

**Note:** The Executive Committee meeting minutes are published on WADA's website once they have been approved by the Executive Committee, generally at its subsequent meeting. The minutes are intelligent third-person verbatim transcriptions, i.e. slightly edited for readability.

## **Minutes of the WADA Executive Committee Meeting 9 May 2023, Montreal, Canada**

The meeting began at 8.30 a.m.

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

THE CHAIRMAN welcomed the members to the meeting. He hoped that they had enjoyed the previous day's function and were ready to work. The vast majority of members or deputies were present in Montreal, which was good news. The members were joined virtually by only one member, Mr Nenad Lalovic, who was unable to join the meeting in person. Some committee chairs would join the members during the meeting to provide some relevant updates. He particularly wished to welcome the new members, Dr Koji Murofushi from Japan, Dr Rahul Gupta from the USA, Mr Ryan Pini from the WADA Athlete Council, and Ms Venetia Bennett, who was a new independent member of the Executive Committee. There was one deputy that day, Mr Darren Mullaly, representing Ms Wells from Australia, who had been unable to travel or attend virtually as she was in the midst of late-night parliamentary sittings and the time zone difference did not permit her to attend. Given that there was only one member joining the meeting virtually, he would simply circulate the roll call around the table and ask that the members sign and then pass it on to their neighbour. Having looked at the agenda, he anticipated that the duration of the meeting would be around five hours, with one short break, and that it would finish with lunch at around 1:30 p.m. He would do his best, of course, to keep to the schedule as always.

On behalf of WADA, he wished to express his condolences to the family and friends of the Honourable Judge Jean-Paul Costa, who had passed away suddenly at the end of April. Judge Costa, an esteemed expert in the field of human rights, had served as the president of the European Court of Human Rights for several years. Many would recall that Judge Costa had provided independent opinions to WADA over the years on the compatibility of the World Anti-Doping Programme with accepted international law and human rights principles. WADA's members were grateful for the contributions he had made to WADA's work.

The following members or deputies attended the meeting: Mr Witold Bańka, President and Chairman of WADA; Ms Yang Yang, Vice-President of WADA; Professor Ugur Erdener, IOC Member, President of World Archery; Mr Jiri Kejval, President, National Olympic Committee, Czech Republic, IOC Member; Mr Ingmar De Vos, Council Member, ASOIF, IOC Member, FEI President; Mr Humphrey Kayange Emonyi, IOC Member, representing the IOC Athletes' Commission; Mr Nenad Lalovic, Executive Board Member, ASOIF, UWW President, IOC Member; Ms Minata Samate Cessouma, Commissioner for Health, Humanitarian Affairs and Social Development, African Union, Burkina Faso; Dr Rahul Gupta, President, CADE, USA; Dr Koji Murofushi, Commissioner, Japan Sports Agency, Japan; Ms Roxana Maracineanu, France; Mr Mullaly, representing Ms Anika Wells, Minister for Sport, Australia; Ms Gabriella Battaini-Dragoni, Independent Member, Italy; Ms Venetia Bennett, Independent Member, Italy; Dr Patricia Sangenis, Independent Member, Argentina; Mr Ryan Pini, Chairman of the WADA Athlete Council;

The following Permanent Special or Standing Committee Chairs attended the meeting: Mr Henry Gourджи, Chairman of the WADA Compliance Review Committee; Ms Kady Kanouté Tounkara, Chairwoman of the WADA Education Committee; Mr Ser Miang Ng, Chairman of the WADA Finance and Administration Committee; Professor Mette Hartlev, Chairwoman of the WADA Independent Ethics Board;

The following representatives of WADA Management attended the meeting (some in person and some virtually): Mr Olivier Niggli, Director General, WADA; Mr René Bouchard, Stakeholder Engagement and

Partnerships Director, WADA; Ms Dao Chung, Chief Financial Officer, WADA; Mr Sébastien Gillot, Director, WADA European Office and Sport Movement Relations; Mr Kazuhiro Hayashi, Director of the WADA Asia/Oceania Office; Mr Kevin Haynes, Compliance, Rules and Standards Director, WADA; Mr Tony Cunningham, representing Ms Amanda Hudson, Education Director, WADA; Ms Angela Iannantuono, Human Resources and Corporate Services Director, WADA; Mr Stuart Kemp, Chief Operating Officer, WADA; Mr Francisco León, Programme Development Director, WADA; Ms Florence Lefebvre-Rangeon, Deputy Chief Operating Officer, WADA; Ms Catherine MacLean, Communications Director, WADA; Mr Marc-André Matton, Chief Technology Officer, WADA; Mr Tom May, NADO/RADO Relations Director, WADA; Ms Maria José Pesce Cutri, Director of the WADA Latin America Office, WADA; Mr Rafal Piechota, Director of the Office of the President, WADA; Dr Olivier Rabin, Science and Medicine Director, WADA; Mr Tim Ricketts, Testing Director, WADA; Mr Julien Sieveking, Legal Affairs Director, WADA; Mr Rodney Swigelaar, Director of the WADA Africa Office; Dr Alan Vernec, Chief Medical Officer, WADA; Mr Ross Wenzel, General Counsel, WADA; Ms Shannan Withers, Chief of Staff, WADA; Mr Gunter Younger, Intelligence and Investigations Director, WADA.

The following observers attended the meeting (some in person and some virtually): Andrew Ryan, James Carr, Michael Vesper, Hannah Grossenbacher, Yumiko Nakajima, Amandine Carton, Richard Budgett, Julien Attuil, Shin Asakawa, Marcos Díaz, Jocelyn East, Robert Auguste, Richard Baum, Yoshitaka Hoshino, Anna Thorstenson, Gaby Ahrens, Chris Butler, Kerry Knowler, Natanya Potoi Ulia, Kenji Tamura and Clayton Cosgrove.

#### - 1.1 Disclosures of conflicts of interest

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

### 2. Minutes of the previous meeting on 17 November 2022

THE CHAIRMAN stated that the draft Executive Committee minutes from November had been circulated among the members as part of the meeting document set. No member comments had been received regarding the minutes. If there were none that day, the Executive Committee would proceed to approve them. He asked the members for the record if they had any comments or questions regarding the minutes of the previous meeting. In the absence thereof, this confirmed that the minutes were approved.

#### DECISION

Minutes of the meeting on 17 November 2022 approved  
and to be duly signed.

### 3. Director General's report

THE DIRECTOR GENERAL wished the members a very good morning. They had in front of them a full detailed report of WADA's activities. He was not going to talk about all of those in detail, but the various directors and he himself would be happy to answer questions if the members had any on those topics.

He wished to address two issues that were in the report. One was related to e-sports and the other one to UNESCO, and he thought that that was the place to have the discussion on UNESCO. He would start with e-sports, as it was a slightly easier topic. The goal was actually to raise awareness among the members of the Executive Committee about possible challenges ahead in terms of e-sports. WADA had recently had a good discussion with the Global Esports Federation, with an exchange about the need for education of e-sports players/athletes (he did not know how the members wanted to call them), but the fact was that there were clear issues in relation to abuse of substances in the field and the federation wanted its participants to be made aware of those issues. WADA agreed with that and was fully ready to cooperate with the Global Esports Federation on some education programmes. On the other hand, it became a bit more complicated when the discussion moved towards anti-doping and whether or not there could be some proper rules to check on the abuse of substances. The Global Esports Federation had made it clear that it did not feel that it was its prerogative to rule on such matters, because it believed that it was the tournament organizer who had that responsibility, not the federation, and a lot of the organizers were private entities. That was not unlike the private leagues. They were not bound by the World Anti-Doping Code (Code) and therefore it might take time to get some action taken there. That was something WADA needed to bear in mind. However, it was getting even more complicated and there was a grey

zone in that there were now several e-sports events coupled with major events organized by Code signatories. There were events linked to the European Games, and one linked to the Pan-American Games. In those cases, he had heard that the e-games players would be in the village with the athletes and that they would be receiving medals just like the athletes. But, on the other hand, they would not be subject to any anti-doping rules, they would not be tested, etc. That was a concern in terms of the perception among the other athletes and in terms of the responsibility of Code signatories for those athletes and for their health. That was something WADA intended to address with the signatories, and it might have compliance ramifications; but, also as part of the Code revision, it might be something WADA needed to consider introducing into the new Code to have the legal framework to deal with those situations. He just wanted to raise that issue with the members so that they would be aware of it and the fact that it would be part of future discussions. He thought that it was important to realize that, given the expansion of e-sports events, it was becoming a more pressing topic.

The members had in his report a clear summary of the situation regarding UNESCO. They also had a number of letters that had been exchanged between WADA and UNESCO which highlighted the view of both organizations on the topic of the financial regional split of WADA. Before letters had been exchanged, there had been probably more than a year of discussion with the bureau of UNESCO, trying to get it to understand WADA's concern and the fact that WADA did not think that what was happening there was proper. However, that had all been completely ignored. Therefore, in the end, WADA had had to formalize matters. The members had seen the correspondence, which was a result of that. The letters had therefore not come out of the blue. They had come after many attempts at discussion. Looking back at the convention and the drafting of the convention (he had actually been in the room during the drafting of the entire convention), the intention had never been for WADA governance or WADA funding to be part of the scope of the convention. He remembered very well that there had been numerous high-level diplomats in the room representing the foreign affairs ministry of their country when it had been drafted and every word had been weighed carefully. The intention had really been to make sure that that would not be a part of it, that there would not be interference by third parties with WADA or with the way in which WADA operated. There would not be interference with the independence of WADA through the convention, and that was why the wording in the convention talked about studying. It did not talk about deciding. It did not talk about recommending. It talked about studying. And, in his view, it was pretty clear. When UNESCO had decided to look at the funding formula review, WADA had been under the impression that it would be a studying exercise, that there would be discussion, that UNESCO would put a proposal on the table for discussion by the member states and so on. WADA had become concerned when, suddenly, from a study exercise, it had become clear that UNESCO intended to submit a resolution to the conference of parties, and not only a resolution, but a resolution that it would want to be voted on only by a majority not by consensus. WADA had been told that UNESCO considered to be a binding resolution about 92 votes would be enough. That was clearly not consensus. It was a majority vote. And that was what UNESCO deemed proper in terms of process. That was where WADA really started to have huge concerns because that meant that, with no consensus among all state parties, one could get 92 votes and have a lot of countries that still disagreed with whatever was put on the table and, when it came to the contribution of WADA, one could immediately understand the potential disruption. Those countries that might be asked to pay less would be happy to consider it binding. Those asked to pay more might not see it as so binding. And then, who would be right? Who would be wrong? How to enforce that would be complicated. WADA was concerned about that, and what he was putting on the table that day was a request for help from, in particular, the public authority friends around the table to convince UNESCO that there should not be a decision or a vote taken at the conference of parties on that, at least not until governments had had a chance to seek consensus and to have a real discussion with everybody on that. WADA believed that there should not be a vote in late October at the COP on that matter because it was not currently ready. Nobody, for example, on the UNESCO proposal, had received any information on the impact on their own contribution per continent. That had never been discussed. It had not even been calculated as far as he knew. That was the nature of the concern. By way of a follow-up and, in a way, to try to be helpful, he proposed that WADA could facilitate any working group that the governments might like to set up. He did not know whether that would be within One Voice or if there were other ideas, but he thought that there should be a way for governments to have the discussion, and WADA would be happy to facilitate it or to help. WADA was not in any way dictating any approach, but the opinion was that a majority vote on a subject like that within the UNESCO forum was just wrong. That was the WADA position. That concluded his report, but he would be happy to take questions.

THE CHAIRMAN asked if there were any comments or questions.

PROFESSOR ERDENER said that, on behalf of the sport movement, he would like to thank the Director General for his very comprehensive report. He wished to say a few words on two topics. First, regarding UNESCO, there was great concern about the plan for the UNESCO conference of parties, through its bureau, as the Director General had mentioned, to submit a resolution to the state parties to determine by a majority vote whether they wanted to accept a revision to the regional split based on economic data or maintain the current regional split pursuant to the Copenhagen declaration by way of a resolution. While the regional split between the continents and governments was, of course, a matter especially related to the public authorities to discuss and agree amongst themselves, the sport movement appreciated WADA's concerns that any decision taken by the governments should not risk freezing the government funding to WADA should no consensus be found, nor should the discussion of the conference of parties focus on the WADA budget. The sport movement asked the public authorities to carefully assess the risk of the discussion for WADA and to ensure that no harm would be caused to the agency.

Regarding e-sports, he wished to say a few words. The IOC and sport movement really thanked WADA for the open dialogue on the important topic and supported the context of the next Code review. They also encouraged WADA to look at the issue surrounding e-sports, where gamers were not bound by the WADA Code. Regarding Olympic Esports Week, which would be held in Singapore from 22 to 25 June 2023, the IOC was working closely with the ITA to deliver an education session to all the gamers in Singapore. During the first day of the forum, a panel discussion on clean sport would be held to raise awareness about the importance of the fight against doping in the context of e-sports.

THE CHAIRMAN thanked Professor Erdener very much for his intervention. Were there any other comments or questions?

MS SAMATE CESSOUMA thanked the Chairman and congratulated the Director General on his report. She was happy to represent Africa on WADA's Executive Committee and would work with the other members to ensure clean sport, particularly in Africa. There were some challenges, but together they could find solutions.

Reacting to the issue concerning UNESCO and, on behalf of One Voice, she encouraged the Chairman to pursue dialogue. Dialogue was very important. Without dialogue, it would not be possible to find a solution to the problem. She realized that there was a great deal of tension, but WADA and UNESCO could not continue like that. It was necessary to calm down and pursue dialogue. In those conditions, a solution could be found and she was ready to support that dialogue.

She also wished to raise the issue of the revision of the funding formula. That was the responsibility of the governments. That was the position of One Voice.

That was what she wanted to say on that issue, and she apologized for her English.

THE CHAIRMAN apologized for his French and thanked Commissioner Samate Cessouma. Were there any other questions or comments?

DR MUROFUSHI wished to support his colleague, the Chair of One Voice. Asia also strongly expected WADA and UNESCO to seek a compromise and resume constructive dialogue. That was important. Furthermore, One Voice was used on the government side. UNESCO was a platform. This was not the place for decision making, but for study-making or discussion. It was necessary to have a platform for the government side to discuss. That was his understanding, not for any decision making, but it was necessary as a platform.

MS BATTAINI-DRAGONI noted that she had listened with care to the comments that had been made on the issue. She wished to clarify her understanding of the problem. UNESCO had its convention. The convention was an important legal instrument for the governments. There was no doubt about it. Since she came from an organization, the Council of Europe, which was very well known for its legal work, she could also appreciate the terms contained in the text of the convention. There were no doubts there, from her point of view, that WADA would have an attitude of misinterpreting or not respecting the work of UNESCO. She therefore viewed with interest the proposals to try to continue the dialogue on the different elements of the convention and to see what cooperation could be achieved in the future. She had no problem there. However, there was one aspect she cared about a lot, namely that the question of the financial contribution from governments per se had not been foreseen in the convention. If she were to take a legal approach, she would ask why an organization that was responsible for an important convention on anti-doping but which had no real competence to deal with the financial issue was

doing that. She would also like to remind the members representing the governments that, around four or five years previously, she, as a member at the time of the Council of Europe, had launched a specific initiative in order to start working on the question of the financial contributions from the member states. That had been done because it had been necessary to revise the famous Copenhagen declaration something like 20 years after the creation of WADA. It had been normal to do that. It had been undertaken in order to understand how the question of the contributions could be looked at with only one view, to reinforce WADA, not to diminish the financial means available, but simply to make sure that all the parts, all the different continents, could come forward with the right contribution for the organization, for WADA. Then, the procedure, which had been launched by One Voice at the time, had stopped because suddenly there had been talk about UNESCO taking a lot of interest in the particular issue. WADA had taken too much time, from her point of view. It was a pity that the real discussion within the coordination of One Voice had not continued. That had been a mistake, and she regretted that it was currently necessary to look at the problem after a kind of tension had arisen between UNESCO and WADA over the past year in particular. In terms of continuing the dialogue, she would say that it was an interesting approach. WADA also had to understand that it certainly had to hold dialogue with the convention people in UNESCO in terms of all the legal elements that they had to take care of as well in order to succeed in being stronger together. However, when speaking about the contribution to the WADA budget, it was not exactly the same subject. WADA needed to be clear about what it was doing. In the end, it was obvious that One Voice would have a lot to do in order to come forward as quickly as possible with a concrete proposal, which would be a proposal for WADA, and that was it. She thought that she had to say such things, because otherwise it seemed that it was not very clear why there was a competition or difficulty in communication between WADA and UNESCO. To conclude, resuming cooperation with UNESCO was an important objective for WADA on all the different legal elements that were contained in the convention. But if WADA wanted to discuss issues that were not within the remit of the convention of UNESCO, One Voice should really come forward with a revision and do so as soon as possible. As she saw it, WADA had taken too much time and it was no longer appropriate to exchange letters. WADA needed to act. That was her contribution to the debate, which was not an easy one, but she felt she had to say what she knew from the past.

On behalf of CAHAMA and in terms of what had just been said by One Voice, MS MARACINEANU said that One Voice was at WADA's disposal to work on a solution that day which she believed would help to go beyond that rather unfortunate ping pong situation between WADA and UNESCO. As had just been said, it was not very diplomatic and it was reaching rather worrying heights. Regarding the solution in terms of financing, what was definite was that there were three things that WADA needed to look at. The contribution of states and the split needed to be reviewed. Some countries contributed less than they should. WADA also had to look at the criteria in terms of the state of the economy in each country. Perhaps performance criteria should be included too, sporting criteria, which would be more fitting in terms of contributions, which might be greater on the part of countries that got the best results or managed to win a certain number of medals. So perhaps it could be a progressive kind of contribution that WADA might think about. The criteria needed to be reviewed. She also thought that the Executive Committee should see whether WADA should begin steering matters in that area or whether it should be someone else's prerogative. The discussions with UNESCO should not become toxic. It was necessary to maintain a healthy relationship. She was prepared to work within One Voice, in any event, exchanging more and organizing working groups.

She did indeed think that such working groups should be set up when it came to e-sports. Personally speaking, she had been minister of sports and had been called upon greatly by e-sports in France to validate, so to speak, the greatest hold-up of the century. She was also pleased that WADA had put inverted commas around the word 'e-athletes'. It was important, however, to accompany the decision made by the IOC, which had decided to draw closer to e-sports and to promote them during more traditional sporting events. Notwithstanding, young people who were currently involved in the activity should receive support and accompaniment and be warned about the dangers of doping, which would enable them to enhance their performance. WADA was interested in the matter. E-sports were sports after all, but she personally believed that they were dangerous for the health of young people and children. The only warning she wanted to issue was that the education programme, which Professor Erdener had talked about earlier on, during a sport event should also go hand in hand with a specific educational programme for those young people to show them the extent to which it was important to do real sport in addition to the e-sports at which they were excelling.

Education should comprise the fight against doping and education in sport, full stop, specifically if people chose to include in the fight against doping those young so-called athletes in e-sports.

There was a third point she wished to raise which had been highlighted in the Director General's summary of his report. Gender equality and the gender dimension were fundamental principles, which had to be shared by all and taken into account by all. The Council of Europe had created to that end a group of experts in charge of overseeing gender equality in anti-doping. She thanked WADA and the IOC for being involved in that process. She reassured WADA and the anti-doping community that Europe, with its work, intended to identify improvements and propose measures that might be implemented together. That would not affect the organization of the World Anti-Doping Programme in any way. As seen in the Director General's report, some concerns had been expressed as to the progressive attitude of global society in that respect. Everybody knew that WADA would take that fully into account and that would in no way harm the current world fight against doping.

THE DIRECTOR GENERAL responded in general to the comments. A number of important points had been mentioned, the first of which was that the forum of UNESCO should be a forum for discussion, not for decision. That was the key to the whole discussion. Nobody was contesting that, but the concern was that it was not what was currently being put forward. The second thing was, as also mentioned, that it was a matter and a prerogative of governments to have the discussion, so whatever forum the governments chose was fine, but it needed to be something that was done in a consensual way. As he had said, WADA was ready to work and to facilitate, whether it was through One Voice or another forum. The last thing he wanted to say was that WADA was absolutely willing to cooperate with UNESCO. Actually, it was sometimes a bit complicated, because there was a difference between UNESCO and the conference of parties and the bureau of the conference of parties. It was the conference of parties that was responsible for what was going on but, at the end of the day, the letters were exchanged with UNESCO. In any case, the reality was that it took two to have a dialogue. WADA was not against having a dialogue, but there needed to be some willingness to listen to WADA on the other side. He thought that he had made it clear that WADA had made a lot of attempts to have that dialogue for a number of months, and had not received any response. He therefore repeated his plea to the public authorities. If they could pass on the message to UNESCO or the conference of parties that it should be a forum for discussion, it would make the whole thing a lot easier for everybody.

On the matter of e-sports, he thanked the members for their comments. He agreed. He thought WADA needed to look into it because it was becoming a reality. There was a need to protect the young players. But there was a lot of work to be done there and an understanding of exactly what it entailed was necessary. WADA would keep the Executive Committee apprised and see what kind of discussion would take place as part of the Code revision. But it was important.

As for the issue of gender equality, he welcomed the reassurance. WADA was absolutely willing to cooperate but was concerned by some of the questions that had been received from the group indicating a willingness to have some distinction in terms of the way men and women would be treated in the event of an anti-doping violation. That was what had caused the concern. However, he thanked the speakers for their reassurance.

THE CHAIRMAN said that he did not wish to repeat all the arguments raised by the Director General, especially regarding UNESCO, but just briefly wanted to make one or two remarks. First of all, he wanted to echo what the Director General had said regarding collaboration. Of course, dialogue was key and WADA was not against dialogue.

DR SANGENIS wished to say a few words regarding e-sports. It was a topic that had always concerned her because there was a real difference between e-sports and the usual sports. She understood that the IOC wanted to get more young people involved in sport and the IOC; however, from a medical point of view, it was a real concern because there was quite a big difference when there were athletes, professional athletes or elite athletes, taking risks, for example, injury risks. In e-sports, there was a very big difference between the professional athletes and the recreational athletes. The recreational athletes were the ones who were really taking the risks, because they were not supervised. They did not have an entourage of physicians, of psychologists, of trainers who could guide them on the number of hours that they could play or compete. WADA should, from a medical and scientific point of view, consider those sports. There were particular issues. One of those was doping, and WADA really had to invest in research and studies about health issues related to e-sports. She was not frightened about the results among the professional or elite athletes, but she did have concerns about the impact that it could have

among the younger generations who did not have the kind of entourage that could protect them and keep them away from an unhealthy lifestyle.

MS SAMATE CESSOUMA said that, after listening to the debate, she believed that it would be a good idea to take a bit of time as One Voice to have a meeting to see how it might be possible to help. During that time, UNESCO should not move ahead. A bit more time was needed. The member from France had said that she would be available to assist. She therefore thought that it was necessary to move ahead and try to find a solution together. She would not have reacted had she not listened to the others. She thought that something could indeed be done to help. However, she asked that things calm down a bit so that One Voice could go ahead and do its work and then make its contribution. And then, if it did not work, the members could see what to do before the next meeting or at the next meeting.

THE CHAIRMAN really welcomed the initiative from Europe and from Africa to help facilitate the dialogue. One Voice was a good platform, the best platform to deal with the issue. Regarding UNESCO, dialogue, partnership and good collaboration were all well and good; but, from WADA's perspective, the dialogue should be based on equal and proper treatment. He did not want to repeat all the arguments and the history of the discussion regarding the resolution. It was clear that UNESCO had no jurisdiction over the WADA funding formula. There was no legal basis to impose any resolution on WADA, which was an independent agency. As its president, he would never let WADA be part of any political games seeking to disrupt and destroy the independence of the agency. The convention was clear. Article 30 of the convention allowed UNESCO to study the regional split of the government funding of WADA. He agreed that UNESCO could be a platform for dialogue and study the split formula and propose solutions, but it could not impose a resolution. So, legally, there was no authority and that was something that WADA would absolutely never accept. There was one important argument that had to be raised from his perspective. As part of the COP bureau, one prominent country played an important role and had no interest in having a strong WADA. Speaking about the exchange of letters from WADA's perspective, and considering the legal context, it was a serious situation. Sometimes, serious situations like that one required strong reactions. Of course, WADA was very open to having dialogue with its partners from UNESCO.

DR MUROFUSHI asked about the history of WADA and UNESCO. How often had the issue arisen in the past? He would like to know how the dialogue and conversation had taken place in the past.

THE DIRECTOR GENERAL responded that, over the years, WADA had always had fairly good cooperation with UNESCO. There were some elements of what WADA did that the convention was promulgating, such as the Prohibited List and other things, in order for member states to accept them, and so on. WADA had always attended the conference of parties and had always delivered reports at the conference of parties. Until that time, WADA and UNESCO had always had a very decent relationship. Unfortunately, things had become more complicated on that particular issue because, as mentioned by many participants, WADA did not think it fell within the remit of the convention. Therefore, it was slightly outside the usual business WADA conducted with UNESCO.

THE CHAIRMAN thanked the members for the discussion and all their remarks.

## CONCLUSION

Director General's report noted.

### - **3.1 Strategic key performance indicators (KPI) update**

THE DIRECTOR GENERAL noted that, as the members would remember, as part of the governance reforms, WADA had introduced a number of KPIs that it was measuring annually or biannually in order to assess the effectiveness of its work. The previous year, WADA had defined the baseline and it was continuing with the exercise. Ms Taillefer, Head of the Strategic Management Office, who was in charge of the programme, would update the members on the situation and what the KPIs had shown in the recent surveys.

MS TAILLEFER informed the members that WADA was in its second edition of the strategic KPIs and she wanted to take the time to present the key insights that had been gained from the series of KPIs. At that meeting, she would be presenting the more important insight that had been gained, and the strengths and the areas of improvement that had been identified following the work. When looking at the strengths, and those primarily expressed by the stakeholders through the perception surveys, she referred to the overall leadership of WADA and the performance perception of WADA regarding its regulatory role, the compliance impact, the capability building impact, the governance perception following the recent governance reforms and the increase in visibility

following WADA's rebranding. When looking at the areas of improvement, she would discuss the user satisfaction towards ADAMS modules and features, the athlete perception as to WADA seeking feedback and the stakeholder perception of WADA regarding innovation and transparency. To support the different insights, she wanted to bring back the data from the perception survey, but also internal analysis undertaken. Going back to strengths, looking at the overall leadership perception, the stakeholders who had responded to the survey had a positive perception of WADA. 83% believed that WADA was a leader in the field of anti-doping. 78% believed that WADA acted as a thought leader and 75% believed that WADA had integrity. When looking more specifically at the different roles that WADA was playing, one could see that the perception of performance was especially strong regarding the roles that were related to WADA's regulatory role. She was referring to developing anti-doping rules and policies and monitoring compliance. On the right-hand side, the members would see the evolution since the previous year to see if there were trends that were forming. When looking at building skills, know-how and competencies that related more to WADA's enabler role, WADA was really at the genesis of such work. She believed that, with greater visibility and the delivery of ongoing activities, that perception would tend to increase as well. When looking at the compliance impact, one could see that, overall, it had been positive, with the completion of the Code compliance questionnaire (CCQ) that year. There had been an opportunity to compare the results with the previous CCQ delivered, and a decrease in total non-conformities and a decrease in high priority and general findings had been observed. There had been an increase in the critical findings; but, since the previous CCQ, the critical findings had been better defined under the international standard and that explained why they could be more easily identified. Finally, to conclude on the strengths, when looking at capacity-building, the training delivered through ADEL had been growing significantly. So, as the members could see, even though there had been an increase in active learners of about 3% compared to the previous year, there was a more than proportional increase in the completed online ADeL programmes and the consulted online education resources, which meant that more athletes were using ADEL. Even more specifically, athletes were using it more. Finally, with the competencies and openness perception that had significantly improved following the governance reforms, one could see that some questions had been specifically requested of the governance bodies members and, in all, three of the questions assessing the level of collaboration and constructive dialogue, the competencies and expertise and openness and transparency had all increased compared to the same measure the previous year. Some of them had increased with double digits, which was a good indication of WADA's governance reforms.

Finally, she wanted to highlight that, with the new website launch in 2022, it had been possible to see that the visibility of WADA had increased, with website visits up by 30%. When looking at the areas of improvement, one could observe that a question had been asked of the different survey respondents about whether, overall, they were satisfied with WADA's digital ecosystem. At that point, 40% of respondents were saying that they were satisfied. She would not go into too much detail regarding the modules, but one thing that was important was that further investigation would help define the levers to improve the level of satisfaction. Different stakeholders were using the modules differently and hence their satisfaction might be informed by different features of the different modules. The aim was to dig a little bit deeper to better understand what was behind that. There was also a significant percentage of users who had been neutral in their responses. WADA was still learning every year about how to improve the strategic KPI measures and some of the key factors that WADA intended to use to improve its understanding of that specific area included increasing the number of respondents who were ADAMS users to ensure that there was statistical significance in the insight that could be gained from the analysis and ensure that WADA was enabling ADAMS users to share their perception closer to their experience. Currently, WADA was carrying out an annual survey. For some of them, therefore, remembering the experience that they had had when using the modules a few months previously could be a bit hard when answering the questions. That year, a baseline had been created to really understand the perception of ADAMS users. WADA intended to focus on being able to measure the perception of ADAMS users for the new modules that would be developed year after year so as to truly measure the impact of digital transformation in relation to the aspects that were actively being worked on.

She would continue to close the loop on the areas of improvement. One thing that had been identified (and again, she wished to highlight that the percentages were still quite good, but there was room to grow) was the athlete perception about WADA seeking feedback. As the members could see, 74% of athletes believed that WADA cared about their welfare, which was a positive thing. That was a majority. However, 65% of them believed that WADA was seeking feedback and, as the members could see as well, with the difference in percentage compared to the previous year, it was important to highlight that it had been possible to collect four times the

amount of responses that year. She therefore believed that the difference was mostly because of the bigger sample size and it probably represented a little bit more the general opinion of the athlete population. More data would be added to that understanding to really crystallize the perception. One thing that she wished to highlight was that, with the newly-formed Athlete Council, the Athletes' Anti-Doping Ombuds office and the human rights project, she believed that the KPIs would improve over time. Finally, in terms of a brand perception of stakeholders, WADA was still feebly associated with innovation and transparency. Therefore, with the recent creation of WADA's Internal Innovation Board and the data analytics unit, she was expecting to demonstrate WADA's innovative abilities in the coming years. Similarly, with the changes resulting from the governance reforms, she believed that WADA would further strengthen the transparency perception.

As she had hinted throughout the explanation of the different KPIs, methodology was a defining factor in the work. She understood that survey distribution was a key step in the development of WADA's KPIs; who WADA was asking, what question and at what time could be a very important way of assessing perception. She acknowledged that WADA still had room to grow, but the team was learning every year that WADA conducted the KPIs and intended to collect more perception data so as to have a better idea of the data stabilizing before putting targets behind them. With regard to ADAMS, as mentioned earlier, the team was considering that year as a baseline and intended to measure it very closely to better understand what was behind it. As mentioned in the Executive Committee papers, she believed that the KPIs accurately reflected the strategy set out in the strategic plan. However, the team reflected annually on the relevance of those KPIs and wanted to ensure that they represented WADA's mission and work. So, whether any indicator should be added or not was the result of an evaluation that was carried out every year. In the papers, the members would see the details of some new KPIs that had made their debut in 2023.

THE CHAIRMAN thanked Ms Taillefer for her report.

#### CONCLUSION

Strategic KPI update noted.

#### - **3.2 Governing bodies – Meeting formats**

THE DIRECTOR GENERAL informed the members that the paper actually summarized the new ways of proceeding on a number of things following the governance reforms. He started with the fact that WADA currently had only one Foundation Board meeting per year. Therefore, the management had looked at the possibility of adjusting the timing of the Executive Committee meetings to spread them out more equally throughout the year. The management had been struck by the success of the Executive Committee meeting in Australia the previous September coupled with WADA's Global Education Conference, because there had been a lot of good feedback from the Executive Committee members, who had actually enjoyed being able to partake in another event whilst travelling for an Executive Committee meeting and being involved in what was going on in education. That was why the management was proposing that the first Executive Committee meeting be moved forward. Normally, it was in May, but it could be moved to March to be held in conjunction with the WADA Annual Symposium that took place in Lausanne. During the Symposium, there were more than 1,000 anti-doping practitioners present, there were a lot of interesting themes being discussed and developed, and the management thought that, for the Executive Committee members, it would be a great opportunity to be present and also enjoy those events in addition to the Executive Committee meeting. Therefore, the proposal was to move the Executive Committee meeting earlier to give the members the opportunity to also attend the Symposium. It was necessary to maintain the September date, because that was when the Executive Committee approved the Prohibited List, and the consultation process and the work that was being done by the scientific group prepared that for early September, and it had to be approved three months before it entered into force. In order for it to enter into force on 1 January of the following year, it had to be approved in September. That date would not change. The last Executive Committee meeting of the year would be a little later so as to spread the meetings out more equally, so it would be in early December as opposed to mid-November, and it would be held in conjunction with the annual Board meeting. That was the proposal. Along with that, the management had also looked at making the meetings more efficient from a cost perspective, and the proposal was that, once a year, when the Foundation Board and Executive Committee meetings were held, all the committee chairs would be invited to attend so as to meet the Foundation Board and Executive Committee members in person. For the other Executive Committee meetings, unless there was a need or a special report, the chairs would be able to follow the meetings online or make

presentations online, thus avoiding incurring travel-related costs. Regarding documents, the management would keep trying to manage the volume. Unfortunately, WADA would soon be starting another Code revision process and the experience was that the volume increased significantly during such processes. For normal business, the management would try, as it had done for that meeting, to summarize in the Director General's report most of the activities, and the departmental reports would come only once a year in conjunction with the Foundation Board meeting. That was the main thing. The one thing about which he had not spoken, because it would be dealt with during the next agenda item, was the fact that WADA was approaching the end of its current strategic plan and it would be necessary to start thinking about preparing the next strategic plan. The intention was to start doing that with the Executive Committee in September.

MR MULLALY acknowledged and thanked the Director General for including the request from the November meeting to allow for additional agenda items for strategic discussions. That was very important and he acknowledged that it had been inserted and thanked the management for that.

MR KEJVAL spoke on behalf of the sport movement to support discussing the KPIs for the next 2025-2029 strategic plan and the new timeline of the Foundation Board and Executive Committee meetings.

### CONCLUSION

Governing bodies – proposed meeting format noted.

#### - **3.3 Strategic plan update**

MS TAILLEFER said that she wanted to start by looking at the current situation before talking about the 2025-2029 plan, but would do so very quickly. It was common practice in strategy to look at the current situation so as to more easily establish a vision for the future and understand what needed to be done to get there. In that spirit, because WADA had passed the half-way mark of the current strategic plan life-cycle, she wanted to quickly share some information with the members. Again, it was in the papers, so she would not go over all of the material, but she wanted to note that there had been good progress made against the six strategic priorities defined in the 2020-2024 strategic plan. When looking at the strategic priority of leading, seeking to take bold steps in tackling emerging issues in all facets of anti-doping, WADA had increased the research budget over recent years. A fundraising strategy had been launched to be able to increase the resources available to provide more impact to the anti-doping system, and a data analytics unit had been created which would help better identify the emerging issues detected through the data. Similarly, WADA had launched an ADO programme assessment framework, which was also an effort to have integrated programme development coming from compliance data. The aim was to use more and more data to inform the priorities for the anti-doping system. She would not go over each of the items, but again, the foundations had been laid in the progress made between 2020 and 2022. There was also a focus for 2023 and 2024 to be able to say that the strategic plan life-cycle had been complete and successful. There were several initiatives on which she would be happy to answer questions; but, for reasons of time, she would not go over each and every one of them. They could be seen in the papers.

When looking at the 2025-2029 strategic plan exercise, which was fast approaching, one point that she wanted to communicate clearly was that the upcoming strategic plan would not be an overhaul of the 2020-2024 strategic plan, but rather it would build upon the advances and progress made over the previous five-year term. However, WADA maintained its commitment to listen to feedback from its key stakeholders and actors in the ecosystem. Those included WADA's governance bodies, including special and standing committees, athletes, representatives of the sport movement and governments, external industry influencers, national anti-doping organizations and WADA-accredited laboratories. One thing that she wanted to mention as the management was designing the strategic plan exercise was that it was already planning a mid-term review that would be conducted in 2026 and 2027 to allow for any adjustments to be made and, finally, to connect with the strategic KPIs that had just been presented, WADA would be using the platform and the infrastructure developed to insert strategic questions into the 2024 annual perception survey.

In terms of the approach that WADA wanted to take with the strategic plan, as mentioned earlier, the management would start by understanding the current situation. So, as was currently being done, it would assess WADA's achievements from the 2020-2024 strategic plan to make sure that the objectives set had been followed and achieved. If the management saw any gaps in the delivery, it would be able to address them directly in the 2025-2029 strategic plan. It would also develop an understanding of the current state of the global anti-doping

system and complete an internal and external diagnosis. Once the management had that understanding of the current situation, which was who WADA was and in what ecosystem it was evolving, it would be equipped to set a vision and priorities through consultation, and that was where the Executive Committee members and the other stakeholders would be thoroughly consulted to help define a 2029 vision for the roles that WADA wanted to play in the global anti-doping system and define the priorities and targets that would help WADA reach its established objective. An important step, and that was really for information, was the intention to develop an action plan that would help sequence the initiatives, because not everything could be achieved in the first year of a new strategic plan cycle. Finally, the management would work on approval and communication. That meant ensuring an appropriate review process to enable the strategic plan to be approved by the end of 2024 at the Foundation Board meeting. The management would use some external support to help develop and conduct the 2025-2029 strategic plan exercise.

Regarding the consultation approach that the Director General had mentioned earlier, there would be an Executive Committee brainstorming session as early as September 2023, during which the management would be sharing the current situation analysis and presenting key findings by way of an introduction. The management would also provide a more detailed approach on the strategic plan process so that the members would be able to understand the full exercise. The Executive Committee members would be invited to share their preliminary perspective on the emerging issues that WADA should tackle in the next strategic plan. It was good to know that the management intended to do a similar exercise in March 2024, during which the Executive Committee members would be asked to provide feedback on the draft priorities defined by them. There would be a series of workshops to which members of WADA's governance bodies would be invited as participants, including Foundation Board members, members of standing committees and special committees, and other members identified to actively participate in the virtual working sessions. The management would also use interviews and surveys to help collect the key perceptions to be taken into consideration for the next strategic plan.

THE CHAIRMAN encouraged the Executive Committee members to engage in the process. The document was very important for WADA, and he would really welcome the members' initiatives and remarks to really make it fit for purpose and innovative.

## CONCLUSION

Strategic plan update noted.

### **4. Governance**

#### **- 4.1 Governance reforms implementation update**

*4.1 and 4.2 were addressed/presented together.*

#### **- 4.2 Statutes and governance regulations**

THE DIRECTOR GENERAL noted that item 4.1 was mainly a recap of the current situation and the progress that had been made since the previous meeting in November 2022. The members had a recap of the various new bodies elected and appointed and, within those bodies, also the decisions taken or voted in terms of the chairs of the committees and the representatives of the NADOs and athletes on the Executive Committee and Foundation Board in particular. The members would see a summary of all the work that had been done. He did not need to go into detail there. The members were all aware of the process. It was clear that some of it could be implemented immediately. That was what had been done, for example, having the chairman of the Athlete Council or the new independent members around the table. Other things would require the statutes to be formally approved. If WADA wanted to add the two new NADO members and the two new athletes around the Board table, the statutes would need to be amended. They did not currently exist within the regulations, so that was what needed to be done next. That was important. There had been a process and, in January 2023, the first draft of the statutes had been circulated to reflect the decisions taken in terms of the governance reforms. The statutes had therefore been circulated and the members' feedback had been incorporated into the statutes, after which the management had produced a document explaining what had been accepted and what had not been accepted and the reasons for that. The entire Foundation Board had received that document. The process was reaching an end, and there was a document that was pretty final on which the members could vote. However, during the course of the process, the management had received comments slightly outside the normal item or the transcription of the governance

reforms' recommendations approved by the Board, which raised practical questions that were very valid and that needed to be addressed. That was one of the discussions that needed to take place that day, in particular under item 4.2, because items had been raised in particular regarding the election process for the WADA president and vice-president, and how it would take place in the future. That was a matter for the Foundation Board, obviously, and the Foundation Board was going to vote. The discussion that day was more to get some guidance from the Executive Committee, not for decision, as to the direction to propose to the Foundation Board, because it was going to be necessary to put something in the statutes and then have a vote from the Foundation Board relatively quickly. He proposed discussing item by item.

There were three main items that needed to be discussed. One was comments received on the duration of the mandate of the president and vice-president. He thought that that should be discussed first separately. Then there was a second part, which was how to divide up the mandate, what the length of each of the mandates should be, in light of two elements that were important. One was the cooling-off period, and also the request that had been received as part of the comments that, every time there was a renewal of the mandate, it should be a full open election. The third item was the majority to apply for the election. There were therefore three different items. His proposal was to start with the duration of the mandate. At the moment we have a six-year mandate of two times three years. That came from the history of the organization when there had been a rotation between the sport movement and public authorities. That was no longer the case because it had been changed in the revision of the statutes. All the Foundation Board members and the Executive Committee members have now a nine-year mandates. Therefore, the suggestion had been that this discrepancy between the Members and the president and vice president was a little bit odd. On a normal board, the president and vice-president got the same length of term as the members, and therefore the proposal was potentially to look at having a nine-year term for the leadership, the same as for the Foundation Board and the Executive Committee members. The question he was asking in principle was whether the members were comfortable with nine years. It was clear that the details of such an election would then come with election rules and so on, which would be worked and discussed with the Independent Ethics Board, because for the first time, WADA had an ethics board that would be in charge of making sure that proper rules were in place and overseeing the elections, as it had done, for example, for the Athlete Council. The question the members were being asked was whether, in principle, they were in agreement and comfortable about putting in the statutes a vote to the Foundation Board on a term that could be up to nine years for a president and vice-president. That was the first question to be discussed.

With regard to item 4.1 on the implementation of the governance reforms, MR DE VOS wished to take the opportunity on behalf of the sport movement to congratulate WADA on the implementation of the reforms, the result of a very long process, as everybody knew. He had been really surprised and it was a positive news that, given that the President had announced that the meeting would be over at 1.30 p.m., having those important points on the agenda meant that there had also been some progress with regard to the attitude and the constructiveness of the debate and the discussions held. It was really important to underline that WADA had gone through a very difficult and complex process of governance reforms, and it was with pleasure that he saw that 99.9% of the reforms had been implemented without any discussion or question. That should be underlined and WADA should be congratulated for doing that. There were, of course, as mentioned, some points that were still open and he fully agreed with the fact that it was necessary to move on. WADA should not delay the process any more. In November, for the Foundation Board meeting, the reforms should by then be finalized in the new statutes, including all the points mentioned that were still open for discussion. The sport movement fully agreed with the fact that the situation had changed, because it was no longer a rotation system. It was currently an election of independent presidents and vice-presidents. The sport movement therefore saw no reason why the length of the term for the president and the vice-president should be different to the term of the other members. The sport movement believed that the idea of having a first term of six years and then a re-election possibility and an open election, which meant not just an extension of the term, but an open discussion and a clear judgment, giving the opportunity, if those people had done a good job, to them to continue for another three years, so that would be up to nine years. Why six years and not three years? Why not three times three? For the very simple reason that then the organization would be almost every two years in election mode, which was not, in his view, good for the operation of the organization, in terms of continuity and stability. He believed that a first term of six years and then a potential extension of three years was a very good idea. He supported that and would like to see it reflected in the statutes. Of course, WADA would need to be very careful in whatever period or process it was in when the organization went into election mode because, if the sitting president at that moment was a candidate for another

term, it would be necessary to clearly address under what conditions that would be possible. He believed that WADA's Independent Ethics Board could address that and should already be tasked with, once that was approved in the statutes, establishing some kind of procedural regulation for the elections, which clearly defined what the sitting president could or could not do during the period of election. Related to that was, of course, the whole discussion about the cooling-off period and the duration of the process. In his view, again, the cooling-off period had been a very specific topic when WADA was switching from a rotational system to the election of an independent president and vice-president. He did not think that such a cooling-off period was necessary. In his view, the candidates for the two mandates should already be eligible, fulfilling the independence criteria the moment they were elected or that they were candidates, and the period should be short. If WADA wanted to be operational and efficient, the election processes should be as short as possible because elections were disruptive and did not help the good functioning of the organization. He therefore believed that the period between candidacy and election of three to four months should be sufficient in an ideal world. There had been a presentation regarding the timelines for the meetings the following year. The elections could fit in perfectly so that none of the meetings would be disturbed, which meant the opening of the candidacies and election could be done in one smooth, short process without having any effect or consequences on the meetings. The sport movement's position was very clear. The issue needed to be finalized. It was necessary to move on and not hesitate. The proposal was good. It was fine: six years and potentially another three years, with a short election process. He would really like the members to give a clear indication to the WADA administration on how to move on for the next decade. After all of the governance reforms, in which everybody had invested a lot of time, WADA should focus on its core business, which was the fight against doping.

THE DIRECTOR GENERAL said that his attempt to try to split the discussion had obviously been a complete failure, but he still wished to try to deal with the nine-year period first, and then deal with the cooling-off period and the length of each of the terms because they were two separate issues. He nevertheless thanked Mr de Vos for his intervention.

MS SAMATE CESSOUMA thanked the Chairman for his leadership. The governance reforms were a significant piece of work. In her capacity as spokesperson of One Voice, there was a general consensus on the need to consider the issue of governance. On the duration of the term, she thanked the team for what it was doing to carry out the work and welcomed the statutes and governance regulations to reflect the governance reforms. It was very important. All of the members of One Voice had agreed about the proposal to extend the term of office for many reasons, including continuity, stability, and also to have new blood. But there were some questions, and further clarification was required. She would not go into detail, but everybody agreed that it was necessary to engage in dialogue. It would not take too much time. They would engage in dialogue before the next meeting to understand some issues and also seek further clarification from WADA. It was very important for them. They were not against the proposal. They all agreed that it had to be done, but needed more clarification and would undoubtedly come back to ask some questions about the reforms. There were many things, terms and so on, on which more clarification was needed. That was the position of One Voice, but she did not know if some members wanted to add anything to what she was saying as a One Voice member in Africa.

MS BATTAINI-DRAGONI said that she had listened to what Mr de Vos had been proposing and could support everything he had said. She had read the texts, the documents prepared, and found it quite surprising that members of the Executive Committee could remain in office for nine years, but that that was not possible for the president or the vice-president. It seemed logical for her to conclude that there could be terms of nine years and that the texts should reflect that also for the president and the vice-president. Perhaps she could also add that the proposals made by the sport movement were very convincing. Probably the most important point as far as she was concerned was that, when one stood for a further term of office, it was essential to have several candidates for the same position. That was what gave certainty, that it was not quite obvious and automatic that a president or a member of a committee or so on simply moved on every few years and that the term of office was extended. She was sure that the Independent Ethics Board, as well as the Nominations Committee, would continue to study that. She was confident that WADA would reach a good and legally sound conclusion.

MS MARACINEANU spoke on behalf of One Voice and CAHAMA. Even though Ms Samate Cessouma had pointed out that it was all still a bit confusing, and that it was not as clear the members would like it to be, as Mr de Vos had just said, WADA was going to have open elections after six years, and there might be a candidate standing for only three years, whereas others might be willing to take on six-year terms right away. Those were

points that would have to be clarified, but she was sure that WADA would be on the winning side if it were to opt for six years rather than two times three years, as approved by acclamation for the re-election of the President. She thought that it would be in the interest of greater democracy and transparency for WADA to opt for a six-year term of office straight away. It might not be possible in the new configuration allowing WADA to elect a president for an immediate six-year term of office, and whether that would be more effective and efficient was also something that needed to be discussed.

THE DIRECTOR GENERAL thanked the members for their comments. He took it from the discussion that nine years was actually acceptable and the consensus was that there was an expectation for more detail from the public authorities on the details of the voting process. That was clear. He sought the principle, so that the Foundation Board could then decide. He was talking about the statutes. Then, the management would come forward with a very detailed election regulation, to be worked on together with the Independent Ethics Board, to be approved by the Executive Committee in due course. That was quite clear. As to the second part, the question of the cooling-off period was an important one, because it had been discussed during the two working groups on governance. Some people thought that it was an important matter. Others were less concerned by the cooling-off period. The members had heard the intervention from the sport movement representative earlier. With the new independence criteria, it might be less present, but the practical reality was that it had a real impact on the individuals who would be candidates, and it had a real impact on the way in which the elections should be organized. He insisted on that. He thought that it was an illusion to imagine that WADA was going to get candidates who would give up their position, assuming that they had positions that required them to give up for the cooling-off period before they got elected. Of course, before one did that, one wanted to know whether one was going to get the job, which meant that WADA would need to have the election sufficiently in advance so that the person, once elected, could have the cooling-off period required and then take office. The longer the cooling-off period, the earlier the election, which would be a bit of an issue, because what was the person going to do for one year, assuming that they had given up their previous position but would not take office until a year later? That could have consequences, and it would also create an overlap with a long period of time in between. However, that was what had been decided or recommended by the Working Group on the Review of WADA Governance Reforms. Looking at the practicalities of it, the members saw the situation. And if the cooling-off period was maintained, then honestly, there was no choice about the first term of office. It would have to be six years because, otherwise, if one looked at it, a new president would be elected for three years. After a year, a new campaign would start for an election to take place after two years. WADA would therefore be in permanent campaign mode, which would be counterproductive for the organization. So, if the cooling-off period were maintained at that length, then six years plus three years was frankly the only option. If the cooling-off period were reduced or eliminated, then other options were on the table instead of three plus three plus three, or the matter could be discussed. But six plus three obviously gave stability to the organization for a first term. As had been said, it was no longer a rotation between public authorities and the sport movement. It was a candidate who would be a consensus candidate. A two-thirds majority would be required to elect the candidate, meaning that both sides would have to basically agree on the candidate. He thought that the risk of one side feeling uncomfortable with the person was a lot lower. The question to the members was what they wanted to do with the cooling-off period. Should it be maintained, reduced or eliminated? He had heard from the sport movement. It was clear that the suggestion was to not maintain the cooling-off period, as it would be an unnecessary burden. However, he would like to hear from the public authorities. What did they want WADA to do with the cooling-off period?

MR MULLALY stated that it was important just to acknowledge in relation to the cooling-off period that, of course, during the governance reforms, the big change in terms of the presidency and vice-presidency had been moving from the rotation between the sport movement and governments to independent people. The cooling-off period really only applied in circumstances in which there was nobody who easily satisfied the independence criteria to begin with. So, if there were independent candidates, the cooling-off period essentially would be moot. From Oceania's perspective, he would not be supportive of completely eliminating the cooling-off period, but would be happy to look at reducing it to make it more practical.

MS MARACINEANU thought that maintaining the cooling-off period would depend to a large extent on WADA's capacity to have candidates who were really independent. That was the question, because if WADA was looking for candidates anyway, they would come from governments or the sport movement or both, like the President and the Vice-President. The cooling-off period would have to be maintained either way if WADA were not able to go and search outside those kinds of field, which was rather hard for her to imagine. There was another

point: it might be, as the Director General had said, that the candidates would need to know the status of the president. Would it be something like a job, allowing them to leave their own job to become president of WADA, and for how long? She just wanted to specify because, after her intervention, he had said that everybody agreed with nine years. She had said that she agreed with a six-year term and, as an exception, maybe if the president stood again for three years, it would be acceptable, but she needed to understand how it would work and whether there would be more candidates standing in an open election.

MS SAMATE CESSOUMA agreed with Ms Maracineanu about the cooling-off period. That was what Africa thought as well.

MR DE VOS said that he thought that there was some agreement or consensus, or at least a majority view on that important point. He simply wished to bring one more additional element to the table. In his view, the candidate needed to be eligible the moment that the elections took place. Therefore, there should be no cooling-off period, because he believed that the election period should be as short as possible, as it would not be healthy to have a kind of president and vice-president elected who had to wait for a year or so to cool off, despite everybody knowing that they were there. They would probably be invited for the meetings. They would be in a difficult position because what exactly would their status be? So, in order to avoid that, he believed that the healthiest way of addressing that would be to not have a cooling-off period, but just to be eligible at the moment that the elections took place. There would also be no doubt, because the cooling-off period was always being talked about, but the members seemed to forget that the cooling-off period was a unilateral engagement of the candidate and was difficult for WADA to influence. What if the candidate did not respect the terms of the cooling-off period? There was not much WADA could currently do in its rules and regulations, so he thought it best to avoid the situation and not to make it more complicated than it was already. He fully agreed with the position of Africa and Oceania.

MR MULLALY clarified his original position for the record. It had not been to completely eliminate the cooling-off period, it had been to agree to reduce it for those practical benefits. He thought that, given the importance of acknowledging the work of the governance reforms and committees where it had first been implemented and suggested, again, if candidates were independent to begin with, there would be no cooling-off period. If they came from governments or the sport movement, he would be happy to consider reducing the 12-month period, but not eliminating it. That was the position of Oceania.

THE DIRECTOR GENERAL sought to bring everything together a little bit. A number of very valid points had been made. The first one that was important was whether WADA would get candidates if the criterion that applied, as suggested by Mr de Vos, was that all of the independence criteria had to be met from the get-go. The pool of candidates would potentially be reduced a little bit with that. On the other hand, it would probably address the concern of the public authorities, because those people would have no conflict of interest. Therefore, there would be no need for a cooling-off period. The question really was whether the Executive Committee was comfortable and satisfied that it was not unduly restricting the pool of potential candidates by having that and therefore giving up the cooling-off period because they were already going to be completely neutral. The other alternative was to say that WADA wanted to enlarge the potential pool, but did not want too long an overlap for the reasons mentioned, which were valid. The previous time there had been an election, there had been a six-month overlap. It had actually been the governments' election; but, at the time, it had been the rotation, done in May. Everybody had known in May who would be the next president, and he had taken office at the end of the year. That had not posed any problems. That had provided an opportunity for the president to become acquainted with his new responsibilities during that period of time. So, that would be a compromise position, maybe from the governments, six months instead of one year. It meant that the election would be held in May or around May, to start the term of office in January the following year. Those were the two elements that were on the table. He did not know if the six-month option was a compromise that everybody could live with.

MS SAMATE CESSOUMA said that she had also mentioned some other clarifications. One Voice had asked for clarification of some grey areas that remained. She therefore reserved the right to come back and ask for more information and clarifications so that everybody could make a duly informed decision.

MS MARACINEANU asked whether it might be possible to separate the two terms of office of the vice-president and president, so as to ensure governance under the vice-president during the cooling-off period of the president, so that there would be two mandates. The terms of office would not be exactly the same, because what bothered her was the fact that there might be a long cooling-off period during which governance would not be guaranteed. That was, she thought, the problem.

THE DIRECTOR GENERAL clarified that the elections would take place a year before the people took office, and the president and the vice-president would continue in office until that time, so there would be no empty seat, so to speak.

MR DE VOS said that he thought that the sport movement could live with a shorter cooling-off period, if that helped the situation, but did not want to have the mother-in-law watching for more than a year and sitting next to the president. However, he thought it made sense. He recommended a short period, to be pragmatic. If that helped the situation, the sport movement would be happy to support that. However, there was another important point that needed to be addressed: the majority.

THE DIRECTOR GENERAL responded that that point was coming up. The management would move in that direction. The request had been noted and the management would wait for One Voice for the details. There was no problem about that. As he had said, the principle would be voted on by the Foundation Board. The last point on that topic was the two-thirds majority. The two-thirds majority had been agreed upon as the required majority for the election. There had been a proposal that if no candidate got a two-thirds majority, there should be another election organized at the next Foundation Board meeting and, therefore, to avoid a deadlock, a simple majority would be applied. The management had received comments on the draft that the spirit of the organization was really about consensus between the public authorities and the sport movement and, therefore, the preference would be to keep a two-thirds majority for every election, to avoid one side actually deciding on its own or influencing on its own. That was fine. The risk was only that there might be successive rounds of election in which a two-thirds majority was not reached, but he hoped that that would not be the case and that everybody would be able to discuss in advance. The only thing was that, in that case, WADA would change the statutes and say that a two-thirds majority would be required for every round of elections, whatever happened. Did the members agree?

MR DE VOS said that he fully agreed. He believed that the positions were so important for the governance of the organization, but also for the representation of the organization, and that it was absolutely necessary that the two key stakeholders and key funders of the organization agree on a president and a vice-president. He believed it would be very bad for the organization if, at a certain stage, a simple majority were required, which meant, with all due respect for the independent members, that one group, together with the support of the independent members, could overrule the other group, which would not be in favour of the operation and the continuity of the organization. He was therefore in favour of maintaining that two-thirds majority throughout the whole process.

THE DIRECTOR GENERAL thought that that concluded the point. Obviously, the management would work on the statutes to try to reflect the discussion, and then it would be up to the Foundation Board to decide on that through a vote. The statutes were very general; all the details in terms of the election process and how it would take place and so on would come in due course. The election was some way off, and the management would ask the Independent Ethics Board to deal with that as it had done on some other occasions.

## CONCLUSION

Statutes and governance regulations update noted.

### - **4.3 Executive Committee and Foundation Board membership updates**

THE DIRECTOR GENERAL said that the members had in their files the list of Executive Committee members. WADA had the pleasure of having Dr Gupta join, so his name was the one that had been missing from the list. He had been confirmed the previous day by the vote of the Foundation Board.

MS SAMATE CESSOUMA congratulated those who had joined. She wished to make a suggestion. She thought that the new members needed a bit of training or education. She spoke from her own experience. When one joined a group, one did not really know enough. Might it be possible to do some onboarding of new members, because people who were not experts might really appreciate some help?

THE CHAIRMAN said that WADA was already doing that and was in permanent contact with the new members, and all members. The mission of the management was to work closely with the members, so there was no distinction. It was a pleasure for the management to be in touch with the members and they should not hesitate to contact WADA if they had any questions, remarks or issues that needed to be raised. The idea of having a training course was a very good one. He thanked Ms Samate Cessouma for her suggestion.

DR GUPTA stated that it was a great pleasure to be with the members in Montreal, representing the Americas region. He was grateful that, the previous Friday in Cartagena, Colombia, the presidency of CADE had been rotated to the United States of America for the first time after the virtual election on 19 April. He appreciated the Foundation Board vote as well. He thanked the Colombian Sports Minister Rodriguez and CADE Secretary General Mr Díaz for a smooth and quick transition. He was looking forward to working closely with all of the public authorities, the Olympic Movement and the independent members on the Executive Committee, as well as with the WADA management and the hard-working WADA staff.

THE CHAIRMAN thanked Dr Gupta very much and again congratulated him. As discussed the previous day, the members were very happy to have him on their Executive Committee and were looking forward to working with him.

#### DECISION

Executive Committee and Foundation Board membership updates noted.

#### - **4.4 Permanent special committee and standing committee terms of reference**

THE DIRECTOR GENERAL referred the members to the terms of reference for the various committees that WADA had. Two were for information because they had been approved by the Foundation Board, but all the others were for the Executive Committee to approve. The terms of reference had been discussed with the relevant committees and they were on the table for formal approval.

MS MARACINEANU said that she just wanted to raise the proposed amendment concerning the Compliance Review Committee. Some indication as to the duration of the term of office of the chairman was sought, as the amendment said 'if necessary'. She thought that 'only in exceptional circumstances' should be added, and the special circumstances needed to be specified.

THE DIRECTOR GENERAL agreed. Obviously, it had to be exceptional circumstances. There was the example of Russia and the file that had been ongoing for years, and the chairman of the Compliance Review Committee had been in charge of the file. It would have been really difficult to change horses six months before the end of the term of office. That would be an exceptional circumstance requiring that the same chairman stay on for longer than the regulatory term of office.

THE CHAIRMAN asked whether the members agreed to approve the new updated terms of reference of the permanent special committees and standing committees.

#### DECISION

Proposed permanent special committee and standing committee terms of reference approved.

#### - **4.5 Athlete Council member appointment to Finance and Administration Committee**

THE DIRECTOR GENERAL informed the members that, as per the rules, the management had asked the Athlete Council to propose a member from the Athlete Council to sit on the Finance and Administration Committee. The Athlete Council had designated Ms Kristen Kit from Canada to be the member of the Finance and Administration Committee, but formally it was the Executive Committee that appointed the members of that committee; the Executive Committee was therefore being asked to approve and confirm the proposal from the Athlete Council.

MR KAYANGE spoke on behalf of the sport movement to support the appointment of Ms Kit to the Finance and Administration Committee and looked forward to her providing the impact that was needed on that committee.

THE CHAIRMAN asked the members to approve the athlete member chosen by the WADA Athlete Council to sit on the Finance Administration Committee, Ms Kristen Kit.

#### DECISION

Proposal to appoint Ms Kristen Kit as the WADA Athlete Council member to sit on the Finance and Administration Committee approved.

- **4.6 Nominations Committee membership terms ending May 2023**

THE DIRECTOR GENERAL referred to the two members of the Nominations Committee. As the members would remember, there had been an exchange earlier in the year during which it had been made clear that, if the members did not want them to be reappointed, WADA should go out to seek other candidates. However, the management had not received anything from the Executive Committee. He therefore formally asked the members to reappoint the chairwoman of the committee, Ms Diane Smith-Gander, and Ms Maja Zalaznik as the public authority representative on the Nominations Committee.

MR DE VOS supported the proposal.

THE CHAIRMAN asked the members if they agreed to formally reappoint the following members of the WADA Nominations Committee for a three-year term from 15 May 2023 until 14 May 2026: Ms Diane Smith-Gander and Ms Maja Zalaznik.

DECISION

Proposal to reappoint Nominations Committee members Ms Diane Smith-Gander and Ms Maja Zalaznik approved.

- **4.7 New Risk and Audit Committee update**

THE DIRECTOR GENERAL provided the members with an update on the work in progress. The Nominations Committee was in the process of looking for the two independent members to sit on the Risk and Audit Committee. The closing date was 17 May for the candidates to apply, and then they would be assessed by the Nominations Committee. The Executive Committee would then have to decide who it would appoint as a member of the Risk and Audit Committee. The suggestion was to wait to find out who the two independent members would be so as to then assess the skills and the profile of the Executive Committee member to join the committee. He hoped to be able to provide the information in advance of the September Executive Committee meeting so that the members would be able to make a decision on the Executive Committee member in September. That was the timeline being worked on.

DECISION

New Risk and Audit Committee update noted.

- **4.8 Independent Ethics Board biannual report**

THE CHAIRMAN gave the floor to Professor Mette Hartlev, the Chairwoman of the Independent Ethics Board, who would present her report virtually.

PROFESSOR HARTLEV expressed her gratitude for the opportunity to give a brief update of the activities of the Independent Ethics Board to the Executive Committee. She wanted to share the first slide with the members because it was a presentation of the Independent Ethics Board that could be found on the new dedicated website. The website was still under construction, but it would soon be ready to be published and it would include a lot of information about the WADA Code of Ethics, the Ethics Officer and the role of the Independent Ethics Board. As the members could see, the group photo had been taken in Lausanne in March 2023 when the members had had the opportunity to meet in person in connection with the WADA Annual Symposium. The full-day meeting had been very productive. It had even extended into the next day, and the experience had been that the more direct discussions that one could have when meeting in person enabled more efficient exchanges and decisions, which of course was of crucial importance, especially in the beginning, when the Independent Ethics Board was establishing itself as a new body. Apart from the meeting in person in Lausanne, the board had also held five virtual meetings over the past six months. It met every month to discuss a number of issues on the agenda, and often there was not enough time to cover all the items on the agenda. That was also the reason why the board had approached the management for approval of a second in-person meeting in 2023 to be held over two days, because that was necessary, in Montreal on 15 and 16 November, also enabling the board to attend the Foundation Board meeting on 17 November. When in Lausanne and in connection with the WADA Annual Symposium, the Independent Ethics Board had hosted an interactive workshop on ethics best practices. There had been a full room of participants and it had been a great experience for both the board members and the

audience to have that opportunity to discuss in smaller groups around the table pressing ethical issues, experience in setting up ethics and integrity mechanisms, and just to share experience with one another. There had also been an opportunity to present the newly-appointed Ethics Officer during the Symposium. The recruitment of the Ethics Officer had been finalized in close collaboration with the Nominations Committee at the beginning of the year. A service contract had been signed with Mr Gautier Aubert in the beginning of March. Mr Aubert was a Swiss attorney-at-law and a founding partner of the law firm Aubert-Hug in Le Landeron, Switzerland. He had very broad experience in the world of sport and sport law, as well as in ethics and integrity matters. He was an extremely qualified ethics officer. The Ethics Officer was already operational and prepared to receive complaints and, as mentioned in the written report, one matter was currently under review by the Ethics Officer. Apart from the recruitment of the Ethics Officer, which had obviously taken a lot of time during the first months, the Independent Ethics Board had also continued its work with other key priorities, also mentioned in the first report in November 2022. One key priority had, of course, been communication and education to ensure sufficient awareness of the Code of Ethics. So, there had been a lot of focus on building up a dedicated website. The picture the members had seen of the Independent Ethics Board was actually on that dedicated website, with very comprehensive information about the Code of Ethics, the content, the provisions, the duties and the rights associated with the Code of Ethics, the role of the Ethics Officer and also that of the Independent Ethics Board. That had all been done in close collaboration with the WADA Communications Department.

The Independent Ethics Board was also in the process of developing an education plan in close collaboration with the Education Department. It included training for staff members and also material for members serving on various bodies. A special session for WADA staff and management had been planned for the beginning of June. There would also be a resource document provided for members serving the WADA bodies and there were also other plans for how to move forward with education about the Code of Ethics. Then, of course, the creation of an ethics reporting platform had been of utmost importance. The Ethics Officer had worked closely with WADA's Information Technology Department on that task. A decision had been taken to use the same provider as the one used for the Speak Up! platform. It was expected that the ethics reporting platform would be operational by the end of that month or the beginning of June. Until then, reports could be filed by sending an e-mail to the Ethics Officer.

The board had also spent a lot of time, during and also in between meetings, analysing and reviewing the Code of Ethics, which was, as everybody knew, a very comprehensive document with a number of provisions. There, the focus had been on identifying possible improvements to the text for clarification purposes. The board had identified a few areas where such clarification was needed, and there were also some changes that needed to be incorporated in the Code of Ethics due to the 2022 governance reforms; for instance, there were new independence criteria and there was also another voting majority for the Executive Committee, which also played in with regard to the Executive Committee's role when there were cases to consider by the Independent Ethics Board. There might also be some proposals for amendments to be submitted to the Foundation Board for consultation in the coming weeks. The aim was to have an updated code of ethics to be approved as soon as possible.

That was just a brief overview of the activities in which the Independent Ethics Board had been involved, and none of those would have been possible without the exceptional, professional and dedicated support of the WADA staff. She had already mentioned the Education, Communication and Information Technology departments. She also wished to address special thanks to Ms Dubois, Ms Lefebvre-Rangeon and Ms Withers and the other colleagues for their outstanding administrative and analytical assistance. The Independent Ethics Board was looking forward to continuing its work on raising awareness about and ensuring compliance with the Code of Ethics.

THE CHAIRMAN thanked Professor Hartlev for her very comprehensive report.

#### DECISION

Independent Ethics Board biannual report noted.

## 5. Finance

### - 5.1 Government/IOC contributions update

MR NG informed the members that, further to the papers that they had received, he would provide an update. As of 8 May, 59.2% had been received from the public authorities versus 46.2% at the same time the previous year. In total, WADA had received close to 14 million dollars of a budget of 23.6 million dollars. By region, WADA had received 100% of Oceania's contribution. The Americas were at 34.6% and WADA had yet to receive another 4.5 million dollars, and that was compared to 43.8% the previous year. Asia was at 48.95%, with another 2.6 million dollars to be received, compared to 26% the previous year. Europe was at 78%, with another 2.5 million dollars to be received, compared to 53.8% the previous year. Africa was at 5.7% compared to 29.5% the previous year. An additional contribution of 59,000 dollars had come from the Government of Japan. It had been reported at the previous Foundation Board meeting that WADA had received from the European Union one million euros for the two-year pilot project on building investigative capacity. In conjunction with that funding, the IOC had also remitted one million dollars towards the special funding announced in November 2019 in Katowice, Poland. He thanked all of the funders for their contributions.

### DECISION

Government/IOC contributions update noted.

### - 5.2 2022 year-end accounts

THE CHAIRMAN said that the item was for recommendation to the Foundation Board. As was the annual practice, the Foundation Board was to consider and approve the agency's audited financial statements for 2022. The Foundation Board would not meet in person in May as it had in the past, but the Executive Committee was still asked to recommend to the Foundation Board the approval of the agency's 2022 audited financial statements. Such approval by the Foundation Board would be undertaken via circulatory vote after that day's meeting. At previous Foundation Board meetings, WADA's auditor had presented the report directly to the members. In the absence of such possibility that year, a recording had been made and would be shared with the Foundation Board as part of the approval request package. The Executive Committee members would be hearing an overview of the 2022 year-end accounts from Mr Ng and Ms Chung.

MS CHUNG went through the highlights of 2022. As WADA had seen the return of the more normal activities after the long Covid pandemic years, several planned activities and events had returned and taken place in person and in a hybrid setting, and others continued to be carried out online. Overall, WADA had ended the year on a positive note. WADA had recorded 47.7 million dollars in operating income received from the public authorities and sport movement, both at 98% of their respective annual contribution budget. The IOC had also remitted 1.7 million dollars in matching contributions from the previous year. It was also important to note that WADA had received 174,000 dollars from several public authorities for contributions related to previous years and the usual additional contributions of 212,000 dollars from the governments of Australia, Japan and India and the City of Lausanne and Canton de Vaud to support programmes in the regions. WADA had also received 2.4 million dollars in grants from Montreal International as part of the renewal agreement until 2031. On the operating expenses, there had been 42.8 million dollars in expenses, reaching 89% of budgeted expenses. WADA had ended the year with a surplus of 5.5 million dollars. Once taking into account the cash items such as investment in capital expenditures, including a portion covering the renovations of the Montreal office, the net cash generated from operations had amounted to close to 3 million dollars.

Although, in 2022, there had been an increase in travel and general expenses resulting from more on-site meetings, in some other parts of the world, travel restrictions had persisted, resulting in several key meetings and events being held in hybrid mode and/or virtual meetings. After two years of absence due to the pandemic, the WADA Annual Symposium had finally taken place in Lausanne on 22 June with more than 700 participants attending in person. Other important meetings had also been conducted in hybrid settings, such as the May Executive Committee and Foundation Board meetings in Cairo, the September Executive Committee in Sydney and the November Executive Committee and Foundation Board meetings in Montreal. Another important event, the Global Education Conference, had taken place in Sydney, Australia. It had been a successful event mainly thanks to the host country, which had supported and assumed a significant amount of costs. Where possible,

meetings had been held virtually or arranged in conjunction with larger scheduled events, leading to fewer trips being taken and greater cost-effectiveness. Travel for 2022 had increased to 3.1 million dollars, but remained at least 20% under the pre-pandemic levels, despite a significant increase in travel fares due to high inflation. As for governance reform implementation, a lot of preparations had been carried out in 2022 and, for various factors, nomination selections, etc., roll-out had been deferred to early 2023 as well as some associated costs. Additional human resources had been required in key areas due to high demand for activities and deliverables, notably in stakeholder engagement, partnerships, research and education. The employment costs had been within budget and as planned. Investment in IT and ADAMS continued to be WADA's priority, and WADA had incurred 2 million dollars in capital expenditures for ADAMS and particularly a new software development had been acquired to accelerate and facilitate the development of some of the modules in ADAMS. Of course, all of them had been within the budget.

Renovations to the Montreal head office had started in 2022 but would be completed by June 2023. It would soon be ready to welcome back employees. The renovation costs had amounted to 2.5 million dollars. WADA had kept a firm control on the renovation budget. However, it was anticipated that the final renovation costs would be slightly over budget due to a significant post-pandemic rise in labour and material costs in the construction sector. That said, that would not affect in any significant way WADA's financial situations and activities. An important portion had already been covered by the net cash generated from the operations and the remaining would be covered by the existing unrestricted funds. The commitments for scientific research projects for 2022 had amounted to 2.3 million dollars. There was usually a timing difference between the research project applications and the payment process. Legal fees had been within budget. For interest income on investment, 648,000 dollars had been recorded, an increase of 20,000 dollars from prior years. WADA continued to maintain a conservative investment policy of not investing in funds in speculative financial products. For 2023, the portfolio looked better than it had for 2022. With the economy still fluctuating, the US dollar had remained strong against the Canadian dollar the previous year. WADA had benefited from the unfavourable foreign exchange, as the majority of its core expenses had been in Canadian dollars. As for the surplus and reserve, the operating reserve had been maintained at 7.4 million dollars, the same level as in 2021, which was equivalent to less than three months of operations. The level recommended by the Executive Committee in 2015 had been six months, so WADA was still far from the target. As some uncertainty still loomed over the global economy and inflation had yet to come down to a more acceptable level, it was fiscally prudent and responsible for WADA to increase further the operations reserve considering the cash generated in 2022, and the matter would be taken to the Finance and Administration Committee for approval in July. That wrapped up the 2022 highlights.

MR KEJVAL said that he had always been complaining about the year-end accounts, but he wished to state that, that year, for the first time ever, WADA had achieved excellent year-end accounts. In every item, WADA had fulfilled or had not exceeded budgeted costs, especially taking into account the very high inflation that nobody had expected. He thanked Mr Ng and Ms Chung very much for their work, because there had been a significant change in terms of good governance and it was important and fair to say that.

THE CHAIRMAN appreciated the comment. Were the members ready to recommend to the Foundation Board that the agency's 2022 audited financial statements be approved?

#### DECISION

2022 year-end accounts to be recommended to the Foundation Board for approval.

#### - **5.3 2023 quarterly accounts (quarter 1)**

MS CHUNG gave the members a quick update on the first quarter of 2023. As the pandemic seemed to be fading away, the return to in-person activities and meetings and events had continued in the first quarter of the year. Repeating on the success of the hybrid format for the previous year's annual symposium in March, that year, the WADA Annual Symposium had taken place in Lausanne, and participants had attended in person or virtually. Several other meetings with stakeholders had been carried out in the sidelines of the Symposium, mostly in person. Also, just like any organization going through the travel planning for the previous years, WADA had learned and adapted to make the most out of the trips planned and be more cost-effective. As much as possible, meetings were planned in conjunction with other important events while maximizing on the venues and resources in place. Depreciation had reached 20% of the budget. Overall, capital expenditure was up 15% and most of the

departments were slightly under budget. That was mainly due to timing and, as expected of the trend during that time of the year, the surplus was at 14.5 million dollars. As the members knew, it was not representative, as WADA received more contributions in the beginning of the year and expenses were spread out throughout the year.

## DECISION

2023 quarterly accounts noted.

### **6. Code and International Standards**

#### **- 6.1 Proposed review of the World Anti-Doping Programme, towards November 2025**

MR HAYNES sought the members' approval on two items: first, the proposed Code and international standards update process and calendar in the lead-up to the 2025 World Conference on Doping in Sport, and second, the composition of the drafting teams for each document. He would provide a quick summary on both items before opening the floor for questions. The first point he wished to make was that, for that iteration of the updating of the Code and international standards, the management was focusing on limiting the scope of the revision process. The management believed that there was a high degree of maturity across the documents, since they had evolved on an ongoing basis since 2003, and that that revision would be more about fine-tuning and minor adjustments based upon stakeholders' and WADA's experiences since the 2021 Code and standards had come into force. At the same time, the drafting teams would be encouraged to be as efficient as possible in their review, removing any redundant requirements and moving some non-mandatory requirements from the Code and international standards into guidelines so that there would not be a continuous exponential increase in requirements placed on signatories. From a practical point of view, it was something that had been observed from the Code compliance questionnaire exercise, and it was something that the management was very in tune with. In addition, he noted that a number of international standards had actually been updated since 2021, and obviously the International Standard for Code Compliance by Signatories might be updated later that year as well. He therefore anticipated fewer changes being made to those documents as well with the 2027 Code. One change that was being proposed, however, was a separation of the International Standard for Testing and Investigations into two distinct standards, one for testing and one for intelligence and investigations, to better reflect the purpose and scope of those activities.

Originally, when intelligence and investigations had been a relatively new concept in anti-doping, the area had been attached to the International Standard for Testing. However, with that area increasing in significance and the capability and expertise increasing across the world, it was important to separate those items at that stage, and it was something that had been supported by WADA's intelligence and investigations stakeholder groups. A lot of time had been spent on the calendar, which was always a challenge, especially with the Paris Olympic Games and Paralympic Games the following summer. However, he was pleased to note that the management had actually been able to carve out more stakeholder consultation time than for the previous Code revision process. The plan was to kick off with a webinar prior to launching the stakeholder engagement phase after the Executive Committee meeting in September to present proposed changes and seek stakeholder feedback. The management would, of course, maintain regular updates to the Executive Committee and would also seek the members' input prior to the stakeholder engagement phase in September.

Moving on to the second request, all drafting teams were, for the first time, being put forward for Executive Committee approval. Previously, it had been only the Code drafting team. The WADA drafting team leaders had assembled teams containing many experts from stakeholders who had vast experience in drafting WADA documents. The drafting teams would engage regularly with all WADA committees, expert advisory groups and key stakeholder groups throughout the drafting and consultation cycles to ensure the voice of all interested parties was heard and evaluated and, in line with WADA's governance best practice, for the first time, terms of reference were being introduced for each drafting team and had been provided to the Executive Committee members for their information as well.

MS SAMATE CESSOUMA said that One Voice supported the proposal for the World Anti-Doping Programme. If approved, there should be an evaluation of the impact on costs, resources, athletes' rights and the rules that would apply. One Voice also called for greater diversity within the drafting committees. That was important because it was necessary to reflect the various viewpoints, those of all the stakeholders and all the signatories. Nevertheless, One Voice supported the proposal.

MS MARACINEANU stated that she would like to go even further down that road. As the One Voice representative had just said, it was essential that the review of the international standards and Code take on board, in the guiding principles, the UN SDGs, especially the one on climate action. She had heard that in the Director General's report, calling on delegates to travel less, especially for meetings, and to try and attend them online, and also to work on issues of gender equality and the strengthening of the institution, especially the operational independence of WADA. As Ms Samate Cessouma had pointed out, it was essential to assess the rights of athletes and stakeholders. That impact assessment should be conducted alongside that on human rights to bring added value to that work.

DR MUROFUSHI said that, representing the Asia region, he fully supported the proposal. He wished to note that NADOs were limited in terms of human resources and budget. Therefore, WADA needed to avoid giving pressure on the signatories. He had heard from NADOs about the need for human and financial resources for education, but the members should not forget that NADOs were responsible for testing. The important point was that NADO's main role is anti-doping testing. It was good to open up, but NADOs needed not to allocate too much resource to managing housekeeping matters.

On behalf of the sport movement, MR KEJVAL supported the approval of the proposed World Anti-Doping Code and the international standards update process timeline and associated drafting team working groups.

THE CHAIRMAN said that, of course, all of the suggestions regarding the composition and the diversity and involving as many stakeholders as possible in the process would be taken into consideration. Did the members agree to approve the proposed World Anti-Doping Code and international standards update process timeline and associated drafting team working groups? He thanked them very much for their approval.

#### DECISION

Proposed World Anti-Doping Programme review approved.

- **6.2 Changes required to the Code and International Standard for Code Compliance by Signatories (ISCCS) prior to November 2025**

MR HAYNES said that he would provide an update following the November Executive Committee meeting, at which it had been anticipated that WADA would be in a position to propose stakeholder consultation for both solely historical non-compliance cases as well as consequences for the voluntary removal of funding. He knew that there was a paper, an item later on in the agenda on the second point, so he would focus on the solely historical non-compliance cases. By way of a brief background, in 2022, WADA had launched stakeholder consultation on the International Standard for Code Compliance by Signatories which had not gone through the usual 2021 Code review process in the same thorough way as the other standards and the Code, because the RUSADA CAS case had been ongoing at the time. A number of changes to continually improve the standard had been proposed based on the stakeholders' and WADA's experiences in implementing the Code compliance standard since its introduction in 2018. Stakeholder feedback had been generally supportive of the changes. However, there was one issue of solely historical compliance cases which had generated the most discussion. Based on those exchanges with stakeholders, the proposal had been to make limited amendments to the Code to describe the new procedure, and it had been felt that it would be better placed in the Code rather than in the ISCCS. As a result, the management was proposing to provide draft changes to the Code alongside the ISCCS for stakeholder consultation the following month. Additional changes to the ISCCS between the previous year and that year had been made, but they were minimal and technical in nature and, largely, they also supported the procedural aspects of the Code amendment on historical cases. The management was of the opinion that such change was required. There was a current gap in the anti-doping system when it came to dealing with historical non-compliance cases. If wrongdoing were exposed through an investigation or otherwise, and WADA could not act on it, the credibility of the anti-doping system would potentially be at risk. He also wished to reinforce the point that no signatory would be required to amend their rules or national legislation to reflect any of the changes that were proposed for consultation.

MR KEJVAL said that, at that point, there was the biggest discussion and he understood the reasons, but thought it important to ask strategic questions and to have a clear vision as to the outcome that was sought for the benefit of the anti-doping community before resuming consultation in order to have answers for the following

questions. First, it was necessary to have a clear understanding of the strategic objectives behind the proposed notion and how it aligned not only with the strategic objectives of WADA but also of the Code. The second was what benefits the anti-doping community should expect from such proposal. Third, he sought clarification on the intent of the historical cases, in particular that they were trying to mend with this new concept. Also, they were wondering about the change of WADA's philosophy, which currently aimed to support compliance, to becoming a punitive body.

MS SAMATE CESSOUMA stated that, for her, it was just a matter of understanding what exactly was meant by historical cases. She was not quite sure what was meant by that. She wanted to know what exactly was at issue to have an overall understanding.

DR MUROFUSHI echoed what the previous speaker had said. He sought clarification as to what the historical cases were and then why there was such a rush.

THE CHAIRMAN said that, before he concluded, he had some compromises in his pocket.

MR WENZEL noted that a couple of the members had asked for clarification on what solely historical cases would be. It was probably most useful to start by distinguishing them from compliance cases as they were under the current standard. The current standard did envisage a correction of a non-conformity and the first stage in an ordinary compliance process was sending out a so-called corrective action report. The main difference in historical cases was that they could no longer be corrected. They were in the past, the non-conformity was not ongoing and therefore they did not fit into the framework of the existing compliance cases in the ISCCS. Other than the fact that they were in the past, correction was no longer possible, it was also important to stress, and the wording was already in the ISCCS draft that had gone out in 2022, but it was not envisaged that those solely historical cases would be brought in run-of-the-mill cases. They were reserved for instances where, based on the current drafting at least, which was intended to go out for consultation, there was a deliberate breach of critical requirements and/or where failing to act would undermine confidence in the ability of WADA to fight against doping. So, again, not run-of-the-mill cases, but severe cases, important cases that should be dealt with. The other difference that was envisaged in the current draft was that, other than in exceptional cases of historical non-compliance, the consequences would be limited to financial consequences, so, in principle, either a fine or recovery of costs, in particular investigation costs. That, he thought, was a description of what the solely historical cases were. It explained why they were not covered by the existing standard. In terms of the benefit, at least to his mind, the principal benefit was that, when serious (albeit ones that could no longer be corrected) historical cases of deliberate non-compliance were uncovered and published as they had been in the past, it was important that WADA be in a position to take some action, to impose some consequence. Otherwise, it sent the message that WADA was not able to act upon the non-compliance that was being discovered. That would risk undermining public confidence and also the confidence of the stakeholders in WADA's ability to lead the fight against anti-doping and to ensure that stakeholders were held to account. He would not stress the second benefit too much, but thought that there was also an element of deterrence in the same way that athletes' samples could be retested for ten years. If one was going to deliberately engage in non-compliant conduct, with that regime, one would know that, even well into the future, there was a possibility that that conduct would be discovered, published and also sanctioned. He thought that that was the right word in that instance. The third benefit that he would mention was a subsidiary one. Sometimes, as had been seen, for instance, with the RUSADA investigation, significant costs could be incurred by WADA. Even if those cases were historical, it made sense that WADA could recover some of those costs. He did not know if that described how it fitted into the strategic plan. He thought that it certainly summarized the benefits that could be seen in adding or in filling that gap in the current compliance framework. Again, he stressed that it was not reserved for run-of-the-mill cases, but for severe cases where a failure to act would risk undermining confidence. And again, based on the current drafting, which was intended to go for consultation, the idea was very much that, if the stakeholder, the ADO in question, was willing to accept the historical non-compliance, was willing to meet the consequences, almost always financial consequences that would have been imposed or recommended by the Compliance Review Committee, subject to that and subject to a public reporting, a declaration of non-compliance could be avoided, provided that that recognition and the financial consequences were met before the Executive Committee met to determine the matter. He hoped that that answered the questions, but was available if there were any follow-up questions.

DR MUROFUSHI welcomed the explanation. To think about the legal stability of WADA, going back to the past and then having sanctions before the rules had been made would cause an unstable situation. If one looked

from other parts of the world, that would need to be considered. Of course, there was no mitigation for the anti-doping issue, but legal stability was also very important. That should be discussed.

MR DE VOS fully agreed with his colleagues from the public authorities. When Dr Murofushi said that basically WADA could not retroactively apply new rules, that was a principle from a legal perspective. That was not the intention there, he hoped. He thought, however, that it was necessary to ask what WADA wanted to do. He could fully understand that, first of all, the body being considered was, at the time of the action, compliant because WADA was talking about a historical case in the past, but actually the body was compliant and that was the reason why WADA wanted to introduce the historical perspective, because WADA could not currently do something because the body was compliant. The question being asked, or which the Executive Committee should ask, was what it wanted to achieve. In an ideal world, the body had identified that there was an issue. It had fixed itself in order to be compliant. So it had undertaken action in order to be compliant, and then WADA was going to sanction it retroactively for the situation that it had rectified itself. In other words, he could understand that, if WADA had carried out investigations and they had cost money, of course those costs needed to be recovered; that needed to be a possibility. But did WADA really want to punish an organization that had identified that it had an issue and rectified it and was currently compliant? Did WADA really want to retroactively punish it? Because that was the word that had been used. Did WADA want to punish it? And how was that related to the intention of WADA to support its organizations to be compliant and to do the right thing, rather than retroactively punishing them for something that had happened in the past, but that in the meantime they had rectified? That was more a question of principle. Whereas of course, he thought that everybody agreed that, if WADA had incurred costs for carrying out the investigation, those costs should be recovered. But punishing an organization for something that had happened in the past and that it had identified itself and rectified was another question, and he thought that WADA needed to look a bit more deeply into that.

MS MARACINEANU said that what she had heard went along with One Voice's position. She advised not rushing into anything or touching anything prior to the revision of the Code itself. That meant that WADA would postpone the final decision, but it would be good to have time to look at the whole picture and take on board everything that had been said.

MR WENZEL stated that the point about retroactivity was well noted and he thought that, certainly, arguments could be made that, if it were to be introduced, it should not be applied to conduct occurring before the provisions had been introduced. He thought that strong arguments could be made that that would be the case. Nonetheless, it was his view that it was important to fill in the gap. It was not necessarily the case that an ADO would have proactively taken action in order to rectify a non-conformity. That might be the case, but it might very well not be the case. It might simply be that the misconduct, the breach, had been discovered well after the event and that, because of the nature of the misconduct, it could no longer be rectified. It might be that, for instance, the anti-doping rule violations that had been concealed were no longer within the prescription period, so simply nothing could be done. It would not necessarily be the case that there had been a sort of auto- or self-correction of the non-conformity. He thought that what he had mentioned in his initial response was the possibility for an ADO to avoid a declaration of non-compliance by recognizing the historical non-conformity, by accepting that the financial consequences could in many or most cases be limited to costs and, by doing that, avoid any form of formal non-compliance or a sanction or punishment. That was integrated in the current proposal. One risk of not filling that gap, and it was a gap, was that one would try and force the historical cases into the current framework. If WADA did not fill the gap, then there would be a temptation in order to be able to take action to come up with creative corrective actions, whatever they might be, disciplinary action against people responsible, if they had already left, corrective action being to, for instance, encourage denunciation to criminal authorities if that was relevant. One could always envisage, for essentially historical cases, potential corrective actions, changing rules, changing protocols. And if one did seek to force those essentially historical cases into the current framework, the risk, of course, was that the consequences envisaged for non-historical compliance cases were much more expansive. They were not in principle limited to financial situation. For him, therefore, it was an issue of filling a gap in the current framework. It was not envisaged that it would be utilized in run-of-the-mill cases, but reserved for particularly severe cases. The declaration of non-compliance could be avoided by early recognition before the Executive Committee considered it, and he was sensitive to the point that had been raised about non-retroactivity.

MR DE VOS said that he thought that when Mr Wenzel talked about wrongdoing from the past by individuals, they had left the organization, but even under the current Code, if his memory was correct, such officials were

also bound by the Code and they could be prosecuted individually. Therefore, it would not be necessary to undertake action against the ADO. WADA could currently do that against the individuals. That dealt with quite an important gap, he believed. It was dangerous to say that, by recognizing the historical non-compliance, one could maintain one's current compliance. Either one was compliant or one was not. It was not like something that one could negotiate, that, by recognizing something from the past, one could maintain one's actual compliance status. One was either compliant or not. In general, he would appreciate some specific examples of cases where Mr Wenzel felt or WADA felt that it could not act appropriately to better understand where the real gap was, because he could not currently see it.

MR WENZEL responded that the cases could be particularly severe cases uncovered years after the event where, for instance, cases that had been concealed could no longer be brought and individuals were no longer there. It was true that, to the extent that the acts of those individuals constituted anti-doping rule violations, as had been seen, for instance, with the IWF, there would be an ability to pursue in a disciplinary context even after they had left the organization. But the conduct would not always constitute anti-doping rule violations and, if a person had left an organization, then they were no longer subject, in principle, to the point made about anti-doping rule violations, to the authority of that organization. WADA was again dealing with severe misconduct, deliberate misconduct uncovered years after the event. There were other benefits, which he had described, but the main one, he thought, was to avoid an inability to take any action and to therefore appear impotent to deal with what was serious wrongdoing. If there was inaction, if nothing happened, if there was no consequence, he thought that it did risk undermining public confidence and stakeholder confidence in the ability of WADA to enforce the compliance regime.

THE CHAIRMAN thanked Mr Wenzel. There were many concerns and it was very important to have such rules in place for WADA. He heard the concerns and suggested a compromise. The changes to the Code with respect to the historical non-compliance cases would be presented for consultation and possible adoption as part of the 2027 Code review process. The second proposal was to continue with other minor changes and go for consultations to have them adopted in November. That was his suggestion and he hoped that the members agreed with it.

MS MARACINEANU asked what kind of little changes the Chairman had in mind.

THE DIRECTOR GENERAL responded that it had been said previously that there were other changes to the standards which were unrelated to historical cases that needed to be made.

THE CHAIRMAN asked if the members were fine with this proposal.

## DECISION

Proposed changes to the Code regarding historical non-compliance cases to be dealt with as part of the 2027 Code review process. Other changes to be submitted for consultation for adoption in November 2023.

## **7. Athletes**

### **- 7.1 Athlete Council Chair report**

THE CHAIRMAN said that Ryan Pini, who was not only the new Executive Committee colleague, but also the chairman of the newly formed Athlete Council, would provide an update on the activities of the Council.

MR PINI informed the Executive Committee that he would provide a brief overview of the Athlete Council's couple of weeks in action and then a little bit of an overview as to where the Athlete Council might be heading over the next couple of months. Firstly, he wished to thank the former Athlete Committee members, in particular the former chairman, Mr Ben Sandford, for their leadership and contributions through the reforms and their work on the creation of the new Athlete Council. He also extended his thanks and congratulated the Executive Committee, Foundation Board and WADA as a whole for the new reforms, which were providing a greater platform for the athletes. The Athlete Council had first met face-to-face in Lausanne after the WADA Symposium. Mr Sandford, as the former chairman, had led the transition, which was the key to discussions surrounding the terms

of reference review, various positions and committees open to the Council members within the WADA movement. The members had discussed ongoing projects and met both with Ms Thorstenson, the newly appointed Athletes' Anti-Doping Ombuds, and Ms Samardžić-Marković, leading the initial human rights impact assessment. Closely following the Council meeting, there had been a meeting online to elect the chair, vice-chair and Foundation Board members. The Athlete Council's continued contribution to the WADA strategic plan was essential to the agency's success in promoting clean sport globally and to be athlete-centred. As a representative body, for the athletes, the Council brought a unique perspective to the development and implementation of WADA's policies and programmes. The Council benefitted from a diverse range of current and former athletes with various backgrounds, skills and interests. The Athlete Council was looking forward to continually actively participating in WADA's various committees, providing valuable input on topics such as athlete rights, anti-doping education and testing protocols among others. The Council also played a critical role in communicating WADA's mission and values to the athletes and promoting their engagement in the anti-doping efforts. Looking forward, the Council would aim to meet virtually before the next in-person meeting in November to remain up-to-date on various topics and be given opportunities to meet within the WADA committees and groups to foster a deeper understanding of the agency's work. The members would also have opportunities to join WADA athlete engagement activities and events throughout the year that would provide feedback and guide the Council to a strategic direction. In addition to those activities, just briefly, the Council would be involved in the selection panel to ultimately select an independent athlete for the Compliance Review Committee for approval at the November Executive Committee meeting. The Council would also elect a representative to sit on the Education Committee early the following year. That was a brief overview.

DR GUPTA welcomed Mr Pini as the chairman of the Athlete Council and congratulated him. He believed that it was essential to hear directly from athletes and their representatives on any and all anti-doping matters that were of importance. As the members were having those conversations, it was really important to get the athletes' voice into the conversation. He thanked Mr Pini for being willing to serve and certainly looked forward to getting to know him better and hearing the recommendations and concerns of athletes around the world whom Mr Pini and his colleagues represented on the Athlete Council.

THE CHAIRMAN thanked Mr Pini again for his work. He looked forward to working with all of the members of the Athlete Council. He, the Director General and the Vice-President had participated in the beginning of the first meeting in Lausanne with the Athlete Council. There had been a very good exchange with the athletes and a very fruitful discussion about how to strengthen the anti-doping system. It was really a very engaged group, so he thought that the collaboration would be very fruitful.

## CONCLUSION

Athlete Council Chair report noted.

### - **7.2 Athletes' Ombuds update**

MS THORSTENSON stated that it was a true pleasure to be with the members virtually that day, and she was delighted and excited about the new project. She gave a special thank you to Mr Sandford and also to Mr Kemp, who had been guiding her at the start of her position.

Her name was Anna Thorstenson. She was Swedish in origin, based in Lausanne and a lawyer by profession. She had been working in the anti-doping sphere since 2009. She was currently a legal counsel for the FEI, the International Equestrian Federation. She had worked at all levels within the anti-doping community, on everything from athletes to national federations, national anti-doping agencies, public authorities and also international federations. She had managed cases before sporting tribunals and the Court of Arbitration for Sport. She had also sat on anti-doping disciplinary panels and, of course, was a sport lover who had competed in freeride skiing and equestrian jumping. That was a little bit about her.

She just wanted to go back to the background and the origins of the Athletes' Anti-Doping Ombuds office. As the members might remember, the Athlete Committee had launched the initiative and it was really based on the following question: who was there to ensure the athletes' rights and where should the athletes get help when they felt like they could not go to their anti-doping agency? So, there was obviously a demonstrable need for an ombuds service that could be mutually beneficial for athletes, WADA and the anti-doping system at large. Also,

WADA was seeking to become more athlete-centred and that required a means for athletes to feel that they could be heard by a neutral, well-informed body.

A working group had been convened to explore the feasibility of the ombuds office with a mission to establish the terms of reference and the scope. The group had comprised Mr Sandford, Mr Kemp, Mr Kejval and Mr Wallace from the US ombuds office. The ombuds pilot project had been approved for a one-year term and was only part-time, unfortunately, but that was how it was for the time being. She was initially an independent chief ombuds as a contractor based in Europe, and hopefully continental offices would be added according to demand and resources as the ombuds was developed. The ombuds would finalize the terms of reference and procedures and roll out the services and raise awareness in the anti-doping community. She would report to the WADA Executive Committee on trends, recommendations and, of course, expenditure and would also maintain a close working relationship with the WADA Athlete Council. The current working group would become an advisory body comprising the WADA management, Athlete Council and ombuds expertise. As to the role and the duties of the ombudsperson, obviously, there were terms of reference for the role which stated that the Athletes' Anti-Doping Ombuds provided athletes with cost-free, neutral and impartial fair advice and assistance in relation to the World Anti-Doping Programme and entities that played a role within it, and would operate within the principles of independence, impartiality, confidentiality and informality.

As could be seen, the scope of the role was very large. Every athlete covered by the World Anti-Doping Code would naturally have access to the ombuds office, so any athlete covered by the Code in relation to any anti-doping related issue. Looking at the duties in the terms of reference, the ombuds would provide information, guidance, independent and confidential advice and assistance at no cost to athletes, assist athletes by connecting them to relevant information services, organizations or professionals, assist athletes with their concerns and disputes through reviewing and reporting, fact finding, facilitated communication and mediation on a case-by-case basis, advise how to file formal grievances in cases where informal resolution was not attained, advocate for fair, transparent, timely and equitable administrative policies and processes within anti-doping and assess athletes' rights within anti-doping and advocate for their fair and equitable administration. So, in short, the ombuds operated independently from WADA and would work with other sport-related ombuds who could assist the athletes at a local level and would refer and coordinate with those ombuds. In addition to that, the ombuds would try to cooperate with the anti-doping community and refer athletes to anti-doping agencies, to the WADA Compliance Unit or Intelligence and Investigations Department as relevant. Another thing that was important to highlight was that the ombuds office held no formal authority and was not capable of rendering any decision on adjudication. The use of the ombuds was entirely voluntary.

In terms of the future for the office and what the ombuds would do, obviously, the first thing would be setting up the office, finalizing the procedures, processes, policy, scope and authority, roll-out and delivery of services, which was the most important, and also raising awareness among athletes, anti-doping agencies and NADOs, IFs and the anti-doping community. One very important thing was to create trust and a relationship with the athletes and the anti-doping society and maintain a working relationship with WADA's Athlete Council. In general, the ombuds would be there for the athletes.

As to what had been done so far, she was new in her role and it had been very exciting. She had spent two months in the position and the first thing she had had to do, obviously, was a presentation for the WADA Symposium. It was her feeling that there had been a lot of curiosity and expectation in relation to the presentation and she had also had the pleasure of meeting the Athlete Council members in person and discussing with them future needs. The website was currently under construction and hopefully it would be up and running within a few weeks. Work on the structure and the content had already been done more or less; she was just waiting for the IT section of the website.

She had been trying to meet and raise awareness among different kinds of international federations, meet with the International Testing Agency, connect with similar ombuds services and also meet with WADA's Intelligence and Investigations Department to see how they were dealing with handling sources and information that was coming to them and how they were sorting all the inquiries coming in. It had been really interesting. Obviously, it was a work in progress and it was important to set internal templates and policies and procedures correctly. Once it was fully up and running, there would be no issues in relation to the procedures. A very important part of her role was to network, promote and raise awareness in the community. She had been trying to do that as much as possible in Lausanne. She had also gone to London the previous week to make an awareness

presentation at the Sport Resolutions conference. She was taking it step by step by raising awareness about the ombuds position. Her feeling was that it was a very positive vibe and feel. People were saying that there was a much-needed gap in the anti-doping community that hopefully could be filled with that role. She was very thankful to be on board in that role.

MS MARACINEANU congratulated Ms Thorstenson on being appointed to the position. She hoped that the gap that had existed for a long time between WADA and the athletes, but also between the NADOs at the local level, would be filled. It would be interesting to see contact with local ombudspersons. Maybe some federations had them, but there did not seem to be very many of that kind. It would be great to set up a network between like-minded people who had an ombudsperson role. She was sure that Ms Thorstenson had a brilliant future ahead of her. It would be great to carry out the awareness work for knowledge about anti-doping.

THE CHAIRMAN thanked Ms Thorstenson for her very comprehensive report and her passion and engagement. He was very satisfied with the process. He thought that, from the athlete perspective, her role was extremely important. He looked forward to working with her.

## CONCLUSION

Athletes' Ombuds update noted.

### **8. Education**

#### **- 8.1 Education Committee Chair update**

MS KANOUTÉ addressed the members from Dakar, Senegal, to report on the activities of the Education Committee. She would do so in two parts because she was joined by her dear colleague Mr Cunningham, who would be explaining a bit more about social science right after her intervention. The Education Committee had had a great opportunity to be able to meet in person that year in Montreal. For the second time, it had had an opportunity to have a joint meeting with the Social Science Research Expert Advisory Group, which also included some members of the Education Committee. It was a very important joint meeting, as it offered an opportunity to really put a face to the experts and researchers, have some clear exchanges with them and feedback regarding the proposals for funding and have a deeper look into that process. The members would see the images of the joint meeting and the Education Committee meeting. She was very pleased also to welcome a new member to the Education Committee from Asia and the Korean Anti-Doping Agency. Mr Moonkyue Shin was a new member as of that year, and she took the opportunity also to congratulate Mr Ryan Pini on his election as the chairman of the WADA Athlete Council and for facilitating the attendance also of an Athlete Council member, Ms Adriana Escobar, as an observer to the Education Committee meeting. It was really important to her to have the liaison and to be able to collaborate in the future with the Athlete Council on some key aspects on which the Education Committee might need to seek feedback, especially when it came to digital learning and the platform.

In terms of key agenda items that she would develop quickly during her short intervention, she would go into the digital learning and education strategy and give the members some insight, but also the Global Learning and Development Framework and how the Education Committee was progressing on that. The members would see that the Committee proposed professional standards. She would deal briefly with social science research because Mr Cunningham would be talking about that, and finally the Global Education Conference in Paris, which obviously she would be happy if all of the Executive Committee members could attend.

The digital learning and education strategy was an essential tool for education, for cost efficiency, but also for reach. In line with that, the Committee members had been working with the Education Department on putting together the strategy. There were six strategic priorities. The goal was to make education accessible 365 days a year at less cost, looking at all ages and stages of athlete development. Also, empowering and supporting the practitioners throughout that process was important, together with looking at what was beyond the athletes, while maximizing the learning opportunities throughout the platform. It was very important also to be able to demonstrate the impact that WADA had through using digital tools. On the strategic priorities, when she said education anytime, anywhere, it was to provide a global accessible learning platform that was open and free in accordance with the required digital accessibility and privacy standards. Obviously, 'playground to podium' was terminology that would be heard more often, but the Committee really wanted to offer tailored education programmes for different target groups in line with what had been developed by the Education Department and also enabling no excuses because

the platform was free for ADOs, so there was no reason not to educate athletes. The Education Committee wanted to empower and support ADOs to effectively develop, enhance and increase the reach of their education programmes to ensure that all athletes and athlete support personnel had access to quality education. When she said looking beyond the athletes, it was not only about the athletes, but also when talking about education, obviously the athlete support personnel, it was about building capacity and programmes that would give opportunities for anti-doping practitioners to enhance their programmes. Regarding maximizing digital education, the Education Committee wanted to collaborate with internal and external partners. It had been the case, for example, with the digital learning platforms developed before the different Games, be they the Beijing Olympic and Paralympic Winter Games or the Tokyo Olympic Games. The Education Committee worked with the ITA and the IOC in collaboration with partners and also worked with different stakeholders to make sure that they did not duplicate work and worked together.

Regarding demonstrating, learning and impact, digitalization really gave an opportunity to gather data and be able to measure the effectiveness of the WADA digital education and learning programmes.

The members had been hearing about the Global Learning and Development Framework (GLDF) and she really thanked the Executive Committee for recognizing and approving the professional standards proposed. As the members knew, the Global Learning and Development Programme fell under WADA's key priorities in the strategic plan, which would shortly be coming to an end, regarding growing impact, and that was one of the ways that the Education Committee had found could build capacity but also professionalize the field of education. That had come out of a survey revealing a perception and reality that education, especially anti-doping education, had to be done by professional educators. With that in mind, the GLDF was really there to strengthen the professionalization of the field while enhancing capacity for anti-doping workforces. To support them, the Education Committee had put together the professional standards that were benchmarks and good practices and described the function and expected standard of competence for a given role. Those roles were being identified as the Committee went along. Six had already been sent out and presented in May 2022 in Egypt, and one more was being added that day. The standards came with the professional standard, but also the role descriptor for each profession. The focus that time was on TUE administrators and the members had probably already seen that in their meeting documents. That was just for recognition.

Social science was obviously a key agenda item. As she had mentioned before, Mr Tony Cunningham would be giving the members more insight regarding the projects for approval that day before the Executive Committee. He would detail the process, which had been greatly strengthened through the strategy that had been put together and approved by the Executive Committee previously. There were nine social science research projects as part of the 2023 grant programme to submit to the Executive Committee.

Last but not least, the Global Education Conference would be held in Cannes, France, in February the following year. She appreciated all the comments that had been received about the success of the event in Australia. From a French and African perspective, she was extremely proud and looking forward to welcoming all the interested members to be part of the Global Education Conference in Cannes the following year and hopefully to be able to have a great time while putting together some great strategies for the future of anti-doping education.

MS SAMATE CESSOUMA thanked Ms Kanouté for her report and underlined how important education was, especially in the fight against doping. Education to prevent doping was very important. A workshop had been organized in Johannesburg in February that year, and it had been very successful. It had been organized jointly with the South African Institute for Clean Sport. Since it had been so successful, she wished to suggest that the WADA Education Committee incorporate the recommendations that had come out of the workshop in its work and programmes and make sure that there was follow-up regarding the partnership between WADA and the African continent and the regional office in Johannesburg. That would bring other actors into the fight against doping. It would be really important. She would be extremely happy if Ms Kanouté could take into account her recommendations, which would mean sharing the experience with leaders in the African continent and perhaps leaders in other regions.

MR LALOVIC stated that the sport movement congratulated WADA and its Education Committee on the work carried out on the professional standards, as well as the excellent work on the education and learning strategy. Under the next point, the members would be voting on the social science research projects. He wished to anticipate the position of the sport movement. The sport movement supported the approval of the

recommendations of the WADA Education Committee for nine social science research grants totalling \$495,000, including the publication costs of the 2023 annual social science research grant programme.

MS YANG congratulated Ms Kanouté who, even though presenting virtually, had given a very impressive report. As a big supporter of education, she felt that it was important to have prevention with education regarding the anti-doping mission. She wished also to emphasize that there was huge potential in the education programmes to have more resources to support anti-doping programmes, because from her experience of raising funds, education programmes were always of particular interest to private sectors or sponsors. She therefore also encouraged the members sitting there to think about that so as to have more resources with a view to supporting anti-doping.

DR SANGENIS thanked Ms Kanouté for her presentation. She thought that all of the members supported education, which was such an important part of anti-doping. As a physician herself, she wished to emphasize the same topic because she was rather concerned about the situation of e-athletes. Qualifying for competitions differed in many ways. The community of players was huge and the prizes in financial terms were unbelievable compared to traditional sports. She believed that there could be an issue regarding health issues such as lack of sleep or lack of physical activity or isolation, but also issues that, as a physician, worried her a lot regarding doping. The financial prizes were huge compared with the most important prizes in traditional sports, and one would not believe the amount of money that she was talking about. Athletes were role models. She thought that the creation of WADA had been to emphasize one of the main issues, which was fair play and clean sport. In her view, WADA might start to study further the education of e-athletes to prevent future problems.

THE CHAIRMAN thought that everybody agreed that education played an extremely important role in anti-doping. The role of education in the future represented a new era in anti-doping. He welcomed all the support and suggestions.

## CONCLUSION

Education Committee Chair update noted.

### - **8.2 Social science research projects**

MR CUNNINGHAM stated that it was a pleasure to present to the Executive Committee on behalf of the Education Department, specifically on behalf of Ms Amanda Hudson, the Director of Education, who was currently on maternity leave. He also welcomed the intervention from the sport movement pre-approving the projects. That took a little bit of pressure off his presentation. He would provide an overview of the background and the process and go through the individual projects that were currently being presented for approval and decision. He would be happy to take any questions on the process or the projects.

As he had mentioned, he was presenting on behalf of the Education Department, but also the Social Science Research Expert Advisory Group and the Education Committee, after going through a very rigorous and robust application process for all social science research projects. Taking a little step back, he was conscious that there were a couple of new members and also, just to provide a recap for existing members, the social science research grant programme had been revived and relaunched in 2020 following a review, and that review had led to a restructure and relaunch of the programme, endorsed by the Social Science Research Expert Advisory Group and by the Education Committee. As to the main changes that had been brought in, previously, there had been a one-size-fits-all approach to the grant programme. Tiers of investment had since been introduced, and there were three tiers currently in place for the programme, with different profiles for each of the different tiers of projects. Generally, tier one was up to about 150,000 dollars of investment, tier two, approximately 75,000 dollars maximum, and then tier three, up to 20,000 dollars for smaller projects. A two-step process had also been introduced to the programme. The feedback received from applicants had been that it was a bit too onerous, so a two-step process had been brought in, comprising an initial expression of interest enabling people to submit their ideas, what research priorities they planned to research, and then, if there was an interest and if that aligned with the research priorities, they were invited to make a full application. A big effort had been made to try and recruit and make it more attractive for applicants from different regions, in particular Africa, Latin America and Asia, because not so many applications from there had been seen. Since then, there had definitely been a significant increase in applications. WADA had gone from around 20 to 40 applications per year to 60 to 90 applications over the past three years. And that increase, he was glad to say, had come mainly from the traditionally underfunded regions.

Particularly of note was the number of applications coming from Africa. WADA was also funding more projects than ever before. On average, before the review had been conducted, WADA had funded about seven projects per year. If the projects were approved that day, that would nearly double to on average 13 projects per year. That was facilitated by the fact that the social science research budget had more than doubled since the relaunch of the programme, which was very welcome.

Looking at the research priorities that had been published in order to give an indication to potential applicants what WADA was interested in, the members would see the research priorities in the yellow boxes. He had highlighted in bold those that were aligned to the research projects that were being proposed for funding that day. And then, on the right, WADA was looking to embed principles regarding research that it was funding in order to try and progress the agenda and make the research findings in particular more impactful. When talking about translation, he was talking about having the findings inform practice or policy in some way. WADA was looking for applicants to be more athlete-centred in what research topics they were funding. WADA was looking for more partnerships with anti-doping organizations so that the research was not happening in universities and then being put in a report on a website or something that was not relevant to the real world. WADA was looking at capability development, particularly as he had mentioned, in underfunded regions, but also with young researchers and training them to become more full-time in terms of focusing on clean sport and sport integrity issues.

Looking at the process, he had mentioned that expressions of interest were there for the tiers one and two projects and there was an initial review by both WADA itself and members of the Social Science Research Expert Advisory Group. The applicants were then invited to make a full application. For those who were not invited, that was where the process stopped for them. For tiers one and two, there were two independent peer reviews. External peer reviewers conducted a technical review of each project. If there was a divergent opinion between two of those reviewers, WADA sought a third opinion. In parallel, the tier-three projects made an application. It was a shorter, less onerous application process for them which was reviewed only by members of the Expert Advisory Group, which was a subgroup called the review panel, and then members of that group, after the peer review process, conducted a full technical review of all projects. That was then circulated to the Expert Advisory Group, and that was what had been discussed over two days in person at the meeting in Montreal, which had taken place at the end of March.

As Ms Kanouté had mentioned, the findings and recommendations from those meetings were then brought forward to the Education Committee for discussion. Following that meeting was where he was that day, presenting the projects for funding. Overall, for the 2023 programme, WADA had received 33 expressions of interest for tiers one and two. 21 of those had gone forward to a full application (7 tier-one and 14 tier-two applications). WADA had also received 30 tier-three applications for a total of 62 applications altogether that year. After all of that, nine projects were being brought forward for funding. On the right of the screen, was an overview of where the applications came from. That was where a big change had been seen, with more applications coming from Africa and Asia. That was the first time that WADA was seeing Europe in third place in terms of the applications received. There was still a bit more work to do in Latin America in particular, and WADA had identified research projects that it would look to support and bring them back, hopefully for applications the following year.

In terms of the nine projects, the members were looking at 120,000 dollars for a tier-one project, 301,000 dollars for five projects for tier two, and three tier-three projects at just under 60,000 US dollars.

Something new that year, based on the recommendation of the Expert Advisory Group, was that a pot had been set aside for publication purposes to encourage the projects when they got the research findings to make them more publicly available, and also to go through a peer review process so that everyone could more readily see the implications of the research that WADA was funding. Looking at the individual projects, he would not go through the details of each one in particular, but just wished to highlight particular research priorities for each one. The tier-one project in Austria, which would be looking at five different countries in Europe, was looking at the experience of sanctioned athletes as they went through the process after they had committed an anti-doping rule violation. That was seen as quite important in order to inform education programmes in the future and also align with the International Standard for Education, where sanctioned athletes were required to be educated before they returned to sport.

For tier two, one project in Kenya was looking at the role of coaches and parents. That was an area that WADA wanted to look further into concerning athlete support personnel.

A project from the United Kingdom that was also looking at Greece and Cyprus was based on the idea of values-based education and trying to identify and make values-based education more pertinent to athletes.

Project three from Australia was looking at the risk assessment of inadvertent doping. One of the research priorities WADA had was related to a constant issue of athletes maintaining that they had not intended to dope or there was a lot of supplement-related contamination.

There was a project in the United Kingdom that would, in partnership with researchers in Ethiopia and Kenya, look at issues there concerning the challenges of being compliant with the Code and behaving in a way that was in compliance with the Code.

Another project in Kenya was also looking at athletes in East Africa. It actually looked at four countries altogether in the East African region.

In tier three, there were two projects from Malaysia, one looking at an evaluation of school projects and the other one looking again at individual sports and the experience of athletes there.

Again, back to Kenya, there was a project looking at the coaches' experience working with elite athletes there. An interesting one with that project was that the researchers had applied many times before and WADA had worked with them in order to increase the standard of their application. It was good to see that the project was being brought forward for recommendation.

MR MULLALY noted that the development of standards and scientific research was always important in the fight against doping but so too was social science research, particularly in the education space, and helping everybody to understand the environment that they were all collectively trying to regulate was always a good thing. He was very encouraged that the research budget had doubled and congratulated the team on their work in that area. Oceania was also supportive of the decision requested in the paper.

MS SAMATE CESSOUMA welcomed the desire to boost action in that area. She was encouraged by the number of applications from Africa. Africa was very much engaged. Kenya had a lot of athletes, so it was quite normal that the country would be so engaged together with others in the fight against doping. Also, it was very important to have such projects. She hoped that that would continue and that other countries would become more engaged in the fight. Everybody aspired to clean sport without the use of substances.

DR SANGENIS thanked Mr Cunningham for his presentation. She always supported research, but had a quick question. She was a little surprised. The members had been hearing for the past few years about artificial intelligence, and she had not seen any information in the recent presentations. In the media, artificial intelligence was everywhere. She wondered what was happening or if there was any research presented regarding doping, because it was one of the topics that would increase the research in many areas.

THE DIRECTOR GENERAL responded that AI was part of scientific research, not social science research. There would be an update next time there was a report on the scientific programme. There were some joint projects with the Fonds de Recherche du Québec in Canada, and a number of other activities in terms of using the data and trying to gather intelligence from that which might not be artificial intelligence (because that was a trendy name), but other ways of using data. Nonetheless, that was part of the scientific component.

MS MARACINEANU shared the position of Europe, which strongly supported the research work in the social science area. She would like the results to be included in the work on the Code and standards review. She was thinking in particular about the first research project presented on a topic that was very dear to her heart, namely helping athletes to be rehabilitated when they had been convicted of doping. It was a question of sport justice, which handed out sanctions but also had to take care of the subsequent lives of the athletes who had been sanctioned in the course of their careers. They needed to be rehabilitated for their future careers. It was therefore very important to note that point. It was necessary to see how all that could be implemented in the standards in terms of the education that federations might provide to support those athletes subsequently and not just the federations, governments as well, and ministries.

MS KANOUTÉ appreciated all the comments and all the encouragement for education and would take the opportunity to thank the Education Department and Mr Cunningham and all those who had been supporting the group. She thanked Ms Samate Cessouma very much for all her support and also the WADA regional office in Africa for organizing, as mentioned, a great first education forum, from which WADA had a lot to learn and a lot to adapt as well. She thanked the sport movement for its official endorsement of the project, and thanked the WADA

Vice-President, Ms Yang, for her support. She had always been supportive of education and looked forward to the next steps to really keep it centred as WADA moved forward with the focus on athletes as well. She also thanked Dr Sangenis. E-sports had been a really hot topic. There was a section within the Education Committee meetings called 'Hot Topic' and e-sports were really part of that, to see how to foresee education, which was so important and crucial. A lot was happening already, but that was seen as an opportunity because it was a different profile of athletes to which WADA knew at least it would have access online and digitally. That would be another avenue to explore, as well as how to adapt to them. Artificial intelligence was going to be a very useful tool in the future for education as well.

She asked the Chairman to seek the approval of the Executive Committee for the nine projects to be funded for the social science research grant programme for 2023.

After the comprehensive presentation, THE CHAIRMAN believed that the members would be ready to approve the recommendation of WADA's Education Committee for the social science research grants. Did they agree to approve the recommendation?

### DECISION

Proposed social science research projects approved.

## **9. Legal**

### **- 9.1 RUSADA CAS update**

MR WENZEL said that the members would all have read from the report that the two main issues were the LIMS cases on the one hand, and the possible reinstatement of RUSADA as compliant on the other hand. He did not propose to add too much more on the LIMS cases. The members would have seen from the summary table at the end of the report that the number of cases under investigation continued to drop as cases were closed. Either they did not move forward or otherwise a sanction was imposed. Since the previous meeting in November, there had been a further 25 sanctions imposed, and WADA certainly continued to assist ADOs both in assessing potential cases and in prosecuting cases that were brought forward.

With respect to reinstatement, again, he did not propose to summarize in any particular detail what was already set out in the report, but the members would have noted that the process was ongoing. A significant bulk of documents relevant to the reinstatement conditions in the CAS award had been collated and circulated to a cross-departmental group, including senior WADA management. At that moment, and for the reasons set out in the report, there was no question of reinstating or recommending the reinstatement of RUSADA for at least two reasons, one being that certain amounts that had to be paid as a condition for reinstatement had not been paid. Those were costs relating to the monitoring of the consequences and reinstatement. The second reason was that there was an ongoing process related to non-conformities in the federal Russian sports legislation. The members would have noted the deadline of 8 May in the paper. WADA had very recently received a draft revised bill, which the Compliance Department was currently looking at to assess whether or not it met the concerns that WADA had regarding the compatibility of that legislation with the World Anti-Doping Code. For those reasons, the reinstatement could not occur at that time. In any event, the process for assessing the other reinstatement conditions was ongoing. As was clear from the paper, in the first instance, it was for WADA to assess and, if it considered that those reinstatement conditions were met, the matter would be referred to the Compliance Review Committee, which, if it agreed, would refer the matter to the Executive Committee.

MR KEJVAL stated that Russia was a big topic for the Olympic Movement. There was a lot of discussion about Russia's presence at the Olympic Games in 2024 in Paris. One of the conditions from the IOC was that Russia needed to be compliant or potential Russian athletes needed to be compliant with the WADA regulations. Would it be possible to have information as to the situation and if the Russians were compliant with the system and if they were present on ADAMS?

DR MUROFUSHI asked about the view or the position of RUSADA itself. Was WADA communicating or was there any dialogue? He wished to know if there was any communication or dialogue under way.

MR WENZEL thought that perhaps he had misunderstood the first question. The members should not confuse the status of RUSADA as being compliant or not with the question of whether or not athletes were complying with their obligations under the rules or were compliant with the rules. That was a separate issue. He knew that testing was certainly continuing in Russia through RUSADA, notwithstanding its status as non-compliant at the current time. He knew that certainly most IFs, or many IFs, were also continuing to test Russian athletes. He thought that it was necessary to make a distinction there.

He was not sure he had understood the question regarding communication.

DR MUROFUSHI said that the payment had not been made, and the sanction had not ended. Was there any information, or what was the view of RUSADA? What was the current situation with regard to RUSADA?

MR WENZEL responded that he would not want to forego the outcome of the cross-departmental group that was looking at the matter at that moment. Nevertheless, he thought that it was important when considering the topic to bear in mind that the non-compliance of RUSADA did not stem from any operational issue with its own anti-doping programme. It of course was a failure to satisfy a post-reinstatement condition and that failure was to do with manipulations of data and deletions of data in the Moscow laboratory that were not under the control of RUSADA. So, although RUSADA was of course declared non-compliant in connection with those manipulations and deletions, there had not been at the time, and to his knowledge there was not at that time any operational issue with RUSADA's anti-doping programme that WADA was aware of. He was not sure if that answered the question.

MR KEJVAL noted that there were two separate things. One thing was the compliance of RUSADA, which had not been his question. His question was about the athletes, and they deserved to know if the Russian athletes were under standard procedure or if they were not. He knew that it was not easy to answer, but thought that it would be good to know that.

MR WENZEL responded that, from WADA's perspective, at that moment at least, there was no special treatment or different treatment for Russian athletes. There was no basis under WADA's rules or under the CAS award to provide for that different or special treatment. With that said, it was open to, of course, ADOs, MEOs, IFs and others to consider specific testing requirements or to consider eligibility requirements if they considered that it was necessary to do so. However, it was not a matter for WADA or something that WADA could do under its rules.

THE DIRECTOR GENERAL added to Mr Wenzel's response. The Russian athletes were on ADAMS. WADA could see who was tested and how many times they had been tested and so on. That was not different to any other athletes at that moment.

MS SAMATE CESSOUMA noted that one of the concerns had been taken into account in terms of the Russian athletes. She gave the floor to the delegation of the USA.

On behalf of the public authorities, DR GUPTA wished to emphasize the importance of the pre-Games task force, which needed to focus heavily on the best intelligence-led, risk-based testing approach that was available for those athletes. From an American standpoint, WADA was asked to continue its approach of making sure that every reinstatement condition was fully met so that all the anti-doping stakeholders, especially athletes, knew that if and when Russian athletes competed they would be subject to the same rigorous testing regimen as other athletes were. The final point he wanted to make was in the cases where the awarding of medals was delayed due to investigation of a potential doping violation, it was vital, and he knew that a lot of that work was happening already, that a meaningful medal ceremony take place after consultation with the affected athletes. It would be appropriate for such a ceremony to occur at a subsequent edition of the Olympic Games. It was really important and some of that work was already happening. He welcomed the work that had been done but wanted to make sure that it continued.

THE DIRECTOR GENERAL made two comments in response. First of all, the pre-Games task force would operate before the Games and was working on a risk analysis basis. That was assuming Russian athletes would be allowed in Paris, which had not, obviously, yet been decided as far as he knew. If that was the case, he would be happy to pass on to the task force the need to focus and make sure that special attention was given there. On the reinstatement conditions, of course, WADA would continue its work and, as said by Mr Wenzel, WADA would have to be satisfied that all conditions were met and would need to have the opportunity to verify that those

conditions had been met. Those were two things that were important to WADA. The third point was really not for WADA to answer. It was something that concerned the sport movement.

THE CHAIRMAN referred to what the Director General had said about WADA having to make sure that all the conditions were fulfilled by RUSADA. One of the most important conditions was making sure that RUSADA operated independently. That was WADA's biggest concern.

MS MARACINEANU drew the members' attention to the concern of Europe. RUSADA was violating the territorial integrity of Ukraine. Currently, according to its Internet site, it considered that the occupied land in Ukraine, Crimea and Donbas came under its jurisdiction. It would appear that RUSADA and its service providers had conducted anti-doping tests in those territories.

THE DIRECTOR GENERAL believed that the question was a tricky one. Before answering, he thought that it was necessary to have more information about the events under way. That was something that the management would look at and obtain very detailed information on.

THE CHAIRMAN stated that the information had come from the Ukrainian colleagues. It would be necessary to obtain all of the information from them to properly assess the situation.

#### CONCLUSION

RUSADA CAS update noted.

#### - **9.2 Possible consequences due to voluntary withdrawal of funding**

MR WENZEL stated that he would be as brief as possible. The consequences of the voluntary withdrawal of funding were something that WADA considered to be important and necessary, of course, with a view to protecting its budget. It was important that the consequences for the voluntary withdrawal of funding be meaningful, that they be sufficient to, in particular, deter that conduct. The members would have read in the report and they would have heard in the past that a discussion group had been constituted in early summer the previous year after the meetings in Cairo and some significant progress had been made. Nonetheless, WADA had formed the view that the additional consequences were necessary in order to make that package of consequences effective. What had been proposed in November was that, as no further meaningful progress was being made on the consequences, at least by the discussion group, WADA's management would work up a proposal to share with the Executive Committee. Further to those meetings, there had been more than one request from public authorities to continue the discussions of the group with a view to achieving consensus. The idea had been that the personnel would not be changed, but perhaps an additional representative from the public authorities would be added to that group. Until that day, WADA had not been able to fix the composition of the group, to add that additional person. Therefore, it had not been able to convene that discussion group and make progress. The idea had been in the first instance to make progress with a view to proposing changes that would go out for consultation. The consequences would of course involve changes to the Code that would go out for consultation with the changes related to historical non-compliance. He had understood that that process would be put back for consideration within the context of the main Code revision and, frankly, bearing in mind that it had not been possible to convene the discussion group, it seemed unrealistic that that calendar could be maintained. He therefore sought guidance from the members of the Executive Committee as to how to move that forward. His hope was that it would be possible to quickly identify the additional representative for the public authorities after the meeting. The public authorities would be able to meet on one or more occasions, hopefully achieve consensus and propose something to the Executive Committee either in September or November of that year.

MS BATTAINI-DRAGONI admitted that she regretted not having been able to go further in that exercise. She remembered very well the meeting held in Paris two years previously, at which the subject had been raised for the first time, and the working group or whatever kind of group in WADA that was supposed to come forward with proposals. She had been waiting patiently for the past two years to get something. The members had received an initial document, which contained at least some ideas. She very much regretted that WADA was still in the phase of seeing when the report could possibly be drafted, etc. She regretted that in particular, because she saw how things were developing from an economic point of view in a number of countries all over the world. She would not be surprised if, at one point, the difficulty for some countries to pay might also jeopardize the financial situation of WADA. Therefore, the sooner a document was prepared and submitted for decision, the better. Full stop.

MS SAMATE CESSOUMA noted that One Voice felt that, given the possible consequences of the voluntary withdrawal of funding, ongoing work might suffer. Before the next session, the Executive Committee should have an idea as to the full range of consequences so as to fully assess the situation. Between then and September, maybe something could be done in that respect. The working group could continue the discussions.

THE CHAIRMAN told Ms Battaini-Dragoni that he could not agree more with her suggestions. WADA was really determined to continue working on that topic, to finally establish a meaningful framework of consequences for the voluntary withdrawal of funding. That was why WADA insisted on resuming the work on the issue. There was no lack of willingness to work on the topic. WADA was very determined to and wanted to encourage stakeholders to find a way and finally to propose something concrete to be adopted. Some of the consequences would require changes to the Code. There was no other way, in his view. That was why he thought that WADA really had to accelerate the work and discussion as soon as possible. He therefore urged the members to contribute to it in a really constructive manner.

MR DE VOS spoke on behalf of the sport movement to support that approach. It was important to use the momentum because, in the event of the voluntary withdrawal of funds, the topic would become very difficult and much more political. He therefore supported the approach.

THE CHAIRMAN welcomed the members' attitude and suggestions.

### CONCLUSION

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

## **10. Compliance**

### **- 10.1 Compliance Review Committee Chair update**

MR GOURDJI informed the members that the paper before them provided a summary of the main activities undertaken by the Compliance Review Committee since the November 2022 Executive Committee meeting. There had been one hybrid meeting in February 2023 and one in-person meeting from 15 to 17 March in Lausanne on the heels of the WADA Annual Symposium.

He summarized the compliance activities. With respect to RUSADA, the Compliance Review Committee continued to receive its updates, including progress made by RUSADA against the Court of Arbitration for Sport award reinstatement conditions and an update on the outstanding critical non-conformity resulting from the September 2022 virtual audit relating to the national legislation. Mr Wenzel had highlighted that just earlier. With regard to the Ukrainian NADO, as the members were well aware, the Ukrainian NADO had a compliance procedure that had been suspended by force majeure. However, the Compliance Review Committee continued to receive updates on the operations of the Ukrainian NADO and the testing activities on Ukrainian athletes still competing. The Compliance Review Committee had been kept informed of the ongoing communication between the NADO and WADA and the work being performed by the NADO with support from other national anti-doping agencies. That was being done in order to ensure that Ukrainian athletes continued to be subject to a robust anti-doping programme.

The Compliance Review Committee had reviewed the DPRK NADO, as well as the International Federation of Bodybuilding and Fitness, the IFBB, which continued to remain non-compliant.

With regard to guidance and oversight, the Compliance Review Committee continuously provided guidance and oversight of WADA's compliance programme with satisfaction, including the Code compliance questionnaire, and had dedicated time at its previous meeting to the anti-doping organization programme assessment framework, as well as further work that was being done on the development of more real-time compliance monitoring activities. The Committee had been working closely with WADA on the development of its compliance risk management system, and the Compliance Review Committee had been developing its own risk register using the same framework. Further details were provided in the report before the members. That concluded the Compliance Review Committee report to the Executive Committee.

MS SAMATE CESSOUMA referred to Gabon, which had been declared non-compliant. She hoped that month to hear from the specialized technical committee from the ministry which would be meeting and push the

matter forward. She was fortunate because one of the ambassadors, the Gabonese ambassador to Addis Ababa, had become a minister and she hoped that, with his presence, it would be possible to find a solution to the matter. She had heard about that during her first WADA meeting, and she was certainly working to find a solution. She welcomed the work being done by the Compliance Review Committee.

DR GUPTA noted that the public authorities did not believe that the NADOs should face sanctions when there was a delay in government legislative actions. Certainly it was an important piece. But he knew that the US NADO could not guarantee what Congress did and he was sure that the same was the case in other countries.

### CONCLUSION

Compliance Review Committee Chair update noted.

## **11. Science and medicine**

### **- 11.1 Technical document TD2023LDOC**

DR RABIN remarked that he was well aware that everybody around the table was absolutely thrilled to close the meeting on that item. He would briefly explain the technical document on the laboratory documentation package, which was up for approval to replace the previous document adopted in November 2021. The scope of the technical document might seem rather simple, but in reality it was quite important because it set the reporting requirements for the anti-doping laboratories and established the key information to be reported by the laboratories in support of an adverse analytical finding and also prevented sometimes some extravagant requests WADA might receive from certain parties during legal cases. It was therefore quite important, at least from WADA's perspective.

Looking at the document, the revision had been triggered mainly by the need to add a new section, a new annex to the document which covered all the information that related to the production of the information in support of the endocrine module of the Athlete Biological Passport (ABP) and all the information that needed to appear in the documentation package in support of the endocrine module of the ABP. Again, the objective was to report or to have all the anti-doping laboratories reporting harmoniously on the quantification of the markers of the endocrine module of the ABP. It also showed the progress that WADA was making on the Athlete Biological Passport. The experts who had reviewed the technical document had also taken the opportunity to adjust some of the other sections, other annexes of the technical document, and they were mainly minor (he would not say cosmetic) adjustments to further clarify the information that was required, in particular for the certificate of analysis that was reported and produced by anti-doping laboratories, but also for the more complete documentation packages that needed to be reported. He would not go into the detail because the members had all the information in their files. Again, they were mainly minor adjustments. However, he would like just to emphasize Annex E, which supported what he had been saying, that there was progress being made by the Athlete Biological Passport. One could see, for example, that the steroid module in blood was fully operational and that also required some adjustments to make sure that there was harmonious reporting by the anti-doping laboratories in support of the Athlete Biological Passport. The document was for approval with the effective date for implementation of 1 September 2023, after the summer.

THE CHAIRMAN asked the members if they agreed to approve the 2023 Technical Document for Laboratory Documentation Package to come into effect on 1 September 2023.

### DECISION

Proposed TD2023LDOC approved for entry into force on 1 September 2023.

## 12. Other business/future meetings

MS BENNETT said that she certainly did not wish to stand between a room full of hungry people and lunch, but wanted to note that it was an honour to join the Executive Committee members in the protection of clean sport, and wished to thank the Foundation Board for trusting her as an independent member of the Committee. It had been a pleasure to be part of the constructive discussions that day, and she was particularly pleased to see the focus on athletes and athlete wellbeing at all levels in WADA. She looked forward to working with all the members.

THE CHAIRMAN welcomed the comment. He looked forward to working with Ms Bennett and was very excited that she had joined the Executive Committee.

As a reminder, given that there would be no Foundation Board meeting to follow, a circular would be drawn up and sent to the Foundation Board members, including the request for them to approve the 2022 accounts.

Speaking about next meetings, in September, the Executive Committee would be in Shanghai, China, on the eve of the Asian Games. In November, the members would be back in Montreal. For 2024, some adjustments had been made to the meetings. The members had heard about them. The Executive Committee would therefore meet in March in Lausanne, just prior to the Symposium. The Executive Committee would then meet in September in Turkey, hosted by Professor Erdener. For the early December Board meeting, WADA had recently sent out a call for an expression of interest to all stakeholders interested in hosting that particular meeting. He hoped to be in a position at the next Executive Committee meeting in September to announce the hosts.

If there were any questions at any time, he asked the members to get in touch and WADA would be happy to provide a response outside of the meeting agenda. He hoped that all of the members had found that day's meeting very fruitful. He thanked them for their participation. Last but not least, he thanked the WADA staff for planning and supporting the conduct of the meeting. He also thanked the interpreters for their hard work. It had been a pleasure to work with the members that day and he wished them safe return travels.

### CONCLUSION

Executive Committee – 22 September 2023, Shanghai, China;  
Executive Committee – 16 November 2023, Montreal, Canada;  
Foundation Board – 17 November 2023, Montreal, Canada.  
Executive Committee – 11 March 2024, Lausanne, Switzerland;  
WADA Annual Symposium – 12 and 13 March 2024, Lausanne, Switzerland;  
Executive Committee – September 2024, Turkey;  
Executive Committee – early December 2024, TBC;  
Foundation Board – early December 2024, TBC.

The meeting adjourned at 13.25.

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FOR APPROVAL

MR WITOLD BAŃKA  
PRESIDENT AND CHAIRMAN OF WADA

MR OLIVIER NIGGLI  
DIRECTOR GENERAL AND RECORDING SECRETARY