

LEGAL EXPERT ADVISORY GROUP

Terms of Reference

The WADA Legal Expert Advisory Group (EAG) is a group of experts comprised to provide dedicated advice to WADA's Legal Affairs Department¹.

These Terms of Reference (ToR) are approved by the WADA Director General, following consultation with the Director of Legal Affairs and the General Counsel.

Purpose

To provide expert advice, recommendations, and guidance with respect the interpretation and implementation of the World Anti-Doping Code ("Code") and International Standards and on any other legal topic related to anti-doping.

Objectives

- 1) To provide legal advice in respect of documents issued by WADA, as requested by WADA Management, the WADA Executive Committee or Foundation Board, or WADA Standing Committees or other specific WADA Expert Advisory or Working Groups.
- 2) To provide advice and guidance on documents issued by WADA with regards to Results Management or other anti-doping related questions.
- 3) To provide advice, upon request from WADA Management, on doping-related legal matters as appropriate.
- 4) To monitor existing and future trends in the Legal EAG's fields of expertise having the potential to impact the anti-doping system and propose new ideas for WADA's internal Innovation Board consideration, if appropriate.

Reporting Structure

The Legal EAG reports to WADA Management.

Membership/Composition

The composition of the Legal EAG shall not exceed a maximum of 12 members.

¹ EAGs are bodies created to provide ongoing advice and assistance to WADA Standing Committees and/or WADA Management (who in turn report to the WADA Executive Committee), on issues requiring significant technical specialist expertise. EAGs may also assist with regular or ad hoc activities, as necessary.

The WADA Director General, following consultation with the WADA Director of Legal Affairs and the WADA General Counsel, who are in charge of the Legal EAG, will appoint members to the Legal EAG.

Members are selected on the basis of their relevant background and experience in legal matters, in particular in prosecuting anti-doping cases.

The membership of the Legal EAG is published on the WADA website.

If required, additional experts may be called upon on an ad-hoc basis to contribute to specific topics or matters.

Each member (including the Chair) serves a two-year term, renewable but with a 12-year term limit, unless a business case is presented by the responsible WADA Director in charge justifying that a specific expertise is needed and that therefore the Chair or member is to be renewed otherwise the work of the group will be detrimentally affected. The WADA Director General must support the exception.

Chair/Rapporteur

The Legal EAG Chair shall be the WADA Director of Legal Affairs or the WADA General Counsel.

The Legal EAG Chair shall act as the official reporter² who is responsible for ensuring appropriate coordination with the WADA Director General and other members of WADA's Management, and for providing accurate and timely information on all relevant issues.

WADA Liaison

The WADA Legal Affairs Department, and in particular the Director of Legal Affairs will serve as the primary liaison with the Legal EAG.

Given the Director of Legal Affairs, or the General Counsel, will function as the Chair of the EAG, they will directly contribute expertise to the work of the EAG and will have a voting position when required. Additional WADA Legal Affairs staff may also participate in Legal EAG meetings as WADA experts on particular subject matters and to provide general support to the group where required.

Meetings and Working Norms

The Legal EAG will meet in person, or virtually via video or teleconference (as determined by WADA), traditionally once per year.

The Legal EAG normally operates on the basis of consensus and maintains as informal a manner as is possible or appropriate for the conduct of business.

Consensus will be sought whenever possible. In the event of divergence of opinion or disagreement concerning recommendations, the absolute majority (determined by vote by hand) will rule. In the event of a tie, the Chair has the casting vote. There is presently no formal practice

² The Chairperson/Rapporteur is responsible for producing a brief annual report to assess the extent to which the Legal EAG fulfilled its tasks over the preceding year.

concerning a quorum. The Chair has the responsibility to determine if a quorum is present. Meeting notes will record any dissenting opinion on request.

The Chair may limit discussion of resurfacing issues by referring to previous recommendations or conclusions of previous discussions.

Meeting notes of the Legal EAG meetings, reports and correspondence relative to the group's work shall be retained at the WADA Headquarters.

Code of Ethics, Conflict of Interest, Confidentiality and Media

Upon their appointment and again annually, all Legal EAG members are required to sign a document, pursuant to which they undertake (i) to comply with the Code of Ethics adopted by the WADA Foundation Board (as amended from time to time); (ii) to comply with the Conflict of Interest policy adopted by the WADA Foundation Board (as amended from time to time); (iii) to keep all matters related to WADA confidential; and (iv) to comply with the WADA Media Relations policy issued by the Agency (as amended from time to time).

A) Code of Ethics

The purpose of the WADA Code of Ethics is to establish clear ethical standards over the activities of WADA Officials (as defined in Section 2 of the Code of Ethics) to allow WADA to achieve its mission and protect its core values. WADA and all its Officials undertake to foster a culture of ethics, loyalty, and integrity within their respective areas of competence.

B) Conflict of Interest

Legal EAG members will be bound by the WADA Conflict of Interest policy. They will be required to annually complete and sign a Statement of Absence of Conflict of Interest in accordance with the policy, and to update such statement if and as necessary during the year.

C) Confidentiality

All Legal EAG members are required to sign a Confidentiality Declaration upon appointment and again annually. This ensures all members reflect on the confidential nature of their WADA work and confirm their adherence to such confidentiality rules.

D) Communications and Media

All Legal EAG members must read and comply with WADA's Media Relations policy. If a member should receive a request for an interview in relation to their role in WADA, or WADA's work in the fight against doping in sport, they should first consult with the WADA Head of Media Relations or (if absent), with the WADA Communications Director.

Financial Support

WADA shall provide the necessary administrative and operational resources for meetings. WADA will cover certain expenses and compensate members for meetings in accordance with its applicable indemnity policy.

It is acknowledged that some experts go above and beyond, including providing extensive advice throughout the year, outside of annual meetings. WADA offers a further indemnity to experts for such work carried out. The specific indemnity details are outlined in the “Overview of WADA Expert Advisory Groups” document provided to Members each year.

Effective Date and Future Review of ToR

These ToR came in effect on 1 January 2021. Administrative updates to the ToR were made in January 2023 and January 2024.

Whilst the ToR for all WADA EAGs are reviewed annually, the procedures for creating/supporting/managing the EAGs will be reviewed at least every three years to ensure they remain appropriate and applicable.

These ToR are published on the WADA website.