influenced in fulfilling his/her duties by factors other than the interests of WADA.*
- 3.2.5 *Concerns will be deemed to exist as to the Individual's independence in any of the situations described in Section 2 of these By-Laws.*
- 3.2.6 *If an Individual makes a disclosure, WADA's Legal Director (or an external counsel appointed by WADA's Legal Director for this purpose), shall review the disclosure and provide WADA's Director General (and the President if the Individual is a member of the Foundation Board, a member of the Executive Committee or the Director General) with a legal assessment (the "Assessment") as to whether the facts or circumstances disclosed by the Individual might not comply with WADA's standards of independence. As part of the preparation of this Assessment, WADA's Legal Director (or any external counsel appointed for this purpose) shall be entitled to seek further information and/or clarification from the Individual, and the Individual shall provide his/her full assistance in this regard. The Assessment shall be communicated in writing to the Individual, who may provide oral or written explanations as he/she sees fit. If the Director General (or the President if the Individual is a member of the Foundation Board, a member of the Executive Committee or the Director General) believes that the facts or circumstances disclosed do not comply with WADA's standards of independence, he/she shall inform the Individual accordingly and invite the Individual to take all appropriate measures to remove such possible lack of independence.*

Stricter Independence Criteria

4.1 **Principle**

The Individuals to which the Stricter Independence Criteria apply shall hold no duty or responsibility to, and no office or relationship with, a sport institution or government or public corporation (including corporations funded by a State, but which operate autonomously from the State).

4.2 **List of Stricter Independence Criteria regarding Governments applied by WADA**

The Individuals must not:

¹ Section IV of the [WADA Governance Regulations](#).

² See Annex 1 of WADA Governance Regulations.

- 4.2.1 *hold any senior position (Head of State/ Cabinet Ministers/Ministers/ Secretary of State/ Deputy Minister/ heads of government departments/Executive Director/Senior Officers of Public corporations);*
- 4.2.2 *receive personal benefits (salaries, honoraria etc.) (except for pension or other indemnities paid for their past activity for governments or public corporations) from any government or public corporation for the performance of their duties for WADA;*
- 4.2.3 *be directed by any government, political party or public corporation on matters related to WADA and WADA's activities.*
- 4.3 **List of Stricter Independence Criteria regarding Sport Institutions applied by WADA**
The Individuals must not:
 - 4.3.1 *serve on the Board of Directors or occupy any elected/appointed position in any sport organization which is a Code Signatory or an Umbrella organization overseeing Code Signatories;*
 - 4.3.2 *hold senior position or position of authority (whether paid or unpaid) in any sport organization which is a Code Signatory or an Umbrella organization overseeing Code Signatories. Membership on athletes' commissions is not against the principle of independence;*
 - 4.3.3 *receive personal benefits (salaries, honoraria etc.) (except for pension or other indemnities paid for their past activity for international or national sport organizations) from any sport organization which is a Code Signatory or an Umbrella organization overseeing Code Signatories for the performance of their duties for WADA;*
 - 4.3.4 *be directed by any sport organization which is a Code Signatory or an Umbrella organization overseeing Code Signatories.*

4. Reform of the Independence Requirements (May 2022) (to formally come into effect later in 2023)

Following the approval by the WADA Foundation Board on 19 May 2022 of the recommendations formulated by the Working Group on the Review of WADA Governance Reforms (WG), the requirements of independence to be applied to the various WADA positions are to be amended and incorporated within the WADA Governance Regulations. The three categories of independence requirements are detailed below and the way they are to be applied to the various WADA positions is detailed in Section IX of the [WG report](#).

Operational independence

The official in the exercise of his/her mandate shall always act in the best interest of WADA and remain free of undue influence. The fact that an official has a duty or responsibility to, or holds an office or a relationship with, a WADA stakeholder, or was nominated or proposed by a stakeholder does not *per se* hinder the official from exercising his/her mandate in the best interest of WADA.

All WADA officials must comply with the requirements of operational independence and must perform their activities exclusively in the best interests of WADA, disregarding entirely particular interests.

Personal independence

The official must exercise his/her mandate in a personal capacity and shall not act upon direction or coordinate with any other person / entity outside WADA.

Organisational independence

A non-executive, executive, operational or management function exercised by the official in / with any WADA stakeholder disqualifies the official for the respective WADA position. The official is ineligible if he/she holds a duty or responsibility to, office or relationship, with the non-executive, executive, operational or management of a WADA stakeholder, i.e. any entity which can send representatives on WADA governing bodies, can be bound by rules enacted by WADA or can be directly or indirectly impacted by WADA activities³.

Below is a non-exhaustive list of possible examples of incompatibility with organisational independence:

- a) staff member or elected/appointed position in organs exercising authority with a national or international sport institution,
- b) senior position (Head of State/ Cabinet Ministers/Ministers/ Secretary of State/ Deputy Minister/ heads of government departments/Executive Director/Senior Officers) with the Public Authorities or a public corporation or personal benefits from Public Authorities for the performance of duties for WADA,
- c) staff member or elected/appointed position in organs exercising authority with Code signatories,
- d) individuals/members of entities with long-term contractual relationships with WADA,
- e) members of law firms that regularly file claims for / against WADA,

³ The WG recommends that a cooling-off period of 12 months be applied to certain positions (listed in the table on pp. 38-40 of their [report](#)).

- f) staff member or elected/appointed position in organs exercising authority with service providers active in the anti-doping field.

Below is a non-exhaustive list of possible examples of compatibility with organisational independence:

- a) independent member of certain advisory bodies of a national or international sport institution, Public Authorities, public corporation, Code signatories or other WADA stakeholder⁴,
- b) independent member of an adjudicatory body of a national or international sport institution, Public Authorities, public corporation, Code signatories or other WADA stakeholder.

⁴ For example, an independent member of an integrity body of a WADA stakeholder would be considered as meeting the organisational independence requirement.