

WORLD ANTI-DOPING AGENCY
Foundation Board Informal Meeting
Sydney, 15 September 2000

The meeting opened at 10 a.m.

1. Welcome

THE CHAIRMAN thanked everyone for making the effort to come to the meeting. He hoped that they could make good use of the short time that they had to catch up with where they had come from in the last few months and where they hoped to go over the course of the next couple of weeks at least, and perhaps the immediate future. The aim that day was to report to the Board on WADA's activities since March.

2. Roll Call

See Annex.

3. Minutes of the Executive Committee teleconference on 2 August 2000

THE CHAIRMAN specified that the draft minutes included in the files were for the information of the Board, not for approval. They were a reasonable summary of what had gone on.

4. Report on WADA activities

– 4.1 Bidding procedure

MR SYV SALMI explained the document (Annex) which had been sent to 199 NOCs and their respective sports ministries. He had not had a complete address list, hence the documents could also be seen on the new WADA website. He asked the members to help deliver the documents to the right addresses. The first seven pages were decisive in the first phase. Annex 1 of the document was only to be used in the second phase of the project, and had been attached to try to explain to the applicant cities what WADA was looking for. The deadline for the submission of any proposal to WADA was 23 October 2000, at 5 p.m. Swiss time.

THE CHAIRMAN asked whether anyone had any questions on the process to date. He thought that, by the time they had their meeting in Oslo, they should have a list of cities that had expressed an interest, and a recommendation to the Board as to the cities with sufficient qualifications to become candidates.

DECISION

Report on the bidding procedure approved.

– 4.2 Updated statutes

THE CHAIRMAN said that the document (Annex) incorporated the amendments made to the original document, with the words in italics representing the changes that had been made.

DECISION

Updated statutes approved.

– 4.3 WADA Independent Observers report on ASDA

MR HARMAN said that he and his colleagues had spent seven days in Australia, undertaking the observation over two periods and had prepared an executive summary of their report (Annex)

although a more extensive report was available to members, along with extensive material that had been gathered as a result of the observation. He thanked ASDA and the Australian Sports Drug Testing Laboratory (ASDTL), as well as the Australian NOC, for their total cooperation and the provision of material which they had not expected would be made available to them for reasons of confidentiality. The executive summary in the files set out the observers' major recommendations and findings, as well as some suggestions to be considered in the future.

DR ROGGE asked whether the WADA observers had attended actual hearings of positive cases, and if their observations included the results management system.

MR HARMAN replied that observation had not included any hearings, as ASDA did not conduct these. However, they had attended the testing of some rugby league players, which was significant as rugby was a professional sport and showed that ASDA conducted testing of professional athletes under contract. They had also observed all the facets of the management process by way of observation and spot audit of documentation. They had traced some test results of high profile athletes in Australia and were content with the process and the way in which these tests had been conducted.

DR ROGGE proposed that the observers attend actual athletes' hearings, which was hard to implement at short notice, but should be included in the programme.

THE CHAIRMAN explained that the appeal procedures were confidential, however the rules governing this were rules that could be waived by both parties if they agreed to it.

DECISION

WADA Independent Observers report on ASDA approved.

- 4.4 Interim report of the Office of the Independent Observer

MR SYV SALMI reported that there had been a great deal of operations going on. The accreditation was now in place, and 14 of the 15 members of the team were present in Sydney, with one more person still to come. They had initiated operations and were cooperating well with the IOC Medical Commission. The real work would now begin, but they were prepared.

MR HARMAN thought that it was as well that they had come to Sydney at the end of August. They had established an office in the Quay West building nearby. They had not yet attended any IOC Medical Commission meetings, but would be attending from that moment on.

MR CODERRE asked why it had taken so long to get accreditation. Why was it only now that they would receive an invitation as Independent Observers? Was that the kind of collaboration that they were expecting from the IOC Medical Commission?

THE CHAIRMAN explained that this was an entirely new process, and no such accreditation had ever been included before. The important thing was that they now had all the tools necessary for the Independent Observer team to do its job. Change was never easy. There were 250,000 different accreditations given on the occasion of the Olympic Games. These ones were new and had to be worked out.

THE PRINCE DE MERODE said that until then, there had been no IOC Medical Commission meetings. The first meeting would be taking place the following day, which was why the Independent Observers had not been invited before.

MR CODERRE highlighted the primordial role of the Independent Observers. He was a member of WADA because he believed that if they wanted an independent and transparent organization, the role of the Independent Observers was to ensure that they would assume the transition so that, after the Games in Sydney, WADA could take over full authority for the issue of doping in sport. How exactly could the role of the Independent Observers be established to ensure that this would happen?

THE CHAIRMAN thought that they should eat this elephant one bite at a time. At the moment, the role of the Independent Observers was to observe and report. There was no indication that WADA would be taking over the role of the sports bodies' authority over an event, at least not yet. Their role in Sydney, until otherwise determined, was to ensure that the medical authorities of each federation or competition remained the responsible authorities for each competition or event. What their mini-parliament might decide would depend on how successful the process was, and how they won each

and assume responsibility for each sport or federation. If they reached that point, fine, but they were not there yet. They should be aiming to engender a feeling of mutual cooperation. Nobody was fighting, but what he hoped they were all trying to do was see how they could win the fight against doping. They had to work together in order to achieve this.

MR SYV SALMI stressed that their task was to observe and report. They could bring anything that they believed to be crucial to the attention of the Prince de Merode, and it would be up to him and the Medical Commission to act if they saw fit.

H.E. MR BALFOUR was not sure that he was thrilled by the kind of report that they were getting. The issue was to observe and report, but they could not observe from the outside. The necessary mechanisms had to be in place if the Independent Observers were to do their work properly. They were not fighting one another here, but they all wanted to see work done properly. In order to do this, they would have to work with one another. The Independent Observers should not be treated as outsiders. They were getting rather wishy-washy reports, and he was not particularly happy with this.

THE CHAIRMAN said that the Independent Observers had all the accreditation and access necessary for them to observe. They could not be insiders in the process because they had to be independent and observe. As far as he was aware, everybody had the access they needed.

MS VANSTONE thought that there had been difficulties, and the Independent Observers had not had appropriate access at the start, although that had now been fixed. With regard to Mr Balfour's comments, she understood that he was talking about being a part of the broader, overall process that they were all working towards, which was to make sport cleaner. She did not think that he had meant to interfere in the work of the IOC Medical Commission, but wished to have a part to play and deliver a report to WADA.

As Chairman of the Coordination Commission for the Games in Sydney, DR ROGGE had been in close contact with Mr Syv salmi to ensure that the Independent Observers had full access to all the sites they needed to get to. The Independent Observers had been given special accreditation, which did not include the IOC name on it, a pool of cars, a very good quality hotel, and meeting rooms, so he could not see that there were any restrictions.

THE CHAIRMAN asked whether there was any Independent Observer present who thought that he or she did not have the necessary access to properly carry out the role of an Independent Observer. He heard no response to his question, so assumed that the answer was negative. There were and would be a lot of problems, but that was not the issue. The Office of the Independent Observer was ready to go, and it had all the tools it needed to do the job.

MR SYV SALMI agreed, and could confirm that the Independent Observers had full access, a good hotel, an office, efficient transport and special accreditation.

H.E. MR BALFOUR said that there was too much protest and defensive talk going on. The problems should have been ironed out before their arrival in Sydney. They needed to clear the board and move on, but there was no need to be defensive.

THE CHAIRMAN thought that there had been a perception of an attack, and one had to defend.

MR CODERRE insisted that they were not there to attack anyone. They had created WADA to eliminate problems. It was unacceptable that Mr Syv salmi had had to spend four days to obtain accreditation, but he was happy that Dr Rogge had managed to solve the problem. He did, however, expect the observers to be more than observers. He had joined WADA to stress the W part of the agency, the fact that it was international. After the Games they would have to work on a transition. All he wanted to do was fight properly against doping in sport.

MS VANSTONE welcomed everyone to Sydney and said that they should bear in mind that the problems had now been fixed. She congratulated everybody on whatever problems they had resolved, and suggested that they move forward.

DECISION

Interim report of the Office of the Independent Observer approved.

– **4.5 Summary of WADA activities and statistics**

MR SYV SALMI referred to the summary of decisions and statistics in the report (Annex). The statistics had been included to show that there were already 32 different countries represented in the WADA administration, still to be extended at the Oslo meeting.

THE CHAIRMAN said that they would have to depend on the members present to help them to broaden their reach in order to have an international perspective on all of the issues they were going to deal with.

MR CODERRE wanted to congratulate Mr Syv salmi on his work, however after the last Executive Committee meeting, the Japanese and other representatives had commented on communication and the WADA secretariat. It was time to increase the numbers of staff and ensure that they could maintain good relations with governments. Unfortunately, some countries received information late. He proposed that WADA employ a government liaison officer, as they needed to maintain the balance between governments and the Olympic Movement, and it would be useful to have someone to keep the governments informed so that they could fully play their role.

THE CHAIRMAN thought that this was a good idea. Increasing the numbers of staff was a definite priority, as was having a government liaison officer and a communications officer, and these matters would be taken up as soon as they left Sydney. He hoped that they would be able to report to the Board in Oslo, if not before, that they had increased the staff to the level necessary to accomplish the work that had to be done in the short run. The WADA website had been activated that morning, and it was hoped that all the members would visit it. Any comments on the look and use of the website would be most welcome.

MR SYV SALMI demonstrated how to navigate the WADA website on screen, adding that the next step would be to set up an intranet.

DECISIONS

1. Summary of WADA activities and statistics approved.
2. Proposal to increase the number of staff to be acted on as soon as possible.

5. Interim report on the WADA Out-of-Competition Testing Programme

THE CHAIRMAN stated that their second major thrust of activity was the Out-of-Competition Testing Programme, adding that they had negotiated an agreement with each of the 28 International Federations.

MR MENDOZA presented his report (Annex) on the programme, noting that there were still results coming in from the laboratories, so there would be further movements.

MS JOHNSON referred to discussions on the testing programmes, which had focused only on the summer federations to date.

MR MENDOZA said that the number of 1-4 test missions carried out was a very impressive figure, and also raised the risk profile in the athletes' minds. He referred to the future challenges, as there was clearly more that they could do with regard to enhancing programmes. The twin goals of achieving maximum deterrence for a cost-effective budget was the challenge that WADA faced, and as they came into the era of out-of-competition blood testing, that would become a bigger challenge. He concluded that they would come in under budget, and on that basis would be talking further with WADA about the extension of the programme to ensure that there were enough tests left in the pool to enable the winter federations to be brought on board.

With regard to the number of positive results, there had been 20 positive analytical results (not doping infractions) reported to date, with a significant number of nandrolone and THC (Cannabis). These were matters for the Chairman to elaborate on.

Finally, the WADA test programme for 2000 was on target, on schedule and on budget.

MR CTVRTLİK wanted to provide some feedback. The athletes in the Village were supportive of the programme in general, but there had been some confusion between the different number of agencies that could test the athletes. The support was there for the work, but the coordination between the International Federations, the NCOs and WADA could be improved upon.

MR CODERRE asked how many athletes had been sanctioned following the 20 positive results, and how the relevant bodies would be informed.

DR ROGGE congratulated the team on achieving so much in such a short time. Where the future was concerned, WADA would observe the IOC, as well as the IFs, NOCs and national governmental drug agencies, which would dispel the athletes' fears about the validity of the system. WADA should also be observed, however, and he called for independent observation by independent bodies so that WADA could not be called into question. This was a matter for future consideration.

MR REEDIE also congratulated Mr Mendoza and his team. There had been some confusion among the athletes during testing, as names of authorities that the athletes had never heard of or would not expect had been produced, for example, SOCOG had given its name to the athletes, who had expected an agency or organization other than SOCOG. He had spoken to the Australian agency and the matter had been quickly resolved.

He wanted to know how many of the tests had been performed on the athletes after their arrival in Australia and how many had been taken from the date that out-of-competition testing had started before their arrival in Australia. He suspected that testing had happened fairly recently before the start of the Games. This really had to be a widespread process. As for the testing, he could certainly confirm that it had been unannounced.

MR MENDOZA did not have details on the positive results; he had the overall numbers, but the WADA office had been coordinating the positive analytical results and keeping tabs on them. Dr Rogge's comments were important. Each agency involved, ASDA, the Norwegian Confederation of Sport and Olympic Committee Anti-Doping Programme, the Canadian Centre for Ethics and Sport and the private firm IDTM, was subject to completely independent audits. The CCES was the only agency not to have full accreditation against the full standard, but was in the final push towards that goal. Other agencies had carried out second party audits, which were not full independent assessments, but nevertheless regarded as a valid method. They wanted to extend the number of agencies involved.

In response to Mr Reddie's comments, yes, SOCOG had engaged ASDA employees since 2 September, and they would have had a letter of authority in their possession from SOCOG to carry out those tests. In relation to the number of tests carried out on athletes in Australia, 590 in total had been collected. There had been just on 1600 tests conducted by 2 September, and since that date, WADA had collected 443, a good deal of which had also been overseas. There had been three programmes running in Australia, and their staff had been contracted by a number of countries.

MR SYV SALMI said that the test results management was taken care of by the International Federations. He made sure that the laboratory results were sent to the IFs and WADA, and then sent letters to the IFs to follow the case up, but with the positive results, they would certainly approach the presidents or secretaries general of the IFs concerned. WADA would eventually report on the overall results, but giving no names.

DR ROGGE said that ISO standards were a must, but they were only a minimum. WADA had sent observers to ASDA, which had an ISO standard. They needed an independent body to observe their own activities. Of course, ISO certificates were necessary, but they needed more.

With regard to the elevated results, MS VANSTONE asked when they could expect a conclusion of the matter and a report to WADA by the IF concerned.

MR VERBRUGGEN said that his IF had had two cases, one of which had immediately been taken care of by the National Federation, and the rider had not been sent to Sydney. With the second case the UCI had acted immediately. Where cycling was concerned, offenders could not participate in Olympic Games and world championships, but there were different rules for each federation.

THE CHAIRMAN said that the day before, he had reported to the IOC Executive Board on the activities of WADA, urging all the International Federations to deal with any positive cases before the Games, so that somebody in the process of an appeal did not compete in the Games when everybody knew what the eventual result of the appeal would be. The difficulty was that athletes were often presumed innocent until guilt had been established. With regard to some of the results, cannabis was not necessarily a banned substance in out-of-competition tests in some sports. All they had done was advise the IF concerned that it should be aware that the IOC did test for this at the Games, and that cannabis remained in the system for a long time.

MR MALLARD brought up the matter of the availability of athletes or the repeat avoidance of testing. With regard to elevated test results, which federations had rules that some of them might consider inappropriate? Were there any federations ignoring their own rules?

MR MENDOZA said that it was very hard to establish a case of avoidance. In the report, they had claimed a strike (or success) rate of about 60%. Every time they had issued test missions with X number of athletes to be tested, they had been successful six out of ten of those times. In just one sport in Australia, they had had a 95% success rate. This was not easy, and sophisticated information gathering and accessibility of that information by the testing agencies was required to get the figure up higher. A great deal of work by WADA was also needed to ensure that the information coming in from National Federations and Olympic Committees to the international bodies, and ultimately to WADA, was current and complete. It was still too early to say whether athletes had evaded tests or not. The quality of their information just was not there at the moment to make those sorts of judgements.

MR CODERRE congratulated Mr Verbruggen on the transparency of his federation. He was, however, rather concerned about questions from the press on the number of tests carried out, the results and action taken. They had to reply well, and think how they should reply. They needed to be more rigorous, and work more closely and efficiently with regard to test management, as it was a matter of credibility.

THE CHAIRMAN said that when an elevated test result went to WADA, it also went to the IF, so the independent process was started the moment there was an elevated result. WADA then followed the case up with the IF. He thought that they could put together a survey of what the rules were, federation by federation, so that they knew how each one acted. WADA then indicated to the IFs that they expected them to follow up and report on cases. If they did not, he believed that they should report that federation X had been advised of an elevated test result, and had done nothing about it. They then had to decide to what extent they would be prepared to disclose the name of the athlete involved as opposed to merely the federation and possibly the substance or the test result. But, as he understood it, this was dealt with in WADA's contract with each IF.

MS VANSTONE suspected that the Australian government would be happy to give positive publicity to the federations that did have the sorts of rules they had been discussing and responded promptly to WADA. They needed the information to do so. Sometimes the focus was on beating up on the bad guys, which had to be done sometimes, but another way to do it was to put the good guys on a pedestal, and by omission other people became the focus of media attention.

THE CHAIRMAN thought that this idea was very helpful. He asked Mr Mendoza when he would expect to have a definitive report for the Board.

MR MENDOZA said that in terms of the testing, by 10 September they would be able to provide a full reconciliation of numbers during the period of the Games, but it was hard to tell with the budget numbers, as they were dealing with some financial and legal liabilities, of the nature of stress claims and divorce proceedings, but these would come to full light shortly.

THE CHAIRMAN mentioned that WADA had obtained some very good insurance to cover its activities.

DECISION

Interim report on the WADA Out-of-Competition Testing Programme approved.

6. Next Board meeting on 14 November 2000 in Oslo

MR CODERRE proposed a meeting of governments before and after the full meeting, which would mean changing the date of the Board meeting.

MS VANSTONE thought that if the governments wanted to meet before the WADA meeting, they could shift the government meeting to the weekend.

THE CHAIRMAN suggested a one-by-one canvas as soon as they got back after Sydney to see what they could do about it.

MR CODERRE raised the funding issue. They should discuss it before the WADA Board meeting, as in order to be efficient, they had to be able to answer their own questions first.

MR REEDIE said that dates should not be changed after they had been locked in. With regard to funding, it would be his intention to have to the Board and the Executive Committee before that meeting a preliminary statement on costs for the current year. The issue was a question of where the funding came from, not if it was coming.

DECISION

Next Board meeting to be held on 14 November 2000
in Oslo.

7. Any other business

MR VERBRUGGEN had a number of requests which might bring a lot of work to WADA. For the politicians, if WADA was to take immediate action, they needed a unified list of laws for each country. This was urgent, as the athletes had the right to have the same list in every country.

With regard to legislation, it was all different in each country. In France, an independent council for doping affairs had been set up, but it always seemed to differ with the views of the UCI, and where it did not differ, the athlete had to go through two procedures for the same thing.

The products searched for also needed to be decided upon jointly. The French had asked and paid for cortisone controls, and Spain had asked for HCG tests. These were incidents which should not occur, as controls should be world-wide, not different in each country. This was not in the interest of the general doping policy and certainly not in the interest of the athletes.

They had now found a way to detect EPO, but new products were already on the market. There would be new undetectable drugs on the market, possibly within one year, with better effects than EPO. They needed to address the industry, and see if they could convince those involved to put markers in before it was too late.

Finally, it was highly disturbing that they forbade nandrolone, but that this showed up in food products, and if one athlete had really not taken the substance on purpose, it was questionable that they had to sanction people when governments allowed these products in food. Immediate action should be taken.

THE CHAIRMAN thanked Mr Verbruggen for his observations, several of which needed to be studied very carefully by the Standards and Harmonization Committee, which should then make recommendations, before November. The same would be true for their Medical and Research Committee.

GENERAL McCAFFREY said that he would write a letter and outline some thoughts on the matter. On behalf of the US delegation he had brought with him, Dr Gary Wadler, Mr Frank Shorter, who was now chairing their own US Anti-Doping Agency, which was going to parallel the development of WADA, and Mrs Donna De Varona, he thanked the Chairman and Mr Syv salmi for bringing them so far in such a short time. They had devised a decent EPO test which was a remarkable credit to those who had worked so hard to achieve this. Ms Vanstone, who was possibly the brightest person he had recently worked with, and Mr Coderre among others, had helped to create their Government Oversight Committee and been useful to how they had crafted WADA. There was good reason to be positive about their achievements. He would like to see some consensus on where they needed to take it all next, prior to Salt Lake City. The US did not have, and would not table, its own plan. The results from the Sydney Games needed to be made public in some way, so that they could put on the table some empirical evidence of the magnitude of the problem.

The scientific shortfall was not irresolvable, but they needed to look at how to produce tests for other modern challenges. They had to get their eyes off the ground and look to the horizon, recognizing that the problem was not EPO or genetic manipulation, it was one of cheating in sports through doping, with devastating consequences to athletes and the Games. They needed to take rational measures.

WADA should feel momentarily triumphant, but the institution had severe shortcomings, for example, where was the money going to be coming from? This issue had to be resolved quickly. There should be less defensiveness, and an acceptance that WADA was there to fix a problem. With regard to independence, he would like to see WADA move rapidly out of Lausanne, and indeed other trappings of independence such as a WADA code of banned substances. He was proud to be part of the group, and pledged his support.

THE CHAIRMAN observed that all the points made by General McCaffrey were the reason everyone was there.

DR GARNIER had a question regarding the detection of EPO. Should he write a letter and explain his query?

THE CHAIRMAN agreed that this was a good idea, and the letter could then be attached to the minutes.

MR SYV SALMI invited the Independent Observers to the ICAS meeting in Oslo in their capacity as observers.

THE CHAIRMAN thanked everyone for coming to this useful meeting, asking them to remember to work as partners and be mutually supportive of each other. Their job was to work and progress.

DECISION

WADA s Standards and Harmonization Committee and Medical and Research Committee to study the issues of legislation with regard to drugs in sport and make recommendations.

The meeting adjourned at 12 p.m.