

# WADA ~~GOVERNANCE~~ ~~REGULATIONS~~

May  
2023

# Governance Regulations

*adopted by the Foundation Board in Katowice on 7 November 2019 and revised by the Foundation Board on 12 April 2021  
and on ... 2023*

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## I. Regulations of the Foundation Board

### 1.0 Preamble

Pursuant to ~~article 7 par. 1 of~~ the WADA Statutes, the Foundation Board is self-organized. ~~Pursuant to article 11 par. 1 of the WADA Statutes, the Foundation Board~~ and may delegate to the Executive Committee the actual management and ~~operation~~running of the Foundation, the performance of all its ~~organizational~~ activities and the actual administration of its assets.

The purpose of the present regulations (the “**Regulations**”) is (i) to regulate the governance of ~~the Foundation Board~~WADA, and (ii) to ~~delegate~~define the ~~management of the Foundation to the Executive Committee, and (iii) to set out the principles regarding the appointment of the Executive Committee~~organization, powers, and responsibility of WADA bodies.

These Regulations aim to supplement the WADA Statutes, which have precedence over these Regulations in case of inconsistencies.

### 2.0 Governance of the Foundation Board

#### 2.1 Composition and appointment of the Foundation Board members

The composition of the Foundation Board and the appointment of its members are set out in the WADA Statutes.

#### 2.2 ~~2.1~~ **Eligibility and Election of the President and Vice-President of the Foundation Board**

##### 2.2.1 ~~2.1.1~~ Independence of the President and Vice-President

To be eligible to stand for the position of President or Vice-President, candidates must meet the ~~Stricter~~Operational, Organizational and Personal Independence Criteria set out in ~~Section 2 of the By-Laws~~Regulations on Independence (as amended from time to time). ~~With respect to the President and Vice-President taking office with effect from 1 January 2020, these requirements on independence must be satisfied at the time they take office. For all future terms, candidates to the position of President and Vice-President shall meet these requirements~~ in accordance with the provisions of the ~~By-Laws regarding~~Regulations on the election of the President and Vice-President ~~of the Foundation Board. The Organizational Independence criteria shall be met six months before the date of entry into office.~~ In any case, these requirements remain applicable for the entire ~~terms~~duration of their ~~terms~~in office. An annual Statement of Independence for the President and the Vice-President must be published on WADA’s website, in accordance with applicable statutory provisions on privacy.

##### 2.2.2 ~~2.1.2~~ Rules for the Election of the President and Vice-President

The rules regarding the election of the President and of the Vice-President are set out in the WADA Statutes and in the ~~Foundation Board By-Laws regarding~~Regulations on the election of the President and Vice-President of the Foundation Board.



## 2.3 ~~2.2~~ Independence, Code of Ethics, Conflict of ~~Interests~~Interest, Confidentiality, Media and Term of Office

### 2.3.1 ~~2.2.1~~ Independence

The members of the Foundation Board must meet the requirements of Operational independence as set out in ~~Section 1.2 of the By-Laws~~Regulations on Independence. These requirements on independence must be satisfied at the time they take office and remain applicable for the entire term of their office. The members of the Foundation Board shall immediately inform the Foundation Board through the Director General of any circumstances which might prevent ~~such members~~them to meet the requirements of independence.

### 2.3.2 ~~2.2.2~~ Code of Ethics, Conflict of ~~Interests~~interest, Confidentiality and Media

All members of the Foundation Board are required to sign a document upon their appointment and again annually, pursuant to which they undertake (i) to comply with the Code of Ethics adopted by the Foundation Board (as amended from time to time); (ii) to comply with the Conflict of Interest Policy issued by the ~~Executive Committee~~Foundation Board (as amended from time to time) and any other provisions applicable by law ~~in this matter regarding conflict of interest~~; (iii) to keep all matters related to WADA confidential; and (iv) to comply with the WADA Media Relations Policy issued by the Executive Committee (as amended from time to time).

Each member of the Foundation Board is entitled to share information on matters related to WADA within the ~~organization or government~~body that proposed him/her to the Foundation Board to the extent needed for the fulfilment of his/her duties. In any event, the member of the Foundation Board remains responsible for the observance of the confidentiality on matters related to WADA.

### 2.3.3 ~~2.2.3~~ Term of Office

The term of office is set out in ~~Article 6 of~~ the WADA Statutes.

## 2.4 ~~In the event of incapacity or death of a member of the Foundation Board, he/she will be replaced immediately by the stakeholder which appointed him/her.~~ Meetings

The Foundation Board meetings shall be conducted by the President/Vice-President in a way to allow for a culture of productive discussion. The Foundation Board may adopt rules regarding the conduct of the meetings, the role of the President/Vice-President and other members of WADA bodies during the meetings and other practical matters related to the meetings.

### ~~2.3~~ **2.3— Foundation Board Meetings and Deputies**

~~The “Executive Committee and of the~~ Foundation Board ~~Meetings—~~are held in public under the limitations set by the Policy on Participation and Observer Attendance ~~and Participation Policy” (as amended from time to time) to Executive Committee and Foundation Board Meetings~~ issued by the Executive Committee (~~the “Observer and Participation Policy”~~) shall apply to meetings ~~of the Foundation Board~~as amended from time to time. The President (at his/her discretion) may at any time ask all attendees who are not members (or deputies or interpreters) to leave the meeting (including advisors to the members of the Foundation Board) to hold a closed session among members (and deputies and interpreters) of the Foundation Board only.

~~With the exception of the President and the Vice-President, each member of the Foundation Board shall be entitled to designate 2 deputies (each, a “Deputy”) in accordance with the principles set out in article 8 of the WADA Statutes. The President may grant exceptions and accept the designation of additional Deputies, in particular if it is appropriate to ensure the equal representation of the Public Authorities and the Olympic Movement.~~

~~The Deputies shall only serve for as long as the member is a member of the Foundation Board; exceptions may be granted by the President, provided, however, that deputies may not serve more than twelve years as deputy or member of the Foundation Board or of the Executive Committee. Article 11 of the Statutes shall apply until 31 December 2023 to the Deputies.~~

~~The Deputies shall exercise the rights and abide by the obligations of the member they represent, on behalf of and for the account of such represented member and in accordance with his/her instructions. The Deputies shall not be liable for such representation provided they act pursuant to the instructions received from the represented member.~~

Meetings of the Foundation Board must be recorded in minutes, published on WADA’s website. The minutes must be approved by the members before publication. In addition, a summary of the decisions taken shall be made available to the members within three weeks after the meeting.

### 3.0 Delegation of Management to the Executive Committee

#### 3.1 General ~~Mission of~~delegation to the Executive Committee

The Foundation Board delegates to the Executive Committee ~~is competent to take~~ all decisions which are not reserved by the law or by the WADA Statutes to the Foundation Board. ~~It~~The Executive Committee is responsible for the actual management and running of the Foundation, the performance of all its activities and the administration of its assets.

~~Without~~In addition to the duties set out in the Statutes and without limitation, the following are ~~missions and competences~~duties of the Executive Committee:

- ~~• High-level management of the Foundation and issuance of all necessary directives and regulations in this respect;~~
- ~~• Determining the structural organization of the Foundation;~~
- ~~• Organizing the accounting, financial planning and financial controls, risk assessment and supervision;~~
- ~~Appointing and removing~~Supervising the Director General;
- ~~Supervising the Director General~~, especially with regard to compliance with the applicable law and the WADA Statutes, regulations and ~~by laws~~policies;
- Creation and removal of standing or ad hoc committees;

- Appointment and removal of the Chairs and members of standing or ad hoc committees ~~and approval of committee members;~~
- ~~• Appointment and removal of members of the Nominations Committee;~~
- ~~• Amending the various International Standards and Technical Documents as part of the World Anti-Doping program.~~

Subject to the specific rules and regulations set out herein, the Executive Committee organizes itself.

To the extent not otherwise set out in mandatory statutory provisions, the WADA Statutes, or the present Regulations, the Executive Committee delegates the management of the Foundation to the Director General.

### 3.2 Reporting and Information

The President shall report on the activities of the Executive Committee during each meeting of the Foundation Board, as well as between meetings, should such reports be necessary or deemed desirable. The President may delegate such responsibility to the Director General.

Every member of the Foundation Board may, at any time, request information from the President regarding the activities of the Executive Committee. Such requests must be made in writing or by email, ~~or orally during meetings of the Foundation Board,~~ and directed to the President, who will ensure that (i) the request will be tabled on the agenda of the next Foundation Board meeting and (ii) the information will be collected and provided at the next meeting by the Executive Committee or by the persons in charge of the matter in the management of WADA. In case ~~the~~ request for information is denied or left unanswered, the Foundation Board shall decide on the matter during its next meeting.

A matter delegated to the Executive Committee shall be added to the agenda of the next meeting of the Foundation Board if requested by at least eleven members of the Foundation Board.

The Executive Committee and the Permanent Special Committees may request that an item for a matter within their respective competences be tabled on the agenda of the next meeting of the Foundation Board.

At each meeting of the Foundation Board, the Executive Committee shall submit a brief written report to the Foundation Board regarding its activities since the last meeting, this report shall be prepared by the Chair of the Executive Committee.

## 4.0 Appointment and Composition of the Executive Committee

### 4.1 Appointment to the Executive Committee and Removal from Office

With the exception of the President and the Vice-President, the appointment to, and the removal from, the Executive Committee is decided by the Foundation Board pursuant to ~~article 8 par. 5 of~~ the WADA Statutes. ~~The appointment of each Executive Committee member is decided by a qualified majority of two-thirds (2/3) of the votes cast by the members of the Foundation Board present at the time of the vote.~~

## 4.2 Composition of the Executive Committee

~~The~~ According to the WADA Statutes, the Executive Committee consists of ~~14~~16 persons. Except for the President and the Vice-President, the ~~majority members~~ of ~~them being chosen from amongst~~ the Executive Committee may not also be members of the Foundation Board members. The following principles shall apply to the appointment of the Executive Committee members:

- The President and the Vice-President of the Foundation Board shall automatically hold the position of ~~Chairperson~~Chair and Vice-~~Chairperson~~Chair of the Executive Committee (in accordance with ~~article 11 par. 2 of~~ the WADA Statutes);
- The Chair of the WADA Athlete Council shall automatically be deemed to be nominated as a member of the Executive Committee;
- 10 Members (the “**Ordinary Members**”) ~~a majority of whom are~~ shall be appointed ~~from amongst the Foundation Board Members~~ as follows:
  - 5 Members are ~~proposed~~ nominated by the Olympic Movement;
  - 5 Members are ~~proposed~~ nominated by the Public Authorities;
- ~~2 Independent Members are~~ 3 independent members (the “Independent Members”), recruited and proposed in accordance with the process described under 4.3 below ~~(the “Independent Members”), shall be appointed by the Foundation Board.~~

## 4.3 Selection Process of the Independent Members

~~For the appointment of the Executive Committee members to take seats with effect from 2020, the~~

The Nominations Committee shall periodically conduct a skills mapping exercise to identify any possible missing skills on the Executive Committee ~~following the appointment of the Ordinary Members~~. The results of such exercise shall be communicated in writing to the Foundation Board.

Based on such results, for the appointment of two of the three independent members, the Olympic Movement and the Public Authorities shall each ~~propose one or more~~ submit to the Nominations Committee at least two candidates that have the skills and competence identified by the Nominations Committee to sit on the Executive Committee as Independent Members.

The Public Authorities are responsible for coordinating the process by which Public Authorities submit their ~~nominee(s)~~ candidates.

The International Olympic Committee (IOC) is responsible for coordinating the process by which the Olympic Movement submits its ~~nominee(s)~~ candidates.

For the third Independent Member, the Public Authorities and the Olympic Movement shall jointly submit to the Nominations Committee at least two candidates.

For any of the three Independent Members, National Anti-Doping Organizations (NADOs) and the WADA Athlete ~~Committee~~Council can make suggestions to the Public Authorities and to the Olympic Movement regarding possible candidates.

~~Unless exceptional circumstances apply, only one candidate proposed by the Public Authorities and one candidate proposed by the Olympic Movement will be submitted to the Foundation Board for appointment as Independent Members.~~

All candidates will be submitted to vetting by the Nominations Committee ~~following which the~~ The Nominations Committee will recommend (i) one candidate proposed by the Public Authorities ~~and~~ (ii) one candidate proposed by the Olympic Movement and (iii) the third candidate (chosen among the candidates submitted by the Public Authorities and to the Olympic Movement) to the Foundation Board for its approval. The final decision on the appointment of the Independent Members of the Executive Committee shall belong to the Foundation Board, which shall not be bound by the recommendations made by the Nominations Committee; however, if the Foundation Board decides not to follow the recommendations made by the Nominations Committee, it must ~~briefly expose~~provide the brief reasons for its position.

Once appointed, the Independent Members shall not be eligible to chair any Standing Committee established by WADA; in the event that a ~~chairperson~~Chair of a Standing Committee is ~~elected~~appointed as Independent Member, he/she shall immediately step down from the position of ~~chair~~Chair of such Standing Committee.

#### 4.4 Independence Requirements for Executive Committee Members

All Executive Committee members shall meet the ~~general standard of independence~~Operational Independence criteria as set out in ~~Section 1.2 of the By-Laws~~Regulations on Independence at the time they take office and for the entire term of their office.

The Independent ~~Member applicants~~Members and the Chair of the WADA Athlete Council shall also meet the ~~Stricter~~Personal Independence Criteria as set out in ~~Section 2 of the By-Laws~~Regulations on Independence at the time of their application and for the entire term of their office.

In addition, the Independent Members shall meet the Organizational Independence criteria six months before holding office and for the entire duration of their term of office, as set out in the Regulations on Independence.

The members of the Executive Committee shall immediately inform the Foundation Board through the Director General of any circumstances that may arise which might prevent ~~such members to meet~~them from meeting the applicable requirements of independence.

#### 4.5 Term of Office

~~With the exception of the Chair and the Vice-Chair of the Executive Committee, who shall hold position as long as they remain President and Vice-President of the Foundation Board, members of the Executive Committee are appointed for a term of 3 years and may be reappointed for 2 further terms of 3 years, provided that they continue to meet all relevant eligibility criteria; they~~

~~cannot serve for more than 9 years in aggregate in the Executive Committee, with a maximum of 12 years of presence as member or deputy of the Foundation Board or of the Executive Committee. In order to permit the Foundation Board to implement a rotation policy, the Foundation Board may decide until 31 December 2023 to appoint and reappoint, for a period of 1 to 3 years maximum, members and deputies having reached the maximum of 9 years as Executive Committee member, respectively as deputy, or 12 years of presence as Foundation Board or Executive Committee member or deputy thereof, while respecting the parity between the Olympic Movement and the Public Authorities.~~

~~The members of the Executive Committee, other than the President and the Vice-President, may be suspended or removed from office by the Foundation Board for just cause by a majority of two-thirds (2/3) of the votes cast by the members of the Foundation Board present at the time of the vote; in the event of a tie, the Chairperson has the casting vote.~~

~~In the event of incapacity or death of a member of the Executive Committee, such member will be replaced immediately, either by the Foundation Board, or temporarily by the Executive Committee; such temporary appointment shall become final only upon its ratification by the Foundation Board, no later than during the next meeting of the Foundation Board~~

The terms of office of the members of the Executive Committee are set out in the WADA Statutes.

#### 4.6 Indemnity

~~Subject to acceptance by the Swiss Supervisory Authority and given that the position of chair of~~Given that their positions on the Executive Committee ~~is a position~~are positions which ~~requires high~~require significant skills and independence, ~~demand~~demand a strong commitment and ~~generates~~generate a significant volume of professional work, the President, ~~acting in his/her capacity as chair of the Executive Committee, is~~the Vice-President and the Independent Members are entitled to receive ~~a gross~~an annual indemnity ~~of up to CHF 100,000.~~of up to CHF 100,000. ~~The~~which amount shall be reviewed regularly and decided by the Foundation Board, based upon the recommendations of the Remuneration and Indemnity Committee. If the Vice-President were to assume responsibilities of the President, resulting in a similar volume of work, including in case of extended incapacity or death of the President, then the Foundation Board may decide to increase the indemnity of the Vice-President, ~~acting in for his/her capacity as Vice-Chair of the Executive Committee, is entitled to receive an annual~~duties, however in an amount not exceeding the indemnity ~~of up to~~of up to CHF 50,000. ~~The actual indemnities~~the President. In such a case, the aggregate indemnity paid to the President and to the Vice-President for ~~each~~the year shall ~~be not exceed the actual indemnity~~not exceed the actual indemnity decided by the Foundation Board ~~when adopting~~in the budget for such year.

Save as set out above, there shall be no indemnity for the members of the Foundation Board, ~~who.~~ They shall ~~however~~however be reimbursed for their expenses through ~~a per diem indemnity in accordance with the conditions fixed by the Foundation Board. The members of the Executive Committee shall be entitled to a per diem~~the payment of a daily indemnity ~~and for the reimbursement of their expenses~~meetings which they attend, in accordance with the conditions ~~fixed by the Foundation Board; the Independent Members~~fixed by the Foundation Board. The President and Vice President shall also be entitled to a daily indemnity for activities that are performed on top of their normal duties of the Foundation Board and Executive Committee that result from the WADA Statutes and Governance Regulations.

Save as set out above, the members of the Executive Committee shall be entitled to ~~an annual~~ daily indemnity ~~fixed by the Foundation Board. The Foundation Board shall establish conditions~~ for and the reimbursement of their expenses ~~incurred for the meetings to which they attend, in accordance with the conditions fixed~~ by the ~~members of the~~ Foundation Board ~~for fulfilling their~~ duties.

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## II. Regulations on the Election of the President and Vice-President of the Foundation Board

### 1.0 Preamble

In accordance with the WADA Statutes, the Foundation Board elects a President and a Vice-President for an initial term of six years. The President and Vice-President can stand for re-election for a further term of three years. Any President or Vice-President cannot sit for more than nine years in each position. An election will take place at the end of each term in accordance with the process set out in the WADA Statutes.

The purpose of these Regulations is to define the provisions applicable to the election of the President and Vice-President of the Foundation Board, in conformity with the WADA Statutes and the relevant provisions of Swiss law.

### 2.0 Declaration of Candidacy

#### 2.1 Applications

Candidates for the position of President or Vice-President shall apply in writing by sending an application form with a resume (the “Application Form”), a nomination form signed by two members of the Foundation Board, one from the 20 Olympic Movement seats and one from the 20 Public Authorities seats (the “Nomination Form”) and a declaration of independence, with a list of current relevant activities and positions (the “Declaration of Independence”, and together with the Application Form and the Nomination Form, collectively, the “Forms”).

#### 2.2 Submission of Applications

The Forms shall be addressed to the attention of the Director General and shall be sent by email and be received at WADA’s Headquarters in Montreal no later than four months before the election date. The election shall be held at least six months before the end of the incumbent President’s and/or Vice-President’s terms, unless otherwise decided by the Foundation Board. The election year shall be the year immediately preceding the entry into office of the elected President and/or Vice-President, unless otherwise decided by the Foundation Board. Any Form received after the applicable deadline or any Form which does not comply with the requirements of Section 2.1 will automatically result in the relevant application not being admissible.

#### 2.3 Beginning of Office

Unless otherwise decided by the Foundation Board, the offices of the President and/or Vice-President shall begin on 1 January of the year following the election year. The elected President and Vice-President shall have to meet the requirements of the Operational and Personal Independence criteria and of the Organizational Independence criteria six months before holding office, as set out in the Regulations on Independence (as amended from time to time), unless the Foundation Board decides otherwise due to exceptional circumstances.



## 2.4 Second Term of incumbent President and Vice-President

The incumbent President and/or Vice-President sitting in their initial term of six years can stand for re-election for a further term of three years immediately after their initial term.

The process described under Sections 2.1 and 2.2 shall apply to them as well as to any other candidates. If another candidate is elected, the initial term of six years applies.

## 3.0 Eligibility

### 3.1 Criteria

The positions of President and Vice-President of the Foundation Board require skill, independence and a strong commitment. Candidates will be required to meet these requirements, as well as the Operational and Personal Independence criteria and the Organizational Independence criteria six months before holding office.

### 3.2 Reviewing of Candidates

The Nominations Committee shall be consulted in the preparation of the application process for the positions of WADA President and Vice-President of the Foundation Board and can identify candidates.

#### 3.2.1 The Nominations Committee will be responsible for reviewing and vetting the candidates.

The Nominations Committee shall verify that the Forms, duly completed and signed, are included in the candidates' dossiers and that the candidates meet the eligibility criteria for their position. The Nominations Committee shall prepare a file for each candidate. To that effect, the Nominations Committee shall gather all useful information and data on the candidate, including his/her career, reputation, financial information and experience, in accordance with the privacy policy communicated as part of the candidate application materials (as amended from time to time). The Nominations Committee may also ask the candidate to provide references from personalities from whom it may obtain information, and source of information and advice from other personalities and organizations; the Nominations Committee may also invite the candidate for an interview.

When the President and/or the Vice-President are standing for a further term of three years, he/she will be subject to the review and vetting process of the Nominations Committee described in this Section.

#### 3.2.2 The Nominations Committee shall submit the results of its review and vetting of the candidates, together with their relevant dossiers, to the Foundation Board not later than two months prior to the election.

## 4.0 **Candidates: Rules of Conduct**

### 4.1 **General Principles**

Candidates shall respect the fundamental ethical principles governing WADA outlined in the WADA Code of Ethics, which include:

- a) **Respect of the principle of universality and political neutrality of WADA;**
- b) **Harmonious relations with all WADA stakeholders;**
- c) **Respect for international conventions on protecting human rights which ensure in particular:**
  - **Respect for human dignity;**
  - **Rejection of discrimination of any kind on whatever grounds, be it for race, color, gender, sexual orientation, language, religion, political or other opinion, national or social origin, property, birth or other status;**
  - **Rejection of all forms of harassment and abuse, be it physical, professional or sexual, and any physical or mental injuries.**

4.1.1 The WADA Independent Ethics Board will nominate among its independent members an Election Scrutineer, who will investigate any complaint related to the rules of conduct for candidates and oversee the election process.

4.1.2 The promotion of a candidature shall be conducted with dignity and moderation:

- a) **The candidates shall limit the number of trips that they make with a view to promoting their candidature in order to avoid excessive expenditure, which may constitute a factor of inequality amongst the candidates;**
- b) **No assistance, whether financial, material or in kind, be it direct or indirect, may be given to candidates by a Signatory to the World Anti-Doping Code (Code). If offered such assistance, the candidate concerned has the duty to refuse it and to immediately disclose the offer to the Election Scrutineer;**
- c) **No candidate may promise or give an undertaking to perform, whatever the timing of such performance, for the direct or indirect benefit of a WADA stakeholder;**
- d) **Candidates must not accept instructions from any WADA stakeholders;**
- e) **Candidates must not enter into any form of undertaking likely to affect, or appear to affect, the freedom of decision or action or the future WADA President or Vice-President;**

- f) Concealed promotion in the form of participating in meetings or other events is prohibited;
- g) Incumbent President or Vice-President standing as candidates shall not abuse their positions to promote their candidatures.

The Foundation Board may adopt rules of conduct that further regulate the rights and requirements that apply to candidates.

#### 4.2 **Relation with the Media**

Candidates shall exercise self-restraint with the media, including social media, when promoting their candidature. They shall comply with the WADA Media Relations Policy (as amended from time to time).

#### 4.3 **Relations with other Candidates**

4.3.1 All communications undertaken by the candidate shall respect the other candidates and shall in no way be prejudicial to any other candidate.

4.3.2 Each candidate shall, in the framework of promoting his/her candidature, respect the other candidates and WADA.

4.3.3 A candidate may produce no spoken word, written text or representation of any nature likely to harm the image of another candidate or WADA.

#### 4.4 **Breach of the Rules of Conduct**

4.4.1 Any person within WADA, any candidate, any Public Authority and any Code Signatory may bring a breach of these Rules of Conduct to the attention of the Election Scrutineer. Upon receipt of any such complaint, the Election Scrutineer shall have the responsibility to undertake an inquiry into the complaint. The Election Scrutineer may ask the support of the Ethics Officer to that effect.

4.4.2 The Election Scrutineer shall invite the person concerned to exercise his/her right to be heard through the filing of written submissions, which must be submitted within the deadline set by the Election Scrutineer.

4.4.3 If, after concluding its inquiry and considering the concerned person's written submissions, the Election Scrutineer considers that a breach of these Rules of Conduct has been committed, the Election Scrutineer shall refer the matter to the Independent Ethics Board. The Independent Ethics Board takes action(s) as it sees fit. This may include removing such candidate from the election process.

### 5.0 **Procedural Rules**

#### 5.1 **Voting Process**

5.1.1 The voting process in person or by other means will be chaired by the Director General. The Election Scrutineer shall observe the proceedings. The members of the Foundation Board may be represented by their deputy in case of absence, in accordance with the WADA Statutes and the Regulations of the Foundation Board; voting by proxy granted to anyone but the designated deputy is not allowed.

5.1.2 The votes will be organized in accordance with the WADA Statutes and will be held by secret ballot. The voting may be held electronically.

In accordance with the Statutes, to be elected a candidate requires the votes of a two-thirds majority of the votes (including blank votes) cast by the members present at the time of the vote. Each member has one vote. Abstention and spoiled votes are not taken into consideration in the calculation of the majority.

5.1.3 All persons in attendance during the meeting shall refrain from any form of external communication during the entire voting process. Only those persons authorized by the Director General will have the right to be present in the room or the virtual meeting during the voting process itself.

5.1.4 The sitting President and Vice-President are not eligible to vote in the vote for the renewal of their mandate or the election of their successors. Furthermore, the sitting President is not eligible to vote in the election for the position of the Vice-President, and the Vice-President is not eligible to vote in the election for the position of the President. The President and the Vice-President are not counted in calculating the two-thirds majority.

If no candidate for either of the positions of President or Vice-President obtains a two-thirds majority of the votes cast, successive rounds of voting will be organized. At the conclusion of each round of voting, the candidate with the least number of votes will be eliminated. In the case of a tie among two or more candidates, a vote between those candidates will be organized and the candidate having the least number of votes will be eliminated.

5.1.5 Each candidate will be allotted an order number by drawing of lots. These numbers remain unchanged throughout the whole election.

5.1.6 The results of each round of voting will be communicated in writing by the Election Scrutineer to the chair of the meeting, who will be responsible for announcing them to the Foundation Board as follows:

a) If a candidate obtains a two thirds majority, the election is over and the candidate is elected.

b) At the end of each round, if no candidate is elected, the chair of the meeting will not communicate the number of votes received per candidate and will announce only the name of the candidate(s) who will not participate in the following round.

c) As soon as a candidate is elected, the chair of the meeting will inform the Foundation Board that the voting is over and proclaim the new President, and/or the new Vice-President, elected.

The full results of all rounds of voting may be published and communicated by the Director General as soon as the result of the election is proclaimed.

5.1.7 If the last candidate, or the only candidate, does not obtain a two-thirds majority in the last voting round, the Foundation Board may decide to have an additional round of voting on such candidate; if the candidate still does not obtain a two-thirds majority, then the provisions of the WADA Statutes shall apply.

5.1.8 Any matter of procedure concerning the votes which is not covered by the WADA Statutes or the present Procedural Rules will be decided by the chair of the meeting, whose decisions will be final and binding and which cannot be challenged or appealed.

5.1.9 The Director General is responsible for executing the legal and administrative formalities required following the election of the new President and/or Vice-President.

## 6.0 Privacy Policy

As part of the election process, WADA will process, collect, store, record and use personal data of each candidate and will process the various categories of personal data in accordance with the privacy policy communicated as part of the candidate application materials (as amended from time to time).

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### III. ~~II.~~ Regulations of the Executive Committee

#### 1.0 Preamble

These regulations are based on ~~article 11 of~~ the WADA Statutes and on the Regulations of the Foundation Board (the “**Regulations of the Foundation Board**”).

~~Pursuant to article 11 par. 1 of the WADA Statutes, the Foundation Board may delegate to the Executive Committee the management and running of the Foundation, the performance of all its activities and the administration of its assets.~~

The purpose of the present regulations (the “**Regulations of the Executive Committee**”) is to regulate the governance of the Executive Committee and to set out the manner in which the Executive Committee carries out its duties and competences.

#### 2.0 Composition and Appointment

The composition of the Executive Committee and the appointment of its members (as well as deputies) are set out in the WADA Statutes and in the Regulations of the Foundation Board.

#### ~~3.0~~ ~~Meeting of the Executive Committee~~

#### 3.0 ~~3.1~~ Meetings of the Executive Committee

##### 3.1 Meetings

The Executive Committee shall meet when convened by the ~~President~~Chair of the Executive Committee, or by the Vice-~~President~~Chair if the ~~President~~Chair is prevented from doing so. The Executive Committee may hold meetings in person, by teleconference, by videoconference or by such other electronic means that permit all persons participating in the meeting to properly communicate with each other. There shall be at least ~~one meeting~~three meetings in person or hybrid (partly in person and partly by teleconference, by videoconference or by such other electronic means that permit all persons participating in the meeting to properly communicate with each other) of the Executive Committee each year ~~which shall be an in-person meeting.~~ Additional ad-hoc meetings can be organized to address specific issues.

Upon written request of at least ~~3~~four members of the Executive Committee, indicating the reasons for calling the meeting, the ~~President~~Chair of the Executive Committee shall convene a meeting of the Executive Committee. The Director General shall attend all meetings of the Executive Committee, without voting ~~right~~rights. The Director General may be assisted or represented by members of WADA Management.

#### ~~3.2~~3.2 Notice of meetings

Notice of a meeting of the Executive Committee shall be made by letter, ~~facsimile~~ or email, at least 20 calendar days in advance; in case of emergency (as decided by the ~~President~~Chair of the Executive Committee) or with the consent of all members of the Executive Committee, the deadline may be shorter and/or the notice of meeting may be made by other convenient means of

communication. The notice shall indicate the date, time and place of the meeting (if applicable), as well as the agenda, and shall comprise the documents and information necessary for the members of the Executive Committee to prepare adequately for the meeting.

### 3.3.3.3 Chair

~~The~~ Pursuant to the WADA Statutes, the President and Vice-President of the Foundation Board are the Chair and Vice-Chair of the Executive Committee ~~chairs the meetings~~. In the absence of the ~~President of the Executive Committee~~ Chair (or in case he/she abstains from participating in the discussion on a specific item on the agenda), the meeting shall be chaired by the Vice-~~President~~ Chair, or, in his/her absence, by a member of the Executive Committee or the Director General as designated by the Executive Committee.

### ~~3.4 Invited persons~~

WADA's "

### 3.4 Deliberations

In principle, meetings of the Executive Committee are held in camera and only members of the Executive Committee, their deputies and the Director General shall attend the meetings.

However, the Chair of the Executive Committee may invite other persons to attend the meeting (in whole or in part) and the Director General may request that members of the Management be allowed to attend. Further rules regarding participation and attendance to the meetings of the Executive Committee are set in the Policy on Participation and Observer Attendance to Executive Committee and Foundation Board Meetings –~~Observer Attendance and Participation Policy~~ issued by the Executive Committee (as ~~it may be~~ amended from time to time) ~~shall be applicable to the meetings of the Executive Committee.~~

~~With the exception of the President and of the Vice-President, each member of the Executive Committee shall be entitled to designate 2 deputies (each, a "Deputy") to attend the meetings of the Executive Committee in case of absence of the appointed member, in accordance with the principles set out in article 11 of WADA Statutes; the President may grant exceptions and accept the designation of additional Deputies. The Deputy shall have the same rights and obligations as the appointed member, including in terms of voting, independence and conflict of interests, but will not be subject to any vetting by the Nominations Committee. The Deputies shall exercise the rights and abide by the obligations of the member they represent, on behalf of and for the account of such represented member and in accordance with his/her instructions. The Deputies shall not be liable for such representation provided they act pursuant to the instructions received from the represented member. Additionally, a Deputy will not be entitled to appoint his/her own deputy. The appointed member shall, to the extent possible, advise the President in advance and in writing of his/her intended absence at a meeting, along with the name of the registered Deputy who will attend the meeting in his/her place. The Vice-President shall act as deputy to the President, and vice-versa.~~

~~Other persons may be invited by the President to attend meetings of the Executive Committee.~~

The ~~Chairperson~~ Chair may at any time ask all attendees (except for the members or their deputies or interpreters) to leave the meeting ~~(including advisors to the members of the Executive~~

~~Committee~~ to hold a closed session among members of the Executive Committee (and their deputies and interpreters) only.

### ~~3.5~~ 3.5 Quorum

There is no quorum for the meetings of the Executive Committee.

### ~~3.6~~ 3.6 Majorities Required

Decisions of the Executive Committee are taken by ~~an absolute majority of the votes cast by the members present at the time of the vote, unless otherwise stated in the WADA Statutes, the Regulations and By-Laws. Each member has one vote. In the event of a tie, the Chairperson has the casting vote. Decisions of the Executive Committee can also be taken by correspondence (including voting by fax and by email), in accordance with the majorities described herein, without a meeting of the Executive Committee having to be held.~~ the majorities set out in the WADA Statutes.

~~In the case of decisions to appoint the members of the Nominations Committee, such decisions are taken by way of a majority of two thirds (2/3) of the votes cast by the members present at the time of the vote.~~

### ~~3.7~~ 3.7 Minutes

Meetings of the Executive Committee must be recorded in minutes, which ~~shall contain all decisions made as well as a summary of the discussions. The minutes must be signed by the Chairperson of the meeting. They~~ are published on WADA's website, except if decided otherwise by the PresidentChair, who may decide to publish only part of the minutes or to refuse publication if this is/he/she considers it necessary or appropriate in the interest of WADA. The minutes must be approved by the members before publication. In addition, a summary of the decisions taken shall be made available within three weeks after the meeting to the members of the Executive Committee and the Foundation Board.

## 4.0 Information

The Executive Committee shall be regularly informed about the activities of WADA, and about any relevant developments through regular dialogue with the Director General and WADA Management.

Every member of the Executive Committee may, on the occasion of any meeting, request information regarding all any activities of WADA, subject to limitations pursuant to requirements of confidentiality, for instance in matters of employment, litigation and medical research. The Executive Committee may request information, updates and reports from the Director General regarding the activities of WADA at any time.

Between meetings of the Executive Committee, every member of the Executive Committee may, to the extent needed for the fulfilment of his/her duties, request information or access to documents and records, subject to limitations pursuant to requirements of confidentiality. Such requests must be made in writing or by email and directed to the PresidentChair of the Executive Committee. In case the request is denied or left unanswered by the PresidentChair, the Executive Committee shall decide on the matter in its next meeting.



## ~~5.0~~ — ~~Indemnity of Members of the Executive Committee~~

~~The Executive Committee will establish regulations for the reimbursement of costs and expenses directly incurred by the members of the Executive Committee for fulfilling their duties and/or for the payment of allowances.~~

## ~~6.0~~ — ~~Standing Committees~~

~~Pursuant to article 11 par. 6 of the WADA Statutes, the Executive Committee may decide to establish and dissolve standing or ad hoc committees. Such committees operate in accordance with specific by laws and regulations prepared by the respective committee and approved by the Executive Committee.~~

~~Notwithstanding the foregoing paragraph, the Compliance Review Committee (“CRC”) shall be a mandatory standing committee of WADA, with the objective of providing advice, guidance and recommendations to the Executive Committee on compliance matters.~~

## 5.0 Expert Advisory Groups and Working Groups

The Executive Committee may establish and dissolve expert advisory groups or working groups to report to a particular standing or ad hoc committee and to support the functions of that standing or ad hoc committee by providing expert guidance or advice. In the appointment of members for these groups, the regional and gender representation will be as balanced as possible, taking into account the need for relevant expertise and experience.

## 6.0 ~~7.0~~ ~~Financing of the Executive Committee~~

The Foundation Board shall allocate to the Executive Committee the necessary financial resources to permit the Executive Committee to fulfill its functions.

~~The Executive Committee shall submit a yearly budget to the Foundation Board for approval not later than June 30 of each year in respect of the following calendar year.~~

## 7.0 ~~8.0~~ ~~Code of Ethics, Conflict of Interest, Confidentiality and Media~~

All members of the Executive Committee shall sign a document upon appointment and again annually pursuant to which they undertake (i) to comply with the Code of Ethics adopted by the Foundation Board (as amended from time to time); (ii) to comply with the Conflict of Interest Policy issued by the ~~Executive Committee~~ Foundation Board (as amended from time to time) and any other provisions applicable by law in this matter; (iii) to keep all matters related to WADA confidential; and (iv) to comply with WADA's Media Relations Policy issued by the Executive Committee (as amended from time to time).

~~All~~ Except as set out in section 3.7 regarding the publication of minutes, all meetings and the work of the Executive Committee are confidential. No documents, information, ~~discussion~~—and ~~determinations~~ deliberations made at an Executive Committee meeting or otherwise exchanged or agreed in connection with the work of the Executive Committee shall be disclosed to any third party, except for WADA, unless:

- the ~~President~~Chair of the Executive Committee authorizes such disclosure;
- the Executive Committee agrees that such disclosure is necessary or desirable to advance its work;
- the matter is in the public domain; or
- disclosure is required under applicable regulations, or by law or by any competent authority.

The documents and information related to the Executive Committee meeting may be exchanged within the ~~organization or with the Public Authorities~~body that ~~appointed~~nominated the member to the Executive Committee, to the extent needed for the fulfilment of ~~his/her~~their duties on a strictly need-to-know basis and provided in any event that such member remains responsible for the observance of the confidentiality on matters related to WADA, such that there is no public dissemination of the documents and information.

#### 8.0 ~~9.0~~ Delegation to the Director General

The Executive Committee delegates the day-to-day management to a Director General. The delegation and mission of the Director General will be provided in one or more ~~sets~~set(s) of rules which the Executive Committee will promulgate to this end, in compliance with the WADA Statutes and the Regulations of the Foundation Board.

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#### IV. ~~III.~~ Regulations of the Permanent Special Committees

Pursuant to the WADA Statutes, the Foundation Board has established the following permanent special committees:

- The Nominations Committee
- The Compliance Review Committee
- The WADA Athlete Council
- The Independent Ethics Board
- The Risk and Audit Committee

##### A. The Nominations Committee

##### 1.0 ~~Preamble and~~ Purpose and Tasks

~~In accordance with article 11 of the WADA Statutes, a~~

##### 1.1 Purpose

~~The Nominations Committee has been established by the Foundation Board to act as a permanent committee of~~ The Nominations Committee is independent and non-political. Its main purpose is to support the Executive Committee and the Foundation Board in ensuring the right persons in terms of skills and independence serve in senior governance roles within WADA.

##### 1.2 Tasks

The Nominations Committee is given the ~~authority to~~ following tasks:

- a) ~~review~~ identifying and ~~verify (including vetting)~~ the candidates for the election of WADA President and Vice-President<sup>1</sup>;
- b) ~~advise~~ conducting an analysis of required skills, diversity mapping and gaps for the Independent Members of the Executive Committee ~~on the suitability of;~~
- c) identifying and vetting the candidates to be appointed as Independent Members of the Executive Committee and making recommendations (including explanations) to the Foundation Board;

<sup>1</sup> This does not apply to the 2019 President and Vice President elections (for the term 2020-2022), or to the re-election of the President or Vice President appointed in 2019 if re-elected in 2022 for a further three year term (2023-2025).

- d) ~~vetting the~~ persons to serve as ~~Chairs~~chairs of Standing Committees ~~and making recommendations (including explanations) to the Executive Committee;~~
- e) ~~identifying and vetting the candidates to be appointed as chair and independent members of the Compliance Review Committee and making recommendations (including explanations) to the Executive Committee;~~
- f) ~~vetting the candidates who are nominated by the Olympic Movement, the Public Authorities and the WADA Athlete Council to sit on the Compliance Review Committee;~~
- g) ~~identifying and vetting the candidates to be appointed as independent members and chair of the Independent Ethics Board and making recommendations (including explanations) to the President of the Foundation Board;~~
- h) ~~vetting the candidates who are nominated by the Olympic Movement and Public Authorities to sit on the Independent Ethics Board;~~
- i) ~~e) review~~identifying and ~~verify~~vetting the ~~skills of persons~~candidates to be appointed as chair and Independent Members of the Nominations Committee and making recommendations (including explanations) to the Executive Committee;
- j) ~~vetting the candidates who are nominated by the Olympic Movement and Public Authorities to sit on the Nominations Committee;~~
- k) ~~appointing one of its members to sit on the appointment panel of WADA Athlete Council for the assessment of the (group 3) candidates to WADA Athlete Council;~~
- l) ~~identifying and vetting the candidates to be appointed as independent experts of the Risk and Audit Committee and making recommendations (including explanations) to the Executive Committee;~~
- m) ~~identifying and vetting the candidates for the position of WADA Director General and making recommendations (including explanations) to the appointment panel of the Executive Committee for the selection of the WADA Director General in accordance with the Regulations on the Director General; and~~
- n) ~~conducting any other task mandated by the Executive Committee.~~
- 1.2.1 ~~d) ensure that all those seeking election or appointment as~~The Nominations Committee shall be consulted in the preparation of the application process for the positions of WADA President, WADA Vice-President, and Independent ~~members~~Members of the Executive Committee, ~~as members of.~~
- 1.2.2 All recommendations (including explanations) made by the Nominations Committee shall be in writing and can be supplemented orally if required.

“Identifying” a candidate shall include finding potential candidates and/or enlarging the

pool of existing candidates. Identification of candidates must be exercised such as to avoid any conflict of interest with other tasks entrusted to the Nominations Committee and such as ~~Chair~~the vetting of the ~~Standing Committees, as well as the Director General are vetted~~ candidates.

“Vetting” a candidate shall imply background checking, verifying the application and documents available, assessment of the skills against the requirements for the position and assessment of the diversity criteria for the appointment (such as in particular gender and regional diversity).

“Making recommendations (including explanations)” shall imply the description of the outcome of the vetting of the candidates. If there is more than one candidate, it also includes the ranking of the potential candidates. A short explanation shall also be provided.

## 2.0 Composition

The Nominations Committee shall consist of ~~5~~five persons appointed as follows:

- 1 ~~Chair~~chair (independently recruited);
- 1 ~~Member~~member (nominated by the Olympic Movement);
- 1 ~~Member~~member (nominated by the Public Authorities);
- 2 ~~Members~~members (independently recruited).

The independently recruited chair and members shall have no current allegiance to the Olympic Movement or the Public Authorities and shall meet the ~~Stricter~~Operational, Personal and Organizational Independence Criteria set out in ~~Section 2 of~~ the WADA ~~By-Laws~~Regulations on Independence (as they may be amended from time to time).

The members ~~put forward~~nominated by the Olympic Movement and the Public Authorities shall meet the Operational and Personal Independence criteria set out in the WADA Regulations on Independence.

Members of the Nominations Committee may not ~~hold~~ sit on any ~~current position within WADA~~ other WADA bodies, with the exception of the WADA Athlete Council appointment panel.

The Chair of the Nominations Committee shall be an experienced personality of impeccable reputation with experience in nomination processes.

## 3.0 Appointment of Members

~~3.0 — Inaugural~~ Members of the Nominations Committee shall be appointed by the Executive Committee upon the recommendation of the Nominations Committee as follows:

~~An inaugural Nominations Committee shall be appointed by the Executive Committee as follows:~~

- ~~— an external agency with expertise in such appointments (the “External Agency”), appointed by the Executive Committee, shall be responsible for recommending the nomination of the Chair and the 2 other independent members, having advertised the positions externally and conducted a rigorous interview process~~
- the Nominations Committee is responsible for identifying and vetting the candidates to be appointed as chair and Independent Members of the Nominations Committee and making recommendations (including explanations) to the Executive Committee;
- the Public Authorities are responsible for coordinating the process by which Public Authorities submit their nominee;
- the International Olympic Committee is responsible for coordinating the process by which the Olympic Movement submits its nominee.

~~All applicants nominated by the Public Authorities and by the Olympic Movement shall meet the requirement of the General Standard of independence as set out in the By-Laws on Independence (as they may be amended from time to time) as at the time they take office.~~

~~All applicants for the inaugural Nominations Committee shall be subject to vetting by the External Agency prior to their recommendation to the Executive Committee. The names of the applicants will be submitted to the Executive Committee for approval, and if approved, will take office as of the date of approval.~~

~~The inaugural Nominations Committee will hold office until the first permanent Nominations Committee is appointed at the May 2020 meeting of the Executive Committee, at which point the term of the members of the inaugural Nominations Committee shall expire.~~

#### **4.0 Appointment of Members**

~~In respect of the first permanent Nominations Committee in place from May 2020 and subsequent Nominations Committee, members of the Nominations Committee shall be appointed by the Executive Committee upon the recommendation of the Nominations Committee as follows:~~

- ~~— the Nominations Committee is responsible for recruiting and recommending to the Executive Committee the Chair and the 2 other independently recruited members;~~
- ~~— the Public Authorities are responsible for coordinating the process by which Public Authorities submit their nominee;~~
- ~~— the International Olympic Committee is responsible for coordinating the process by which the Sport Movement submits its nominee.~~

The Nominations Committee may identify or invite suitable applicants, but invitations to apply will also be widely advertised on the WADA website and on other appropriate platforms. The principle of balanced diversity, such as regional, gender and cultural, shall be respected during the appointment process.

The applicants for the Nominations Committee will be assessed and vetted by the Nominations Committee to ensure they satisfy the eligibility and independence requirements and, if they are found

to satisfy these requirements, their names will be recommended for appointment ~~to~~by the Executive Committee.

Applicants must submit themselves to the vetting process and provide information that is proportionate to the requirements of the position.

The decision on the appointment of the members of the Nominations Committee shall belong to the Executive Committee, which shall not be bound by the recommendations made by the Nominations Committee.

All members of the Nominations Committee are sitting in their individual capacity and do not represent the constituency that has nominated them (where applicable).

#### 4.0 ~~5.0~~ Term of Office

With the exception of members of the inaugural Nominations Committee, members of the Nominations Committee are appointed for a term of ~~3~~three years and may be reappointed for ~~at~~two further ~~term~~terms of ~~3~~three years provided that they continue to meet all relevant eligibility criteria. Terms may be staggered to ensure continuity of the Committee's work. In such case, terms may be shorter than three years and the limit on reappointment does not apply, as long as the overall limit of nine years of service in the Nominations Committee is respected and the relevant eligibility criteria continue to be met.

A member may be suspended or removed from office by the Executive Committee with a ~~2/3~~two-thirds majority of the votes cast by the members present at the time of the vote.

#### 5.0 ~~6.0~~ Meetings

The Nominations Committee shall meet when convened by the ~~Chair~~chair, who is responsible for the preparation and organization of the meetings. ~~He/she~~The chair may delegate all or part of ~~his/her~~their powers to that effect to the Director General.

The notice of the meeting, to be sent to the members at ~~last~~least 10 days before the meeting, must state the business to be dealt with at the meeting.

The Nominations Committee may hold meetings in person, or by teleconference, or by videoconference, or by such other electronic means that permit all persons participating in the meeting to properly communicate with each other. The participation of the Director General or other WADA staff at the meetings shall be at the discretion of the Nominations Committee.

In case of urgency, a resolution or decision may be submitted by the ~~Chair~~chair by way of correspondence, including by fax or electronic mail.

#### 6.0 Decisions

The quorum required to hold a valid Nominations Committee's meeting is ~~five~~four members.

Unanimous decisions shall be sought whenever possible. In the event of divergence of opinion or disagreement concerning recommendations or decisions, the decisions of the Nominations Committee shall be taken by a majority of ~~2/3~~two-thirds of the votes (including blank votes) cast by the members present at the time of the vote. Each member has one vote. Abstentions and ~~blank or~~ spoiled votes

shall not be taken into consideration in the calculation of the required majority. Voting by proxy is not allowed. Voting is held by secret ballot if the ~~Chair~~chair so decides.

Any matter of procedure concerning the Nominations Committee meetings which is not covered by these Rules is determined by the ~~Chair~~chair.

Minutes of all meetings and other proceedings are established under the authority of the ~~Chair~~chair.

If the chair is unable to attend a meeting, he/she can appoint a replacement chair among the independent members of the Committee.

## 7.0 Code of Ethics and Conflict of Interest

~~Members~~All members of the Nominations Committee ~~will be bound by~~are required to sign a document upon their appointment and again annually, pursuant to which they undertake (i) to comply with the Code of Ethics adopted by the Foundation Board (as amended from time to time) and (ii) to comply with the Conflict of Interest Policy issued by the Foundation Board (as it may be amended from time to time) and any other provisions applicable by law regarding conflicts of interest.

## 8.0 **Financing**

The Executive Committee shall allocate to the Nominations Committee the necessary financial resources to permit the Nominations Committee to fulfill its functions.

~~The~~

Compensation may be offered to Committee members based on the time spent to perform the work of the Nominations Committee shall not receive any remuneration for their duties, but their costs incurred shall be reimbursed. Such compensation shall be reviewed as required by the Executive Committee.

## 9.0 **Exemption from Liability**

No member of the Nominations Committee will be personally liable for any act done or omitted to be done by the Nominations Committee or any member of the Nominations Committee in good faith in pursuance or intended pursuance of the functions, duties, powers and authorities of the Nominations Committee.

## 10.0 **Independence**

The members of the Nominations Committee shall carry out their duties independently of WADA and any WADA stakeholders (Olympic Movement and Public Authorities) and must avoid third party influence at all times. Members of the Nominations Committee shall immediately disclose to the ~~Chair~~chair any attempted third party influence or any circumstances likely to affect their independence. They shall ~~comply with~~meet the ~~General Standard of Operational and Personal~~ Independence Criteria set out in ~~Section 1.2 of the By-Laws~~WADA Regulations on Independence (as they may be amended from time to time), and, in ~~the~~ case of the chair and the Independent Members, ~~with the Stricter Organizational~~ Independence Criteria ~~set out in Section 2 of such By-Laws.~~

## 11.0 **Communications and Media**



All members shall comply with [the](#) WADA Media Relations Policy (as it may be amended from time to time). ~~Should a member receive a request for an interview in relation to his/her role with WADA, he/she should consult first with the WADA Relations Senior Manager or (if absent) with WADA Communication Director.~~

## 12.0 Confidentiality

All Nominations Committee members are required to sign a confidentiality agreement upon appointment [and again annually](#).

All meetings and the work of the Nominations Committee are confidential. No documents, information, discussion and determinations made at a Nominations Committee meeting or otherwise exchanged or agreed in connection with the work of the Nominations Committee shall be disclosed to any third party, except for WADA, unless:

- the ~~Chair~~[chair](#) authorizes such disclosure;
- the Nominations Committee agrees that such disclosure is necessary or desirable to advance its work;
- the matter is in the public domain; or
- disclosure is required under applicable regulations, or by law or by any competent authority.

## 13.0 Privacy Policy

As part of the election, [appointment or nomination](#) processes, the Nominations Committee will collect, store, record and use personal data of each candidate and will process the various categories of personal data in accordance with ~~WADA Privacy Policy Regulations (as they may be amended from time to time).~~ [the privacy policy communicated as part of the candidate application materials \(as amended from time to time\).](#)

## 14.0 [Terms of Reference](#)

[The Executive Committee shall adopt Terms of Reference to further detail the operations of the Nominations Committee.](#)

## B. The Compliance Review Committee (CRC)

### 1.0 Purpose and Responsibilities

#### 1.1 Purpose

The Compliance Review Committee (CRC) is independent and non-political. Its purpose is to oversee WADA's efforts to monitor ongoing compliance by Signatories with the World Anti-Doping Code (the Code) and International Standards.

#### 1.2 Responsibilities

Within that framework, the Committee's responsibilities include (without limitation):

- a) Reviewing cases of Signatory Non-Conformity/ties referred to it by the WADA internal Compliance Taskforce (the 'Compliance Taskforce') and making recommendations of non-compliance and related consequences and conditions of reinstatement, when warranted, to the WADA Executive Committee, in accordance with the relevant provisions of the International Standard for Code Compliance by Signatories (ISCCS);
- b) Providing expert guidance to the Compliance Taskforce on the development of WADA's compliance monitoring program;
- c) Assisting the Compliance Taskforce in prioritizing its compliance monitoring through the Prioritization Policy;
- d) Overseeing WADA decisions as to which Signatories shall undergo a Compliance Audit.

The mission of the CRC is further detailed in the Compliance Review Committee Terms of Reference adopted by the Executive Committee.

### 2.0 Composition

The Committee is composed of six members (including the chair and the vice-chair).

The Committee shall consist of:

- a) One independent chair;
- b) Two independent Members;
- c) One member nominated by the Olympic Movement;
- d) One member nominated by the Public Authorities;
- e) One athlete nominated by WADA Athlete Council. Such member, who shall not sit on WADA Athlete Council, must fulfil the WADA Athlete Council eligibility criteria as provided for in the Regulations of the WADA Athlete Council.

The members of the CRC sit on the Committee in their individual capacity and do not represent the constituency which has nominated them.

The members shall not sit on any other WADA bodies.

The members shall elect one of them as vice-chair of the CRC.

### **3.0 Appointment of Members**

Members of the CRC shall be appointed by the Executive Committee upon the recommendation of the Nominations Committee as follows:

- the Nominations Committee is responsible for identifying and vetting the candidates to be appointed as chair and Independent Members of the Compliance Review Committee and recommendations (including explanations) to the Executive Committee;
- the Public Authorities are responsible for coordinating the process by which Public Authorities submit their nominee;
- the International Olympic Committee is responsible for coordinating the process by which the Olympic Movement submits its nominee;
- the WADA Athlete Council is responsible for coordinating the process by which it submits its nominee.

In the appointment of members, the regional and gender representation will be as balanced as possible, taking into account the need for relevant expertise and experience.

### **4.0 Skill Requirements**

The Members of the Committee should have skills and experience commensurate with the purpose, goals and objectives of the Committee.

These skills include:

- a) Relevant background and experience in sport (i.e., sport organizations, anti-doping, sports law, etc.);
- b) Relevant expertise in compliance and regulatory matters (at least two members should have substantial experience and expertise in compliance monitoring, quality assessment, ISO expertise, regulatory experience, governance, etc.).

### **5.0 Term of Office**

Each member, including the chair, shall be appointed for a period of three years. Members may be reappointed for a maximum of two further consecutive terms of three years provided that they continue to meet all relevant eligibility criteria. They cannot serve for more than nine years in aggregate. Terms may be staggered to ensure continuity of the Committee's work. In such case, terms may be shorter than three years and the limit on reappointment does not apply, as long as the overall limit of nine years of service in the same Committee is respected and the relevant eligibility criteria continue to be met.

The President may present to the Executive Committee a proposal to extend the appointment of the chair up to a maximum of a further three years if necessary, for example to ensure an efficient conduct of pending high profile proceedings.

## **6.0 Meeting – Quorum**

The Committee will meet in-person or in a hybrid form (partly in-person and partly by teleconference), or via videoconference or any such other electronic means that permit all participants to properly communicate with each other generally four times per year, but more often if necessary. The meetings are convened by the chair.

At least four members must attend a meeting in order for the Committee to take valid decisions.

The Committee will seek to achieve consensus decisions. The chair shall conduct the meetings in the best appropriate manner to ensure efficient and timely decisions. Where it appears that there may be a divergence of opinion, the chair may decide to submit the matter to the vote of the members (by show of hands). The CRC takes its decisions by an absolute majority of the votes cast by the members present at the time of the vote; in the event of a tie, the chair (or vice-chair in the absence of the chair) has the casting vote.

The decisions of the CRC can also be taken by correspondence (including voting by email), in accordance with the majorities described in these WADA Governance Regulations, without a meeting of the Committee having to be held; the decisions must be recorded.

## **7.0 Independence**

The chair and the independent members of the CRC shall meet the Operational, Personal, and Organizational Independence criteria as set out in the Regulations on Independence.

The members nominated by the Public Authorities, the Olympic Movement and by the WADA Athlete Council shall meet the Operational and Personal Independence criteria as set out in the Regulations on Independence.

## **8.0 Code of Ethics and Conflict of Interest**

All members of the CRC are required to sign a document upon their appointment and again annually, pursuant to which they undertake (i) to comply with the Code of Ethics adopted by the Foundation Board (as amended from time to time) and (ii) to comply with the Conflict of Interest Policy issued by the Foundation Board (as amended from time to time) and any other provisions applicable by law regarding conflicts of interest.

In case of a conflict of interest in relation to a specific case or issue, Committee members shall disclose it immediately and thereafter shall not take part in any discussions and/or deliberations related to that case or issue.

In addition, should the chair have a conflict of interest in relation to a specific case or issue, the chair shall be replaced by the vice-chair in relation to all discussions, deliberations and any other activity related to that case or issue. If the vice-chair is unable to attend or is also in a position of conflict, the members who are not conflicted shall appoint one of them to replace the chair for the case or issue in question.

## 9.0 **Financing**

WADA shall provide the necessary administration and financial resources for the Committee to conduct its activities.

Compensation may be offered to Committee members based on the time spent to perform the work of the Committee. Such compensation shall be reviewed as required by the Executive Committee.

## 10.0 **Assistance and Support**

The chair, in consultation with and upon approval of WADA Management, may seek assistance from other outside experts from time to time where needed.

In addition, at the invitation of the chair (or the vice-chair, where applicable), members of the Compliance Taskforce and/or other WADA staff may attend Committee meetings to contribute to the discussion and/or to provide secretarial support. The chair (or the vice-chair, where applicable) shall manage such attendance so as to ensure that it does not undermine in any way the Committee's free and independent consideration of the matter at hand.

Nominated (non-voting) observers may also be invited by the chair (or the vice-chair, where applicable) to attend meetings on an ad hoc or a regular basis.

## 11.0 **Terms of Reference**

The Executive Committee shall adopt Terms of Reference to further detail the operations of the Compliance Review Committee.

## C. The WADA Athlete Council

### 1.0 Purpose

The role of WADA Athlete Council is to represent, support and promote voices of athletes on anti-doping issues within WADA and the athlete community at large, by engaging, informing and interacting with athletes, athlete representatives, other relevant stakeholders and other WADA bodies through its representation on such bodies. The tasks of the WADA Athlete Council are limited to the scope of anti-doping.

### 2.0 Composition – Selection of Members

WADA Athlete Council shall consist of three groups of athletes:

- a) **Group 1:** shall consist of four athletes from members of the Athletes' Commission of the International Olympic Committee, appointed by such Commission (IOC AC), and one athlete from members of the International Paralympic Committee Athlete Council (IPC AC) as appointed by such IPC AC. These members sit in an "ex-officio" capacity and their mandate on the WADA Athlete council therefore depends on their mandate on the IOC AC or IPC AC;
- b) **Group 2:** shall consist of eight athletes elected by the athletes' commissions of the International Federations and the International Organisations of Sports for the Disabled which manage International Federations, that are Signatories to the World Anti-Doping Code (Code), pursuant to the provisions of the WADA Athlete Council Election Procedure regulations adopted by the Executive Committee.
- c) **Group 3:** shall consist of seven athletes appointed by a special Appointment Panel pursuant to the provisions of the WADA Athlete Council Appointment Procedure regulations adopted by the Executive Committee. In case no athlete from Paralympic sports is elected to Group 2, the WADA Athlete Council Appointment Panel shall appoint an athlete from Paralympic sports within Group 3 in order to ensure that a minimum of two athletes from Paralympic sports sit on the WADA Athlete Council.

### 3.0 Eligibility Criteria

The candidates for the WADA Athlete Council must meet all the following eligibility criteria at some point within the nine years immediately preceding the commencement of their first term of office on such Council:

- a) Be an International- Level Athlete within the meaning of the Code;
- b) Be bound by anti-doping rules that implement the Code.

A member can be re-elected or re-appointed twice for a three-year term provided that such member has met the criteria at a) and b) at some point during the twelve years immediately preceding the commencement of each such subsequent term.



permit all participants to properly communicate with each other) up to two times per year. The meetings are convened by the chair.

The chair may convene additional meetings held via teleconference, videoconference, or other electronic means that permit all members to communicate properly with each other.

At least ten members must attend a meeting in order for the WADA Athlete Council to take valid decisions. A quorum of 15 **members attending the meeting** is required for the election of the chair and the removal of the chair or of a member.

## 7.2 **Decisions**

The WADA Athlete Council selects, among its members, the athletes' representatives sitting on the WADA Standing Committees and applicable Working Groups as detailed in the relevant provisions.

The decisions of the WADA Athlete Council are adopted by a majority of the votes cast by the members present at the time of the vote.

The removal of the chair shall require a two-thirds majority of the votes cast by the members present at the time of the vote.

The removal of a member shall require a two-thirds majority of the votes cast by the members present at the time of the vote and a majority of the votes cast by the members of each group.

## 8.0 **Reporting**

The WADA Athlete Council shall report in writing to the Foundation Board and shall provide regular updates to the Executive Committee and the Director General.

## 9.0 **Finance**

WADA shall provide the financial means within WADA's budget to permit WADA Athlete Council to fulfil its role. No later than end of June of each year, the chair shall provide WADA Director General with proposed activities for the coming year, so that a budget is established in consultation with WADA's Management, which budget shall be compatible with the available resources in WADA's overall budget. Specific financial contribution arrangements may be agreed between the chair and WADA Director General, if special circumstances so require.

## 10.0 **Privacy Policy**

Candidate personal information will be handled in accordance with the privacy policy communicated as part of the candidate application materials (as amended from time to time).



11.0 **Terms of Reference**

The Foundation Board shall adopt Terms of Reference to further detail the operations of the WADA Athlete Council.

## D. The Independent Ethics Board

The governance rules of the Independent Ethics Board are set out in the WADA Code of Ethics.

## E. The Risk and Audit Committee (RAC)

### 1.0 Purpose and Objectives

#### 1.1 Purpose

The Risk and Audit Committee (RAC) is independent and non-political. Its main purpose is to monitor and assist the Foundation Board in fulfilling its responsibilities in terms of risk management, financial reporting and compliance with policies and regulations.

#### 1.2 Objectives

The RAC's goals and objectives are to:

1. Oversee internal risk management and control systems and formally report to the Foundation Board (and inform the Executive Committee as appropriate) on the types of risk to which WADA is exposed to;
2. Verify that effective business continuity plans are in place;
3. Through quarterly (or bi-annual) monitoring of the Profit and Loss (P&L) and Balance Sheet, ensure WADA's year-end financial statements are presented per International Financial Reporting Standards (IFRS) and reflect a fair, balanced and accurate position;
4. Recommend to the Foundation Board the appointment/removal of the external auditor and supervise them;
5. Review findings of the external auditor, report to the Foundation Board (and inform the Executive Committee as appropriate) on the recommendations from the audit and actions to be taken, monitor the implementation of the external auditor's reports and recommendations by WADA Management; and
6. Review compliance with policies, procedures and applicable regulations where relevant, including matters of ethics or financial reporting, without prejudice to the competence of other bodies such as the Independent Ethics Board or the Finance and Administration Committee.

### 2.0 Composition



At least two members must be present at a meeting in order for the meeting to be quorate.

The RAC will seek to operate on the basis of consensus and maintain as informal a manner as is possible or appropriate for the conduct of Committee business. Where there is no divergence of opinion, a formal vote is not required. Where it appears there may be a divergence of opinion, a formal vote may be taken (by show of hands or equivalent electronic system). A bare majority is required to support a recommendation or other decision (with any abstentions and spoiled votes being disregarded for these purposes). In case of a tie, the Chair (or the Vice-Chair where applicable) will have a casting vote.

Where necessary, votes may be taken and decisions may be made between meetings by circular email or other suitable means.

### 7.0 Independence

The RAC shall operate exclusively under Terms of Reference, in order to ensure the independence and specialization of its members, which is critical for the credibility and effectiveness of the RAC's work.

For the representative of the Executive Committee, their role is to ensure that the perspectives and realities of the Agency are taken into account in the Committee's deliberations. However, this member must remain independent, and must make decisions and cast any vote based on their assessment of what is in the best interests of WADA.

For the independent experts, their role is to provide their skilled opinions and advice in terms of best practices in all areas of the Committee work, at all times, without undue influence. They must meet the requirements of Personal and Operational Independence as defined in the Regulations on Independence and shall not be involved in WADA's operations and/or management.

### 8.0 Code of Ethics and Conflict of Interest

All members of the RAC are required to sign a document upon their appointment and again annually, pursuant to which they undertake (i) to comply with the Code of Ethics adopted by the Foundation Board (as amended from time to time) and (ii) to comply with the Conflict of Interest Policy issued by the Foundation Board (as amended from time to time) and any other provisions applicable by law regarding conflicts of interests.

### 9.0 Reporting

The RAC through its Chair (or Vice-Chair where applicable) will report formally on an annual basis to the Foundation Board and, when necessary, inform the Executive Committee.

### 10.0 Financing

WADA shall provide the necessary administration and financial resources to support Committee meetings and their work.

Compensation is offered to two expert Committee members based on the time spent on the work of the RAC.

### 11.0 Assistance and Support

The Chair, in consultation with and upon approval of the WADA President, may seek assistance from outside experts from time to time.

The RAC can decide to hear any person it finds necessary for the accomplishment of its tasks.

### 12.0 Terms of Reference

The Foundation Board shall adopt Terms of Reference to further detail the operations of the Risk and Audit Committee.

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## V. ~~IV.~~ **By-Laws of the Foundation Board** Regulations on Independence

### ~~1.0~~ **General Standard**

#### 1.0 ~~1.1~~ **Preamble**

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~~Regulations 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~~Permanent Special Committees, Standing Committees ~~and~~, Expert Advisory Groups and Working Groups, as well as the Director General) (each an "**Individual**"), which will vary depending on the Individual's position within WADA.

#### 2.0 ~~1.2~~ **General Standard of Independence**

~~1.2.1~~ ~~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~~

The standard of independence required to be met by any Individual may vary in relation to the different facts and circumstances which may occur and the respective position of the Individual in the WADA organization. These Regulations provide practical guidance to the Individuals as to the standard of independence to which they will be required to adhere, depending upon their position within WADA, and which situations may impair his/her independence to fulfill his/her duties and may require from him/her a disclosure to WADA as stated below and/or a recusal and/or the resignation of the Individual from his/her position.

The standard of independence applicable to Individuals are based on three criteria:

- a) **Operational Independence:** operational independence requires that the Individual in the exercise of his/her mandate always acts in the best interest of WADA and remains free of undue influence. The fact that an Individual has a duty or responsibility to, or holds an office or a relationship with, a WADA stakeholder, or was nominated or proposed by a WADA stakeholder, does not per se hinder the Individual from exercising his/her mandate in the best interest of WADA.
- b) **Personal Independence:** personal independence requires that the Individual exercises his/her mandate in a personal capacity and does not act upon direction or coordinate with any other person / entity outside WADA.
- c) **Organizational Independence:** organizational independence requires that the Individual does not exercise a non-executive, executive, operational or management function in / with any WADA stakeholder. The Individual 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 activities.

By way of example, the following constitutes a non-exhaustive list of incompatibilities with Organizational Independence:

- a) staff member or elected/appointed position in organs exercising authority within 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 the Individual perceives personal benefits from public authorities for the performance of duties for WADA;
- c) staff member or elected/appointed position in organs exercising authority within Signatories to the World Anti-Doping Code (Code);
- d) individuals/members of entities with long-term contractual relationships with WADA;
- e) members of law firms that regularly acts for / against WADA;
- f) staff member or elected/appointed position in organs exercising authority within service providers active in the anti-doping field.

On the contrary, the following constitutes a non-exhaustive list of possible examples of compatibility with Organizational Independence:

- a) independent member of certain advisory bodies of a national or international sport institution, public authorities, public corporation, Code Signatories or other WADA stakeholder<sup>2</sup>;
- b) independent member of an adjudicatory body of a national or international sport institution, public authorities, public corporation, Code Signatories or other WADA stakeholder.

Depending on their position, Individuals may be subject to either (1) the Operational Independence requirements, (2) the Operational and Personal Independence requirements, or (3) the Operational, Personal and Organizational Independence requirements. In addition, for certain positions, the Individual will be required to have met the Organizational Independence requirements for a six-month period prior to being eligible to hold office (“cooling-off period”). The different categories of positions and applicable requirements in terms of standards of independence are identified at Annex 1.

Each Individual shall have the duty to ensure that he/she meets the standards of independence applicable to his/her function throughout his/her term of office.

### 3.0 Assessment of Independence.

4.2.2 Every Individual shall sign a statement of independence (the “**Statement of Independence**”) in the form of Annex 1, upon application or appointment as applicable to be sent to the ~~General~~ Director no later than 20 days after having taken office ~~General~~.

4.2.3 ~~The~~ In the exercise of his/her mandate, the Individual shall disclose as soon as practicable to the ~~General Director~~ (chair of the WADA body of which he/she is a member 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 ~~General~~, any facts or circumstances in respect of which the Individual has concern that ~~they~~ he/she might impair, or be perceived to impair, his/her ability to remain independent as defined in Section 2 above.

<sup>2</sup> For example, an independent member of an integrity body of a WADA stakeholder would be considered as meeting the Organizational Independence requirement.

~~1.2.4~~ 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.

~~1.2.5~~ 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.

~~1.2.6~~ 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~~ standard 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. Should the Individual refuse to act accordingly and/or challenge the Assessment, the matter shall be referred to the Foundation Board with respect to any member of the Foundation Board, the Executive Committee, and the Independent Ethics Board or to the Executive Committee with respect to any other Individual.

### ~~1.3~~ **Criteria of Independence**

~~1.3.1~~ The standard of independence required to be met by an Individual may vary in relation to the different facts and circumstances which may occur and the respective position of the Individual in the WADA organization. These By-Laws provide practical guidance to the Individuals as to the standard of independence to which they will be required to adhere, depending upon their position within WADA, and which situations may impair his/her independence to fulfill his/her duties and may require from him/her a disclosure to WADA as stated in Section 1.2.3 and/or a recusal and /or the resignation of the Individual from his/ her position.

~~1.3.2~~ The General Standard stated in Section 1.2 of these By-Laws applies to all Individuals.

~~1.3.3~~ Section 2 of these By-Laws provide the stricter criteria (the "**Stricter Independence Criteria**") which apply to (i) the President and Vice-President of WADA, (ii) the Chair and the members of the Nominations Committee, (iii) the independent members of the Executive Committee, and (iv) the Chair and the independent members of the Compliance Review Committee.

## ~~2.0~~ **Stricter Independence Criteria**

### ~~2.1~~ **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).~~

## ~~2.2~~ **Stricter Independence Criteria regarding Governments**

~~The Individuals must not:~~

- ~~a) 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);~~
- ~~b) 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;~~
- ~~c) be directed by any government, political party or public corporation on matters related to WADA and WADA's activities.~~

## ~~2.3~~ **Stricter Independence Criteria regarding Sport Institutions**

~~The Individuals must not:~~

- ~~a) 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;~~
- ~~b) 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;~~
- ~~c) 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;~~
- ~~d) be directed by any sport organization which is a Code Signatory or an Umbrella organization overseeing Code Signatories.~~

## 4.0 **3.0 Breach of ~~Independence~~independence**

### ~~3.1~~ **Information**

Unless disclosed by the Individual in accordance with the process set out in Section ~~1.2.33~~ above, any information regarding a possible breach of independence of an Individual may be ~~filed with~~submitted to the Director General. WADA's Legal Director (or any external counsel appointed by WADA's Legal Director for this purpose), shall provide 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) with an Assessment as to whether the facts or circumstances described in the information may constitute a

breach of independence of the Individual.

### **3.2—Proceeding**

~~3.2.1~~ 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 constitute a possible breach of independence, he/she shall inform the Individual accordingly. The Individual shall have access to the information gathered and shall be given the opportunity to be heard, either orally or in writing, by 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).

~~3.2.2~~ The President may then decide to refer the case to the Foundation Board with respect to any member of the Foundation Board, [the Executive Committee, and the Independent Ethics Board](#) or to the Executive Committee with respect to any other Individual.

The Foundation Board (with respect to members of the Foundation [Board, the Executive Committee, and the Independent Ethic](#) Board) and the Executive Committee (with respect to any other Individual) shall handle the case and may ask the Director General and/or ~~the~~ [WADA's](#) Legal Director to collect the available information related to the breach.

**\*\*\***

~~V. By-Laws regarding the Election of the President and Vice-President of the~~The Foundation Board, respectively the Executive Committee, may decide to refer the matter to the WADA Independent Ethics Board for further investigation/sanctions under the Code of Ethics if the circumstances so warrant.

## ~~1.0~~ **Preamble**

~~In accordance with Article 7 of the WADA Statutes, the Foundation Board elects from its members, or from personalities outside its members, a President and a Vice-President for a period of 3 years, with a possible re-election for a further three-year period.~~

~~The purpose of these By-Laws is to define the provisions applicable to the election of the President and Vice-President of the Foundation Board, in conformity with the Statutes and the relevant provisions of Swiss law.~~

~~These By-Laws shall apply to elections as from January 1<sup>st</sup> 2020.~~

## ~~2.0~~ **Declaration of Candidacy**

### ~~2.1~~ **Applications**

~~Candidates for the position of President or Vice-President shall apply in writing by sending an application form with a resume as per Annex 1 hereto (the “Application Form”), a nomination form as per Annex 2 hereto signed by two members of the Foundation Board, one representing the Olympic Movement and one representing the Public Authorities (the “Nomination Form”) and a declaration of independence as per Exhibit 3 hereto, with a list of current relevant activities and positions (the “Declaration of Independence”) (the “Forms”).~~

### ~~2.2~~ **Submission of Applications**

~~The Forms shall be addressed to the attention of the Director General and shall be sent by email or by fax, and be received at WADA’s Headquarters in Montreal no later than 30 November of the year preceding the election year, unless another date is set in advance by the President, and the election shall be held in May of each election year, unless otherwise decided by the Foundation Board. Any Form received after the applicable deadline or any Form which does not comply with the requirements of Section 2.1 will automatically result in the relevant candidature not being admissible.~~

### ~~2.3~~ **Beginning of Office**

~~The office of the President and Vice-President shall begin on 1 January of the year following the election year. The elected President and Vice-President shall have to meet the requirements of the Independence Criteria as set out in Sections 1.2 and 2 of the By-Laws on Independence (as amended from time to time) at least 6 months prior to the beginning of their office.~~

## ~~3.0~~ **Eligibility**

### ~~3.1~~ **Criteria**

~~The positions of President and Vice President of the Foundation Board require skill, independence and a strong commitment. Candidates will be required to meet these requirements, as well as the General Standard of Independence and the Stricter Independence Criteria as set out in Sections 1.2 and 2 of the WADA By-Laws on Independence (as amended from time to time) not later than 6 months prior the beginning of their office.~~

### ~~3.2 — Reviewing of Candidates~~

~~3.2.1 The Nominations Committee will be responsible for reviewing and vetting the Candidates.~~

~~3.2.2 The Nominations Committee shall verify that the Forms, duly filled in and signed, are included in the Candidates' dossiers and that the Candidates meet the eligibility criteria for their position. The Nominations Committee shall prepare a file for each Candidate. To that effect the Nominations Committee shall gather all useful information and data on the Candidate, including his/her career, reputation, financial information and experience, in compliance with the Candidate Private Policy. The Nominations Committee may also ask the Candidate to provide references from personalities from whom it may obtain information, and source of information and advice from other personalities and organizations; the Nominations Committee may also invite the Candidate for an interview.~~

~~3.2.3 When the President or the Vice President is standing for re-election, he/she will only be subject to a limited review of the Nominations Committee to identify possible changes to the information provided at the time of the initial candidacy. If there are other Candidates together with the President or Vice President standing for election, the Nominations Committee shall review and vet such other Candidates as stated in this Section 3.~~

~~3.2.4 The Nominations Committee shall submit the results of its review and vetting of the Candidates, together with their relevant dossiers, to the Executive Committee not later than 4 months prior to the election.~~

## ~~4.0 — Candidates: Rules of Conduct~~

### ~~4.1 — General Principles~~

~~4.1.1 Candidates shall respect the fundamental ethical principles governing WADA, which include:~~

~~a) Respect of the principle of universality and political neutrality of WADA;~~

~~b) Harmonious relations with all stakeholders of WADA;~~

~~c) Respect for international conventions on protecting human rights which ensure in particular:~~

~~-- Respect for human dignity;~~

~~-- Rejection of discrimination of any kind on whatever grounds, be it for race, color, **sex**, sexual orientation, language, religion, political or other opinion, national or social origin, property, birth or other status;~~

~~-- **Rejection of all form** of harassment and abuse, be it physical, professional or sexual, and any physical or mental injuries.~~

~~4.1.2 The promotion of a candidature shall be conducted with dignity and moderation:~~

~~a) The **Candidates** shall limit the number of trips that they make with a view to promoting their candidature in order to avoid excessive expenditure, a factor of inequality amongst the **Candidates**;~~

~~b) No assistance, whether financial, material or in kind, be it direct or indirect, may be given to **Candidates by a Signatory to the World Anti-Doping Code**. If offered such assistance, the **Candidate** concerned has the duty to refuse it and to immediately disclose the offer to the **President**;~~

~~e) No **Candidate** may promise or give an undertaking to **be performed**, whatever the timing of such performance, for the direct or indirect benefit of a WADA stakeholder;~~

~~d) Candidates must not accept instructions from any **of WADA Stakeholders**;~~

~~e) Candidates must not enter into any form of undertaking likely to affect, or appear to affect, the freedom of decision or action or the future WADA President or Vice-President;~~

~~f) Concealed promotion in the form of participating in meetings or other events is prohibited.~~

## ~~4.2 Relation with the Media~~

~~Candidates shall exercise self-restraint with the media, including social media, when promoting their candidature. They shall comply with WADA Media Relations Policy (as amended from time to time).~~

## ~~4.3 Relations with other Candidates~~

~~4.3.1 All communication undertaken by the **Candidate** shall respect the other **Candidates** and shall in no way be prejudicial to any other **Candidate**.~~

~~4.3.2 Each **Candidate** shall, in the framework of promoting his/her candidature, respect the other **Candidates** and WADA.~~

~~4.3.3 A **Candidate** may produce no spoken word, written text or representation of any nature likely to harm the image of another **Candidate** or WADA.~~

#### ~~4.4 Breach of the Rules of Conduct~~

~~4.4.1 Any person within WADA, any Candidate, any Public Authority and any sport organization which is a Code Signatory may bring a breach of these Rules of conduct to the attention of the President of the Foundation Board or to the Executive Committee. Upon receipt of any such complaint, the Executive Committee shall have the responsibility to undertake an inquiry into the complaint. The Executive Committee may ask the administrative support of the Director General to that effect.~~

~~4.4.2 The Executive Committee shall invite the person concerned to exercise his/her right to be heard through the filing of written submissions, which must be submitted within the deadline set by the President of the Executive Committee.~~

~~4.4.3 If, after concluding its inquiry and considering the person concerned's written submissions, the Executive Committee considers that a breach of these Rules of conduct has been committed, the Executive Committee shall take the action(s) as it sees fit. This may include removing such Candidate from the election process.~~

#### ~~5.0 Procedural Rules~~

##### ~~5.1 Submission of the Dossiers to the Foundation Board~~

~~5.1.1 Not later than 60 days before the election date, the Executive Committee shall submit to the Foundation Board the list of the Candidates, together with their relevant dossiers and its conclusion as to whether or not such Candidates fulfil the eligibility criteria stated under Article 7 of the WADA Statutes and these By-Laws.~~

##### ~~5.2 Voting Process~~

~~5.2.1 The voting process will be chaired by the President or, in the event of his/her absence or incapacity or of his/her re-election, by the chairperson of the Foundation Board meeting. The chairperson of the meeting shall appoint two scrutineers in addition to WADA's Director of Legal Affairs. The chairperson of the meeting will be assisted during the meeting by the Director General. The members of the Foundation Board may be represented by their deputy in case of absence, in accordance with the Statutes and the Regulations of the Foundation Board; voting by proxy granted to anyone but the designated deputy is not allowed.~~

~~5.2.2 All persons in attendance during the meeting shall refrain from any form of external communication during the entire voting process. Only those people authorized by the chairperson of the meeting or the Director General will have the right to be present in the room during the voting process itself.~~

~~5.2.3 The votes will be organized in accordance with Article 7 of the WADA Statutes and will be held by secret ballot.~~

~~5.2.4 In accordance with Article 7 of the Statutes, to be elected a Candidate requires the votes of an absolute majority of the members present at the time of the vote. For the avoidance of doubt, the words "absolute majority of the members present" requires the votes of one half plus one of the Board members attending the meeting at the time of~~

~~each vote or round of voting, irrespective of whether such members abstain from casting their vote or cast a blank or spoiled vote.~~

~~5.2.5 The sitting President and Vice President are not eligible to vote in the vote for the renewal of their mandate or the election of their successor. Further the sitting President is not eligible to vote in the election for the Vice President, and the Vice President is not eligible to vote in the election for the President. In such case, the President and the Vice President are not counted in calculating the absolute majority.~~

~~5.2.6 If there is more than one candidate for either of the positions of President or Vice President, successive rounds of voting will be organized. At the conclusion of each round of voting, the candidate with the least number of votes will be eliminated. In the case of a tie among two or more candidates, a vote between those candidates will be organized and the candidate having the least number of votes will be eliminated. If following this subsequent vote, there is still a tie, the name of the candidate to be eliminated will be randomly drawn.~~

~~5.2.7 Each Candidate will be allotted an order number by drawing of lots. These numbers remain unchanged throughout the whole election.~~

~~5.2.8 The results of each round of voting will be communicated in writing by the scrutineers to the chairperson of the meeting, who will be responsible for announcing them to the Board as follows:~~

~~a) At the end of each round, if no Candidate is elected, the chairperson of the meeting will not communicate the number of votes received by the Candidates and will announce only the name of the Candidate(s) who will not participate in the following round.~~

~~b) As soon as a Candidate is elected, the chairperson of the meeting will inform the Foundation Board that the voting is over and proclaim the new President, and the new Vice-President, elected.~~

~~The full results of all rounds of voting may be published and communicated by the Director General as soon as the result of the election is proclaimed.~~

~~5.2.9 If the last candidate, or the only candidate, does not obtain an absolute majority in the last voting round, the Foundation Board may decide to have an additional round of voting on such candidate; if the candidate still does not obtain an absolute majority, then the President or Vice President (as applicable) in place will remain in his/her position until the next Foundation Board meeting when a new election will be held.~~

~~5.2.10 Any matter of procedure concerning the votes which is not covered by the WADA Statutes or the present Rules will be decided by the chairperson of the meeting, whose decisions will be final and binding and which cannot be challenged or appealed.~~

~~5.2.11 The Director General is responsible for executing the legal and administrative formalities required following the election of the new President and Vice President.~~

## ~~6.0~~ Privacy Policy

~~As part of the election process, WADA will process, collect, store, record and use personal data of each Candidate and will process the various categories of personal data in accordance with the Privacy Policy Regulations regarding election of WADA President and Vice-President (as amended from time to time).~~



**Annex 1 : Application Form – WADA Foundation Board**

**FORMULAIRE DE CANDIDATURE – CONSEIL DE FONDATION DE L'AMA**

**President / Président**

20... 20...

**Application Form /  
Formulaire de candidature**

~~I hereby apply for the position of President of WADA/ Je sou mets ma candidature pour le poste de  
Président de l'AMA~~

~~(Print name / Nom – en lettres moulées)~~

~~(Position / Position)~~

~~(Organization / Organisation)~~

~~(Country / Pays)~~

~~I hereby confirm that I meet all conditions required for the position and that I shall abide to the Rules for the  
election of WADA President (hereinafter the « Rules »), which content I am fully aware of.~~

~~Je confirme que je remplir toutes les conditions exigées pour ce poste et que je me conformerai aux  
Règles relatives à l'élection du Président de l'AMA (ci-après les « Règles »), qui me sont connues.~~

~~After having read the conditions under which my personal data will be processed as set out in the Rules, I  
hereby give my consent to the processing by WADA of all information and personal data concerning me which  
are required by WADA for the purpose mentioned in the Rules, in particular in order for the Foundation Board  
to be fully informed when proceeding to the election.~~

~~Après avoir pris connaissances des conditions dans lesquelles mes données personnelles seront  
traitées telles qu'exposées dans les Règles, je donne ici mon consentement au traitement par l'AMA  
de mes données personnelles pour les buts mentionnées dans les Règles, à savoir en particulier pour  
permettre au Conseil de Fondation d'être pleinement informé lors du processus d'élection.~~

~~PLEASE SEND COMPLETED FORM TO WADA HEAD OFFICE, attention the Director General, **NO LATER  
THAN 31 MAY 2019**~~

~~(17H00 MONTREAL TIME) BY FAX (+1 514 904 8771) OR E-MAIL ([xx@wada-ama.org](mailto:xx@wada-ama.org)).~~

~~VEUILLEZ RETOURNER CE FORMULAIRE DÛMENT COMPLÉTÉ AU BUREAU PRINCIPAL DE L'AMA,  
à l'attention du Directeur Général, **AU PLUS TARD LE**~~

~~**31 Mai 2019**~~

~~(17H00 HEURE DE MONTRÉAL) PAR TÉLÉCOPIEUR (+1 514 904 8771) OU PAR COURRIEL  
([xx@wada-ama.org](mailto:xx@wada-ama.org)).~~

**Annex 2 : Call For Nominations – WADA Foundation Board**

**APPEL DE CANDIDATURES – CONSEIL DE FONDATION DE L'AMA**

**President / Président**

20...-20...

**Nomination Form /  
Formulaire de mise en candidature**

**I hereby nominate for the position of President / Je propose pour le poste de Président la candidature de**

(Print name / Nom – en lettres moulées)

(Position / Position)

(Organization / Organisation)

(Country / Pays)

**Nomination from / Proposé par**

(Print name / Nom – en lettres moulées) (Position / Position)

(Organization / Organisation) (Country / Pays)

(Signature / Signature) (Date / Date)

PLEASE SEND COMPLETED FORM TO WADA HEAD OFFICE, attention the Director General, **NO LATER THAN 31 MAY 2019**

**(17H00 MONTREAL TIME) BY FAX (+1 514 904 8771) OR E-MAIL ([xx@wada-ama.org](mailto:xx@wada-ama.org)).**

VEUILLEZ RETOURNER CE FORMULAIRE DÛMENT COMPLÉTÉ AU BUREAU PRINCIPAL DE L'AMA, à l'attention du Directeur Général, **AU PLUS TARD LE**

**31 Mai 2019**

**(17H00 HEURE DE MONTRÉAL) PAR TÉLÉCOPIEUR (+1 514 904 8771) OU PAR COURRIEL ([xx@wada-ama.org](mailto:xx@wada-ama.org)).**

**Annex 3 : Independence Form – WADA Foundation Board**

**FORMULAIRE D'INDEPENDANCE – CONSEIL DE FONDATION DE L'AMA**

**President /Président**

20...-20...

**Independence Form /  
Formulaire d'indépendance**

~~I applied for the position of President of WADA/ J'ai soumis ma candidature pour le poste de  
Président de l'AMA~~

~~(Print name / Nom – en lettres moulées)~~

~~(Position / Position)~~

~~(Organization / Organisation)~~

~~(Country / Pays)~~

~~Signature: \_\_\_\_\_~~

~~By signing this Independence Form, I hereby confirm that I am independent in character and judgment and that there are no past or present relationships or circumstances which could affect or could appear to affect my judgement and my independence when performing my duties as President of WADA. I further confirm that I meet all the conditions of the stricter independence criteria mentioned in WADA By-Laws on Independence.~~

~~En signant le présent formulaire d'indépendance, je confirme que je suis indépendant de caractère et de jugement et qu'aucune relation ou circonstance, passée ou présente, affectent ou sont susceptibles d'affecter mon jugement et mon indépendance dans l'exécution de mon mandat de Président de WADA. Je confirme par ailleurs que je réponds à tous les critères de stricte indépendance mentionnés dans les Règles de WADA sur l'indépendance.~~

~~PLEASE SEND COMPLETED FORM TO WADA HEAD OFFICE, attention the Director General, **NO LATER THAN 31 MAY 2019** (17H00 MONTREAL TIME) BY FAX (+1 514 904 8771) OR E-MAIL ([xx@wada-ama.org](mailto:xx@wada-ama.org)).~~

~~VEUILLEZ RETOURNER CE FORMULAIRE DÛMENT COMPLÉTÉ AU BUREAU PRINCIPAL DE L'AMA, à l'attention du Directeur Général, **AU PLUS TARD LE 31 Mai 2019** (17H00 HEURE DE MONTRÉAL) PAR TÉLÉCOPIEUR (+1 514 904 8771) OU PAR COURRIEL ([xx@wada-ama.org](mailto:xx@wada-ama.org)).~~

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**ANNEX 1**

<b><u>WADA POSITION</u></b>		<b><u>REQUIREMENTS APPLICABLE TO THE POSITION</u></b>		
		<b><u>Operational Independence</u></b>	<b><u>Personal Independence</u></b>	<b><u>Organizational Independence</u></b>
<b><u>President</u></b>		<u>X</u>	<u>X</u>	<u>X</u> <u>With cooling-off period</u>
<b><u>Vice-President</u></b>		<u>X</u>	<u>X</u>	<u>X</u> <u>With cooling-off period</u>
<b><u>Executive Committee</u></b>	<u>Ordinary members (PA and OM)</u>	<u>X</u>		
	<u>WADA AC Chair</u>	<u>X</u>	<u>X</u>	
	<u>Independent members</u>	<u>X</u>	<u>X</u>	<u>X</u> <u>With cooling-off period</u>
<b><u>Foundation Board</u></b>	<u>PA representatives</u>	<u>X</u>		
	<u>OM representatives</u>	<u>X</u>		
	<u>Athletes' representatives</u>	<u>X</u>		
	<u>NADO representatives</u>	<u>X</u>		
<b><u>Independent Ethics Board</u></b>	<u>Chair</u>	<u>X</u>	<u>X</u>	<u>X</u>
	<u>Independent members</u>	<u>X</u>	<u>X</u>	<u>X</u>
	<u>PA, OM nominated members</u>	<u>X</u>	<u>X</u>	
<b><u>Nominations Committee</u></b>	<u>Chair</u>	<u>X</u>	<u>X</u>	<u>X</u>
	<u>Independent members</u>	<u>X</u>	<u>X</u>	<u>X</u>
	<u>PA, OM nominated members</u>	<u>X</u>	<u>X</u>	
<b><u>WADA Athlete Council</u></b>	<u>Chair</u>	<u>X</u>	<u>X</u>	
	<u>Group 1</u>	<u>X</u>	<u>X</u>	
	<u>Group 2</u>	<u>X</u>	<u>X</u>	

<u>WADA POSITION</u>		<u>REQUIREMENTS APPLICABLE TO THE POSITION</u>		
		<u>Operational Independence</u>	<u>Personal Independence</u>	<u>Organizational Independence</u>
	<u>Group 3</u>	<u>X</u>	<u>X</u>	
<u>CRC</u>	<u>Chair</u>	<u>X</u>	<u>X</u>	<u>X</u>
	<u>Independent members</u>	<u>X</u>	<u>X</u>	<u>X</u>
	<u>PA, OM nominated members</u>	<u>X</u>	<u>X</u>	
	<u>Athlete member</u>	<u>X</u>	<u>X</u>	
<u>Risk and Audit Committee</u>	<u>EC member</u>	<u>Same status as in the EC</u>		
	<u>External experts</u>	<u>X</u>	<u>X</u>	<u>Shall not be involved in the operations and/or management of WADA</u>
<u>Standing Committees</u>	<u>Chairs</u>	<u>X</u>	<u>X</u>	
	<u>Members</u>	<u>X</u>	<u>X</u>	
<u>Expert Advisory Groups</u>	<u>Chair / Vice-Chair</u>	<u>X</u>	<u>X</u>	
	<u>Members</u>	<u>X</u>	<u>X</u>	
<u>Working Groups</u>	<u>Chairs</u>	<u>X</u>	<u>X</u>	
	<u>Members</u>	<u>X</u>	<u>X</u>	

## VI. ~~By-Laws~~Regulations on Standing Committees

### 1.0 General Principle

Pursuant to ~~article~~Article 11 ~~par. 6~~ of the WADA Statutes, and paragraph ~~2-13.1~~ of the Regulations of the ~~Executive Committee~~Foundation Board, the Executive Committee may resolve to create, if it deems it necessary, standing or ad hoc committees (the “**Standing Committees**”) to provide expert advice to WADA. The Standing Committees support WADA's mission by serving as a forum for detailed and expert deliberation on specific families of issues, to develop recommendations for decisions by the Executive Committee or Foundation Board, as appropriate. The expertise and skills of members are therefore of utmost importance when approving the creation and composition of the committees.

### 2.0 Composition ~~and Term of Office~~

~~The Standing Committees are composed of a maximum of 12 members. The Executive Committee, upon the recommendation of the Nominations Committee, will appoint the Chairs of each Standing Committee.~~

~~The Foundation Board shall be informed of the elected Chairs at the earliest opportunity by the Director General.~~

~~WADA shall issue a media advisory announcing the newly elected Standing Committee Chairs and will maintain a public list of the Chairs on its website.~~

~~The remaining composition of the committee will be proposed by the President of the Executive Committee and the Director General, in consultation with the Chair of the relevant committee, and will be decided by the Executive Committee by way of a simple majority of the votes cast by the members present at the time of the vote. Members shall be appointed to a Standing Committee on the basis of their expertise in the relevant subject matter area; gender, continental and regional diversity must be taken into consideration where possible. The Foundation Board shall be informed of the complete composition of each Standing Committee at the earliest opportunity and will be provided with a profile for each committee member by the Director General.~~

~~Each member, including the Chair, shall be appointed for a period of 3 years. They may be reappointed for a maximum of 2 further terms of 3 years provided that they continue to meet all relevant eligibility criteria; they cannot serve for more than 9 years in aggregate for the same committee in any capacity. These limitations shall be applicable to each member of a committee for his/her next appointment. Members who have served less than 9 years in aggregate for the same committee, but whose next reappointment as from the date of these By-Laws enter into force would exceed the maximum of 9 years of service for such same committee at the time of reappointment, may be reappointed for one more term of 3 years.~~

~~After 9 years of service for the same committee, the member may apply for appointment in another committee; a member can serve in several committees during the same period, provided that, for each committee, he cannot serve for more than 9 years in aggregate. There is no age limit. Membership should be staggered in an effort to distribute turnover evenly.~~

Each committee will not have more than 12 members, with the exception of the Finance and Administration Committee that can only have up to six members.

All Standing Committees, ~~other than the Compliance Review Committee and the Athletes Committee,~~ must include at least ~~4~~one representative of the athletes, nominated by the WADA Athlete Council from amongst its members and at least ~~4~~one representative of the National Anti-Doping Organizations (NADOs) provided their nominees meet the requirements for the position and have the necessary skills and expertise. ~~The Executive Committee may also remove individuals from a committee when, in its sole discretion, it considers it is appropriate to do so by way of a simple majority of the votes cast by the members present at the time of the vote. The Executive Committee shall briefly expose the reasons for its decision~~

In addition, at least one member of the Health, Medical and Research (HM&R) Committee should be a Director or a staff member from one of the WADA-accredited laboratories. Should the laboratory where the member is employed lose its accreditation during the member's mandate, the member shall step down from the HM&R Committee.

Standing Committee Chairs are entitled, on ~~a needs~~an as-needed basis, to invite observers and Expert Advisory Group ~~Chairs~~chairs to attend meetings and report on their work.

The Director General, or his/her designee, may act as secretary in each Standing Committee meeting or participate as an observer.

The composition of every Standing Committee will be published on the WADA website, along with a mechanism to contact either the Standing Committee Chair or the WADA liaison support person.

### ~~3.0~~ Independence, Conflict of Interest and Confidentiality

~~With the exception of the Chair of the Compliance Review Committee, the Chair of each committee shall meet the requirements of the General Standard of independence as stated in Section 1.2 of the By-Laws on Independence (as amended from time to time).~~

~~The Chair of the Compliance Review Committee and the independent members of the Compliance Review Committee shall be required to meet the General Standard of Independence set out in Section 1.2 and the Strictest Independence Criteria set out in Section 2 of the By-Laws on Independence.~~

~~All Standing Committee members, including the Chairs, shall abide by, and comply with, the Conflict of Interest Policy and WADA Media Relations Policy issued by the Executive Committee (as amended from time to time).~~

~~All Standing Committee members, including the Chairs, are required to sign a confidentiality agreement upon their appointment.~~

~~All meetings and the work of the Standing Committees are confidential. No documents, information, discussion and determinations made at a Standing Committee meeting or otherwise exchanged or agreed in connection with the work of a Standing Committee shall be disclosed to any third party, except for WADA, unless the Executive Committee authorizes such disclosure, or the matter is in the public domain, or disclosure is required under applicable regulations or by law or by any competent authority.~~

#### ~~4.0~~ **Selection Process**

### 3.0 ~~4.1~~ **Selection Process**

#### 3.1 **Selection process for the ~~Chairs~~chairs of the Standing Committees ~~other than the Compliance Review Committee and the Athlete Committee~~**

A public call for candidates for ~~Chairs~~chairs of the Standing Committees will be issued by WADA not later than ~~6~~six months before the Executive Committee meeting at which the vacancies will be filled.

A candidate for ~~Chair~~chair of a Standing Committee shall apply by sending to the Director General a detailed C.V. or biography and a letter(s) of endorsement from at least ~~2 members~~one member of the Foundation Board, ~~one representing the Olympic Movement and one representing the Public Authorities preferably, or from a Signatory to the World Anti-Doping Code~~. The candidates shall be assessed, reviewed and vetted by the Nominations Committee in accordance with its processes. Only candidates who satisfy the vetting criteria as determined by the Nominations Committee may be recommended for election as ~~Chair~~chair of a Standing Committee. Candidate personal information will be handled in accordance with the privacy policy communicated as part of the candidate application materials (as amended from time to time).

The names and nomination dossiers of all candidates who satisfy the vetting criteria will be forwarded to the Executive Committee, along with recommendations from the Nominations Committee. The ~~President~~Chair of the Executive Committee and the Director General will consult with the members of the Executive Committee to try and develop a consensus list (the "List") of candidates for the vacant ~~Chair~~chair positions in an effort to ensure that: (i) a single best candidate is put forward for each ~~Chair~~chair vacancy; and (ii) collectively, the ~~Chairs~~chairs of the Standing Committees represent a balanced allocation of regional and gender representation.

If a List is put forward to the Executive Committee, it will vote to decide whether to approve or not the List. If the Executive Committee does not approve the List or if there is no such List, the Executive Committee shall vote for each candidate individually.

A member of the Executive Committee may not also be a Standing Committee ~~Chair~~chair.

#### 3.2 ~~4.2~~ **Selection ~~Process~~process for ~~Members~~the members of the Standing Committees ~~other than Members of the Compliance Review Committee and the Athlete Committee~~**

A public call for candidates for vacant ~~places~~positions on the Standing Committees will be issued at least ~~6~~six months before the Executive Committee meeting at which the vacancies will be filled.

A candidate for member of a Standing Committee ~~applies~~shall apply by sending to the Director General: a detailed C.V. or biography ~~and~~; a letter of endorsement from a Foundation Board member or a recognized WADA stakeholder group is recommended but not mandatory. Candidate personal information will be handled in accordance with the privacy policy communicated as part of the candidate application materials (as amended from time to time).



The names and dossiers of all candidates shall be forwarded to the relevant Standing Committee ~~Chair~~chair. The ~~Director General~~chairs of the relevant Standing Committees shall consult with the ~~President~~Director General and the Chair of the Executive Committee ~~and with the Chairs of the relevant Standing Committees~~ to try and develop a ~~consensus~~-list (the “~~List~~”) of proposed candidates for the vacant positions; ~~in an effort~~their respective committee. They will aim to ensure that: (i) the best candidates are put forward for each Standing Committee; and (ii) collectively, the members of each Standing Committee aim to represent a balanced diversity, such as regional, gender and cultural; ~~and (iii) Athlete Members of Standing Committees collectively represent a cross-section from the sports movement, but a sport and a nation shall not be represented more than once.~~

The Executive Committee ~~will be~~is provided with the ~~names~~general list of all candidates and ~~dossiers~~the list of the proposed candidates; ~~which will then be formally voted by the Executive Committee.~~

~~The Foundation Board shall be informed of the complete composition of each Standing Committee at the earliest opportunity and will be provided with a profile for each committee member by the Director General.~~

#### ~~4.3~~ — ~~Selection Process for the Chair of the Compliance Review Committee~~

~~The Nominations Committee shall be responsible for recruiting, reviewing and vetting the candidates for the position of Chair of the Compliance Review Committee, and for setting the processes related thereto. These processes shall include a requirement that any candidate submit a detailed C.V. or biography.~~

~~The Nominations Committee will submit its recommendations, with the names and nominations dossiers for each Standing Committee, along with their dossiers. The selected candidates are formally appointed by the Executive Committee. Should the Executive Committee disagree with any of the lists of all the proposed candidates, ~~it can ask~~ the Executive Committee for the position of applicable chair, Chair of the Compliance Review Committee. In circumstances where the Nominations Committee submits more than one recommended candidate, the President of the Executive Committee and the Director General will consult with members of the Executive Committee to try and identify one single best candidate to be put forward to submit a new proposal for approval.~~

~~The Executive Committee will vote whether to either approve the candidate proposed (in circumstances where only one single candidate is proposed), or to vote on which of the proposed candidates is to be appointed Chair of the Compliance Review Committee.~~

~~The Chair of the Compliance Review Committee may not be also a member of the Executive Committee.~~

#### ~~4.4~~ — ~~Selection Process for Members of the Compliance Review Committee~~

~~The Nominations Committee shall be responsible for recruiting, reviewing and vetting the candidates for the positions of independent members of the Compliance Review Committee. The Nominations Committee shall also be responsible for reviewing and vetting the candidates for the positions of ordinary members of the Compliance Review Committee and for establishing the related process.~~

~~The Nominations Committee will submit its recommendations, along with the names and dossiers of the candidates, to the Executive Committee. The Chair and the members of the Compliance Review Committee will be formally voted by the Executive Committee.~~

~~A member of the Executive Committee may not also be a member of the Compliance Review Committee.~~

#### ~~4.5 Selection process for the Chair of the Athlete Committee~~

~~A public call for candidates for Chair of the Athlete Committee will be issued at least 6 months before the Executive Committee meeting at which the vacancy will be filled.~~

~~A candidate for Chair of the Athlete Committee applies by sending to the Director General a detailed C.V. or biography and letter(s) of endorsement from at least 2 member of the Foundation Board (one from the Public Authorities and one from the Olympic Movement).~~

~~If there are 5 or less applications for the position, the Nominations Committee will vet these applicants before forwarding the names and dossiers of all candidates to the Athlete Committee for selection, ranking and recommendations to the Executive Committee. If there are more than 5 applications for the position, the Athlete Committee will review the dossiers of all applicants and provide a list of 5 preferred applicants and forward their names and dossiers to the Nominations Committee for vetting, after which vetted candidates who have been deemed eligible will be returned to the Athlete Committee for selection, ranking and recommendations to the Executive Committee.~~

~~In circumstances where the Executive Committee rejects all candidates proposed by the Athlete Committee and successfully vetted by the Nominations Committee, the Executive Committee shall decide on the appointment without further recommendations from the Athlete Committee.~~

~~A member of the Executive Committee may not also be the Chair of the Athlete Committee.~~

#### ~~4.6 Selection Process for Members of the Athlete Committee~~

~~A public call for candidates for vacant places on the Athlete Committee will be issued at least 6 months before the Executive Committee meeting at which the vacancies will be filled.~~

~~A candidate for member of the Athlete Committee applies by sending to the Director General: a detailed C.V. or biography and a letter of endorsement from a Foundation Board member or a recognized WADA stakeholder group.~~

~~The composition of the Athlete Committee shall try to ensure that: (i) the best candidates are put forward; (ii) collectively, the members of the Athlete Committee aim to represent a balanced diversity, such as regional, gender and cultural, and a nation shall not be represented more than once; and (iii) the Athlete members collectively represent a cross-section from the sports movement, but a sport shall not be represented more than once.~~

~~The Executive Committee will be provided with the names and dossiers of the proposed candidates, which will then be formally voted by the Executive Committee~~

#### 4.0 Appointment of chairs and members of Standing Committees

The Executive Committee, upon the recommendation of the Nominations Committee, will appoint the chairs of each Standing Committee by a decision taken by way of a simple majority of the votes cast by the members present at the time of the vote.

The Foundation Board shall be informed of the elected chairs at the earliest opportunity by the Director General.

WADA shall issue a media advisory announcing the newly elected Standing Committee Chairs. The chairs will be published on the WADA website.

Members shall be appointed to a Standing Committee on the basis of their expertise in the relevant subject matter area; gender, continental and regional diversity must be taken into consideration where possible.

The Executive Committee may remove individuals from a Committee when, in its sole discretion, it considers it is appropriate to do so by way of a simple majority of the votes cast by the members present at the time of the vote. The Executive Committee shall briefly expose the reasons for its decision.

The Foundation Board shall be informed of the complete composition of ~~the Athlete~~each Standing Committee at the earliest opportunity and will be provided with a profile for each ~~committee~~Committee member by the Director General. The biographies of the appointed Chairs of the Standing Committees and of appointed Standing Committee members shall be published on WADA's website. In addition, the aggregate regional and gender composition of the Standing Committees shall be published on WADA's website. These procedures shall be conducted in accordance with applicable privacy laws.

#### 5.0 Term of Office

Each member, including the chair, shall be appointed for a period of three years. They may be reappointed for a maximum of two further terms of three years provided that they continue to meet all relevant eligibility criteria. A rotation policy shall apply so that one third of the members change every year.

Each member, including the chair, cannot serve for more than nine years in aggregate for the same committee, save as provided for below.

Members who have served less than nine years in aggregate for the same committee but whose reappointment would exceed the maximum of nine years of service in aggregate for that committee at the time of reappointment, may be reappointed, by way of exception, for one more term of three years.

Terms may be staggered to ensure continuity of the committee's work. In such case, terms may be shorter than three years and the limit on reappointment does not apply, as long as the overall limit of nine years of service in the same committee is respected and the relevant eligibility criteria continue to be met.

A member can serve in several committees during the same period, provided that, for each committee, he/she cannot serve for more than nine years in aggregate.

After nine years of service for the same committee, the member is not prohibited from applying for appointment in another committee.

These limitations shall be applicable to each member of a committee for his/her next appointment.

The President may approve exceptions, in particular if it is appropriate to ensure continuity in the work of a Standing Committee.

As regards members attendance to standing committee meetings, the following principles shall apply:

- a) Two consecutive unexplained absences from standing committee meetings ought to result in an expulsion from such committee;
- b) Absences can be explained in advance by the member in writing with a reasonable excuse to the chair of the committee. If such excuse is accepted, then the absence will not be regarded as unexplained and not count as one of the two absences which would lead to expulsion.

## 6.0 **Independence, Code of Ethics, Conflict of Interest and Confidentiality**

The chair and members of each committee shall meet the requirements of the Operational and Personal Independence criteria stated in the Regulations on Independence (as amended from time to time).

All Standing Committee members, including the chairs, shall abide by, and comply with, the Code of Ethics adopted by the Foundation Board, the Conflict of Interest Policy issued by the Foundation Board and the WADA Media Relations Policy issued by the Executive Committee (as they may be amended from time to time).

All Standing Committee members, including the Chairs, are required to sign a confidentiality agreement upon their appointment, and again annually.

All meetings and the work of the Standing Committees are confidential. No documents, information, discussion and determinations made at a Standing Committee meeting or otherwise exchanged or agreed in connection with the work of a Standing Committee shall be disclosed to any third party, except for WADA, unless the Executive Committee authorizes such disclosure, or the matter is in the public domain, or disclosure is required under applicable regulations or by law or by any competent authority.

## 7.0 **~~5.0~~ Reporting**

The ~~standing~~Standing and ~~ad-hoc committees~~Ad Hoc Committees shall report on their activities to the Director General and, via the ~~Chair~~chair of the Standing Committee, to the Executive Committee upon request of the ~~President~~Chair of the Executive Committee. The ~~Chairs~~chairs of the Standing Committees may be invited by the ~~President~~Chair of the Executive Committee to present their report to the Executive Committee meetings verbally and may, at the discretion of the ~~President~~Chair of the Executive Committee, be invited to contribute their views on other matters before the Executive Committee if it is considered to be of assistance to the Executive Committee.

## 8.0 **~~6.0~~ Financing**

The Executive Committee shall allocate to the Standing Committees the necessary financial resources to permit each committee to fulfill its functions.

## 9.0 ~~7.0~~ Terms of Reference

Each Standing Committee operates under its own specific Terms of Reference, which take effect when approved by the Executive Committee.

Each Standing Committee, through its Chair and the responsible WADA Management Team member, must review its Terms of Reference on an annual basis to ensure that they remain fit for purpose.

A Standing Committee's Terms of Reference shall include provisions with respect to the following matters:

- Purpose and goals,
- Objectives and key activities,
- WADA staff ~~person serving as~~ liaison ~~at WADA headquarter~~ person,
- Reporting process,
- Chair and members skill requirements,
- Working norms,
- Use of additional expertise,
- Confidentiality requirements,
- ~~Conflicts~~ Code of Ethics and conflicts of interest (see the Conflict of Interest Policy issued by the ~~Executive Committee~~ Foundation Board),
- Setting of the agenda and the responsibility therefor,
- Rules on conduct of meetings and voting (if any),
- Communication and media (see the WADA Media ~~Relation~~ Relations Policy issued by the Executive Committee and liaison with the WADA ~~communication~~ Communications team),
- Funding and accounting norms,
- Frequency of meetings and minutes.

The Terms of Reference for each Standing Committee will be published on the WADA website including the skill requirements for the ~~Chair~~ chair and ~~Members~~ members.

The minutes of the Standing ~~Committees'~~ Committee meetings will be posted on the WADA website once approved by the Committee ~~Members~~ members.

## VII. ~~By-Laws~~Regulations on the Director General

### 1.0 Director General

#### 1.1 Constitution

The Executive Committee delegates the management of WADA to the Director General, subject to, and within the framework of, the mandatory provisions of the law and the provisions contained in the Regulations ~~and By-Laws~~, including these ~~By-Laws~~Regulations.

#### 1.2 Appointment of the Director General

The Director General shall be appointed by the Executive Committee, acting through a sub-committee of four ~~(4)~~ of its members, (the “**Panel**”), taking its decision by an absolute majority of the members of the Panel. The Panel shall have the authority to conduct the recruitment process and to negotiate the terms and conditions of the employment agreement, provided, however, that the final decision to contract with the Director General shall be taken by the Executive Committee. The ~~President~~Chair, the Vice-~~President~~Chair of the Executive Committee and two ~~(2)~~ Ordinary Members (as such terms are defined in the Foundation Board Regulations), one ~~(1) representing from~~ the Olympic Movement and one ~~(1) representing from~~ the Public Authorities, shall be members of the Panel.

#### 1.3 Selection process of the Director General

In the event of termination, resignation or non-renewal of the employment agreement of the Director General, the Panel shall provide the Nominations Committee with the mission to recruit, review and verify (including vetting) the candidates for the position of Director General. The Panel shall provide the Nominations Committee with the requirements that the candidates shall meet to be eligible for the position, including in terms of skills and independence. The Nominations Committee will be responsible for establishing the rules applicable to applications, recruitment and review of candidates, and such rules shall be submitted in advance to the Panel for approval. At the end of the recruiting process, the Nominations Committee shall submit a list of three ~~(3)~~ recommended candidates, listed in order of preference, together with their relevant dossiers, to the Panel for negotiation and, ultimately, decision by the Executive Committee.

#### 1.4 Competences

The Director General, to whom the management of WADA is delegated pursuant to ~~article~~Section 1.1 above, has in particular (without limitation) the following competences and duties:

- The operational management of WADA, the implementation of the strategy, the implementation of the present ~~By-Laws~~Regulations in accordance with the guidelines provided by the Executive Committee;
- Supporting the Chair/President in preparing the meetings of the Executive Committee and of the Foundation Board and ensuring the implementation of the Executive Committee’s

resolutions;

- Setting WADA's strategy and budgets for the approval by the Executive Committee and the Foundation Board, as applicable;
- Preparing and supervising the compliance with the principles of ~~the~~ general policy, the targets and the budget as well as the general policies regarding the resources and the salaries;
- Creating an efficient and structured procedural organization;
- Supervising the compliance with the internal guidelines;
- Preparing and implementing organizational guidelines;
- Recruiting, hiring, supervising and dismissing the employees, including senior executives;
- Passing resolutions on:
  - important contracts, in accordance with the internal policies and decisions of the Executive Committee;
  - the initiation of legal proceedings and the conduct and settlement of pending legal disputes and proceedings, provided that the legal proceedings or disputes have arisen in the normal course of WADA's ~~activity~~activities;
- Ensuring the financing of ~~the~~ WADA's activities as well as its liquidities;
- Preparing, setting and implementing the accountancy, the financial control and the financial planning;
- Establishing the financial results and financial reporting;
- ~~Preparing~~Ensuring the preparation of the financial statements and any other required interim reports and the annual accounts for the attention of the Executive Committee;
- Reporting periodically to the Executive Committee, and immediately in the case of extraordinary events.

The Director General is competent to pass resolutions on any matter which does not fall within the competence of, nor has been reserved to the Foundation Board or to the Executive Committee or which have been assigned to any other body of WADA by virtue of the law, the WADA Statutes, or other Regulations or ~~By-Laws~~policies.

## 1.5 Reporting

The Director General shall report directly to the ~~Chair~~President of the ~~Executive Committee~~Foundation Board.

## 1.6 Termination of the Director General's Appointment

The Executive Committee may terminate the Director General's employment agreement for just cause and subject to any applicable employment laws by way of a qualified majority of two-thirds ~~(2/3)~~ of the members present at the time of the vote.

## 2.0 Code of Ethics and Conflict of ~~Interests~~Interest

The Director General shall abide by, and comply with, and shall cause WADA's employees to abide by and comply with the Code of Ethics adopted by the Foundation Board and the Conflict of Interest Policy issued by the ~~Executive Committee~~Foundation Board (as ~~it~~they may be amended from time to time) and any other provisions applicable by law in this matter.

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## ~~VIII. Conflict of Interest Policy~~

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### ~~1.0 Adoption of the Policy~~

- ~~1. In order both to ensure transparency and to avoid all appearance of impropriety, the Foundation Board has adopted this Conflict of Interest Policy (the "Policy").~~
- ~~2. This Policy is intended to supplement, but not replace, any applicable laws~~

~~governing conflicts of interest, and WADA Officials shall comply with the requirements of each such applicable law in addition to the requirements of this Policy.~~

### ~~2.0 Application~~

- ~~3. The Policy applies to all members of the Foundation Board, Executive Committee and other Committees, as well as all officers, employees and other persons who may be engaged by WADA from time to time, for example~~



~~as consultants or experts (the "Officials").~~

- ~~4. Additional provisions of the Policy that apply exclusively to WADA Health, Medical and Research Committee (the "HMR Committee") members and WADA Education Committee members, as well as other independent experts who participate in the recommendation and selection process of WADA-funded research projects are set out in Schedule 1.~~
- ~~5. All Officials presently covered by the Policy shall be informed of the Policy and any amendments thereof upon their adoption. Officials who are engaged by WADA or otherwise become subject to the Policy after its adoption (for example, by virtue of becoming a member of the Foundation Board, Executive Committee or other WADA Committees/Expert Groups) shall be provided with a copy of the Policy at that time. All Officials covered by this Policy, either now or in the future, are deemed to have agreed to be bound by and are required to comply with the terms of this Policy as at the date of their appointment or election and throughout their term as an Official. They shall be required to comply with this Policy (a) not only whenever they are acting in their WADA capacity, but (b) also whenever they are acting in another capacity at any other time where their conduct at such time could create a conflict of interest and/or would otherwise undermine the objectives of WADA.~~

### ~~3.0 No Conflict of Interest~~

- ~~6. Officials owe a duty of care and loyalty to WADA. Accordingly, they must make decisions (including as to how to vote on a specific resolution) based solely on what is in the best interests of WADA and its collective fight against~~

~~doping, in relation to the issue at hand. They must avoid any factors which may give rise to a conflict between their own interest or the interest of any other relative, friend or acquaintance (whether arising directly or through a related third party) and that of WADA. Officials must avoid any situation that could lead to any actual or potential conflict of interest.~~

- ~~7. Conflicts of interest arise whenever the financial or personal or other interests of an Official are, or appear to be, inconsistent or at odds with the interests of WADA. An appearance of a conflict of interest exists when it is reasonably likely that an informed observer may perceive a conflict of interest. A conflict of interest already exists when a person could reasonably anticipate that, in the future, there could be a conflict between competing obligations or interests; the person involved does not have to be placed in a situation where there is an actual conflict for a conflict to be present according to this Policy (a "Conflict of Interest").~~
- ~~8. By way of example only, and without limitation, a Conflict of Interest exists when an Official has an existing or potential interest in any entity, transaction or arrangement in which WADA also has an existing or potential interest, or when an Official will derive a financial or other benefit directly or indirectly from WADA.~~
- ~~9. It is acknowledged that Officials may also owe duties to third parties. For example, an Official nominated by the Public Authorities or the Olympic Movement may also owe duties to his/her Public Authority or Olympic Movement entity. However, in such circumstances, the Official owes the same fiduciary duties to WADA as any other Official. In particular: (a) those~~

~~duties are owed to WADA as a whole (and not to any individual stakeholder or stakeholder group); and (b) the Official may only take into account the interests of the stakeholder group that nominated him/her, where these do not conflict with those of WADA as a whole.~~

- ~~10. Where an Official has a Conflict of Interest, such Official shall refrain from participating in the deliberations of WADA's body or entity to which he/she belongs with respect to the relevant topic and abstain from taking any part in the decision-making process on such issue.~~

#### ~~4.0 — Disclosure~~

- ~~11. At any time where facts or circumstances arise which create or could reasonably create such a Conflict of Interest, the Official shall disclose such facts or circumstances forthwith to the Director General or if not possible to the chair of the relevant Committee (with a copy to the Director General) in order that appropriate preventive measures may be taken immediately to prevent the Conflict of Interest to occur.~~
- ~~12. All members of the Foundation Board, Executive Committee and other Committees/Experts Groups, as well as the Director General and Directors (the "Key Individuals") shall annually complete and sign a Statement of absence of Conflict of Interest which shall be in the form of Annex A (the "Statement"), in which the Key Individual shall disclose in writing any facts or circumstances (if any) which could reasonably cause a situation of Conflict of Interest. Such Statement shall be sent to the Director General who will keep a register showing all these Statements. These registers will be made available to the chairs of each~~

~~of the Committees to ensure that, if a Conflict of Interest arises, the chair can take the appropriate steps to exclude the Key Individual from the discussions and/or the decision making process.~~

- ~~13. All disclosure made under this Policy shall be treated in conformity with WADA's privacy policy in force at the time of the disclosure.~~

#### ~~5.0 — Enforcement~~

- ~~14. The President with the Director General or, if the President is not available, the Vice President with the Director General, and any other person that the President may from time to time designate for this purpose, shall take all appropriate measures to ensure compliance with this Policy, including the determination of appropriate preventive measures, the determination of whether there has been a breach of the Policy and whether to refer the case to the Foundation Board if the breach is committed by a member of the Foundation Board and to the Executive Committee if the breach is committed by anyone else.~~

~~Notwithstanding any other requirement set out in this Policy or Schedule, it shall be a standing agenda item at all meetings of the Executive Committee, Foundation Board and all Committees and Expert Groups of WADA for the Chairperson of such meetings to call for disclosure of any Conflicts of Interest either arising in the papers for the meeting or not previously disclosed in accordance with this Policy.~~

#### ~~6.0 — Publicity~~

- ~~15. This Policy shall be made publicly available through WADA internet site.~~

## **Conflict of Interest Policy**

### **SCHEDULE 1**

#### **HEALTH, MEDICAL AND RESEARCH COMMITTEE**

**and**

#### **EDUCATION COMMITTEE**

### **Application**

- ~~1. The provisions of this Schedule 1 apply to WADA Health, Medical and Research Committee (“HMR Committee”) members and WADA Education Committee members (collectively “Committees”), as well as any additional experts who participate on Project Review Panels who make recommendations to the Committees regarding selection of WADA-funded research projects.~~
- ~~2. It is recognized that the Committees are composed of international experts. Such persons or their professional or scientific colleagues may on occasion submit grant applications for WADA-funded research projects for consideration by the Committees. Such submissions could be seen as potential sources of conflicts of interest for the Committee members in question and others who participate in the grant selection process. In addition to participating in a particular selection process, Committee members have access generally to confidential and other information and discussions within the Committees and between Committee members and WADA management which may relate to WADA’s interests and positions on relevant issues. This, in turn, could in certain circumstances create a reasonable apprehension that Committee members or their colleagues are favorably positioned in respect of grant applications.~~
- ~~3. Because the international scientific competence in anti-doping is limited, WADA considers that it is acceptable for Committee~~

~~members, as well as members of other WADA committees, or their scientific colleagues to apply for research grants or other funding from WADA. However, it is felt that specific safeguards are required to ensure transparency and avoid all appearance of impropriety in relation with the application and selection process. These safeguards are set out in this Schedule 1.~~

### **Curriculum Vitae**

- ~~4. Upon being appointed to the HMR Committee or Education Committee, and annually thereafter, a Committee member shall complete and sign an up-to-date *curriculum vitae*, which shall be in the form of Annex B (the “CV”), which shall accurately describe:~~
  - ~~— all current employment and engagements;~~
  - ~~— all employment and engagements during the previous 5 years;~~
  - ~~— all current memberships and associations;~~
  - ~~— all memberships and associations during the previous 5 years.~~
- ~~5. The terms “employment and engagements” and “memberships and associations” include all such activities or relationships whether of a professional, scientific, medical, technical, commercial or other nature.~~
- ~~6. Submission of the CV upon appointment and annually thereafter shall be a condition of the person’s membership of the Committee. Such CV will be kept by the Director General in a register.~~

### **Continuing Duty**

- ~~7. In addition to any other duty or obligation set out in the Policy, including this Schedule 1, a Committee member shall immediately disclose in writing to the Director General and to the HMR Committee or Education Committee~~

~~chair as the case may be, any facts or circumstances that could reasonably constitute a Conflict of Interest which may arise from time to time while he or she is a Committee member.~~

~~8. Without limiting the generality of the foregoing, and solely by way of example, facts and circumstances that could reasonably constitute a Conflict of Interest include the following:~~

~~• generally, any direct or indirect (such as through family members) financial or other interest in or connection to any entity (institutional, professional or other) directly or indirectly related to a funding application;~~

~~• where a Committee member submits an application for WADA funding or is a member of an applicant research team;~~

~~• family relationship or close friendship or other relationship (as distinct from mere acquaintance) between a Committee member and a funding applicant or a member of an applicant research team;~~

~~• a Committee member's formal association or connection with, including employment within, the same laboratory, institute or research or other organization as the applicant research team or any of its members;~~

~~• a Committee member's administrative or executive position or other significant involvement in the same Anti-Doping Organization (as defined in the World Anti-Doping Code) as the applicant or a member of the applicant research team;~~

~~• where a Committee member has been, is or intends to be involved in a research project with a similar~~

~~subject matter, research theme or objective as an applicant project.~~

### ~~Statement of Absence of Conflict of Interest~~

~~9. Upon being appointed to the HMR Committee or Education Committee, the Committee member shall complete and sign a Statement of absence of Conflict of Interest which shall be in the form of Annex A (“**Statement**”), in which the member shall disclose in writing any facts or circumstances which could reasonably constitute a Conflict of Interest. For the avoidance of doubt, submission of the Statement shall be a condition of the person's membership of the Committee.~~

~~10. The Statement shall be submitted to the Director General who shall maintain a register of Statements (the “**Register**”). The Register will also contain minutes of Committee meetings at which a determination is made whether or not to exclude a Committee member from participation in a selection process in accordance with the terms of this Schedule 1. The Director General shall make the Register available to the chair of the Committee.~~

~~11. Committee members shall update their Statement not later than one month prior to the annual deliberations of the HMR Committee or Education Committee at which research grants are selected for funding from among the applications received, failing which the member shall not participate in the selection process of the Committee in question.~~

### ~~Exclusion from Committee Deliberations~~

~~12. A Committee member shall not participate in the consideration, assessment, evaluation or selection of an application that he or she has submitted or regarding which he or she is a member of the applicant research team.~~

~~13. A Committee member shall not participate in the consideration, assessment, evaluation or selection of projects in his or her respective area of expertise if he or she has submitted~~

~~funding application to WADA in the past three (3) years or intends to do so in the following three (3) years.~~

~~14. In all other cases, including where a Committee member has submitted a Statement that may concern or relate to a particular project, the Committee in question shall determine whether exclusion of the Committee member from participation in the consideration, assessment, evaluation or selection of that project is appropriate to ensure the integrity of the selection process and the respect of the Policy and this Schedule 1.~~

~~15. In determining whether to exclude a Committee member from participation in the selection process in accordance with the previous paragraph, the Committee shall be advised and assisted by a person who is not a member of the HMR Committee or Education Committee and who shall be designated by the Director General for this purpose. The person so designated shall be present during all deliberations by a Committee concerning such a determination.~~

### **External Experts**

~~16. All research grant applications submitted within the regular Research Grant Program shall be reviewed by an independent external expert or panel of experts in the relevant field. The report of such expert or panel shall be submitted to and reviewed by the HMR Committee or the Education Committee prior to the project being considered for selection.~~

~~17. All other grant applications, including those submitted outside of the regular annual Research Grant Program, for example applications submitted under the Target Research or Reactive Research Programs, shall be submitted for such expert review where the Director General considers it appropriate to do so in order to ensure the integrity of the selection process for WADA-funded research projects. The approval of such applications may also be made subject~~

~~to a public call for research proposals addressing the relevant research topics.~~

### **Experts Subject to Policy**

~~18. All external experts retained from time to time by the HMR Committee or Education Committee for the purpose of reviewing, evaluating, advising or making recommendations to the Committee in question on funding applications, shall be subject to the WADA Conflict of Interest Policy including this Schedule 1 as if he or she were a member of the Committee for the duration of his or her engagement.~~

~~19. Without limiting the generality of the foregoing, such an expert shall, in particular, as a condition of his or her potential engagement, submit a Statement and CV to the Director General prior to being engaged.~~

### **Enforcement**

~~20. WADA President and Director General, or if the President is not available, the Vice President and Director General, and/or any other person that the President may from time to time so designate, shall take all appropriate measures to ensure the integrity of the application and selection process for WADA-funded research projects, including the determination of whether there has been a breach of this Schedule 1 and the determination of sanctions for such a breach, which may include, among other measures:~~

- ~~- temporary or permanent prohibition on a person's participation in the selection process for certain research projects;~~
- ~~- withdrawal of a person's Committee membership;~~
- ~~- temporary or permanent prohibition on a Committee member's involvement with WADA-funded scientific research projects;~~

~~or withdrawal or request for reimbursement of funding.~~

~~The WADA President and the Director General, or if the President is not available, the Vice-President and the Director General, and/or any other person that the President may from time to time so designate, may review any determination made by the HMR Committee, or Education Committee under paragraph 15 of this Schedule 1. They may in their reasonable discretion issue a new determination which replaces the Committee's determination or annul the Committee's determination and refer the matter back to the Committee for further consideration and determination.~~

**Annex A : Statement of Absence of Conflict of Interest**

To: **WADA Director General**

• I have read and understand the Conflict of Interest Policy (the “Policy”). I understand that as a member of the WADA \_\_\_\_\_ [Committee/Expert Group] or as a person otherwise engaged by the Committee and/or WADA, I am subject to the Policy.

• I understand that, in the exercise of my functions on behalf of WADA and/or its Committees/Expert Groups, I must avoid any factors which may give rise to a conflict

I am free of any factors which may give rise to a conflict between my own interest or the interest of any other relative, friend or acquaintance (whether arising directly or through a related third

I am free of any other factors which may give rise to a conflict between my own interest or the interest of any relative, friend or acquaintance (whether arising directly or through a related third party), except as may relate to the following specific facts or circumstances which create or could create such a Conflict of Interest (use separate sheet if necessary):

between my own interest or the interest of any other relative, friend or acquaintance (whether arising directly or through a related third party) and that of WADA and that I must avoid any situation that could lead to any actual or potential conflict of interest.

• I further understand that I am under a continuing duty to disclose forthwith all facts or circumstances that exist or arise and which create or could create such a Conflict of Interest as defined in the Policy, in order that appropriate preventive measures may be taken.

• I HEREBY DECLARE (please read, select and complete as necessary one of the following statements):

party). To the best of my knowledge, there exist no facts or circumstances, past or present, which create or could create such a Conflict of Interest as defined in the Policy;

**-OR-**

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Signed: \_\_\_\_\_

\*\*\*

## ~~IX. Candidate Privacy Policy~~

~~Last Updated: November 2019~~

~~This Candidate Privacy Policy (the “Policy”) sets out the manner in which WADA collects, uses, discloses and otherwise processes the personal information of individuals (“Candidates”) who apply to be appointed as members of the Executive Committee or one members of its other permanent or ad hoc committees.~~

~~By submitting an application for any relevant WADA appointment, Candidates consent to the processing of their personal information by WADA pursuant to the terms set forth in this Policy, and confirm that they have read and understood such terms.~~

~~Updates to this Policy may be made from time to time, as indicated by the date of the last update displayed above. Where practicable, WADA will endeavour to notify Candidates of any material updates by posting the latest version of this Policy on its website and Candidate application forms.~~

### ~~Collection and Use of Personal Information~~

~~As part of the selection process, WADA will collect, use and otherwise process the personal information of Candidates in order to compile an application file, evaluate candidacies, and administer and manage the selection process.~~

~~WADA will process the following categories of personal information:~~

- ~~• identification and contact details;~~
- ~~• information on the Candidate’s career, education and training background, and job experience;~~
- ~~• information on the reputation, morality, ethics and general behavior of the Candidate;~~
- ~~• information on the financial situation (assets, amount and source of~~

~~average annual income) of the Candidate;~~

- ~~• any information which might reveal conduct which is contrary to the values defended by WADA and/or which would prevent the Candidate from filing the desired position, including conflict of interest disclosures.~~

~~The information described above will be provided by the Candidate directly through his/her application file, communications to WADA, or during interview(s); it may also be collected from third parties such as references which the Candidate has provided to WADA or personalities or organizations with relevant information about the Candidate and his/her application.~~

~~WADA processes Candidate personal information on the basis of Candidates’ consent, as otherwise necessary to fulfill the legitimate purposes related to the selection process described above, or as permitted or required by law.~~

### ~~Sharing of Personal Information~~

~~WADA will not share Candidate personal information without a Candidate’s consent, except as set out below.~~

~~Applications for all relevant positions are received by the Director General and, on a need-to-know basis, supporting staff and subsequently transferred to the Nominations Committee for review and assessment. The Foundation Board, Executive Committee, and WADA’s Legal Director will also have access to Candidate files and Nominations Committee reports and recommendations regarding Candidates.~~

~~The members of the Committees described above, to whom the transfer of the information is necessary to evaluate candidacies and administer and manage the selection process following the Candidates’ application, may be located anywhere~~



around the world. By submitting an application, Candidates consent to their personal information being accessed by the individuals and Committees described above on a need-to-know basis to fulfill their designated functions in the selection process, from wherever they may be located, understanding that the data protection and privacy laws of such locations may not be equivalent to those in a Candidate's own country.

In certain circumstances, service providers may be engaged by the foregoing individuals/Committees in order to administer and manage the selection process. In such circumstances, service providers will only be provided with the information they need to perform their designated functions, and will not be authorized to use or disclose personal information for their own purposes. WADA will ensure appropriate safeguards are in place when sharing information to any such service providers should they be located outside of Canada or Switzerland, such as ensuring such jurisdictions have been deemed to provide adequate protection by data protection authorities or that the recipients are subject to appropriate contractual safeguards or recognized safeguarding frameworks like the Swiss-US Privacy Shield.

WADA may also be required to disclose personal information in response to a search warrant or other legally valid inquiry or order (which may include lawful access by Canadian, Swiss, or other foreign governmental or investigation authorities, courts, or law enforcement). We may also disclose personal information in the case of a breach of an agreement or contravention of law; to detect, suppress or prevent fraud; to establish, exercise or defend legal claims; to investigate or prevent actual or suspected loss or harm to persons or property; or as otherwise required or permitted by applicable law.

## Individual Rights

Once the final reports have been submitted regarding a particular selection process, Candidates shall have the right to obtain a copy of their Candidate records, subject to certain exceptions such as information provided to the Nominations Committee in confidence (e.g. professional references), or other limited exceptions prescribed by law. Candidates may withdraw their candidacy, and their consent to WADA's processing of their information, at any time and request the return of their Candidate records, or request to make a correction in their file, by communicating with the Director General or Nominations Committee Chair. They may also have a right to lodge a complaint with a national regulator responsible for privacy in their country of residence should they not be satisfied with WADA's response to a request or complaint.

## Safeguards and Retention

WADA has implemented reasonable administrative, technical, and physical measures to safeguard Candidate personal information against unauthorized access, use, modification and disclosure.

Candidate application records shall be retained for one (1) year following the appointment date for the relevant position. Afterwards, WADA will destroy the records unless they are still necessary for the purpose of the selection process or a legal action, or are otherwise required to be kept by law or compulsory legal process.

## Contact Us

Please contact us by email at [privacy@wada-ama.org](mailto:privacy@wada-ama.org) if you have any questions or comments about this Policy or the manner in which we treat your personal information; or wish to exercise a right in respect of your personal information.

We may also be contacted by mail at:

~~Attn: Privacy Counsel  
World Anti-Doping Agency  
Stock Exchange Tower  
800 Place Victoria (Suite 1700)  
Montreal (Quebec) H4Z 1B7, Canada~~

Document comparison by Workshare Compare on Tuesday, May 23, 2023  
11:34:18 AM

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Document 2 ID	file://C:\Users\mach\Desktop\WADA Governance Regulations - Redline version - 15May2023 vs 12Jan2023.docx
Description	WADA Governance Regulations - Redline version - 15May2023 vs 12Jan2023
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Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

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Total changes	2496
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