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## Minutes of the WADA Executive Committee Meeting 22 September 2023, Shanghai, China

The meeting began at 9.00 a.m.

### 1. Welcome, roll call and observers

THE CHAIRMAN welcomed the members to the meeting. It was good to see everybody. There were 12 members or deputies present in Shanghai, which was extremely pleasing. They were joined virtually by four members, Mr Nenad Lalovic, Dr Patricia Sangenis, Mr Koji Murofushi and Ms Anika Wells, who had been unable to join in person. Four of the committee chairmen would join during the course of the meeting to provide some updates. Some WADA management team members would also join virtually at times. He would circulate the physical roll call around the table and ask that the members sign it. The morning part of the meeting would include normal business and the afternoon would be dedicated to kick-starting work on the next strategic plan.

The following members 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 Nenad Lalovic, Executive Board member, ASOIF, UWW President, IOC Member; Mr Carr, representing Mr Ingmar De Vos, Council Member, ASOIF, IOC Member, FEI President; Mr Humphrey Kayange Emonyi, IOC Member, representing the IOC Athletes' Commission; Ms Amanda Martins, representing Ms Minata Samate Cessouma, Commissioner for Health, Humanitarian Affairs and Social Development, African Union, Burkina Faso; Mr Richard Baum, representing Dr Rahul Gupta, Office of National Drug Control Policy, USA; Dr Koji Murofushi, Commissioner, Japan Sports Agency, Japan; Ms Roxana Maracineanu, France; Ms Anika Wells, Minister for Sport, Australia; Ms Gabriella Battaini-Dragoni, Independent Member, Italy; Ms Venetia Bennett, Independent Member, Australia; Dr Patricia Sangenis, Independent Member, Argentina; Ms Gaby Ahrens, representing Mr Ryan Pini, Chairman of the WADA Athlete Council.

The following Committee Chairs attended the meeting in part: Professor Lars Engebretsen, Chairman of the Health, Medical and Research Committee; Mr Henry Gourdjji, Chairman of the WADA Compliance Review Committee; Ms Diane Smith-Gander, Chairman of the Nominations Committee.

The following representatives of WADA Management attended the meeting in person: Mr Olivier Niggli, Director General, WADA; Mr René Bouchard, Stakeholder Engagement and Partnerships Director, WADA; Mr Sébastien Gillot, Director, WADA European Office and Sport Movement Relations; Mr Kazuhiro Hayashi, Director of the WADA Asia/Oceania Office; Mr Stuart Kemp, Chief Operating Officer, WADA; Ms Catherine MacLean, Communications Director, WADA; Mr Rafal Piechota, Office of the President, WADA; Dr Olivier Rabin, Science and Medicine Director, WADA; Mr Ross Wenzel, General Counsel, WADA; and Ms Shannan Withers, Chief of Staff, WADA. Others joined virtually as required in line with the agenda.

The following observers were present: Michael Vesper, Hannah Grossenbacher, Yumiko Nakajima, Amandine Carton, Richard Budgett, Julien Attuil, Darren Mullaly, Shin Asakawa, Jocelyn East, Robert

Auguste, Yoshitaka Hoshino, Chika Hirai, Kerry Knowler, Kenji Tamura, Yan Qingping, Callie Zorzi, Kim Kum-Pyoung 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 9 May 2023**

THE CHAIRMAN noted that the draft minutes from May had been circulated among the members as part of the meeting document set. However, a late request for changes had been received from Mr Koji Murofushi for item 6.1. He had read the requested edits and believed that they were minor and appeared to have been the result of incorrect interpretation. Were there any other comments or questions regarding the minutes of the previous meeting? He asked the members if they agreed to approve the minutes.

DECISION

Minutes of the meeting on 9 May 2023 approved and duly signed.

**3. Director General's report**

Before he gave the floor to the Director General, THE CHAIRMAN made one point that the Director General would then cover in more detail in his report. As the members might know, the previous week, WADA had signed a partnership agreement with Sword, a leading technology transformation company. Sword was WADA's first ever global partner. That was very good news for WADA and for the anti-doping community. Based on the agreement signed, the company would provide direct funding to WADA of 1.5 million US dollars annually over a five-year period, which meant that WADA would receive 7.5 million US dollars in total. He was convinced that the partnership deal would help WADA deliver value-added IT solutions and services to its stakeholders, including a 25% increase in capacity for ADAMS. Again, that was great news for WADA and the entire anti-doping community.

THE DIRECTOR GENERAL confirmed that, as the Chairman had said, he was extremely pleased about the signing of the partnership. As the members knew, because there had been many discussions on that, the IT needs for WADA were very important and, clearly, with the current resources it had, WADA could not keep up with the evolution of technology and the pace at which it needed to actually modernize its system, in particular ADAMS. There had been a big request from the athletes to do that. So, in that sense, he was very pleased. The President had mentioned that the funding would increase capacity for development by 25%, which was significant in terms of the progress WADA could make. It was more than a sponsorship deal. It was really a partnership that WADA was entering into. A portion of the deal was in-kind in the sense that the company would provide WADA with services at a favourable rate. And the other portion, as mentioned, was in cash. Out of the 1.5 million dollars that WADA would receive, 1 million dollars would be reinvested in IT. He had to be clear, that was in order to increase the capacity, and the remaining half a million dollars would be to invest in other projects that WADA had.

Also, the deal was structured so that a number of the current WADA employees in IT were switching to the new IT company. Out of the nine employees concerned, eight had already signed new agreements with Sword. He was very pleased that the transition was smooth and welcomed by the employees. They would keep working on WADA matters, but from that company and for them, prospects in terms of career development and so on were much better because WADA was not an IT company and with Sword, they would have an opportunity to move forward in their IT careers. So, it was a win-win situation. One element that was important for the members to know also was that WADA had kept in-house a number of what it identified as key competencies, in particular in the field of architecture, and some in the field of security in order to be able to react if, for any reason, the deal did not go as well as he hoped it would, WADA wanted to keep the know-how that was required so as to be able to switch to another partner or revert back to a

situation such as the current one. WADA had therefore made sure to keep in-house the key positions that would allow it to transition back if necessary.

But, at that point in time, it was just the beginning and things would be put into place. The work had started and he really thought that it had great potential in terms of allowing WADA to develop faster and to actually respond to the call that it had received from all the athletes to modernize ADAMS quickly. So, again, that was very good news. He looked forward to the partnership and to the future with them. Sword was a French company, but it was international with branches in Switzerland, Canada and in a number of other countries, and about 2,000 employees around the world. So, from an IT company side, it was relatively small, he would say; but, compared to WADA, it was big and it was a good fit in terms of its interest in partnering with sport and partnering with an organization whose values it shared. For Sword, it was important also vis-à-vis its employees to show that it was contributing to protecting sport. The company sponsored some sports clubs in France in particular. The cultural fit was very good with the company. The negotiations had taken quite a while and there had been a lot of discussion; but, in the end, it had been good. He wanted to thank his team because a lot of work and sleepless nights had been put into it. It had taken weeks of negotiations to get there, but he was very pleased with the outcome.

The rest of his report was quite comprehensive. It was in the members' files. He would be happy to answer questions on it. Before he concluded however, he wished to give the floor to General Counsel, Mr Wenzel to update the members on a couple of legal matters. There was an item on page 12 which dealt with a European case that was before the European Court of Justice in Luxembourg. Just recently, there had been a new development in the case and he thought that it was in the members' interest to hear about it.

MR WENZEL said that the matter had been mentioned in previous meeting papers. Essentially, there had been a referral by a second instance arbitral court in Austria to the European Court of Justice (ECJ) in order to query the compatibility of the mandatory public disclosure of anti-doping rule violation sanctions with the General Data Protection Regulation (GDPR). The hearing had taken place in early May of that year. He thought it had been 2 or 3 May. Just a few days previously, on 14 September, WADA had received not the decision, but the advocate general's opinion on the case. He expected the decision to be towards the end of that year or at the latest at the beginning of 2024. The advocate general's opinion had been, in the round, very positive for WADA with respect to that fundamental question of the compatibility with the GDPR. In fact, the advocate general had gone as far as to say that, because the relevant rules did not have an economic impact, they were not subject to the GDPR, they were outside of the scope of the GDPR, and had gone on to say that, even if that were not the case, in her opinion, even if the GDPR did apply, it was not (as the athlete had argued in that case and others had argued) necessary to conduct an individual proportionality assessment case by case to determine whether or not publication was lawful and compatible with the GDPR. She had found that publication on the internet was necessary given the objectives of deterrence and information both to the public and stakeholders. She had found also that the mandatory data did not constitute health data within the meaning of the GDPR. So, again, it was of course not the decision of the ECJ, it was the opinion of the advocate general. Of course, the ECJ had the possibility to depart from that opinion and to decide things differently; nonetheless, at that stage, it was a welcome opinion and he would, of course, update the members further when he had the decision from the grand chamber of the ECJ.

He gave one further litigation update. Again, it was a matter that he had raised before at the Executive Committee meeting in Sydney the previous year, relating to the Italian racewalker Alex Schwazer. By way of a very brief background, although he had gone into further detail in the past, the athlete had been suspended, rendered ineligible for eight years just before the Rio Olympic Games in connection with a second anti-doping rule violation. After those anti-doping proceedings, there had been very protracted criminal proceedings, or at least an investigation in Italy, and the decision of the judge in Bolzano, Italy, at the end of that criminal investigation had been that, in his view, it was likely (or there was a high probability in his view) that the sample had been somehow manipulated such that there was no basis to continue the criminal proceeding. In the wake of that decision by the judge in Bolzano, WADA had made a number of public statements, both in writing and orally, and Mr Niggli had given various interviews. Without going into the detail of exactly what he had said, in one of those interviews, Mr Niggli had queried, the evidentiary basis

for the decision of the judge in Bolzano, and the judge had initiated proceedings akin to defamation proceedings in Italy. They had been going on for some time, but he was happy to report that, two days previously, WADA had received at least the oral decision from the Italian lawyers acting for Mr Niggli by the judge and the defamation suit had been dismissed. It had been found that the comments had been legitimate and lawful. So that was welcome news and put an end, at least for the time being, to those proceedings. WADA should receive the full, reasoned decision in due course.

MS WELLS thanked Mr Niggli for the report. She commended the work of WADA that had been taken on since the Executive Committee had last met in May. Members might recall that, in Australia, Sport Integrity Australia had recently worked through a very difficult case relating to the analysis of EPO, and that really highlighted the difficulties for all stakeholders, but particularly for athletes when the WADA process was questioned. She therefore wanted to thank WADA for taking the initiative and undergoing an EPO review. That was going to be very important and significant for all stakeholders and she thanked WADA for allowing contributions. She understood that WADA would be meeting with Sport Integrity Australia in October. Was there any update on how that review was going, regarding terms of reference and timeframes for completing the review?

PROFESSOR ERDENER spoke on behalf of the sport movement to thank the Director General for his very comprehensive report. Meanwhile, he was happy to hear that the authorities approved WADA's revised statutes and regulations, which underlined its exemplary governance.

MS MARACINEANU spoke on behalf of the public authorities to express her gratitude for the detailed report and welcomed the efforts undertaken to find WADA's first partner, the company Sword. Nevertheless, she asked for more information on the strategy proposed by the sport consultancy company that WADA had tasked with helping it to seek private funds. She welcomed the first partnership but wanted to better understand how ADAMS was to be updated and also cautioned that ADAMS was the jewel in the crown of WADA and the NADOs. She thanked WADA for facilitating the meetings between the WADA President and Vice-President with the Athlete Council and thanked the WADA President for participating in the meeting and the valuable contribution made by WADA to the work of the drafting committee for gender equality in the fight against doping in sport.

MR CARR welcomed the very detailed and clear report. He had a question on the topic of compliance, or rather non-compliance, which he knew would be covered under item eight. As acknowledged, it seemed that there were a number of countries with national legislation that was not currently in alignment with the World Anti-Doping Code. So, while WADA was working hard to address the situation, and perhaps it was to some extent inevitable given the global nature of the Code, he would just like to understand if there were some common causes for the non-compliance and would welcome WADA's view and the public authorities' view if there were any lessons that could be learnt, particularly in advance of the Code review, to try and prevent such a situation occurring in the future.

THE DIRECTOR GENERAL responded to Ms Wells. There would indeed be a discussion on 3 October with Sport Integrity Australia. It would be an open discussion together to understand better what might have happened in the Australian case. He did not want to say too much at that point. There were other pending cases currently on EPO, so he had to be a bit cautious in that regard. There were matters that were being studied in terms of what could be done. If the conclusion was that there should be a change in process or some change in the way things were being done, WADA already had some potential solutions. However, before putting anything forward, it was necessary to really come to some conclusions. As the members knew, WADA had to be extremely careful in such cases. WADA had agreed with Sport Integrity Australia that what it had done was the right outcome of the case. That being said, there were things WADA needed to understand before jumping to conclusions as to what had really happened there. It was work in progress. The meeting in October would be important. After that, WADA would discuss exactly what the next steps in the course of action would be.

He thanked Professor Erdener for his remarks.

Responding to Ms Maracineanu, regarding the company, the list of things to be done to ensure that ADAMS remained the jewel in the crown was a very long one. There were a lot of things that needed to be modernized, many applications that needed to be updated to make it easier to use, a lot of modules that

needed to be modernized or developed. The list was not new. It was not the company that would tell WADA what needed to be done. WADA knew exactly what needed to be done. The company would simply allow WADA to do it faster. He hoped that WADA would be able to deliver the changes, which were expected by many partners and in particular by the athletes, faster than if it were acting alone. That was what was important. Regarding the company, the consultants engaged had been tasked with speaking to companies with which they had contacts to see if there was any interest in partnering with WADA and facilitating an introduction to those companies with a view to a possible partnership. The agents working for the company worked for a number of different organizations, and the objective was to widen the circle of potential partners for WADA. A seven-month contract had been signed, and WADA would see if the company brought forward any interesting proposals.

He suggested addressing the issue raised by Mr Carr when discussing the compliance matters, because the Chairman of the Compliance Review Committee would be there, as well as Mr Haynes. He thought that that was probably the best place for that discussion.

THE CHAIRMAN thanked the Director General for his responses.

MS BATTAINI-DRAGONI made a very short but very important comment. For years, she had been waiting for a result in the capacity to move forward with the negotiations and then possibilities for cooperation with external bodies. When she had read, a few days previously, the result of that long preparation and the determination from the Chairman in particular, but also with the support of the Director General, to go forward, she had been very happy. Some people around the table might not be aware that she had been asking for many years. She in particular had insisted very much on the need to go forward. Obviously, she was reassured that all necessary measures would be taken to make sure that there were no problems with regard to such cooperation. She thanked WADA very much for having done that. It was a very good first step and hopefully more could be done in the future.

THE CHAIRMAN thanked Ms Battaini-Dragoni for her comments. He mentioned that, of course, besides WADA's first global partner, it had two smaller partnerships. SuperSport, the company from South Africa, was the first partner and then ANTA from China, but the third global partner, Sword, was significant. He thought that it was just the beginning. WADA was having negotiations with a number of other companies so he truly believed that, in the near future, it would be possible to sign other partnerships and contracts with other companies. He had to echo what the Director General had said and thank the team. The Director General had mentioned weeks of negotiations. He had to say that it had even been months of negotiations with Sword, involving very hard work because of the sensitivity, being an IT company. He thanked Mr Bouchard, Mr Wenzel and the entire WADA team for their hard work. At the end of the day, WADA had been able to sign that first strong, global partnership.

## DECISION

Director General's report noted.

### - **3.1 UNESCO funding formula**

MR BOUCHARD informed the members that, at the previous meeting in May, he had informed them about WADA's concerns regarding UNESCO's proposed review of the regional split formula, the formula that was used by the public authorities to fund WADA. At the time, the Executive Committee had encouraged WADA to approach UNESCO with the goal of finding a solution that would satisfy all parties. So, over the past few weeks, that was what WADA had been doing. There had been four conversations with UNESCO, the secretariat of the convention, and he had to report that the discussions had been cordial, constructive and positive. WADA had highlighted the need for the two organizations to address the issue pre-COP 9, which would start at the end of October. He thought that reopening the line of communication would help achieve that objective. Throughout the conversation, he had reiterated WADA's position on the matter and indicated that he did not think that UNESCO had the legal authority to modify the formula; but, more importantly, because he had not insisted on that factor, both parties had agreed to disagree on that. Nevertheless, it was felt that there was not enough information for the public authorities to take a decision on the matter. It was felt that more work needed to be done and more discussion needed to take place in order to generate the required consensus.



If there was to be a change in the regional split formula, solid consensus had to be reached. WADA had insisted on that from the start of the conversation. He had encouraged UNESCO not to seek a decision on the matter at COP 9. It was felt, as he had said, that more work was required. That was one of the first points that had been made clear to UNESCO. He had also reiterated that the review of the regional split formula could be addressed in the context of the 2025 World Conference on Doping in Sport, the conference that was, as the members knew, to be held in Busan, Republic of Korea. He believed that taking such an approach would give more time for governments to consider the matter and build the required consensus. He thought that UNESCO understood the position. The secretariat had been quite collaborative, frankly. However, it had expressed the view that, if there was a consensus to be achieved in Busan, post-Busan or pre-Busan (but he would say probably post-Busan), it would like the agreement to be referred to UNESCO at COP 10 or 11 to underline the requirement to implement the consensus as part of the governments' commitment in the context of the convention. That was the current situation. Lines of communication were open. As he had said, there had been several discussions. He believed there was a potential solution in sight, and that was what WADA had been trying to do. He believed that the approach that he had just set out was a balanced approach. He thought that it addressed the main concerns of both organizations. And, as he had said, it had been well received by the secretariat. For its implementation, WADA would need the support of the public authorities at COP 9 because WADA had drawn up, or had considered having, a common position or a position that satisfied the needs and the requirements of both organizations. The COP discussion would be key to delivering an approach that met the requirements that he had just set out. It was very important to get the support from the public authorities around the table. That was the first point. The second point was that it was very important that WADA get the support from all of the public authorities at the COP on the floor, when the COP took place towards the end of October. He was counting on the members maybe to consider the effort that had been made in order to join the two organizations, to reopen the lines of communication and find some kind of a compromise that would be satisfactory for all parties.

MS WELLS noted that, since the intergovernmental meeting in Sri Lanka, Australia had had the opportunity to consult with its Oceania colleagues and Australia, the Cook Islands, Fiji, Kiribati, Nauru, and Samoa had agreed with WADA's position. The colleagues from New Zealand, some of whom she could see in the room, also agreed with WADA's position. But, to be clear, on behalf of Oceania, she did not support a binding resolution being presented at the UNESCO COP. As a region, Oceania was happy for UNESCO to present the results of its work, but believed that more information on the impact on individual countries was needed before any decision was made. Oceania was happy to defer decisions until 2025 to allow further time to build the consensus and ensure that WADA's budget was protected. She agreed that WADA's world conference in Busan could be an appropriate opportunity to hold that important meeting amongst governments.

MR KEJVAL spoke on behalf of the sport movement to say that he was very happy that the negotiations on the UNESCO funding formula had been continuing. He hoped there would be an agreement. The sport movement's principle had always been to match the budget contributions of the public authorities. He hoped that the negotiations would go well and would not destabilize the finances of WADA.

MR BAUM stated that the USA and Canada wished to thank WADA for its productive engagement with states parties to the anti-doping convention and the anti-doping team at UNESCO since the previous Executive Committee meeting in Montreal. Keeping open lines of direct communication, especially on sensitive issues, was a critical practice. He appreciated the work done through UNESCO to analyse a long-standing WADA funding formula. The governments, through the One Voice platform, had invited UNESCO to help seek all treaty signatories' input. He was pleased to receive such input. Nonetheless, the decision on changing the funding formula required a broad consensus, including all major donors. Such a consensus had not yet emerged. Thus, it was not appropriate to make changes to the regional distribution of WADA dues at the upcoming October conference of parties. The USA and Canada were committed to continuing to work with colleagues on that important topic.

MR MUROFUSHI noted that Asia understood WADA's concern and the suggestion regarding the revision of the regional split expressed at the Asia Oceania region inter-governmental ministerial meeting in June. He confirmed that a consensual decision-making process needed to be taken on the revision of the regional split, deferring a resolution on the subject at the COP 9 to a later date, as governments required

sufficient time and relevant information for discussion and consensus across the region. That was his stance. A letter from Japan had already been attached to the document.

MS MARACINEANU said that CAHAMA had taken note of WADA's concerns regarding the potential impact on its budget of such decisions and wished to underscore that discussions on the regional share and government contributions to WADA's budget should be separate. As Mr Murofushi had just said, CAHAMA agreed to postpone the final decision on the funding formula until after COP 9 and underscored the importance of a consensus-based decision after the public authorities had had sufficient time and information. Preliminary discussions during COP 9 could be useful. CAHAMA also wished to emphasize the fact that the choice of legal instrument and content of all revisions to the formula should be left to the discretion of the governments.

MR BOUCHARD welcomed the support provided to the organization. As he had said, at the COP level, that support should be voiced ahead of the COP meeting or during the COP meeting.

#### DECISION

UNESCO funding formula noted.

#### - **3.2 Hosting of WADA Africa office update**

THE DIRECTOR GENERAL recalled that WADA had initiated a tender process for the hosting of the African office some months previously. The reason why such a decision had been taken was the recurrent problems, unfortunately, in South Africa in terms of obtaining support, in particular for work permits. In other words, WADA had been unable to hire anybody from outside South Africa to work for the office, which was not sustainable, along with a number of other administrative issues. WADA had received three bids that were almost complete and credible from Egypt, Morocco and South Africa. None of them was fully complete. They required a discussion with each of the countries to fill in a few blanks that were in the submissions so as to understand exactly and compare them. That would take place in October. It had therefore been necessary to revise timelines to allow for such process to take place. He hoped and aimed to have a recommendation for the members in November, and once there had been the chance to hold the dialogue and discussion with each of the three countries, he hoped to come up with some recommendations for the Executive Committee. That was the current situation. The process was ongoing.

PROFESSOR ERDENER welcomed the very good update and thanked the governments from South Africa, Egypt and Morocco for their applications.

MS MARTINS expressed her gratitude regarding the process and said that it should be work in progress. She thanked the three countries that had offered to host the WADA Africa office, and hoped that that would allow for a stronger office to be established in Africa.

#### DECISION

Hosting of WADA Africa office update noted.

### **4. Governance**

#### - **4.1 Risk and Audit Committee members**

THE CHAIRMAN informed the members that Ms Smith-Gander, Chairman of the Nominations Committee, would present the item virtually; but, before he gave her the floor, he reminded the members that an updated paper had been shared with them on 19 September advising them of the nomination of Mr Kejval as the Executive Committee member on the new Risk and Audit Committee.

MS SMITH-GANDER wished the members a good morning from Perth in Western Australia, acknowledging that she was on the lands of the Whadjuk people of the Noongar nation and paying her respects to their elders past, present and emerging. She extended that respect to indigenous and first nations people globally.

She was to cover the Risk and Audit Committee's two independent appointments, and she was sure that the committee would recall the process to reach that point. She was not planning on covering that, but she reminded the members that the Nominations Committee had five members: three independent

members, herself as chairman, Mr Stewart Beck from Canada and Regine Buettner from Germany. Mr Beck had a career in the diplomatic corps for Canada, and Ms Buettner was a past human resources professional for global organizations. Mr Kelly Fairweather was the sport movement nominee, well known in sporting circles and also a past WADA employee. Ms Maja Zalaznik, the public authorities nominee, had previously been a sport minister in Slovenia. The Nominations Committee had been working on various appointments for WADA since it had been formed late in 2019. It had been tasked with identifying two appropriate independent experts to join the Risk and Audit Committee.

She referred to the description of the Risk and Audit Committee, just to be clear about what that particular committee was seeking to do. Its main purpose was to monitor and assist WADA in fulfilling the responsibilities in terms of risk management, financial reporting and compliance with policies. It was an independent and non-political, permanent special committee. To fulfil those responsibilities, the Nominations Committee had developed an independent expert position profile, which was shown on the next page. There were some general requirements. As the members would expect, the committee was looking for people who firstly could meet the independence requirements but had an impeccable reputation and integrity and ethical stance, and a passion for sports integrity. It was looking for people who were international in their perspective and their experience, who understood international sport and the global anti-doping system, or had a demonstrated ability to be able to learn quickly. The committee wanted people who were collaborative, strategic, with governance experience, cultural awareness and of course the availability to do the task. That was already a very long list of general requirements but, given the nature of the committee, there were very specific requirements about knowledge and experience in audit and auditing practices and risk management and understanding the principles of the governance of risk management. The candidate would be quite likely to have some sort of professional risk management qualification and, in the area of audit and auditing practices, likely to have an accountancy or auditing qualification. The Nominations Committee had followed a process to a point that would look very familiar to the members because it was the way it had, over the past four years, conducted the majority of its searches and assessment processes. A profile was defined. WADA put out an open call and worked to activate appropriate candidates through the WADA network; but, in that case, had also reached out to various appropriate professional bodies. Resumés came in. The Nominations Committee reviewed the resumés and, in parallel with that, determined what interview questions to ask. Each candidate was asked the same set of targeted questions, which aimed to identify their profile against the ideal profile. Those interviews were done by two of the committee members. They were recorded and the committee had a formal scoring process, which informed it to determine which candidates to retain. In that case, the Nominations Committee had received 35 applications and was seeing that the number of applications to each of the open calls was increasing. As they become more expected, people were looking for them, and they were also more targeted. The Nominations Committee retained 12 candidates. Its view was that, from a pool of 12 qualified candidates, it should be able to select two people who would meet the expert profile requirements and be able to work well together. Then it determined that the pool was indeed adequate. In the end, the committee had interviewed nine candidates, progressed three of the candidates to reference checking and conducted two reference checks for each of those, and then taken three candidates based on that through to Control Risks vetting, which the members would recall was validation and verification of their educational qualifications and other claims that they made in their resumé or during the interview process. It also looked to see that any of the public records that were available to Control Risks would not indicate any red flags regarding integrity, reputation, ethics and so forth. That had led the Nominations Committee to present the report to the members with the recommendation firstly to appoint two people, but the committee had also been asked to suggest terms of office. As the members would be aware, the committee typically suggested staggered terms of office to avoid, at the end of a three-year term, the entire committee needing to be replaced, which would lose corporate memory and the history of what had been going on. Keeping some legacy experience was quite important. In that case, given that it was a new committee for which new routines were being set up, the Nominations Committee had felt that the three-year term should be provided to the independent expert chairman. The Nominations Committee was often asked to make a recommendation as to who should be the chairman and deputy chairman of the committee; but, in that case, the Risk and Audit Committee itself was responsible for appointing the chairman from between the two independent experts. The Nominations Committee therefore felt that the second two-year term should go to the second independent expert member, who would become the vice-chairman, and the one-year term to the Executive Committee member. It in no way reflected anything to do with the relative



skills, experience and so forth of the three people who would be in those seats, but rather sought to ease the processes for the committee. The members would see in the report that the two candidates that the Nominations Committee was suggesting were, interestingly, both based in Canada. The Nominations Committee had received candidates from a broad range of countries. Six had come from the Africa region, fifteen from the Americas, four from Asia, eight from Europe and two from Oceania. The Nominations Committee had interviewed people from a number of different countries, and had at one point considered whether it would be convenient for the committee to be based in the same time zone. Of course, it was, but that had not really been important in the decision making.

Nathalie Bourque was a non-executive director who had moved from her full-time executive career and held a number of very significant directorships. She was someone who was highly confident and collaborative and would be very comfortable working at the senior level, at which WADA would require the Risk and Audit Committee to operate. She had worked in very large organizations at scale, including Alimentation Couche-Tard, which had 14,000 convenience stores in 24 countries, and she had been a member of one of the largest pension funds in the world, with 400 billion Canadian dollars in assets under management. She was geopolitically highly competent and very independent of mind. She was quite independent of sport, but very aligned with the ethos of fair play and an experienced chairman and audit committee member. She would bring a great deal to the Risk and Audit Committee.

Mr Kashif Farooq was someone who had a South Asian heritage and was highly culturally aware and had worked in very different organizations throughout his career. As well as being a chartered accountant, he also had 20 years' risk, advisory and assurance experience, so in many ways he met both of the expert profiles. Currently, he was an executive in a digital transformation software company of decent scale, but he had also worked in other industries, including the resources industry, in food service. His broad ability to apply risk advisory and assurance routines across different industries showed how quickly he would be able to come up to speed with the risks that were facing WADA. The Nominations Committee had also noted his experience in data privacy and cyber security, which was of course very important on the risk matrix that WADA was managing. He was a passionate sport enthusiast, had two children who were in high performance programmes, and he also was highly aligned with the fair play ethos.

THE CHAIRMAN asked if anybody wished to ask any questions.

MR LALOVIC thanked Ms Smith-Gander for her very precise and detailed presentation. Having attentively listened and watched on his screen, he stated that the sport movement supported the appointment of Ms Nathalie Bourque and Mr Kashif Farooq as independent members, and Mr Kejval as Executive Committee member on the Risk and Audit Committee. That being said, the sport movement would like to understand the rationale from the Nominations Committee for recommending two people from the same country, especially since, in the presentation, he had noticed that the chairman might be appointed only from among the independent members. It might be complicated to have practically all of the independent members from one state. That was the only concern that the sport movement had, although it supported the nominations.

MS MARACINEANU said that the public authorities also welcomed the selection process presented and approved the appointment of the two independent members selected by the Nominations Committee. The public authorities also thanked Mr Kejval for putting himself forward as an Executive Committee member to sit on the Risk and Audit Committee and supported his candidature.

MS SMITH-GANDER noted that a very important point had been raised. In terms of considering an independent expert who was expert and independent on something like the Risk and Audit Committee, geography did not come so much into it. What the Nominations Committee was looking for was candidates who had the strength of character, the integrity to be independent of mind and consider all of the stakeholders. It was one of the reasons why the Nominations Committee was so keen to have people with international experience who were geopolitically and culturally aware, so that they would be able to navigate that matter of independence and equity for stakeholders. The Nominations Committee believed that, in Mr Farooq and Ms Bourque, it had two candidates who had that. Over time, the Nominations Committee had been very clear, working with WADA, that it wanted to see candidates come from all of the different parts of the world. Over time, it was hoped that there would be broader representation across all of WADA's committees to see how all of that came together in the interests of the various stakeholders. And, of course,

it was around the table at the Executive Committee that many of those things would come to light and the members would be the ones assessing the effectiveness of the performance of the Risk and Audit Committee, along, of course, with the Foundation Board. With only three members in a committee, there was never going to be a complete geographic spread. That was completely understandable. She knew that that had not been the point; but, as she had said, the committee actually thought there might be some positives from a logistical point of view. Nevertheless, she did believe that the two candidates would be able to bring that cultural and geopolitical awareness and independence of mind that would allow them to make very strong contributions to the committee. She would take the intervention and the thought back to her committee and ensure that it kept it front of mind in future processes.

THE CHAIRMAN thanked Ms Smith-Gander.

MR KEJVAL said that he would be happy to serve on behalf of the Executive Committee on the committee.

THE CHAIRMAN thanked Mr Kejval. Just as a reminder, he would need to step down from the Finance and Administration Committee, given the role outlined in the terms of reference that a member could not hold dual roles. For the record, he asked whether the Executive Committee members agreed to approve the recommendations of the WADA Nominations Committee concerning the two external experts of the inaugural Risk and Audit Committee and the allocation of terms? Did the members agree to appoint the Executive Committee member, Mr Kejval, as a member of the Risk and Audit Committee? The management would now reach out to the new Risk and Audit Committee members to commence looking at the work plan.

#### DECISION

Proposed Risk and Audit Committee members approved.

#### - **4.2 Executive Committee and Foundation Board memberships 2024**

THE DIRECTOR GENERAL issued a gentle reminder to all members that WADA needed to get names for, in particular, the Executive Committee, to be formally voted on by the Foundation Board in November, if possible, by 20 October 2023, as well as any names of new board members also by the same time, ideally because there was a lot of paperwork to be done. The members should keep that at the top of their to do list, as it was important. WADA would need to get the proposed names in time, in particular, for the Executive Committee.

#### DECISION

Executive Committee and Foundation Board memberships 2024 noted.

### **5. World Anti-Doping Programme**

#### - **5.1 Code and international standards review update**

MR HAYNES greeted the members of the Executive Committee. Since the meeting in May, he had been very busy preparing the concept papers for the Code and each international standard for review in advance of the first stakeholder engagement phase. Those concept papers were certainly not meant to be exhaustive, and they followed the principle of fine-tuning the existing Code and standards as approved by the Executive Committee in May. That approach was supportive of the feedback that WADA was receiving from stakeholders that the documents were currently fit for purpose, but that, as part of the continual improvement of the regulatory framework, periodic updates were certainly welcome. WADA would launch the stakeholder engagement phase the following Tuesday, 26 September. The launch would be accompanied by the usual WADA communication and a short, pre-recorded webinar to explain the project timelines and the type of feedback being sought during the first stage. That phase would run until the end of the year and WADA would provide feedback and guidance to assist the drafting teams in preparing their first drafts early the following year. When preparing those first drafts and following drafts for stakeholder consultation, the drafting teams would provide high-level practical impact assessments designed mainly to assist signatories in understanding and implementing any updates that would have a material impact on

their operations. That concluded his very short intervention. He would be happy to take any questions or receive feedback on the concept papers.

MR CARR thanked WADA and Mr Haynes for the very clear and detailed note and his presentation outlining the envisaged process for the Code review. As Mr Haynes had said, the Code was mature, so he did not expect wholesale changes and liked the fact that the nine concepts ripe for review had been identified. He wished to raise three general points. The first was on approach. Yes, the concepts had been identified and it was a question of fine-tuning the Code, which was mature and sophisticated, but a degree of flexibility would be required should other topics emerge during the process. He believed there should be an openness to additional points where there was a collective consensus, subject, of course, to very strong, evidence-based arguments that would result in a stronger, more robust Code. The second was on costs. It was very good to see that there would be a practical impact assessment that would be conducted and presumably that would involve an assessment of estimated costs because, as had been seen with the governance reforms, additional layers or additional requirements did incur significant costs. For example, intelligence and investigations could be expensive and there were a lot of proposed inclusions there. It could be that the new Code was very ambitious and then WADA would risk falling down if key stakeholders did not have the necessary funding in place to fully implement. Finally, on data protection, he was sure that the WADA management was very alive to GDPR issues, but any change to the Code would of course need to factor in legislation that was already in place in that area and that could be challenging to implement if legislative amendments were required, particularly in a bloc such as the EU, where it would take some time. Those were the comments from the sport movement.

MS BENNETT thanked Mr Haynes for providing such a detailed snapshot of the structured and thorough approach that WADA was adopting to the next iteration of the Code, which of course was the fundamental document underpinning the anti-doping framework. There were concepts referred to in the agenda that might give rise to new anti-doping rule violations or defences to anti-doping rule violations, both of which had an impact on sanctions. She did not intend to respond to the detail within the concepts in that forum, of course, but wanted to make one comment, which might be so obvious that it went without saying and particularly related to concept number one relating to the Code and the new International Standard for Intelligence and Investigations. That comment was that consistency of outcome, particularly relating to sanctions, was of paramount importance in building confidence in the anti-doping system. That applied not only to ensuring consistency across NADOs, international federations and decision-makers internationally, which of course WADA already did very well, as outlined in the Director General's report, but also within the Code itself, and particularly in relation to any new anti-doping rule violations that might be introduced and any new defences to ensure that comparable athlete and support personnel behaviours resulted in comparable sanctions, even where the technicalities of the particular anti-doping rule violation alleged or the defences that might technically be available under the Code might vary. She would be happy to provide any stakeholder feedback, as she was sure the other members of the Executive Committee would do.

MR BAUM made a very brief comment and asked a question. He very much welcomed the intelligence and investigation paper and noted that, obviously, in that day and age, it was not just testing that was needed to identify violations, but also a very thorough ability to follow leads and seek whistleblowers and make sure that every means possible was utilized to find out about cheating in sport. But he did want to ask perhaps for an explanation about what the expectation was for governments of different backgrounds and means with regard to intelligence, investigations, governments and other stakeholders on what level of expectation there would be to support intelligence investigations for those countries with various backgrounds in that important area.

MR MUROFUSHI thanked Mr Haynes and also each drafting team for putting together a concept paper for the stakeholder engagement phase. In the revision process, it was important to clarify the responsibility of the signatories and improve the efficiency and effectiveness of their operations. He presumed that the drafting team had identified issues and considered possible solutions based on past experience and cases. His expectation for a Code updating process was that improvements would be made for narrowing disparities across signatories in creating or reviewing requirements for setting standards.

MS MARACINEANU wished to add some general comments, since she had understood that there would be three months for consultation to make more substantial contributions. She welcomed the open and

transparent procedure, thanked WADA for the comprehensive documentation, which had made it possible to better understand the objectives of the procedure, and favourably welcomed the statement that the list of concepts was not exhaustive and that all of the stakeholders (not only the governance stakeholders) would be able to add to it. In terms of the impact assessment, she sought reassurance that it would not be only on the financial side but also on athletes' rights, the impact on the environment, human resources and the legislation in the different countries, prior to the drafting of the revised Code and standards. She also wished to know if all those changes were really necessary because, in terms of numbers, particularly if the list was not exhaustive, that would be a lot; there would be a lot of new concepts, which might lead to a significant modification of the World Anti-Doping Programme. Europe had supported a limited revision and, in that regard, she encouraged the management to stick to the essential elements when amending the Code, and asked WADA for information to be given to the stakeholders after the consultation phase, so that they would be aware of who had made what contribution before starting the drafting process. She recalled the need to maintain a certain amount of flexibility (the sport movement had just mentioned that) and proportionality in the World Anti-Doping Code to take into account NADO resources. The issues of gender equality, environment and sustainability were important to the Council of Europe and should be included throughout the revision process, and she noted that the Council of Europe would like to contribute to the process and would make proposals in that regard. She requested that there be greater distinction between mandatory and non-mandatory rules, a focus on less complex rules, to be able to adapt to national contexts (it was harder for the governments than it was for the sport movement to adopt rules, as legislative processes were necessary, so they would take longer to adopt everything), flexible rules and greater proportionality to be able to ensure the same levels of responsibility between the two governance sides.

MR HAYNES thanked the members for the very helpful comments and questions. He would try and summarize as best he could from the notes he had taken. There had been some overlap in some of the points raised. He understood the importance of flexibility. It was an update process. There had been talk about fine tuning, but he had said back in May that WADA would allow the opportunity for other new elements to be raised by stakeholders that could be potentially discussed and drafted by the relevant drafting teams. He was very sensitive to costs, especially with new requirements. There would be a new standard on intelligence and investigations, but he did think that it was an important time in the evolution of the World Anti-Doping Programme to have a standalone standard on intelligence and investigations. The members would see from the way the concept paper had been drafted for intelligence and investigations that it was taking those key elements away from the current ISTI and just developing them in a more robust fashion, and he thought it would actually be helpful to the signatories to have a standalone standard. He would just jump to the comment about the expectation on governments in that intelligence and investigations sphere. He thought that what had been seen since Mr Younger's team had evolved, and there was currently an EU training programme, was that the work done in intelligence and investigations was always NADOs and law enforcement working together in training and all the work that they did. He kind of expected that to branch out from that EU project. He believed there were future training sessions, not just in Europe, where that would be expanded. WADA was always encouraging law enforcement and government entities to support the work of NADOs in that very important area. But whether there would be mandatory requirements in those standards about the involvement of governments, obviously that would be developed in the drafting process over the next couple of years. There had been a comment about the concepts being based on experience. That was the main thrust of the concepts. They were based on the WADA and stakeholder experience since the 2021 Code had come into force. WADA would continue to rely on stakeholders to provide their experiences on some of those concepts and new ones if identified, because obviously it was not WADA's code, it was the World Anti-Doping Code. The various stakeholders were always working together hand in hand. As to the last point made by Europe, he welcomed the detailed requests. He thought, when it came to the impact assessments, it was very difficult for WADA to provide an impact assessment that would be perfectly useful to every single country and sport around the world, because obviously there was a huge variation. The impact assessments from his point of view would be very high-level and general and they would ramp up as WADA got towards later drafting versions to again really help organizations implementing the changes. In terms of mandatory versus non-mandatory elements, again, that was a key briefing to the drafting teams. He was constantly asking them if things were not mandatory to take them out of the standards and the Code. That was what there was below that level of documentation. There were model rules, best practice and guidelines. That was where non-mandatory requirements could sit because

they were just as helpful to organizations as the Code and international standards. He was very cognizant of proportionality and did welcome Europe and other regions' input in terms of the issues identified regarding gender equality and environmental issues. He would look forward to seeing those in stakeholder submissions as part of the consultation process. The final point was that, at the end of that phase, WADA would also publish what stakeholders had provided to ensure that the process was transparent and people could see what had been proposed from all the different stakeholders around the world. He hoped he had covered most of the points and apologized if not.

MS MARACINEANU responded to what Mr Haynes had said about the impact assessment and the legislation in the different countries. It was indeed perhaps not up to WADA to carry it out, but an impact assessment involved the contribution of all of the stakeholders, and she thought that the countries would be happy to tell WADA the impact so as to include all of the amendments in their own legislation. The impact assessment could be carried out upstream, anticipating implementation difficulties rather than having to face problems of compliance in the future, and perhaps the stakeholders, if they had time, could inform WADA prior to the drafting as to the possible impact in each country, and WADA could take the necessary measures in order to implement such amendments.

THE DIRECTOR GENERAL spoke about the impact assessment. The Code process was an iterative process; there would be different versions of the Code and, if the stakeholders wished to send in feedback on the proposals, feedback would be welcome including on the potential impact. It was necessary, however, to agree on the guiding principle of having an effective Code and making the fight against doping in sport as effective as possible.

#### DECISION

Code and international standards review update noted.

### **6. Finance**

THE CHAIRMAN asked Ms Chung to provide an update on the recent Finance and Administration Committee meeting first, and then explain the situation regarding the contributions. He had been made aware that Mr Ng, the Committee Chair had been unable to join the meeting.

MS CHUNG said that, in the absence of Mr Ng, she would quickly provide the chairman's report. The Finance and Administration Committee had held its annual meeting in person in Lausanne on 19 July, and she gave some of the highlights. Members had reviewed briefly the 2022 audited accounts. As they had been already approved by the Foundation Board in May, it had been agreed that the audited financial statements should be reviewed and endorsed before being presented to the Executive Committee, as the Risk and Audit Committee had yet to begin its work. It had been suggested that both committees perform the review. The process would be validated once the Risk and Audit Committee was in place to ensure that it was consistent with the terms of reference. As a Swiss foundation, WADA was required to report the audited financial statements as per the Swiss GAAP, the generally accepted accounting principles. IFRS was not required. However, the committee had discussed and generally agreed that WADA should continue to report the two sets of audited accounts, the IFRS and Swiss GAAP. IFRS was more widely used and accepted by stakeholders and potential contributors. The item would be brought to the Foundation Board for consideration and decisions in November. Due to the surplus of recent years, members had agreed with a 2.2-million-dollar increase for the operational reserve, which would bring the level to close to three months of operations. It had also been discussed to set aside at once the appropriate level of operating reserve. Members had agreed to the proposed level equivalent to six months of operations, which was the level recommended by the Executive Committee back in 2015. The corresponding amount would be determined and presented in due time. The remaining surplus could then be allocated and used for other WADA activities such as ADAMS and research. Of course, that would be subject to consultations with stakeholders. The members had reviewed and approved the 2023 revised budget and recommended the 2024 draft budget to the Executive Committee. Those would be presented in the next sections.



- **6.1 Government/IOC contributions**

MS CHUNG said that as of 21 September, WADA had received from the public authorities 89.8% versus 94% at the same time the previous year, with about 2.4 million dollars yet to be received, mainly from the European and Asian regions. It was slightly different to what the members had in their papers. Europe was at 89.4% compared to 97% the previous year. Payment from Russia and Belarus was still pending. The Americas was at about the same level as the previous year at 96%. Payment was missing from Argentina and Cuba. Asia was at 83%, with payment pending from the Republic of Korea, Bahrain and Oman. Africa was at 38%; the previous year, it had been at 52%. Oceania had remitted 100%. There had been additional contributions of 59,000 dollars from the Government of Japan for programme development in Asia. She thanked all of the funders for their contributions.

MR KEJVAL welcomed the report. WADA had received almost 90% of all the money by 24 August. Nothing had been received from Russia. Was there any sign that the Russian contribution would be made? How WADA would deal with that matter if the payment was at risk?

THE DIRECTOR GENERAL responded that there was no sign. That was the short answer.

THE CHAIRMAN added that there had been no contact.

THE DIRECTOR GENERAL said that Russia had paid all of its fine under the CAS decision, but had not paid its annual contribution. That was the reality. There was no information or any further communication on that with Russia. Technically, it had until the end of the year to pay, and it was not yet the end of the year. He added that it was exactly the purpose of the working group that was looking at the consequences of non-payment. The members had received that day the two names of the public authorities representatives on the group, which would be able to resume its work. That matter was a good illustration of why it was important to reach some conclusions quickly in order to deal with these kinds of situations.

MS MARTINS spoke on behalf of the African Union; the Africa Group was speaking to the member states to try to ensure that more contributions were paid to WADA. The commissioner had sent a circular letter to all member states to remind them of their contributions, and the issue had also been discussed during the meeting of ministers of sport held in May in Addis Ababa.

DECISION

Government/IOC contributions update noted.

- **6.2 2023 quarterly accounts**

MS CHUNG noted that the item dealt with the 2023 accounts to June. She would give a brief update on that. The total income was at 39.1 million dollars, representing 77% of the revised budgeted income. The total operating expenditure had reached 41% of the revised budget. As seen in the past six months, there had been a return of more in-person activities and meetings and events, notably the annual symposium and the May Executive Committee meeting, which a majority of members and participants had attended in person. Other planned activities and meetings with stakeholders had also been carried out in person or in hybrid mode. For the first six months, most of the departments had been spending behind their budgets. That was mainly due to timing. Travel and associated expenses had been recorded at 1.5 million dollars, about 100,000 dollars more than at the same time the previous year, but still less than the pre-pandemic level at close to 25%. It had actually been much less considering the high rise in airfares that year and the previous year. Depreciation was at 49%. Overall, capital expenditure was at 41% of the revised budget, including the renovation of the Montreal office. A net surplus of 18.4 million dollars had been registered, again due to timing as income came in higher in the first half of the year, whereas spending was spread out across the full year and more towards the end of the year. That was the update on the year to date.

DECISION

2023 quarterly accounts noted.

- **6.3 Revised 2023 budget**

MS CHUNG said that, as mentioned in the report, the revised budget 2023 had been reviewed by the Finance and Administration Committee members, who had endorsed the changes. She presented some of the highlights. The total income for the revised budget was at 50.8 million dollars, 620,000 dollars higher than the budget for 2023. That was mainly due to contribution payments from the previous year but paid in this year. Additional contributions had been decreasing significantly since the pandemic, particularly for funds received to cover specific programme development in Asia and Oceania. The total operating expenditure had been revised to 48.1 million dollars, an increase of 270,000 dollars, representing less than a 1% increase in the budget. That modest increase was to cover, as mentioned before, the return of meetings and events in person, though some were still in hybrid mode. The November Executive Committee and Foundation Board meetings to be taking place without the hosting support combined with a rise in airfares and meeting costs. Additional resources were required for the implementation of the governance reforms, which had continued into 2023. There were also increasing activities and projects initiated by the Strategic Management Office under the Office of the Director General (ODG). Notably, the work had started in 2023 for the planned 2025 to 2029 strategic plan, as well as projects undertaken in the areas of data analytics and business transformations. The total operating surplus before non-cash items had been revised to 1.7 million dollars from a budget of 1.1 million dollars, an increase in the surplus of 345,000 dollars. The capital expenditure, excluding the Montreal office renovations, was a small increase of 60,000 to 3 million dollars. As mentioned in May, a rise in renovation costs was anticipated, which was estimated to end at 3.3 million dollars, about a 14% increase on the initial budget. That was clearly mainly due to the higher cost of materials and post-pandemic prices, and the cost had also increased during the project. The total portfolio of investment was 20 million dollars, split between UBS and Lombard, and WADA continued to invest in secured investments as per the policy of no risk. At the end of June, interest income had amounted to 325,000 dollars. Those were the highlights of the 2023 revised budget.

DECISION

Revised 2023 budget noted.

- **6.4 2024 draft budget**

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

MS CHUNG said that, by way of background, in May 2022, the Foundation Board had approved an annual contribution increase of 8% for 2023, 6% for 2024 and another 6% for 2025. So, following a robust and very thorough operating and budgeting process, the WADA management had prepared a detailed budget for 2024. She presented some of the highlights of the draft budget. The total income from all sources of funders was budgeted at 53 million dollars, of which contributions from the IOC and public authorities were close to 25 million dollars each. The remaining was from Montreal International, at 2.44 million, and other income from compliance monitoring and laboratory fees. The total operating expenses were budgeted at 49.8 million dollars, a net increase of 3% or 1.7 million dollars on the 2023 revised budget. There were some important and major events to take place in 2024, notably the Olympic and Paralympic Games and the next edition of the Global Education Conference in France. As such, expenses were budgeted higher for some key departments, the ODG, Athlete Engagement, Testing and Education. Increased activities were expected in the Athlete Engagement area. There would be a new head of Athlete Engagement, more members in the Athlete Council and the Ombuds office. Research had been budgeted and kept at 4.5 million dollars. Legal affairs had remained financially stable throughout recent years, but with a marginal increase for 2024. The litigation reserve was still kept at 2 million dollars. The annual symposium costs were centralized in the ODG, whereas in previous years they had been spread across the departments. That was the reason for one of the increases seen in the ODG. Also, the five-year plan, as mentioned earlier, had kick-started in 2023, but a significant amount of the work would be done in 2024. There was a clear capital expenditure increase for the deployment of ADAMS and data analytics. The running costs of governance reform were now about 1.3 million dollars a year, and that was to cover additional resources, new members and various bodies such as the Independent Ethics Board, the Athlete Council, Executive Committee and Foundation Board. A total of 3% had been budgeted for annual salary increases for the Montreal staff.

Regional offices were subject to country inflation and regulations, but not without limitations. The World Anti-Doping Code update project, including the eight international standards, spanned 2024 and 2025, with an estimated cost of about 1.2 million dollars, which would be covered by the money received from the CAS for the RUSADA case. It was also planned to use the money set aside for investigations to fund operations. So, clearly, some departments had been asked to budget less to fit within the budget envelope. Again, additional explanations had been provided in the PowerPoint to explain the increase in various departments. The operating surplus was budgeted at 2.2 million dollars and, when non-cash items such as depreciation were included, WADA was down to a deficit of 1.25 million dollars. Nevertheless, it was an increase, an improvement of 700,000 dollars from the 2023 revised budget. In terms of cash flow, the cash flow generated from the operation would not be enough to cover the capital expenditure of 4.4 million dollars. WADA would need about 1.1 million dollars from the unallocated fund to cover the capital expenditure and bring the cash depletion to 686,000 dollars, a level that was closer to the desired threshold of 500,000 dollars. Last but not least, inflation remained an element of concern. Although it had decreased significantly from the previous year, it was still high, which would have an impact on the annual contribution increase. A level of 3% had been forecast for 2024. If that was the case, the annual contribution would go down from 6% to 3%. That was an element that WADA had to deal with, and it was still up and down as she spoke. She hoped that it would remain low. That ended the 2024 draft budget presentation.

MS MARACINEANU really wanted to express her gratitude for being able to remain within the 6% of the budget. She really appreciated the fact that WADA was taking into account the difficulties that some countries in Europe were facing and recommended that the Foundation Board approve the budget for 2025. She underlined that the increase in expenses could not justify a new increase in contributions to the WADA budget.

MR KEJVAL noted that the summary of income did not include the contribution from Sword. Also, as the members knew, during Covid, WADA had saved a lot of money and it had been agreed the previous time that the money would be spent on a one-off capital expenditure. There was something like 20 million dollars. He proposed some kind of investment plan, which would be good for the organization and good for the sport movement as well. That was essential for the organization itself. The sport movement fully supported the recommendation for the Foundation Board to approve the 2024 budget as presented.

MR MUROFUSHI approved the 2024 budget but wished to share two comments from the Asian region. Firstly, the impact of inflation in recent years on the budget was understandable. One concern was that labour costs accounted for more than half of the total expenditure in the draft budget, and that financial condition had been maintained and not improved. The advice was that WADA consider a careful evaluation and review of the personnel plan when formulating the next strategic plan. Also, the Foundation Board had approved a budget increase only up to 2025. It was important for each department to formulate a business plan with the financial situation of the organization up to 2026 and beyond. Lastly, of course, he congratulated WADA on the recently signed agreement with Sword for private funding. He welcomed the situation and was looking forward to further opportunities to stabilize WADA's revenue in the future.

MS BENNETT thanked Ms Chung for the incredibly detailed information provided in relation to the 2024 budget. It was very clear that a thorough and analytical process had been undertaken, and she had no hesitation in approving the draft budget for recommendation to the Foundation Board. She did, however, have one question in terms of one item in the budget, and that related to the strategic issue of the WADA project to consolidate an increasing amount of athlete data in ADAMS and then necessarily WADA being exposed to increased data security risk. The provision in the budget was for 285,000 dollars or approximately 0.5% of the budgeted expenditure relating to security, and presumably a provision within the salary for IT would relate to security measures. Her question, on an ongoing basis, was whether that allowance for security was sufficient given the increasing risk and exposure to data protection.

THE DIRECTOR GENERAL responded to Mr Kejval. The management would see how Sword would be reflected in the budget that would be submitted in November. There had been a proposal from Mr Kejval for an investment plan most probably using the unallocated fund. That had been well received and would be looked into in detail. Potentially, IT was an area in which there might be needs, so that was something that the management would consider and probably run by the Finance and Administration Committee before

coming to the Executive Committee in September 2024. He thought that there were needs and that the money that was available could be usefully used. The management would look into that.

He welcomed the remark made by Mr Murofushi. Inflation, as mentioned by Ms Chung, remained a concern and WADA would monitor the impact on the budget, but everybody was facing that impact. The labour costs were also due to the nature of the organization, in which most of the know-how was based on the people who worked in the organization. Nevertheless, the WADA management was keeping a very close eye on trying to maintain the number of employees at the most reasonable level. However, there were needs and some of those had been recently generated by the governance reform. It was necessary to take that into account when looking at the increase of the number of people employed by the organization. For longer-term planning, everybody agreed. That was why, that afternoon, there would be a discussion on the strategic plan. There could be no operational plan until there had been agreement on a strategic plan for those years, and that was the work that was currently starting for adoption in 2024. That was work in progress.

In response to Ms Bennett, she was absolutely right. He was not sure that the amount that WADA would have to invest for security would remain at that level. He was told that WADA's specialists were comfortable with what was going on and mainly this component of IT was outsourced to security companies who were checking it. But WADA was very conscious of the fact that the threat might be increasing in the current geopolitical context. That was something WADA was aware of and would keep an eye on. Relating to her question, the project she had mentioned was not collecting new data. It was actually using existing data better. It was not that WADA was enlarging the pool of information that was there. The information was already there, but WADA was actually trying to use it in a more intelligent way and make good use of it. That was a very promising project. He was not too concerned about security for that part of it. He was more concerned about security generally in terms of the amount of data WADA was collecting and that were there and about which WADA had past experience. What he meant was that the members would recall what had happened in 2016 and they should be wary about that. It applied to everybody because the weak link was sometimes not the security infrastructure. It was important to understand that WADA had never had a breach from outside. The way in which things had operated had been through people, phishing e-mails which somebody who was not being careful enough would click on, and then that created an entry to some of the data. So, again, WADA invested quite a bit in education and regular training sessions for people on the system because the weakest link was the human component. There was no question about that, but it would certainly continue to monitor.

THE CHAIRMAN thanked the Director General and asked the members if they agreed to recommend the 2024 draft budget to the WADA Foundation Board for approval in November.

#### DECISION

2024 draft budget to be recommended to the WADA Foundation Board for approval in November.

### **7. Athletes**

#### **- 7.1 Ombuds update**

MS AHRENS quickly introduced herself to the Executive Committee members. Her name was Gaby Ahrens, and she was an Olympic athlete in the sport of shooting from Namibia. She was the Vice-Chairman of the Athlete Council, and she was there that day on behalf of Mr Pini, the Athlete Council Chairman, whom the members had met in May. The report on the Athlete Council activities had been provided, but she wished to emphasize certain areas of the report that day. Over recent months, the Athlete Council members had been appointed on various standing and working committees within WADA, in line with WADA's governance reforms. She wished to emphasize the importance and the incredible value that the WADA athlete engagement programme and the independent observer programme at major international events had. The programmes provided the Athlete Council with an opportunity to interact with athletes, be visible, raise awareness and promote clean sport. Of course, the programmes gave valuable feedback to the Athlete Council and to WADA as well. She was happy to report that the WADA outreach programme was currently active in the lead up to the Asian Games in Guangzhou, as was the independent observer programme. And

WADA, in collaboration with CHINADA, had a big interactive booth in the athlete village, with five Olympians from Asia actively connecting with athletes and promoting clean sport.

Further to that, she referred the members to the documents that had been shared with regard to the athlete ombuds update. The Athlete Council was excited to report that the website was live and she wished to take the opportunity to acknowledge the work that had been done by the previous chairman of the Athlete Committee, Mr Ben Sanford, and his committee members. That was a big win for athletes worldwide.

MR BAUM welcomed the report. He was very glad to hear that the Athlete Council was up and running and consulting with athletes and getting up to speed on the whole world of WADA meetings. It sounded like the Athlete Council was making progress on that, but he just wanted to emphasize the importance of the Athlete Council being available to athletes, groups and individual athletes. It sounded like, with a new website, there probably would be some form or mechanism for individual athletes to reach out to the Athlete Council and also for independent athlete groups to ask for meetings and maybe establish a routine for regular meetings with major athlete groups. He wished to encourage and support what the Athlete Council was doing. He knew it was a large world of diverse athletes and many sports, but one of the reasons why stakeholders wanted to have a new, larger, expanded Athlete Council had been to make sure that there was an athlete body within WADA that could be reached and could hear from athletes everywhere. He asked if there was an update to share on that. The Athlete Council needed to make sure that there was some appropriate mechanism to receive input from independent athlete groups and athletes everywhere electronically in a way that could be managed by the Athlete Council.

MS YANG thanked Ms Ahrens for her participation and welcomed her to the Executive Committee meeting. Regarding what she had said about the Asian Games, she knew that many people would be in Guangzhou and WADA had a very comprehensive programme during the Asian Games. She therefore invited the members who were able to be in Guangzhou over the next couple of days to visit the booths and check out the programmes, as their support would be much appreciated and encourage the athletes.

MS MARACINEANU thanked the Vice-President for the invitation to the Asian Games. She also thanked Ms Ahrens for the report and congratulated the Athlete Council on the work done on human rights, outlining the operation and role of the group. She asked for more information on the vacant seat on the Athlete Council and, regarding the ombuds, she sought more information on how a conflict of interest situation might be avoided and suggested that perhaps some kind of statement might be envisaged.

THE CHAIRMAN thanked Ms Maracineanu for her comment, the last part of which would be dealt with under item 7.2, although he believed that Ms Ahrens would address the first part of the question.

MS AHRENS thanked Ms Maracineanu for her questions. The mission of the Athlete Advisory Group on Human Rights in Anti-Doping was to assess and possibly find ways to protect clean sport, while also respecting the fundamental rights of athletes. The working group was a small, informal group comprising a number of Athlete Council members who had shown particular interest in the topic. To date, it had not been deemed necessary to have additional terms of reference developed because the members thought that the Athlete Council terms of reference covered the fact that the Athlete Council could be consulted on different matters or consult WADA on different matters. There was a framework that outlined the roadmap, which the expert was managing. The group had met once to share experiences and the next meeting was scheduled for October.

THE CHAIRMAN said that the second question would be dealt with under item 7.2.

MS AHRENS noted that the second point was the vacant seat on the Athlete Council. There had been a development since the submission of the Athlete Council report. The Athlete Council member in question had accepted the sanction. The issue was that the sanction would end before his term on the Athlete Council expired. The Athlete Council would need to take a position on that and it was on the agenda for discussion at the meeting on 6 October.

MR KAYANGE EMONYI acknowledged the report from the Athlete Council and also informed the Executive that he welcomed the inclusion of Mr Pini in the IOC athletes' commission, which would definitely increase collaboration between the two commissions. He knew that it would build relationships with other athlete bodies. Within the IOC, there were five continental athlete committee chairs, the International



Paralympic Committee chair and the representative from the World Olympians' Association, and that would increase engagement and involvement within the different athlete groups. He therefore welcomed Mr Pini in the commission as a liaison.

THE CHAIRMAN thanked Mr Kayange Emonyi. Before moving on to item 7.2, he informed the members that Ms Ahrens had mentioned the athlete outreach booth. He had visited the outreach booth during the European Games, and it had been so encouraging to see how many athletes had been there. WADA had had a very good location close to the Olympic village and had been able to give out thousands of caps and t-shirts to athletes featuring the WADA brand, the play true slogan. It had been really amazing. The booth had been very crowded and he thought that the same would be the case in Guangzhou on the occasion of the Asian Games.

## DECISION

Ombuds update noted.

### - **7.2 Ombuds terms of reference modification**

MR KEMP informed the members that they had a paper in their files with respect to some modest changes made to the ombuds terms of reference. They would recall that the initial terms of reference had been approved in November 2021, after which the recruitment process for the ombuds had taken place, and Ms Anna Thorstenson had been appointed earlier that year. Since that time, she had begun her work. Earlier that month, on 5 September, the ombuds platform reporting website had been launched. Because of the appointment of Ms Thorstenson, WADA recognized that she did have a perceived potential conflict of interest with respect to the fact that she was also employed by the International Equestrian Federation. Accordingly, WADA was providing, for the members' information, the modest change made to the terms of reference to ensure that WADA adequately captured that potential conflict of interest. It was useful to know that the FEI's anti-doping programme was actually outsourced to the International Testing Agency, and therefore Ms Thorstenson's exposure to anti-doping issues was limited. Nevertheless, WADA thought it imperative to make the changes, given that there was a perception issue there. As mentioned earlier, Ms Thorstenson's credentials certainly warranted her appointment and it was felt that her benefits outweighed the potential negative perception with respect to the conflict. Some additions had also been made to her contract to address the potential conflict of interest should an equestrian athlete come forward to the ombuds office. In the future, he hoped that the office would expand so that not all cases would necessarily need to be addressed by Ms Thorstenson herself. But, since it was a pilot project, he suspected that there were several things that WADA would be able to learn from the 12-month period of the pilot and therefore it would be possible to consider further how to strengthen the independence of the office in the future. In addition to the terms of reference change, he would be happy to take any questions on Ms Thorstenson's behalf with respect to the paper that she had submitted as well.

MS AHRENS commented that the Athlete Council was in full support, endorsed the ombuds and also supported the changes to the terms of reference.

MR KEJVAL said that he was enthusiastic about the new positions, which sought to help the athletes and which had been one of the wishes of the athletes. He was very happy to hear from the athletes and that they liked it. He asked the WADA management whether there might be some kind of evaluation report. He sought such an update presentation of the ombuds and would be very happy if WADA could put more focus on communication with local ombuds because, as the members knew, there were at least 15 ombuds in different countries, mainly related to the National Olympic Committees. It would be good if the WADA ombuds could contact them so as to be able to start to work on a national level, to be much closer to the athletes, which would definitely be beneficial in the future.

MR KEMP thanked Mr Kejval for his comments. Obviously, Mr Kejval was well aware, as one of the founding members of developing the ombuds office itself, that one of the initial objectives of the office had been that, when initially hired, Ms Thorstenson had been asked to start giving consideration to what success looked like, in other words, to what sort of performance indicators could be evaluated to see that the pilot warranted renewal in the future. He thought that, given that the reporting platform had only just been launched earlier that month, it was necessary to give it a bit of time to see the volume of requests being received by her. However, he thought that WADA would be in a good position by the November meetings

for Ms Thorstenson to be able to report in terms of the volume of requests that she had been receiving, where they were coming from, but also she had undertaken some work to better understand where there were ombuds services available worldwide. He hoped that she would be able to start leveraging her work to establish some best practices for other organizations that saw value in implementing something similar. He hoped that it would be a catalyst for ombuds at the national level, as suggested. He thought that there was also potentially some room for the Athlete Council to be working cooperatively with Ms Thorstenson to set out some of those objectives and to see what more WADA could be doing to promote the office, but also see that it was serving athletes in the way that WADA had intended.

MR KAYANGE EMONYI noted that the initiative was very much welcomed by the athletes, as it would offer impartial and confidential advice in terms of anti-doping concerns. He supported the change in rules and looked forward to getting feedback in November on how much work and how wide the scope had been seeing that the website had just been launched a few weeks previously.

MR MUROFUSHI noted that the ombuds project was supported by the Athlete Council and the members were very excited about it. He wished to give some advice or some expectations. In his opinion, it was the most important role, as it referred athletes to appropriate resources and third parties rather than solving various issues like the one-stop-shop. He expected that the pilot project would add clarity and organize the role of the ombuds, such as what it did and what it did not do based on the terms of reference. It had to be brought down to NOC level and worldwide. In the future, the ombuds project should be kept within WADA or within the NOCs and there should be some discussion if WADA wanted to spread worldwide.

THE CHAIRMAN thanked the members for their comments and suggestions.

## DECISION

Ombuds terms of reference modification noted.

## **8. Compliance**

### **- 8.1 Non-compliance cases**

THE CHAIRMAN noted that the item was for decision. Some updates had been provided on 19 September, so he gave the floor to Messrs Gourdji and Haynes.

MR GOURDJI provided a summary of the main activities undertaken by the Compliance Review Committee since the May 2023 Executive Committee meeting, as reflected in item 8, and then he would segue to 8.1, the non-compliance cases for the members' decision.

The Compliance Review Committee continued to be quite busy with its interaction with WADA, providing independent advice and guidance on compliance matters. Since May, the committee had held one hybrid meeting on 24 and 25 August. However, it was continuously kept abreast of WADA's monitoring activities and the support they provided to signatories. When cases did come before the Compliance Review Committee, they would already have had ample opportunity to be resolved with WADA's assistance and, should they be recommended for non-compliance to the Executive Committee, the signatories had another opportunity to resolve the outstanding non-conformities before the meeting. The members had all witnessed the revisions to the Compliance Review Committee documentation submitted to them under 8.1 for decision. The numerous updates over the past couple of days, compliance procedures or recommendations for a watchlist were indeed a good sign. His take on all that was that it reflected that the mechanism WADA had put in place worked. It reflected that signatories had been really active up to the point of that meeting, which had been seen by the number of changes since the meeting in August. However, it also reflected that signatories did have time to resolve the issues but, in some cases, unfortunately, a lot of them started late or left it to the last minute to implement, which could be too late in some cases. Non-compliance cases, although unfortunate, showed that the system and the standards did work in making changes and improvements to the global system.

He summarized the compliance activities that had been specifically reviewed at the last meeting. With respect to RUSADA, the Compliance Review Committee continued to receive updates and monitored closely the RUSADA reinstatement monitoring plan, as well as the implementation of the RUSADA CAS

decision. However, it had reiterated to WADA that, once its recommendations were submitted to the Compliance Review Committee, it would expect that they be substantiated by concrete evidence collected and perhaps through an in-person audit or review before a recommendation was made to the Executive Committee as the experts. The committee had then reviewed the outstanding critical non-conformity resulting from the September 2022 virtual audit relating to the national legislation, as that had not been corrected within the prescribed timeframe. The Compliance Review Committee had recommended that the WADA Executive Committee impose consequences and conditions for reinstatement. The details on the RUSADA update would be provided by the Legal Department under item 8.3. The Compliance Review Committee received updates on the current non-compliant signatories, including the NADOs of the DPRK and Gabon, as well as the International Federation of Fitness and Bodybuilding, the IFBB. However, the progress had not been enough to meet the reinstatement conditions.

With regard to the Ukrainian NADC, as the members were aware, it had a compliance procedure that had been suspended by force majeure due to the invasion of Ukraine by the Russian Federation. The Compliance Review Committee continued to receive updates on the operations of the Ukraine NADC and the testing activities on the Ukrainian athletes competing. It had been kept informed of ongoing communication between the NADC and WADA and the work being performed by the NADC, specifically the testing programme that continued to be delivered through a coordinated approach with the IFs and NADOs. That was done in order to ensure that the Ukrainian athletes continued to be subject to a robust anti-doping programme.

The Compliance Review Committee had been updated on the status of the proposed revision of the International Standard for Code Compliance by Signatories that had gone through the stakeholder consultation and should be seeking Executive Committee approval at its next meeting.

With regard to guidance and oversight, the Compliance Review Committee continuously provided guidance and oversight of WADA's compliance programme with satisfaction and further details were available in his written report.

He would report on the non-compliance cases referred to in agenda item 8.1. With regard to the new non-compliance cases, there had been quite a few cases tabled at the Compliance Review Committee for consideration. They could be categorized into two groups: the legislation cases and the Code Compliance Questionnaire (CCQ) cases. As mentioned earlier, the document before the members had just been updated on 19 September. He would start with the legislation cases. Paragraph two of document 8.1 referred to WADA management's and the Compliance Review Committee's position on cases related to legislation. The Compliance Review Committee felt it was important to reiterate the reasons as to why WADA needed to monitor legislation, since the relevant obligation for NADOs to ensure implementation of the legal system in line with the Code was set out in Article 20.5.2. Furthermore, the approach had been followed and was consistently followed for the cases before the members that day. Paragraph three described the case of RUSADA whereby, following a virtual audit, inconsistencies had been found between the federal Russian sports legislation and the Code. Since amendments in line with the Code had not been finalized and adopted within the established deadlines, the Compliance Review Committee had decided to recommend to the Executive Committee that it approve sending a notice to RUSADA proposing the consequences and the reinstatement conditions as reflected in paragraph three, and bearing in mind that RUSADA was already non-compliant.

Paragraph four addressed the new cases related to the implementation of the Code in the legal system of Bermuda, South Africa, Angola and Morocco. The details for each case could be found in paragraph four. With respect to the Angolan NOC and the Moroccan NADO, good progress had been made and draft amendments in line with the Code had been finalized, including providing a calendar for adoption within four months from the Executive Committee meeting. Therefore, the Compliance Review Committee recommended to the Executive Committee the watchlist for the Angolan NOC and the Moroccan NADO with consequences and conditions of reinstatement, as reflected in paragraph four, to be applied at the expiration of the four-month deadline if the non-conformity was still pending. With respect to the Bermudan NADO and the South African NADO, in both cases, while assessing the documentation submitted in the framework of the CCQ, it had come to WADA's attention that the anti-doping legislation in force was not in line with the Code. WADA had been working closely with each NADO. However, the necessary amendments to the

legislation had not been made and, therefore, the Compliance Review Committee recommended that the Executive Committee approve WADA sending a notice to the South African and Bermudan NADOs alleging that they were non-compliant with the Code and proposing the consequences and conditions of reinstatement as reflected in the paragraph.

He would summarize the CCQ cases. The details for those cases were found in paragraph five. The members would note that there had been a flurry of activity over the past couple of days with some positive updates as summarized on page one of document 8.1. Both the Fijian and Jordanian NADOs had completed their corrective action and, therefore, the compliance procedure had been closed. There were four other NADOs, Algeria, Ecuador, Mongolia and the Philippines, providing the necessary documentation and plans to WADA with the commitment to implement the plans within four months. Therefore, with that information, the Compliance Review Committee had been able to change its recommendation to the Executive Committee and now recommended that they be put on the watchlist with the consequences and conditions of reinstatement set forth in paragraph five to be applied at the expiration of the four-month deadline if the non-conformity was still pending. With respect to Panam Sports, there were two critical corrective actions that had still not been implemented at the time when the Compliance Review Committee had reviewed it and they related to testing. Therefore, the Compliance Review Committee had decided to recommend to the Executive Committee that it approve WADA sending a notice to Panam Sports, alleging that it was non-compliant with the Code and proposing the consequences and conditions of reinstatement as listed in paragraph five. To summarize, the decisions for the Executive Committee were summarized in paragraph one of the paper; also, there was the quick summary that the members had been following on the one slide. That concluded the presentation to the committee. He would be pleased to answer any questions the members might have. He knew of one question from Mr Carr which he would be glad to answer, giving a Compliance Review Committee perspective, but he was sure that Mr Haynes would be able to give a more detailed response.

MR BAUM made a brief comment about Panam Sports and about the Bermudan NADO. He understood that Panam Sports was working on the issue and the concern was that the upcoming games in Chile should not be disrupted. He had been assured by WADA that WADA would be working with Panam Sports to address any issues and the upcoming games in Chile would not be disrupted, and he was hopeful that the underlying issues would be worked out in the immediate future. He thanked WADA for working on that constructively with Panam Sports. On the issue of Bermuda, there was no dispute that new legislation was needed, but he reiterated past comments that the USA and CADE did not think it was appropriate for a NADO to be punished for the failure of governments or congresses or legislatures to take action. He understood WADA's perspective on looking for points of leverage and was willing to continue the conversation; nonetheless, he thought that it was important that the target of a sanction be closer to the one committing the offence and not to the NADO, and in that case he thought that the understanding was that there was nothing that the NADO had done that was in violation of the letter or the spirit of the requirement. It was solely an issue of the government, something that the NADO did not have control over.

PROFESSOR ERDENER thanked Mr Gourdji for his very detailed report. He was wondering about the situation regarding the Democratic People's Republic of Korea.

MS MARACINEANU stated that she also welcomed the explanations. She would appreciate more precise explanations in the future as to the nature and severity of the non-conformity identified to enable the Executive Committee to take a decision on the proposals.

DR SANGENIS welcomed the report. As a person from the Americas, she wanted to point out the enormous political difficulties that Ecuador had been going through. In spite of that situation, she had been informed that the NADO had been doing a great job in test distribution and risk assessment. Hopefully, the NADO would work out the situation. Regarding Panam Sports, she was a little bit worried about that and wanted to ask about the actual situation regarding the upcoming Pan American Games. She was thinking everything that had to be done to resolve the situation with Panam Sports. She was looking forward to successful Pan American Games.

MR MUROFUSHI noted the recent positive updates, but still regrettably and surprisingly, at the same time, a number of non-compliance recommendations had been submitted, especially with the Olympic Games taking place in Paris the following year. There was a chance that no flag would be raised in the

competitions. That was the current situation. On behalf of the governments, he wanted to refer to the implementation of the Code in each legal system, which was slightly different. He reiterated that the legislation of amendments required a good amount of time and discussion and procedures and those procedures and circumstances varied from country to country. The current rules gave blanket deadlines for corrective actions regardless of origin or non-compliance or circumstances, and those deadlines were often too short for the cases, legal or systems-related. To address those issues, he expected discussions in the course of updating the Code, including possible flexibility in the rules that gave consideration to the circumstances of each individual case. Every legal system was a little different, which complicated matters. Nevertheless, he supported the decisions of the Compliance Review Committee.

MR GOURDJI referred to what Mr Murofushi had just mentioned, and also to what Mr Carr had raised earlier. He would provide a little bit more on that Compliance Review Committee perspective. The two questions about legislation and the number of non-compliance cases were good questions to ask and the Compliance Review Committee had asked similar questions to WADA when those legislation cases had come up. It was good to consider how many draft regulations were actually reviewed by WADA with great outcomes for both parties. For instance, from the March meeting of the Compliance Review Committee until the August meeting, a total of 139 drafts had been received and reviewed by WADA, and had included individualized assistance not only to those in compliance procedures or that had received a corrective action, but also to other signatories who had consulted WADA with their drafts. The Compliance Review Committee had asked in the past, and WADA had complied by being proactive, by delivering webinars on the topic, as well as virtual or in-person assistance. The biggest takeaway was that it was necessary for signatories to arrange to share the drafts that they were working on with WADA at an early stage. That would ensure that the proposed draft was in line with the Code before it advanced to the promulgation process. So, while the members did see a number of cases in front of them, they had to bear in mind how many others had been reviewed and had successfully been amended through consultation with WADA, perhaps because they had done it way in advance, they had attended the webinars, they had sought assistance and they had been proactive about working with WADA.

MR HAYNES thanked the members for the questions and comments. He would try and pick up on a number of points that had been raised without trying to duplicate what Mr Gourdji had just said. Firstly, it was important to reconfirm that legislation was not a requirement to implement the Code. Anti-doping rules in most cases were sufficient. However, he was aware of a small number of countries that did implement the Code entirely through legislation, and WADA always worked very closely with those countries, especially when a new Code was coming into force. But, for those countries that did decide to introduce legislation, it was fundamentally important that the legislation was in line with the Code. For those countries where there was a combination of legislation and anti-doping rules, if the legislation was not compliant, it could potentially undermine those anti-doping rules and cause some legal challenges in that country. Compliant legislation in those situations, therefore, was a fundamental objective of WADA in terms of making sure that rules and the anti-doping programme were harmonized across the globe. As a result, it was necessary to be able to enforce compliant legislative frameworks, either rules or legislation or a combination of the two. And, as governments were not signatories but NADOs were, that could only really be done through the NADOs, which bore the obligations, and therefore it could not be an excuse for them to say that there had been a failure to meet those obligations as a result of an act or omission of a third party. That was the case not only for legislation, but other obligations in the World Anti-Doping Programme as well. He did understand that it was a very complex area and each country could take a different approach. There was not a one-size-fits-all way of introducing legislation, but WADA did provide a lot of resources, dedicated resources to assist in guiding NADOs and public authorities through the process. And, as Mr Gourdji had just said, there were many examples where that process occurred without compliance interventions. At that moment, WADA was supporting around 37 NADOs and countries with that process and less than half were involved in a compliance intervention. But, when WADA did have those issues and did identify those non-conformities, such as the instances the members saw before them, it was usually when non-compliant legislation was brought to WADA's attention about which it was not aware or new legislation was adopted without thorough review by WADA and often presented after it had been adopted, when it was identified that it was non-compliant. To avoid such situations, the position had always been clear: first of all, for countries to really examine whether legislation was required, especially if they were thinking about new legislation and if they



already had compliant anti-doping rules. However, if a country did decide that it needed legislation, WADA always recommended that it engage with WADA early in the process, whether it was amending existing legislation or developing new legislation, and that it keep it general so that it did not repeat or contradict the anti-doping rules. The more general it was, it meant that, when WADA did have a new Code like it had coming forth in 2027, WADA did not need to be updated because it did not go into the specifics of the requirements of the Code; it was more general and high-level. That gave the members a broad picture of the WADA position. He wished to pick up on the questions that Mr Carr had raised at the start of the meeting. Although there was no obvious cause, what WADA had seen recently was that, through the CCQ exercise, a number of NADOs completing that questionnaire had identified and presented some existing legislation, which, once WADA had reviewed it, had been deemed to be not in line. As Mr Gourdji had mentioned, a number of those cases were before the members. WADA had seen countries from certain regions more recently looking to introduce legislation. But, unfortunately, again, what WADA had seen was that sometimes it was adopted without WADA being able to review it to make sure that it was in line with the Code. But, as Mr Gourdji had said, again, WADA did deliver a number of webinars. There was a lot of regional work done with the WADA regional offices and individual countries to try and avoid such situations. That gave the members an idea of the causes. In terms of lessons, a lot of that fell into the Code update process. With it being an update, he was not anticipating a huge number of changes, which hopefully would make sure that the 2027 Code process and the updating of anti-doping rules and legislation were much more efficient than before. WADA would also deliver that targeted assistance for the small number of countries that did in fact solely implement the Code through legislation.

Just on a couple of the other points that had been raised, he knew that Panam Sports had been mentioned, along with the impact that such declaration could have on the games. He had provided the members with the consequences, which were largely about the representatives of Panam Sports not being able to do certain activities. There was one consequence that would have the testing programme supervised by a third party. But, as the member from the region had said, the work was ongoing. There had been a lot of work over the past couple of days and Panam Sports had the time and resources to fix the issue in the coming days well in advance of the event. WADA would continue to support the Pan American Games on that to make sure the event went ahead successfully. He hoped he had covered some of the questions and comments raised. He had not quite been able to hear the question on the DPRK. Perhaps it could be repeated so that he could deal with it.

PROFESSOR ERDENER provided some information obtained from his colleague from North Korea.

MR HAYNES said that WADA had been working very closely with the DPRK, and it had been very engaged and responsive. All of WADA's feedback was always taken into consideration. There were just a couple of reinstatement conditions that WADA was monitoring and WADA management was keeping the Compliance Review Committee informed and up to date on the progress. He hoped that answered the question.

THE DIRECTOR GENERAL said that it would be very difficult to summarize, but it was about the legislation and the fact that when a number of changes occurred in the rules it should not impact legislation so that those countries did not have to revise their legislation too frequently. Picking up on Mr Haynes' comments that that was going to be possible only if the legislation stayed general, therefore could be revised every six years, and even so this may not be necessary, and did not go into too much detail because, one could not freeze the fight against doping because it was not possible to revise the legislation, which would not be productive for the system and would lead to a complete inequality of treatment between athletes. This would simply be the opposite of what the system has tried to achieve in the last 20 years and what we have promised the athletes. He therefore thought that if legislation was required in some countries, then those countries had to find a way to adjust some technical part of their legislation on a regular basis.

THE CHAIRMAN made one small comment, because WADA permanently heard the same arguments from the government side. Some of them said that they did not have enough time to implement the rules and change the legislation. He reminded the members that the Code had come into force on 1 January 2021. We were almost in 2024. The problem with some countries was that they had been ignoring WADA for a long time, and then sometimes it was necessary to take special measures to wake them up, and that

was what WADA was doing. He did not buy the argument that there had not been enough time to implement the rules and to adjust the rules to the Code.

In relation to the implementation of the World Anti-Doping Code into the legal framework for the Russian Anti-Doping Agency, RUSADA, which was currently non-compliant, did the members agree to the proposal to send RUSADA a formal notice, imposing the consequences and conditions of reinstatement detailed in the document?

In relation to the implementation of the Code into the legal framework cases other than RUSADA, did the members agree to the proposal for WADA to send a formal notice alleging that they were non-compliant with the World Anti-Doping Code and all the international standards to the following signatories and imposing the consequences and conditions of reinstatement detailed in the Executive Committee document to the following signatories: Bermuda National Sports Anti-Doping Authority, South African Institute for Drug-Free Sport, South African NADO, and to instruct WADA to provide a four-month watchlist starting from 22 September 2023 to correct the outstanding non-conformities, failing which, as per article 8.4.5 of the International Standard for Code Compliance by Signatories, WADA would automatically send the following signatories a formal notice alleging non-compliance and proposing the consequences and reinstatement conditions recommended by the Compliance Review Committee detailed in the Executive Committee paper: the Angolan National Olympic Committee and the Moroccan NADO?

In relation to the implementation of anti-doping programmes through the Code compliance questionnaire, did the members agree to approve WADA sending a formal notice alleging that they were non-compliant with the Code or the international standards to the following signatory and imposing the consequences and conditions of reinstatement detailed in the paper: Pan American Sports Organization, and to instruct WADA to provide four-month watchlists starting from 22 September 2023 to correct the outstanding non-conformities, failing which, as per Article 8.4.5 of the International Standard for Code Compliance by Signatories, WADA would automatically send the following signatories a formal notice alleging non-compliance and proposing the consequences and reinstatement conditions recommended by the Compliance Review Committee detailed in the Executive Committee document: the Algerian NADO, the Ecuadorian NADO, the Mongolian NADO and the Philippines NADO?

#### DECISION

Proposed non-compliance cases approved.

#### - **8.2 RUSADA CAS update**

MR WENZEL said that he would provide a brief report because the situation had not developed significantly since the previous meeting. There was a report under item 8.2 in the members' files. RUSADA, of course, remained non-compliant under the CAS award, something separate, of course, to the federal legislation issue that had just been dealt with, but they were interlinked in the sense that, until the federal legislation issue had been resolved, RUSADA could not be reinstated in connection with the non-compliance resulting from the CAS award. There was that interlinkage between them. The WADA management continued to assess the satisfaction or not of the various reinstatement criteria set out in the CAS award relating to not only payments and financial aspects, but also whether or not the consequences had been respected by RUSADA during the two-year period, whether RUSADA had cooperated in terms of investigations and, of course, issues related to the independence of RUSADA and the non-interference by authorities in RUSADA's activities. That was set out in the paper under 8.2. But the view that had been formed, at least at that stage by the taskforce or delegation of WADA's taskforce that was considering RUSADA's reinstatement, was that, in particular, in order to assess whether or not the independence-related reinstatement criteria were met, it was very likely that an in-person visit or inspection audit would be necessary in order to properly assess the independence criteria. That need for an in-person audit as opposed to some form of virtual assessment had been stressed in particular by the intelligence and investigations staff members who sat on that taskforce or subcommittee of the taskforce. The need for an in-person visit had also been endorsed and supported by the Compliance Review Committee, and from recollection had also been advanced by members of the Executive Committee. He recalled Ms Wells making that point at one of the recent meetings. That was the current situation and it was not easy to see an imminent resolution to the issue, but of course an in-person audit at that moment, given the political situation,

presented certain difficulties and they were difficulties that WADA was in the process of considering. He had said that the need for immediate action was somewhat reduced by the fact that, until the issue relating to the federal legislation was sorted out, there could be no question of RUSADA's reinstatement under the CAS award in any event.

The second aspect of the paper was related to the LIMS cases, and he had typically given an update on progress. The members would see again from the table that progress continued to be made. In particular, sanctions continued to be imposed in respect of the cases arising from Operation LIMS. The number of sanctions since May of that year had gone up from 187 to 213. That was about a quarter of the overall amount of potential cases that had resulted in sanctions. There were still a further 68 that had been asserted and that were pending. The vast majority of cases that had been asserted, as the members would be able to glean from the table as well, had resulted in sanctions. Inevitably, there would be further sanctions that would be imposed in the coming months. There were still a further 149 cases that were under investigation. WADA continued to support the relevant ADOs at all levels in terms of investigating, bringing the cases, prosecuting the cases, with support from the Intelligence and Investigations Department and WADA, where necessary, had also brought the cases to the CAS and had been successful in all of the cases, both against at least one international federation and, more recently, cases brought against RUSADA's decisions or the decisions of the RUSADA tribunal. The eagle-eyed among the members might have noticed that the number of cases between May and August where no anti-doping rule violation had been imposed had dropped from 14 to 12, and that was because certain decisions of no anti-doping rule violation or acquittal had been overturned by the CAS and sanctions had been imposed.

The final thing not related to the paper had been publicly communicated by the Court of Arbitration for Sport: the four-day hearing in the case of Kamila Valieva would take place the following week from Tuesday. He would be leaving shortly after that meeting in order to attend that hearing, as had been made public by the Court of Arbitration for Sport. WADA was seeking a four-year sanction against the athlete and disqualification of the results after the anti-doping rule violation.

MR BAUM thanked Mr Wenzel for the excellent report. He welcomed the rigorous management of the CAS decision, which he recognized as a challenging and important task. Further, governments would like to reiterate past comments that, if and when WADA determined the need to reinstate RUSADA, governments would require ample warning and detailed analysis in order to effectively communicate the decision to senior government officials and the public. Central to that information would be details related to ongoing monitoring to ensure that there would be no further violations after reinstatement. Further, he asked that WADA and the colleagues at the IOC continue to work to ensure that, when neutral Russian athletes competed at the Olympic Games, they were subject to the same rigorous testing regimen as other elite athletes. He was concerned that, with so much time elapsed with RUSADA being non-compliant and despite sincere efforts being made, there was not a sufficiently rigorous anti-doping system for neutral Russian athletes. Through the pre-Olympic Games testing taskforce or through other means, there should be a minimum standard for all sports for Paris, Olympic and Paralympic. That was a particularly important subject in the case of Russia, because it appeared that a significant number of neutral Russian athletes might not be sufficiently subject to ITA or IF testing.

MS WELLS reiterated Oceania's support for a proposed in-person audit when safety allowed. She appreciated the comments just made that WADA was looking into that. She also indicated that Oceania continued to support WADA and just insisted that confidence be provided to all stakeholders that the Russian system was truly reformed and that all consequences had been complied with before WADA allowed their reinstatement.

MR WENZEL noted the comments made by Mr Baum and Ms Wells. Of course, decisions taken by the WADA management to recommend reinstatement to the Compliance Review Committee would ultimately come before the Executive Committee. That would be well detailed and communication was of course a key aspect as well.

#### DECISION

RUSADA CAS update noted.

## 9. Health, Medical and Research

### - 9.1 2024 Prohibited List

THE CHAIRMAN noted that there were several items for decision. One of them was the 2024 Prohibited List. Before giving the floor to Professor Rabin, He invited Professor Engebretsen to give a short update on the health, science and medicine activities.

PROFESSOR ENGBRETSSEN greeted the members from Oslo, Norway. He would make a two-minute introductory comment before Professor Rabin provided more detail. The Health, Medical and Research Committee was composed of 12 experienced sport medicine National Olympic Committee physicians, experienced academicians with a background in sport medicine, as well as experienced physicians from international federations, NADOs, the IPC, former Olympic athletes, and so on. The committee's tasks were to review the Prohibited List from the List Committee, to choose grant recipients from a high number of applicants and to discuss and propose the WADA research programme, in addition to studying and discussing the results of the research as well as overseeing the TUE practice worldwide. The main messages that morning were, number one from the Prohibited List, tramadol was to be prohibited in competition from January 2024. It was a pain medication much-prescribed by physicians and they had had one year to be prepared for the new regulation, just as the procedure with corticosteroids from the previous year. From the research programme, due to increased funds, it had been possible to regain some research potential in DBS and gene doping detection. Professor Rabin would provide the details. WADA would have new research grant procedures, more dynamic and easier for the researchers to apply and to receive a faster reply. And finally, at the Health, Medical and Research Committee meeting, updates had been provided by the chairmen of the various expert advisory groups summarizing the important points addressed by the expert groups over the past 12 months. The chairmen of the science and medicine expert groups had emphasized the time taken by the chairmanship role, in particular for the Laboratory EAG and the TUE EAG and, at the time of change of chairmanship, which was currently occurring, the high workload and duties incurred by the position should be well understood by the successors.

PROFESSOR ERDENER welcomed the brief yet detailed report. His question related to a consensus meeting. Was there any update about it? The sport movement strongly supported the idea and it could be held at Olympic House.

PROFESSOR ENGBRETSSEN responded that the committee had been in discussion with WADA regarding holding a consensus meeting on what was currently being done. Some time would be necessary to discuss future and current problems. It was hoped that the combination of resources from the IOC as well as from WADA would allow for the consensus meeting to be held within the year of 2024 or 2025. That was currently being worked on.

PROFESSOR RABIN guided the members through the proposed changes to the 2024 List of Prohibited Substances and Methods on behalf of the List Expert Advisory Group and the Health, Medical and Research Committee. The members would see on the screen the draft Prohibited List with the major changes marked. He referred to page four of the document, which dealt with the non-approved substances. Two examples had been added to the S0 list. First of all, 2,4-dinitrophenol, which was an old substance that had been created in 1930. It was an illegal substance, and had never been approved as a proper medicine. The substance regularly appeared and was used by some athletes to lose weight. It had been added as an example in S0 and two other substances which were troponin activators, acting on the protein of the muscle, which were not covered as a mechanism anywhere else, and that had been seen to be under development. It was the opinion of the experts that those substances should be prohibited.

Moving to page five of the List, the S1 anabolic agent section, three examples had been added. As the members knew, that was a very important section of the List because more than 40% of the adverse analytical findings reported by the laboratories were anabolic steroids. So, 11 $\beta$ -methyl-19-nortestosterone and dimethandrolone, as well as trestolone had been added as examples to the list. They had already been prohibited before as anabolic steroids, but they had been added by name because they were appearing on the Internet and also in some dietary supplements.

Moving to page eight, section S2 on peptide hormones and their releasing factors, he remembered predicting before the Executive Committee almost 20 years ago that WADA would see an explosion of

peptides, and that was currently a reality. That section had been reorganized and a few examples had been added. In particular, kisspeptin had been added as an example of testosterone stimulating releasing peptides, as well as two others, tetracosactide and capromorelin, which had been added as examples in different sections of S2.2, peptide hormones and their releasing factors. There were a lot of releasing factors that are modified peptides or fractions of peptides and they had to be reflected in the Prohibited List.

Moving on to section S4 on page 11 of the Prohibited List, the members would see that a new category of substances had been added to section S4.4 which was connected to the other substances. They were listed as metabolic modulators, as they modify the metabolism of the organs or of the cells to improve performance potentially, either related to the energy metabolism like the glucose metabolism or the lipid metabolism. Rev-erb $\alpha$  agonists had been added and those substances could be seen in particular in certain dietary supplements or being sold on some Internet websites. That was the reason why that category had been added.

Continuing to page 12, section S5 on diuretics and masking agents, that was only a presentation element because some of the stakeholders had mentioned that the section had been entitled 'diuretics and masking agents'; but, in fact, masking agents had previously come first in the presentation order and diuretics after, so they had simply been inverted.

Continuing to Page 13, there was an important change that was in fact in reaction to some of the comments received from the stakeholders, and it had been discussed the previous year when the 2023 Prohibited List had been presented. The experts had proposed that plasmapheresis donation, where only the liquid fraction of the blood is extracted and the red blood cells are re-injected into the body, becomes an allowed method. As the members would appreciate, several blood products extracted from plasma are extremely useful as therapeutic agents. The experts therefore believed that if plasmapheresis was conducted in registered collection centres, certified collection centres, it should be approved as there was no direct impact on the blood variables as measured in the Athlete Biological Passport.

Continuing to section S6 on page 15, there was one new example of stimulant that had been added, 2-phenylpropan-1-amine, which was a stimulant that was again appearing in certain dietary supplements. It had been considered prohibited, but since it was being seen more and more, it had been considered important to add it as an example, as part of the communication/education that WADA could provide for athletes and their entourage as well. There was one exception: still on page 15, tramazoline, which was only another imidazole derivative that had been added as an example to the Prohibited List.

As mentioned earlier by Professor Engebretsen, tramadol had been added to section S7. It had been decided exactly one year previously, so as to have enough time to inform not only the athletes but also the medical community that tramadol would be prohibited as of 1 January 2024. That concluded the main changes to the draft 2024 Prohibited List.

The Monitoring Programme also needed to be approved by the Executive Committee. There were only a few minor changes. For beta-two agonists, monitoring in- and out-of-competition had been removed because WADA currently collected the information it needed and it was fairly reassuring now that WADA had all the information, in particular at very low levels below the minimum reporting level. For narcotics, two substances were proposed to be added. There was a concern that, with the addition of tramadol, some athletes might move on to certain other opiates. It was therefore important to keep the monitoring of dihydrocodeine and tapentadol, and that was what was proposed in the 2024 Monitoring Programme. Finally, the members would see maybe with interest that semaglutide had been added. This molecule also known under the brand name Ozempic, saw a lot of advertisements in many countries. Ozempic, a GLP-1 agonist, was very useful for diabetic patients, but also of concern from an anti-doping perspective, in particular because it allows very good weight control. WADA knew that, in some sports in particular, weight control could be an issue. There would be other substances certainly to come in that category if WADA saw those substances potentially being misused for doping purposes. That concluded the presentation on the proposed changes to the Prohibited List and the Monitoring Programme, up for adoption by the Executive Committee.



THE CHAIRMAN asked the members if they would approve the 2024 International Standard for the Prohibited List, including the Monitoring Programme for 2024.

#### DECISION

Proposed 2024 Prohibited List and Monitoring Programme approved.

#### - **9.2 Annual research projects 2023**

PROFESSOR RABIN guided the members through the research projects proposed for approval by the Executive Committee. WADA had received a total of 76 grant applications in 2023 in three different segments. For the first one, the annual call, 54 projects had been submitted, and then there had been two special calls for projects, one on dry blood spot, which, as the members knew, was a method that had been implemented and on which WADA was still working to expand the list of substances that could be tested with this method, and also gene doping. The members had heard a lot about gene doping and there had been a call this year to consolidate the current position on gene doping detection. Those 76 projects had been reviewed, as always, by the independent experts first and then by the WADA Scientific Project Review Working Group before the recommendations had been reviewed by the Health, Medical and Research Committee under the chairmanship of Professor Engebretsen. That had been done at the end of August and the very beginning of September. Looking at the recommendations coming from the Health, Medical and Research Committee, there were 30 projects up for approval that day, including the 23 projects related to the annual call. Four projects related to dry blood spot and three projects related to gene doping detection. WADA was at an approval rate of about 40%, which was the norm in terms of what had been approved in past years, or perhaps on the low side of what had been approved in the past, but it was still reasonable, if one looked at other international organizations as well in terms of approval rates or success rates.

Looking at the projects, he would take them section by section as opposed to individually. As mentioned earlier, anabolic steroids were still the substances that WADA found most represented in adverse analytical findings, accounting for more than 40% on a yearly basis. That was a constant trend. There were six projects in that section that were up for approval. Either they looked at the sulfated metabolites of anabolic steroids to improve on the window of detection or the nature of the metabolites that could be identified, including the long-term metabolites of anabolic steroids that made it possible to go from days, maybe weeks of detection to months of detection, because they were metabolites of metabolites. It was also possible to see the expansion with dry blood spot under the projects really looking at the detection of testosterone misuse in dry blood spot, which was quite an important issue.

The members would have heard many times about isotope ratio mass spectrometry, which made it possible to distinguish, based on carbon isotope ratio, between exogenous and endogenous origin of a substance. What WADA was currently trying to achieve was to make the method a more routine method of detection. That was one of the projects that was proposed. The members had heard him on behalf of the Health, Medical and Research Committee talking about the muscle memory of doping in the past. There had been one project the previous year that was currently being proposed for the detection of that mechanism, or to reveal the molecular mechanisms behind this theory. That was something that the Health, Medical Research Committee thought important to promote.

Looking at the projects related to peptides and proteins, that was a very vibrant sector of pharmaceutical development and more and more of those peptides and hormones were being released on the market. WADA therefore certainly needed to follow that trend and make sure that it could improve on the detection of those substances, because usually the windows of detection were fairly short. WADA also wanted to improve the capacity to detect those substances, in particular in blood. That was something WADA could do as it expanded on the blood collection, in particular with dry blood spot, and also try to consolidate some of the methods that were currently being used in anti-doping laboratories. The members would see one of the projects was about combining together erythropoietin and TGF- $\beta$  signalling inhibitors in one method. So, again, WADA was trying to reduce the cost by combining the elements, and also improving on the EPO detection in urine with one of the projects with direct coupling on the capturing of EPO and direct analysis by isoelectric focusing.

Looking at the other projects in that section, there were projects that were related to the metabolism of a new substance that had been added to the Prohibited List. WADA wanted to improve constantly the possibility of detecting some of the substances, in particular those that had been added to the Prohibited List, and also expand on the metabolic profile of recombinant erythropoietin in females and males under normoxic and hypoxic conditions, hypoxic conditions being one of the confounding factors for EPO analysis. And, very importantly, as the members might have seen over a year or two, the fact that WADA had identified an EPO variant, which was extremely rare, geographically speaking quite limited, but with the possibility that people would move from that region of the world to other regions or have heritage of parents coming from the region of that variant. It was necessary to improve on the detection to be able to make sure that WADA could identify that very small number of people in the world with the EPO variant.

Continuing with the projects related to use of substances, there was what was known in the pharmaceutical industry as racemic mixture, which was a mixture of different isomers, and sometimes the isomers were isolated and were being used as new medicines. That was what had been observed, notably in the USA, with salbutamol and the isomer being levosalbutamol. WADA was currently trying to reach the threshold for levosalbutamol, as it did for salbutamol, allowing people to take levosalbutamol below a certain level.

WADA was also working constantly on the ability to reveal prohibited substances, and having very robust minimum reporting levels in laboratories was quite important. That was what was being done with providing the laboratories with a calibrated mixture of certified reference materials, which allowed them to report with a high level of certainty the substances that they detected. WADA partnered in particular with the Partnership for Clean Competition in the USA to provide some of those standards to laboratories. WADA was also looking more carefully at the metabolism of some new stimulants, namely flmodafinil and fladrafinil, which were new substances that had been released commercially. Again, WADA was constantly looking at the substances that were released and trying to facilitate the detection of those substances.

Related to the Athlete Biological Passport, there were four projects that were proposed, most of which were trying to improve on the way in which abnormal profiles could be revealed. The adaptive model based on the Bayesian approach was being used. WADA was currently trying to see if it might be possible to use other mathematical models, including sometimes related to machine learning/artificial intelligence to improve the way in which some abnormal profiles and also some confounding factors could be revealed, in particular heat training where there could be an effect. If WADA were able to better take into account that potentially confounding factor, it could improve our ability to reveal suspicious profiles.

As mentioned before, there were two special calls for projects, some related to dry blood spot. WADA wanted to expand the menu that could be used with dry blood spot. It was a method of interest for the future and WADA wanted to continue investing in dry blood spot. There were two projects that were related to detecting HIF stabilizers, as WADA wanted to improve the ability to detect that class of substances, and two other projects that were related to the detection of small peptides, also using dry blood spot as a method.

To continue with the special calls, there had been a special call for gene doping detection to strengthen the current approach that WADA was developing on gene doping detection, and there were three projects that had been selected and recommended by the experts of the Gene and Cell Doping Expert Advisory Group in particular. They believed that, with those three projects, WADA would certainly consolidate our ability to reveal gene doping. That was not always easy if one looked at the number of genes, but the fact that it was currently possible to spot, with new generation sequencing, the changes that were made on the genome, was very promising and probably much cheaper than it had been even a few years previously.

In terms of how much the projects would cost, as the members could see, they would cost about 3.5 million dollars spread between 2.4 million dollars for the annual call for projects, about 310,000 for dry blood spot and about 800,000 for gene doping detection. That meant that, out of the 2023 budget of 4.5 million dollars, the total would reach 3.5 million dollars, and there would be 1 million dollars left over which had already been committed for various projects in the research pipeline. Some of the projects were either extensions of existing projects that looked promising or projects that the experts also believed were necessary to consolidate WADA's position, in particular for tramadol detection for the certified reference materials in collaboration with the Partnership for Clean Competition, and also some elements related to meat contamination by prohibited substances, which could be an issue in some countries of the world. That

concluded his presentation on behalf of the Health, Medical and Research Committee on the proposed research projects.

THE CHAIRMAN thanked Professor Rabin. Did the members agree to approve the funding recommendations for research proposals for the 2023 annual call for grants? He thanked them very much for approving the projects.

#### DECISION

Proposed 2023 research projects and special projects approved.

- **9.3 Modified review and approval process for scientific research projects update**

PROFESSOR RABIN stated that it had been realized that the current process at WADA for the approval of projects, in particular as part of the annual call for research projects, was very strong. It was very thorough, involving a lot of different steps to make sure that WADA was selecting the best projects that were submitted. However, it was very cumbersome and very long. When one was a researcher with an idea, one wanted to quickly move from the idea to doing the research with the support of the funding organization. WADA had looked into the matter again with the experts and they had thought that they could come up with an improved process. That was experienced in 2023 with the two special calls he had mentioned earlier, dry blood spot and gene and cell doping detection. The principles were very simple. The research team could apply to WADA at any time with an idea, any day of the year. The second point was that, instead of asking for full applications, teams could be asked to submit an expression of interest, which was much shorter and much more direct in terms of information WADA needed. WADA would need a name and an institution, what it wanted to do, who it was going to work with and how much it was going to cost. It was very straight forward. Then, based on the expressions of interest, WADA will have them reviewed faster with its experts and select which ones should go to the next step of full applications. When the full application is received, WADA would also involve external experts, members of the WADA management and members of the Health, Medical and Research Committee. Once reviewed and recommended by the Health, Medical and Research Committee, the projects could be put to the Executive Committee for approval. Instead of having one process per year, it was thought that it would be better to have three of those processes per year so as to be able to approve projects throughout the year, which was currently possible because the research budget had increased. He thought that it would be possible, although he would not hide the fact that it would certainly entail more work for the scientific and medical staff at WADA and also the external experts. Nevertheless, he thought that it would give much more flexibility and would make the WADA research programme much more attractive to the principal investigators and the researchers of the world.

MS MARACINEANU welcomed the very interesting review on the research and the modifications. She would be very interested in the benefits of the research programme, which had a lot of needs, and the benefits in the next changes of the Code. She would be very interested in the results.

PROFESSOR RABIN said that he was very mindful of the fact that WADA was spending a significant amount of money on scientific research, and his answer would be on two levels. The first one was that the Health, Medical Research Committee, under the chairmanship of Professor Engebretsen, reviewed the outcomes of the research projects that were funded by WADA every year. As part of the Health, Medical Research Committee agenda, every year there was an item on the impact of the research projects completed. The second element was that, as part of the key performance indicators that were being reported to the Executive Committee, there were some indicators that related to research and the outcomes of research. He would be very pleased, if WADA needed to provide more information, to report it on a regular basis, but the members already had those two elements that were regular activities that the Science and Medicine Department reported to the committees.

MR MUROFUSHI expressed his gratitude to all of the people involved, including the Science and Medicine Department and the Health, Medical and Research Committee, for their efforts to modify the review and approval process. The revision had shortened the whole process and made it possible to apply throughout the year. That was great news for researchers and research institutions. More applications could be expected from those countries, especially Japan, whose fiscal year started in April, so the flexibility made it possible for research institutes to apply. He welcomed the efforts undertaken.

DR SANGENIS congratulated Professor Engebretsen and Professor Rabin on a very interesting presentation, especially for the hard work the committee was always doing, including such a variety of topics for research. She welcomed the inclusion of applications submitted throughout the year. Physicians or researchers always wanted to speed up the processes. They needed the process to be faster, and that would be a very good way of ensuring that. She looked forward to more inclusiveness. She knew that WADA was working hard on that, but it was important to include all the regions and areas of the world that submitted interesting projects.

PROFESSOR ENGBRETSSEN stated that the new review process was a step in the right direction. However, the members had to be aware of the fact that it would really take much more time out of the Health, Medical and Research Committee's expertise. The committee already had a lot of things to do and the new process could be a little bit challenging. After one year, it should be evaluated before it was made final. The second thing he wished to comment on was the results of the research. Over the past three or four years, every time there had been a Health, Medical and Research Committee meeting, the members would go through the developments. The research had led not only to papers in journals and PhDs, but also to changes in the laboratories and to improvements in the anti-doping efforts. He could assure the members that WADA was really on top of that. If the members would like a short review on the past three or four years and what had been achieved, it would be possible to provide that.

#### DECISION

Modified review and approval process for scientific research projects update noted.

#### **- 9.4 Candidate laboratory for WADA approval for the Athlete Biological Passport – Shanghai, China**

PROFESSOR RABIN noted that the Shanghai laboratory had been approved for the global accreditation process two years previously in September 2021, and the laboratory had expressed the desire to be first approved for blood analysis in support of the Athlete Biological Passport. WADA had realized that its rules did not dissociate the two. So, even if the laboratory was approved as a candidate for the global accreditation that included the Athlete Biological Passport, WADA still had, when the laboratory requested an approval only for the Athlete Biological Passport, to specifically approve the candidate status of the laboratory, specifically for the Athlete Biological Passport. It was a technicality. The proposal was to have the Shanghai laboratory as a candidate laboratory for Athlete Biological Passport blood analysis.

PROFESSOR ERDENER noted that there was a very organized programme in Shanghai and he strongly supported the proposal.

THE CHAIRMAN asked the members if they agreed to grant candidate laboratory status to the Shanghai Anti-Doping Laboratory of the Shanghai University of Sport, China.

MS YANG thanked everybody for approving the Shanghai laboratory as a committed laboratory for the Athlete Biological Passport. Professor Chen had dedicated his lifetime to scientific research and she believed that the laboratory would contribute to anti-doping. She thanked the members for their trust. As the meeting host, she appreciated the members' participation and thanked them for coming to her hometown. Hopefully, they would come back again in the future. She would be more than happy to host everybody.

#### DECISION

Candidate laboratory (Shanghai) for WADA approval for the Athlete Biological Passport approved.

#### **- 9.5 Technical Document for Laboratory Documentation Package – TD2023LDOC**

PROFESSOR RABIN referred to the technical document for the documentation package. It was only a technicality. It had been realized that it would be better to have a technical document that referred to the

technical document on MRPL instead of having some more specific information on the MRPL within the document. So, it was only a technicality. The laboratories were already applying the principle because they referred to the TDMRPL. A slight change would be made to the technical document to refer more specifically to the technical document on MRPL.

THE CHAIRMAN asked the members to approve TD2023LDOC version 1.1, to come into effect on 1 October 2023. TD2023LDOC version 1.1 replaced the former version 1.0.

#### DECISION

TD2023LDOC approved.

### **10. Other business/future meetings**

THE CHAIRMAN said that the next meetings of the Executive Committee and Foundation Board in November would be in Montreal. WADA would meet in March in Lausanne, just prior to the annual symposium, at which the participation of the Executive Committee members would be welcome. The Executive Committee would then meet in September in Turkey, hosted by Professor Erdener, and for the early December Foundation Board meeting, WADA would be in Riyadh. The Executive Committee would break for lunch and would return for the afternoon session on the 2025-2029 strategic plan. Before concluding the regular Executive Committee meeting, he thanked the hosts for their exceptional hospitality and great collaboration.

#### DECISION

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 – week of 9 September 2024, Belek, Turkey;

Executive Committee – week of 2 December 2024, Riyadh, Kingdom of Saudi Arabia;

Foundation Board – week of 2 December 2024, Riyadh, Kingdom of Saudi Arabia.



The meeting adjourned at 12.45.

FOR APPROVAL

MR WITOLD BAŃKA  
PRESIDENT AND CHAIRMAN OF WADA

MR OLIVIER NIGGLI  
DIRECTOR GENERAL AND RECORDING SECRETARY