

**Minutes of the WADA Executive Committee Meeting  
1 December 2009  
Stockholm, Sweden**

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The meeting began at 9.00 a.m.

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

THE CHAIRMAN acknowledged that the meeting was a little different to normal meetings, in that the Executive Committee and Foundation Board meetings had been combined with a celebration of WADA's tenth anniversary. The Director General had assured him that it was a celebration of the conception of the organisation, because the foundation had been registered in November 1999 in Switzerland. The first full Board meeting had not occurred until some months later, so that the ten-year anniversary of that would not be until the following March. To celebrate a number of things had been organised, including a dinner in the presence of the King and Queen of Sweden that evening, which would provide an opportunity to reflect on the past decade and where WADA was and where it would be going. The following day, a lunch would take place on board a ship, which would be brought up through the locks from the North Sea. At the conclusion of the meeting the following day, the Mayor of Stockholm had organised a reception, which would take place at the meeting venue.

He formally convened the meeting and welcomed everybody to the Executive Committee meeting. He reminded the members that this meeting would be held in camera.

The following members attended the meeting: Mr John Fahey, AC, President and Chairman of WADA; Professor Arne Ljungqvist, WADA Vice-Chairman, IOC Member and Chairman of the WADA Health, Medical and Research Committee; Dr Patrick Schamasch, representing Dr Rania Elwani, Member of the IOC Athletes' Commission; Mr Jaime Lissavetzky, Secretary of State for Sport, Spain; Mr Haruki Ozaki, Deputy Director General, Sports and Youth Bureau, MEXT, representing Mr Kan Suzuki, Minister in charge of Sports, Japan; Mr Edward Jurith, General Counsel, Office of National Drug Control Policy, USA; Sir Craig Reedie, IOC Member; Mr Patrick McQuaid, President of the UCI; Mr Makhenkesi A. Stofile, Minister of Sport and Recreation, South Africa; Mr Bill Rowe, Assistant Secretary, Sport Branch, Department of Health and Ageing, representing Ms Kate Ellis, Minister for Sport, Australia; Mr Gian Franco Kasper, IOC Member and President of the FIS; Mr Francesco Ricci Bitti, President of the International Tennis Federation and Member of ASOIF; Mr René Bouchard, Director General, International Affairs, Canadian Heritage, representing Mr Gary Lunn, Secretary of State (Foreign Affairs and International Trade) (Sport), Canada; Mr Vyacheslav Fetisov, Chair of the Commission for Physical Education, Sports and the Olympic Movement, Russian Federation; Mr David Howman, WADA Director General; Mr Rune Andersen, Standards and Harmonisation Director, WADA; Mr Kelly Fairweather, European Regional Office/IF Relations, WADA; Mr Kazuhiro Hayashi, Asia/Oceania Regional Office, WADA; Mr Rodney Swigelaar, African Regional Office, WADA; Mr Diego Torres Villegas, Latin American Regional Office, WADA; Ms Julie Masse, Communications Director, WADA; Dr Olivier Rabin, Science Director, WADA; Mr Rob Koehler, Education Director, WADA; Mr Alan Verneq, Medical Director, WADA; and Mr Olivier Niggli, Finance and Legal Director, WADA.

The following observers signed the roll call: Patrick Schamasch, David Gerrard, Shin Asakawa, Kaori Hoshi, Françoise Dagouret, Hajira Mashego, Mimi Bulelwa Tau, Dmitry Tugarin, Ole Sorensen, Michael Gottlieb, Matilde Garcia and Javier Odriozola.

## **2. Minutes of the previous meeting on 19 September 2009 (Montreal)**

THE CHAIRMAN drew the members' attention to the minutes of the previous Executive Committee, and asked them to give him the authority to sign them as an accurate record of the proceedings. He mentioned that, following the circulation of the minutes, two minor technical points had been raised by Australia and incorporated in the minutes that were now among the members' files, and one minor matter had been raised by Japan, which had also been incorporated.

PROFESSOR LJUNGQVIST expressed his satisfaction at seeing his friends and colleagues in Sweden. He welcomed them to the city in which he had been born, grown up and continued to live. He hoped that they would have a pleasant stay. The Foundation Board meeting the following day would take place in the Town Hall, in the very same room as the gala dinner for the Nobel Prize event, which would be taking place in ten days' time.

He had a minor point to raise regarding the research on page 18 of the minutes. He believed that his introduction to the research projects for 2009 had been wrongly recorded. The minutes stated that, "Out of the 88 applications, 34 projects were recommended for approval, to which WADA decided to allocate 4.69 million". That decision had been taken later by the Executive Committee, so it had been a recommendation, while the minutes made it appear as though the matter had already been decided. It was necessary to explain that the allocation of the money had been a recommendation, following which a decision had been taken by the Executive Committee.

THE CHAIRMAN clarified that Professor Ljungqvist was requesting that the words "to which WADA decided to allocate 4.69 million" to be deleted and replaced by "34 projects had been recommended for approval".

PROFESSOR LJUNGQVIST agreed with the Chairman.

THE CHAIRMAN asked whether the members were happy with the changes. If there were no further comments, he would sign the minutes.

### DECISION

Minutes of the meeting of the Executive Committee on 19 September 2009 approved subject to requested modifications and duly signed.

## **3. Director General's report**

THE DIRECTOR GENERAL said that he would take the members through his report, starting with UNESCO as usual. A total of 128 nations had now ratified the convention; he knew that there were several in the pipeline, and it took some time to obtain legal approval in Paris, but the number would go up before the end of the year. WADA had attended the Conference of Parties in Paris, and he was pleased to tell the members that the Executive Committee member Jaime Lissavetzky had been named as the chairman of the Conference of Parties in Paris, and he extended his congratulations to Mr Lissavetzky, who had chaired a very good meeting for the duration of WADA's presence in Paris. He would not go over all the details of the UNESCO Conference, but one of the notable decisions taken by the Conference of Parties had been to increase the grants that could be made from the voluntary fund. The amount had been at 10,000 dollars per country, and this had now been increased to 20,000 dollars per country, and a new category had been introduced. Primarily through the success of the RADO programme, it had been decided that 50,000 dollars would be made available to regional projects. This was

intended to assist the RADOs with making applications and allow them to get some of the money, which stood at 2.5 million dollars in the voluntary fund. There would be a longer report on UNESCO the following day from Ms Jansen and supplemented by Mr Marriott-Lloyd, from UNESCO.

An extremely good meeting had been held with Interpol at the beginning of November. Interpol was extremely supportive and helpful, understood the problems and was committed to helping WADA resolve them. WADA representatives had been introduced at the meeting to members of the World Customs Organisation, and were entering into discussions with the WCO to see how it might join WADA and Interpol, probably with another memorandum of understanding to use the resources that the organisation could provide for the fight against doping in sport. WADA was looking at every opportunity to ensure that the athlete entourage could be appropriately sanctioned. For so many years, WADA had been mentioning the athlete entourage, yet still appeared to be a little toothless in ways and means that WADA could deal with the entourage. Everybody knew that, on most occasions, the athlete who eventually succumbed to the temptation of cheating through taking drugs in sport was persuaded, cajoled, and sometimes even forced to take these substances by others in his or her immediate entourage. So that was one of the major objectives that WADA had over the coming years, to close the gap and make it possible for governments in particular to sanction these people.

WADA had continued with its project of helping the large countries around the world that had no, or had just started to introduce, national anti-doping programmes through a NADO. Russia had established a new organisation, RUSADA, and had entered into a contract with Anti-Doping Norway, whereby funds had been made available by the Government of Norway under its foreign affairs portfolio. WADA had been asked to monitor it and, under this agreement, the Norwegians would assist the Russians with the development of a quality anti-doping programme within their new organisation. He thought that this was a significant advance, and WADA would be monitoring it. He knew that many were interested in the progress being made in Russia with an eye on Sochi in 2014, but also with an eye on a number of violations that had occurred within the athlete population of that country over the past year or so. Some of the other difficulties encountered previously in Russia had been alleviated. DCOs could now enter Russia freely and were getting a multi-visit visa so that they did not have to apply for a visa every time they wanted to go into the country, and WADA had (hopefully) resolved the matter of taking urine or blood out of the country. There had been occasions in the past upon which the transport of urine samples out of Russia had not been permitted.

Nigeria did not yet have an agency. WADA was working hard in that country, which had a population of 150 million and was a strong sporting country in Africa, to ensure that the gap was closed, and a team would go back to Nigeria some time in 2010.

Jamaica had established its national anti-doping agency, and had conducted in- and out-of-competition testing. The minister responsible for anti-doping had recently invited WADA to go back to Jamaica to give her an audit of how the programme had been established, how it was running and how it might be improved. WADA would therefore be sending a team back to Jamaica in mid-December. The team would report back to him and he would see what then had to be done or could be done to assist that country.

Two teams had already gone to Brazil. One team had been there two or three days previously, working very closely with the government, which had made a substantial pledge to establish a government-funded national anti-doping agency, and had asked WADA for help to ensure that it was put in place in the best possible way. WADA had also taken the opportunity to visit the accredited laboratory in Rio de Janeiro and had learned of matters that could be dealt with in a way that would improve the quality of the laboratory.

WADA was still concerned about ensuring that India had an effective programme in place. A team had gone there in October and would return in the New Year. There were

some issues that had appeared to arise in India between the sporting and government authorities. The Commonwealth Games would be held there in October and the national anti-doping agency had not been engaged in the anti-doping programme for those games, so it was felt that some work could be done and that WADA was the appropriate body to encourage that; consequently, a team would go back there in the New Year.

There had been a positive response in Turkey to WADA's suggestions, and a team would go there in mid-December to commence discussions there in the hope that a national anti-doping body would be established.

With regard to FIFA, the members would see a brief note in his report that WADA, following a meeting between the President of WADA and the president of FIFA, had agreed to work with FIFA on a couple of substantial research projects. The details of these were still being worked out, but the projects would be of considerable benefit to WADA in that the FIFA resources in terms of money and expertise would join with WADA's resources and those of the Lausanne laboratory in furthering a couple of projects that would be most helpful to WADA.

The members had asked him at the previous meeting to look at having a mini think-tank at the Executive Committee meeting in September the following year. WADA had undertaken that task and was already planning for that. It would mean that the members would be asked to go to Montreal to attend that meeting on the Friday, and the normal, formal WADA meeting on the Saturday. He would engage an appropriate speaker or speakers to come and challenge the members and lead the discussions.

With regard to the RADOs, Mr Koehler and the regional directors had all participated in a very significant conference in Kuwait the previous week. WADA had hosted the 15 RADOs, partnered by the Olympic Council of Asia, which had been an extremely generous host: it had cost WADA nothing to have that meeting or to have all of its staff and RADO representatives in Kuwait. As a result of the meeting, WADA would be developing a stronger strategy for the RADOs in general and specific strategies, with considerable input from the regional directors for the individual RADOs. This was one of WADA's priority activities in 2010. These organisations were now up and running, and WADA needed them to be maintained and effective in the way in which they operated. In this way, WADA would be able to make sure that the athletes of the world knew that there were anti-doping programmes in place throughout the world and that there was no room to hide. He took the opportunity to thank those around the table who had partnered the RADOs. WADA needed assistance from the developed nations to ensure that these organisations flourished. There would be a detailed report on this item the following day from Mr Koehler.

WADA still needed help to ensure that everybody used ADAMS. There were some using another IT programme called SIMON, which was not compatible with ADAMS and gave some athletes problems when it came to completing forms or filing information in two separate systems. WADA was trying its best to make SIMON compatible with ADAMS, but it was difficult, and he hoped that those using SIMON would see that it would be better to change and use ADAMS.

Everybody knew about the new EU Lisbon Treaty coming into effect. WADA had had a series of very fruitful meetings with European Commission representatives, including a visit from Mr Mairesse, the head of the unit that dealt with sport in Brussels, to the WADA offices in Montreal. A number of issues had been discussed and clarified as a result of the meeting, leading to a greater understanding from the Commission's perspective of how WADA operated, and how matters could be alleviated and, at the end of the meeting, WADA had been told that any issue that WADA thought might have been on the table in relation to data protection had now moved from being legal issues to ones that were more administrative. That was a significant outcome. WADA would be invited to the European Parliament in the New Year to make a presentation. WADA was also looking at the opportunity that would arise for the WADA President to meet with a new commissioner, a woman from Cyprus who had just been nominated to the position of

commissioner in the European Commission. WADA would try to establish a meeting with her in 2010. At the same time, the WADA President would look at holding a meeting with the new secretary general of the Council of Europe.

He had listed in his report a series of meetings attended since the Foundation Board meeting in May. It could be seen that the executive office and the President had been busy. WADA made sure that each of these meetings had effective outcomes so that WADA did not waste its resources, and he thought that, in general, there had been effective outcomes from every meeting attended.

With regard to statistics, these numbers were the laboratory numbers: 274,000 samples analysed at WADA-accredited laboratories the previous year. The number of violations published were as a result of sample analysis, and did not include the non-analytical violations, so WADA was looking at a way in which it could publish the non-analytical and analytical violations so as to provide a better figure for the number of cheats that the anti-doping organisations uncovered each year. The numbers were increasing when the two figures were added together. He mentioned in this regard a study in which WADA was engaged with scientists in Germany and other parts of Europe, looking at the prevalence of doping. A preliminary report had been published some weeks previously and indicated that the prevalence of doping in elite sport could be as high as 8%.

Going forward, WADA wanted the emphasis on anti-doping programmes to be on quality and not quantity. The annual symposium in Lausanne in April would emphasise this and suggestions would be made as to how anti-doping organisations could ensure quality and not just put numbers on the board.

He had mentioned the issue of blood analysis simply to repeat the need to have the Laboratory Committee review ways and means of improving or increasing possibilities of blood analysis outside the 34 accredited laboratories. Everybody knew that blood needed to be at the laboratory within 36 hours, and there were parts of the world in which one could travel for 36 hours and not even get close to an accredited laboratory, so WADA needed to look at ways and means of engaging forensic laboratories used by the police forces throughout the world to good effect in the criminal courts, or hospital laboratories that had very tight controls, and the Laboratory Committee would be looking at this kind of thing when it met later that year.

Another advance WADA had made in the process of doping control related to the sample collection receptacles, and WADA had entered into a project with the Lausanne laboratory, looking at ways of having the sample collection containers having all the information in relation to the doping control aspect, so the form would disappear, and everything would become electronic. As such, the details of the test could be contained in an electronic chip, which would be transported with the receptacle to the laboratory and entered into the computer at the laboratory. He thought that this had great potential; obviously, there were issues that needed to be looked into, but at last there was a move away from the nineteen-eighties, during which forms had been completed in duplicate or triplicate, and the paper trails had sometimes been difficult. Athletes supported this, and he thought he needed to make this point, because privacy and protection of personal information had been discussed. Athletes were telling WADA that they often discarded the forms they took away from a doping control, so athletes were not protecting their own privacy or their own information. They did not seem to understand that the forms had any importance. This new development would change things, and would protect the athletes, and he hoped that this would be a significant project in the coming months or years.

As to whereabouts, the members would hear more the following day from Mr Andersen. WADA had promised to review that year the practice of whereabouts in 2009. The way in which the rule had been written had given a lot of discretion to anti-doping organisations as to who and how they would form their registered testing pools. WADA wanted to see how that had been put into practice, whether it had been consistent or

appropriate, and the group would meet to look at all of the information and then decide whether anything needed to be done. The process was clear, but the outcome depended on the first meeting and the way in which the group felt that WADA should go forward. It was not simply a management group, but also involved outside experts who had been assisting WADA in the past with this particular provision.

He raised again the issue of long-term storage. The IOC stored all the samples that it collected at Olympic Games for eight years. The rule in the International Standard for Laboratories stipulated that samples should be stored for at least three months but up to eight years. He wondered if the Executive Committee thought that more direction should be given to the Laboratory Committee to increase that period.

Another issue that WADA faced in terms of the laboratories was that there were anti-doping organisations sending samples to the laboratories with the request to have them analysed under a selective, and quite a reduced, menu. WADA did not have access to these contracts, but it should have, and again he asked the Executive Committee to consider a direction to the Laboratory Committee to examine the issue to see whether there were ways and means of WADA having access to the contracts that the laboratories had as part of the accreditation or reaccreditation process.

Another area on the subject of doping control and collection of samples was that it had been brought to his attention that some samples collected in competition were designated on the doping control forms as out-of-competition tests, which obviously led to the samples being collected for the out-of-competition testing menu, perhaps avoiding substances. That would be a breach of the standard and could lead to the board considering this a matter of non-compliance. There were no details as yet, and the only way in which it would be possible to get details was through access to more information from the laboratories.

He had included bribery and corruption again in his report just for this meeting, but he would not repeat it the following day at the Foundation Board meeting. WADA had been working with the Austrian authorities about the allegations raised about individuals at that laboratory being open to bribes and helping athletes' agents. The inquiry had not finished, but WADA had been told that there was nobody directly engaged in the laboratory activities who might be involved. The bigger question was whether there was somebody on the periphery, and that inquiry was still ongoing and he could not provide any update until it was completed, but it showed that the very core of what was being done in the fight against doping in sport could be undone in a fashion that bordered on bribery and corruption.

He had an item in his report that he had been asked to include on ambassadors. He thought that the members had read what he had said. The item had been included to seek the opinion of the members on this topic. The WADA Athlete Committee had discussed it and felt that, if there were to be ambassadors, the athletes should be ambassadors, but he left that matter on the table.

WADA was ready for Vancouver. The IOC team had worked very hard and closely with the WADA team to ensure that pre-Games testing was in place, that matters related to ADAMS were developed appropriately, and that the Independent Observer and Outreach teams would be properly accommodated in Vancouver. He looked forward to all of the activities being carried out successfully and of course wished the IOC well in its doping control programme.

As to the World Conference on Doping in Sport for 2013, the members would see that WADA had a process in place for seeking interest from cities that would host the conference at the end of the year. The process would begin in the early months of 2010, and he hoped that all of the members would spread the word. He did not think that it would be appropriate to host the conference in Europe again; the first three world conferences had all been held in Europe. This was an opportunity for one of the other continents to host a conference, and he hoped that there would be interest in this.

He had covered the content of his written report, but wished to update the members on a number of other activities. SportAccord, the first meetings of the board and draft strategic and operational plans had moved ahead at good speed. A couple of hiccoughs had been resolved satisfactorily. He knew that Françoise was working hard, and it would not be easy for her. WADA would support this venture and was very happy about the way it was currently progressing.

Article 15.1 of the Code had led to some discord. The initial Code had stated that, if an IF was testing, nobody else could test at an event. This had been changed when WADA had revised the Code in 2009 to say that, if a national anti-doping agency asked an IF to test at an event and the two were unable to sort out whether or not they would, WADA had to be the arbitrator and determine whether or not there should be extra testing carried out at an international event by a national anti-doping agency. WADA had developed some protocols (and Messrs Andersen and Niggli could talk about these at greater length) that WADA had to use to ensure that it did not allow extra testing to take place without good reason. Extra tests per se could not really be harmful, but would they be helpful? WADA ought to look at ensuring that, if extra testing were to be given to a national anti-doping agency at an international event, it would be helpful. He knew that there were some issues in relation to the particular application of this and that there had been some queries raised, and he would answer those as they arose.

The President and he had gone to the ANADO meeting, and those members unfamiliar with ANADO should know that it was the umbrella organisation for national anti-doping organisations. It was in some disarray, as it had a debt of more than 100,000 dollars. A decision had been taken at the meeting to divide the organisation into two parts, one part being the umbrella service organisation for NADOs, to be called ANADO, which WADA supported, and another organisation called ADS, Anti-Doping Services, which would continue to conduct testing. The latter activity had led to the difficulty; he could not explain it, but WADA was disappointed about the direction taken and was encouraging those involved to establish a little more strength in their leadership so that, going forward, they could establish an appropriate body to help their members and advance the fight against doping in sport by giving good technical and practical advice and information to WADA, so he looked forward to seeing how that changed.

Cricket probably did not interest too many people around the table, but WADA had had a meeting with the International Cricket Council in Dubai along with the representatives of the Indian board. The meeting had been interesting, and the outcome in cricket would depend on the meeting of the International Cricket Council, which was taking place in Dubai that day. Cricket was now running an anti-doping programme as good as many IFs, and was conducting out-of-competition testing and in-competition testing, so some advances had been made compared to twelve months previously, when nothing had been done, and WADA applauded such progress.

He mentioned André Agassi. He imagined that all of the members would have read something about André Agassi in the newspapers. WADA had written to the ATP, copying the ITF, asking for information about what had actually occurred in 1997. WADA knew that nothing could be done in terms of any ADRV by Agassi, but the concern was perjury and the efforts of the entourage in this particular case. These might include people in his immediate entourage and his lawyer, and he had been hopeful that the ATP would give information that might assist. There had been a reply to say that the ATP's rules stated that these matters were confidential and that the ATP would not release anything. WADA had told the ATP that the issue of confidentiality was there to protect the athlete. The athlete, in this particular case, had chosen to waive his confidentiality by publishing the information. By waiving it, surely, confidentiality was no longer a matter, and the ATP could give WADA the file to see whether there was any element of perjury or misbehaviour by the entourage. He awaited a reply with some interest.

He mentioned two cases, about which Mr Niggli would be able to provide more details. One concerned Mr Bush, the hockey player in Germany, who had been successful in having his sanction overruled by the Swiss Federal Court. The gist of it was that the

rules of the national federation did not match the rules of the international federation and, because of that, the athlete would get off. This was one of the issues about which WADA had been worried about for some time, that IFs had their rules, but some of their NF members might not have moved in the right direction quickly enough and it meant that everybody looked a little silly at the end of a lengthy sanction process.

The other case concerned Ms Pechstein. Everybody had talked about this athlete. The decision of the CAS had been delivered, comprising 69 pages of very well reasoned decision, and Ms Pechstein had been sanctioned for two years as a result. WADA had said throughout that this was not a test case for the athlete passport, but it was another case in which extra evidence had been used in a way that had never previously been done. The panel had looked at that very carefully in terms of the ISU rules, and had even looked at the draft of the WADA blood passport project, and had looked in detail at the arguments that the athlete had raised and had dismissed them, and said that she would be sanctioned and banned, and had upheld the decision of the ISU, for which he thought everybody was grateful, but he did not know if the matter was over. He thought that the athlete would take it to the Swiss Federal Court, and WADA would have to look at that.

He would be happy to answer any questions or comments in relation to his report.

THE CHAIRMAN opened the floor for questions or comments.

MR RICCI BITTI thanked the Director General for his extensive report about the activities of WADA. He believed that the tenth anniversary represented a crossroads. He had some practical comments and proposals. His first comment related to UNESCO and the signatories. As a sport authority, he believed that the document was very important, and recommended making some steps forward. He was not interested in the numbers of signatories to the convention, but would rather see a table at the next meeting featuring the countries with anti-doping legislation in place, the state of the testing authority (be it a NADO, an NOC acting as a NADO, or nothing at all), and actions taken against trafficking and other similar matters. This would be more interesting than simply informing the members about signatory numbers, which were not very meaningful.

The second comment related to a recent case. He had said some time previously that the key challenge for the effectiveness of the anti-doping programme in general and the effectiveness of WADA related to the partnership between the governments and the sports authorities. He had suggested cooperation between the two major players in the anti-doping programme, which were the IFs, which he represented along with his colleagues, and the NADOs. These two groups should work together, and WADA should be complementary and not competitive. Some cases created confusion, and the answer he had received from WADA, which he accepted, was not entirely an answer, but was based on a strict interpretation of article 15.1 of the Code. He believed that it was necessary to fix some principles, and he was of the opinion that only one authority should be responsible for conducting testing during events. There were many reasons for this, which he would not discuss at the Executive Committee meeting. The IFs were open to discussing the testing programme in advance with WADA. They invested millions of dollars in testing programmes, and he was conscious that the testing needed to be effective. These millions of dollars were taken away from other direct sporting activities. The fact that the IFs were open to intervention from other bodies implied that their programmes were not good. He had had a very bad experience in Paris ten days previously. Messrs Nadal and Tsonga had come to him asking for explanations. They had not wanted to look for the NADO carrying out the testing. They had not understood anything, but they had been very nice because they had frustrated the counterpart. They had been smarter than he had imagined, because the counterpart, in this case the French agency, appeared to have sought promotion, taking into account the people it had chosen and the way it had acted, but he believed that this was not in the interest of the credibility of the programme for the IFs and WADA itself. There was a lack of understanding about the situation on the field. He reminded the members that the IFs invested in the programme in two ways, using money that could be spent directly on



sport activity. The IFs invested huge amounts of money directly in their anti-doping programmes, and they also invested as stakeholders in WADA. He believed that the IFs deserved to be heard, and that the implementation of the Code should be discussed. He respected the Director General's position, but disagreed with it. It was necessary to think about the credibility of the system.

In relation to André Agassi, he fully agreed with the Director General. His federation had made a clear statement to the press about this matter. He recommended being tough going forward because, in his opinion, WADA was a reference, but WADA was also a service organisation and needed to help everybody to implement the Code. He would also welcome the management's position on whereabouts as soon as possible.

MR MCQUAID wished to follow up on a couple of points made by Mr Ricci Bitti. He referred to the symposium and point g) in the Director General's report, which stated that "we will continue to endeavour to find good, practical, common sense solutions to protocols and practice", and that was extremely important. The Director General had referred to a meeting in October with the AFLD president in Paris and a meeting with the minister of sport, and had mentioned in relation to those meetings that WADA sought as much as possible to find an "effective outcome". He would be interested to find out about the effective outcome to those meetings.

He did not want to go into detail about the problems that his IF had had working with a NADO on the Tour de France, or the fact that the UCI found that its athletes, the most important people in the fight against doping in sport and whose confidence the IFs and WADA needed to retain, had been completely undermined by the activities of this anti-doping agency in particular. The anti-doping agency was far too close to the laboratory; it claimed that the laboratory was actually part of its system and, when the UCI had a situation that had happened at the beginning of the year, when an inspector from the anti-doping agency had taken a sample from Lance Armstrong and then at the end of the procedure had told Mr Armstrong that he was going straight to the laboratory with that sample, he asked whether there was anything anonymous in that. There had been similar situations on the Tour de France. The report that had come out afterwards had completely undermined the work that the UCI was doing in the fight against doping in sport. In support of what Mr Ricci Bitti had said, his IF spent five million euros on anti-doping, and would no longer accept that a NADO could undermine the credibility of the fight against doping in sport and the work that his federation did. He would not accept that a NADO had the authority to come into an event when and if it wished, with the agreement of WADA.

PROFESSOR LJUNGVIST said that the Director General's report had been extensive and detailed as usual. He had some remarks to make on behalf of the Olympic Movement, as well as some personal remarks. He wished to echo what had already been mentioned, namely the fact that the UNESCO convention was one thing, but its implementation was something else. To that effect, he believed that the introduction of proper legislation was important. He remembered a statement made by the Director General himself, that the UNESCO convention offered an opportunity for governments to align their legislation with the WADA Code. Legislation was therefore important, and he had asked at the previous meeting for a report with respect to the situation worldwide, and this request had been properly recorded in the minutes, which stated he had asked for information regarding the countries that had anti-doping legislation in place and countries that did not have anti-doping legislation. This had become an issue at the IOC Session in Copenhagen in early October, during which discussion had taken place with respect to the candidate cities and whether there was proper legislation in place in those four countries, and clear answers had not been given. There had been some comments, but no clear answers. This raised the question as to whether the IOC should look into the extent to which proper legislation should be a condition for hosting the Olympic Games. This was now being discussed within the IOC, and he had been asked to submit a proposal, which had been delivered to the Executive Board, which would look into two possibilities, but these were more procedural, and he should not predict the decision, but

the aim of the discussion was to see how proper legislation would be a condition for hosting the Olympic Games or for being a candidate for the Olympic Games. Perhaps Mr Reddie, who had recently been appointed an Executive Board member, would be able to explain this further. In early October at the UNESCO meeting, when he had spoken on behalf of the IOC president, he had emphasised that proper legislation might well be a condition for hosting the Olympic Games in the future.

He then wished to talk about ADAMS, and he asked Dr Schamasch to assist him, as there were some problems relating to the application of ADAMS at the Vancouver Olympic Games.

THE CHAIRMAN asked if he could deal with the issue raised by Mr Ricci Bitti before letting Professor Ljungqvist continue. Some concern had been expressed by two members on the interaction between an anti-doping organisation and two IFs. He would like to have that discussion first if possible.

PROFESSOR LJUNGOVIST concluded his intervention by saying that what had been said showed the need for proper domestic legislation with respect to anti-doping activities on a national and an international level.

MR LISSAVETZKY wished to say how happy he was to see that this meeting was being held in Europe, particularly in Sweden. Professor Ljungqvist's presence was a wonderful endorsement of this meeting. He was also very grateful for the detailed information provided by the Director General. As always, the information was very accurate and to the point. The EU had adopted the Lisbon Treaty, which came into effect that day. There were major issues that arose in terms of sport and, on 1 January, Spain would be holding the EU Presidency. He had suggested holding a meeting between the international sports movement and governments, and he knew that President Rogge would attend that event, along with presidents of IFs, and he extended the invitation to the WADA President and the members of the Executive Committee to the meeting on 19 and 20 April in Madrid. There would also be a European sports congress from 3 to 5 June, and he would be delighted if WADA could attend, because one of the most important items on the agenda had to do with health and doping.

To conclude, he asked the Director General about WADA and the professional leagues. What was the relationship between the two? There were some important countries with major leagues that belonged to federations. Reference had been made to FIFA, but what about all of the professional leagues? Were they members of IFs and did they comply with the Code requirements? He shared the views expressed by the previous speakers. The more credibility WADA managed to achieve, the better. Naturally, there were sometimes different opinions between NADOs and IFs. He thought that WADA had worked well over the past ten years, bringing everything into the spotlight, but there were some shadows there, and it was necessary to shed some light on those. He was very grateful for what the two previous speakers had said.

THE CHAIRMAN thanked Mr Lissavetzky for his comments. He asked the Director General to respond to the issue of interaction between IFs and NADOs raised by Messrs Ricci Bitti and McQuaid.

THE DIRECTOR GENERAL referred to article 15.1 in the Code, which gave WADA the task of administering such interaction. He was very open to having a meeting with those who felt it effective to see that WADA was using the appropriate protocols, but the article had been amended from a position whereby, when an international event was being held and the IF was testing, nobody else would test (and perhaps the IFs had been more comfortable with this), but the amendment was different. This had been approved in Madrid in December 2007, and stated that, if there was an international event and a NADO wished to provide extra testing, it should first engage in communication with the IF concerned to see if an arrangement might be worked out; but, if an arrangement could not be worked out, the NADO should go to WADA and WADA should decide whether such NADO ought to be allowed to conduct extra testing. WADA had worked out a protocol to say that extra testing should not be allowed for the sake of extra testing, or if

it was going cause consternation and disturbance and upset in the way in which the IF was running its programme; that was wrong. It should be a situation similar to what had happened recently, whereby the federation had decided not to test for EPO due to insufficient funds for the tournament in question, and the NADO had therefore suggested that it would collect a certain number of samples and test them for EPO. WADA had felt that this would enhance and advance the testing programme, but that such testing should be restricted to a small number of tests. That was the decision that had been reached, following the protocols that he had mentioned. The key issue was of course the Code, which would not be amended until 2013, so he suggested that the protocols prepared by WADA be referred to Messrs Ricci Bitti and McQuaid for comments, and a separate discussion could take place outside the Executive Committee in order to advance the matter using common sense; however, WADA was currently between a rock and a hard place because of the structure of the current Code. There was a tension that could be detected, but WADA was required to take on the task. He did not know whether he could add anything more than that, but he would be quite happy to engage in a meeting to be held at short notice with Messrs Ricci Bitti and McQuaid and anybody else from the IFs who might be interested to try and find a better solution as to how to use the protocols.

THE CHAIRMAN said that he would be happy to be part of that discussion. The Director General had made it clear that the Code, as it currently stood, required WADA to make a decision, but that was not to say that this had made Mr Ricci Bitti happy.

MR RICCI BITTI clarified that he had never said that implementation was not in accordance with the Code; he had said that he disagreed on the practical interpretation of the Code because this was not in favour of credibility. His federation had a programme based on its budget at the start of the year. EPO testing took place at many tournaments, and was very expensive, but had not taken place at the tournament in question. He did not want to change the programme of his IF because a NADO was intervening, especially when it was a NADO that his federation requested to carry out testing at many tournaments in France and never answered the requests. WADA should go much deeper, and tell him if the programme was not good enough, because he was very open to discussion, but there could not be any intervention that implied that his IF's programme was not complete. He wanted this problem to be solved with WADA in advance and not have a confusing situation on the field that was detrimental to everybody, including WADA. His concern was about the practical interpretation, not the legal interpretation, of the Code. The Code gave more flexibility because the progress of the fight against doping in sport clearly had to be endorsed, but the application needed to be reviewed, perhaps country by country, because if there was a NADO that was somewhat aggressive, like the French one, the IF's programme would need to be adapted. He did not think this was the way forward, but the judge should be WADA, although based on previous discussion.

MR REEDIE said that he had listened to this debate without actually ever having to take part in it, and he had read article 15.1.1, which seemed to him to miss one important element, which was who was actually responsible for testing at an event. The phrase used was that, if a NADO was unhappy, it could come and test. It seemed to him that the resolution might just be that the IF was responsible, and to use Mr Ricci Bitti's example of Paris, if he knew that his programme for that particular event was marginally less than 100% because he was not testing for EPO, why did the IF not invite the NADO to do a small number of tests? This would cover that particular situation, but it would be quite clear who was responsible. His understanding from speaking to athletes was that their confusion stemmed from the fact that they were told by their IF that it was responsible for testing, and then along came other people who said that they were responsible for testing, so it was almost an issue of responsibility. He did not know if that would work. It certainly put pressure on the IFs, but he assumed that they would be perfectly happy to accept that.

THE CHAIRMAN suggested meeting that afternoon. He believed that there would be some time.

THE DIRECTOR GENERAL asked whether it would be possible to conclude the Executive Committee meeting first.

THE CHAIRMAN agreed that it would be better not to specify exactly when the meeting would take place.

PROFESSOR LJUNGOVIST said that, in addition to the information he had provided about legislation and the IOC's attitude, there was also a question relating to ADAMS and the Olympic Games in Vancouver. The IOC was now trying to implement ADAMS fully for the Vancouver Olympic Games, and it seemed that there were problems, as ADAMS was not fully tailored for huge events such as the Olympic Games. Dr Schamasch had been involved in the detailed discussions and might be able to explain the matter in more detail.

THE CHAIRMAN said that he was not sure that WADA could do much other than note that there were still ongoing discussions regarding ADAMS and a lot of work still to be done, but WADA was confident that ADAMS would be in place to effectively serve the Olympic Movement in February in Vancouver. He was not sure that it was necessary to hear the state of progress of those discussions and arrangements put in place. Did anybody wish to hear that? He did not think so, but he noted the comment. WADA was doing its utmost to ensure that ADAMS would be effective.

PROFESSOR LJUNGOVIST spoke about the example of legislation and the need for adequate legislation. He often cited the Turin incident as an example of legislation that served anti-doping activities during an occasion such as the Olympic Games. It was worth knowing that the IOC had a problem with Vancouver and the Canadian authorities, and, since WADA was based in Canada, he thought that it was important that WADA be aware of the matter. The IOC was having difficulties reaching an agreement with respect to the proper sharing of information with the Canadian authorities. This was an essential part of an efficient fight against doping, in particular in terms of getting beyond the athlete in a doping case and reaching the entourage. The IOC had managed to do this in Italy because of the legislation in place. For Vancouver, there was a problem, and this should be noted.

He had a comment on the matter of the ambassadors. He had raised this as a possibility to improve the fight against doping in sport and the anti-doping message throughout the world, based on the knowledge that, in order to reach the younger generations, it was necessary to use the means and methods that they were using to obtain information. At least in countries in this part of the world, the younger generations read newspapers less and less, and sought information digitally, and this was how they should be approached in order to attract their attention. His idea had been to find influential people from various parts of society who could be helpful in reaching those people already using the digital world for the distribution of information. He had been encouraged during the IOC Congress in Copenhagen in early October. There had been a number of items, one of them being the digital revolution, and the keynote speaker had been the CEO of WPP, Sir Martin Sorrell, who had emphasised exactly that.

THE CHAIRMAN apologised for interrupting, but asked whether it might be possible to deal with the issue of ambassadors and the broader programme under the item on education.

PROFESSOR LJUNGOVIST concluded by saying that, by using the people with the appropriate tools, it would be possible to reach the younger generations. WADA should seek influential spokespeople beyond the anti-doping authorities. The athletes should be ambassadors by virtue of their participation in athletes' commissions, but WADA could also seek people from outside the sporting world. The project was not very advanced at this stage, but he suggested asking the Director General to look further into the matter and come back with a more structured proposal as he felt that there was true value in

having people outside the sports community speaking on its behalf and arguing in favour of the anti-doping mission and the rightfulness of the mission.

THE CHAIRMAN said that Professor Ljungqvist had raised this matter with him in discussions, particularly in Paris during the UNESCO meeting. He had said that he would ask the Director General to include it as an agenda item in order to gauge interest or no interest from the Executive Committee. If there was any interest, then WADA would have to give some clear guidance to the management team to go forward and investigate and prepare the options and a background paper and a proposal more generally, and he believed that such guidance required WADA to see whether it wanted an ambassador and from which field (arts, culture, science, music, politics or sport). Did WADA want to look at ambassadors having an active or a passive role? An active role required a budget. Where was there an active role for certain people who might be described as ambassadors and that could not be fulfilled by WADA and the sportspeople on its Athlete Committee who currently saw themselves as ambassadors? If it was a passive role, would it be more in the form of a patron, and would that enhance what WADA was seeking to do? But, more importantly (and it was not for him to make decisions one way or another other than to indicate to the members that there was a lot of work that would still need to be done), it was necessary to determine whether there was support around the table from the Executive Committee. He would be quite happy to see the matter discussed so that the members could give an indication as to whether or not WADA should progress further.

MR MCQUAID said that he thought that everybody would agree that there was support for the ambassadors, and that such support would continue, at least until the cost was disclosed, after which point the support might diminish, but following on from what the Director General and Professor Ljungqvist had said about the athletes stating that they would like to be the ambassadors, he did agree that athletes should be ambassadors and that was what their main role was, but he also agreed, following on from Sir Martin Sorrell's presentation and what Professor Ljungqvist had said, that WADA should look beyond the athletes to the world of film and entertainment and the heroes that young people currently had, and try and use those as well. WADA's partner, UNESCO, had a very good ambassador programme, using mostly film stars and well known names, and it was useful to look at that type of sector to find people who could become very good ambassadors for doping-free sport.

DR SCHAMASCH said that the IOC was working hard with WADA for the Olympic Games in Vancouver and he would not elaborate on that. He publicly thanked Mr Fairweather for being very instrumental at the meeting with the IF chairs of medical commissions at the end of October, when the issue of ADAMS had been raised, and for helping the IOC a great deal. He could see from the Director General's report that WADA was trying to build bridges between ADAMS and other tools, which appeared to be complicated and costly. Would it be worth trying to understand why some countries, NOCs and NADOs were not using ADAMS? It might be interesting to understand why there were not using ADAMS.

THE CHAIRMAN said that two speakers had indicated that they might wish to look at the issue of ambassadors. He did not see that as being an inclination from the Executive Committee that it wanted more work done. Was there anybody else who wished to make a comment on that?

MR BOUCHARD responded that he would make a comment on that issue and also on the matter raised by Professor Ljungqvist regarding Vancouver. The ambassador idea might not be a bad one at face value but, that being said, it did raise a number of questions, and he thought that some of these had been identified; however, in addition, there were other questions, for instance, what criteria would be used to select the ambassadors? How many would be needed? How many would be needed per region? The questions he was raising boiled down to the cost of the initiative. While he was not against the idea of seeing more information on it, he did have concerns when looking at it at face value.

A reference had been made to UNESCO, and it did have an ambassador programme. He had the privilege of being the Canadian representative for the UNESCO Convention on Cultural Diversity, and this issue of ambassadors had been raised a couple of meetings previously and would be discussed again the following week. He was not going to say that WADA should not proceed with looking at it in greater depth. It looked simple at the beginning, but then it became more complicated and costly. This was exactly what would be discussed in Paris the following week in relation to the ambassador programme for the UNESCO Convention on Cultural Diversity.

Going back to the Vancouver issue, there were discussions going on. He was aware of the issue, but noted that the discussions were quite positive.

THE DIRECTOR GENERAL said that WADA had been putting in place a programme for young people over the past 24 months, entirely because it was clear that, in order to communicate with young people, it was necessary to be familiar with their methods of communication. WADA would be launching the programme, called the Play True Generation, in Singapore, and it was something that formed part of WADA's communication strategy. WADA had been dealing with the matter for 24 months. The project would be detailed the following day at the Foundation Board meeting, and he thought that the members would be very impressed at the ways in which WADA was looking at communicating at a young person's level. His daughter kept reminding him that WADA travelled all around the world, meeting with 300 to 400 people at great expense, but she could do that in one hour from her bedroom. The management was looking at the ways in which young people were communicating. The members might be surprised to learn that young people no longer thought that Facebook was cool, because old people were using it. The trends occurring with young people were occurring so quickly, so WADA was getting 15- and 16-year-olds into the office to talk about how WADA could communicate best with them. The younger people were communicating differently, and the older generations did not know anything about what was going on. WADA was trying to get the information from the people it was seeking to address. WADA would continue to build its projects in that direction and he would like the ability to continue looking at all sorts of new social communication devices. The communication and education directors had worked hard in that area and would continue to do so. He asked the members to give him a chance to show them what WADA was doing in education and communication the following day, and he thought that they would be pleased at what WADA was trying to achieve at youth and athlete level.

MR JURITH wished to make an observation. He thought that the concept of ambassadors had merit in expanding the footprint of WADA. He thought that it was necessary to think about the audience for the ambassadors. If the audience was going to be primarily young people, then clearly the structure of that ambassador programme needed to be consistent with the rest of WADA's communication strategy for young people. The USA had a lot of experience in how to formulate an effective anti-doping message, and it was not as easy as one might think, but one lesson that the USA had learned was that the messages had to be consistent; they had to be relevant to the audience and, as the members thought about the different ambassador programmes and the very comprehensive programmes that the Education Committee was putting forward, it was necessary to make sure that these reinforced one another and did not contradict one another. While there was merit to the ambassador programme, it was necessary to look at the cost that would be involved, but also make sure that the message, if the target audience was young people, was consistent with the other initiatives that WADA was putting forward.

MR FETISOV stated that he was a UNESCO champion. He knew a number of well-known athletes who were currently UNESCO champions. Through a telephone conference, the members of the Athlete Committee had been asked what they thought about the idea of WADA ambassadors, and they had said that they were ambassadors. He thought that WADA could get together with the UNESCO champions and use the volunteer funds, which were currently in Paris, to promote clean athletes around the

world. This could be a good start. The two parts should be brought together: the UNESCO champions and the WADA Athlete Committee, and maybe the IOC Athletes' Commission, to speak out about clean athletes who were successful and achieved results without doping; this would be a good proposal.

MR STOFILÉ agreed with those who had said that more work needed to be done on this on a cost level (how much would be necessary to implement these programmes). The ambassador programme was an expensive programme. There were 14 ambassadors in the preparations for the World Cup; this was a humongously costly activity and did not come for free from the athletes themselves. It would be necessary to look into this and see how much it would cost to have those people going around. He also agreed with those who had emphasised the importance of digital communication, which was in fact a very interesting method of communication. He had heard that the Director General's daughter thought that it was no longer cool because everybody used it. He thought that only politicians used hyperbole. Not everybody used it. Some people in the world had never even heard of it. It was necessary to be very careful, in the process of creating advanced communication strategies and tools, not to forget that there were parts of the world that had not reached that level. He proposed a good balance between digital communication methods and the old ways of communication, which unfortunately were the only methods of communication elsewhere in the world. That was all he had wanted to say.

MR REEDIE said that Sir Martin Sorrell, in Copenhagen, had concentrated on new methods of communication, as he always did, and that was the way WADA should plan its extended communication policy. The London organising committee had undertaken some years previously to try to bring young people into sport by using modern and new media systems, and he was not sure that it was doing it as well as it should because it was not resourcing it as well as it should and, if those media were to be used to bring young people into sport and give them some form of anti-doping education, the only people to tell WADA how to do this were young people. He suspected that WADA should look pretty closely at the plan from the WADA Communications Department, and WADA might also speak to the IOC, which had a widely developed website, to find out what it could do there, and he would rather see concentration on the delivery system first, and then ask some young people about who they wanted to see, because his ambassador would, he suspected, be very different from the Director General's daughter's ambassador, and neither of them were the Director General!

PROFESSOR LJUNGQVIST said that Mr Reedie had made reference to the IOC, and it was interesting to note what Sir Martin Sorrell had said in his interview in the Olympic Review. In answer to the question about whether there were any specific tools and means to promote the Olympic values among the general public and make them adhere, one of the Olympic values was surely drug-free sport. He gave some examples, one of which was to develop music and cultural partnership to leverage support and momentum, a clear indication that WADA should seek support from sources other than its own sporting people and athletes.

THE CHAIRMAN said that he had gleaned from the discussion that there was an interest in the role of the ambassadors, and there was also a situation whereby there was some degree of doubt, but the conclusion was that the management should look at this in detail and prepare a paper providing the background and the options. There had been a number of suggestions as to what those options might be in the course of the discussion, from linking with the UNESCO model, to concentrating solely on athletes, to looking at an active or passive programme, and of course this had to be dealt with in the context of how much it would cost, if anything, as it was a very significant factor. He would take that discussion back to the management on the basis that there would be a more detailed paper for the May meeting, and there were some legal ramifications and risks. He would have thought the previous week that Tiger Woods might have been a magnificent ambassador; perhaps there could be some doubts that week. These things could come back to bite one sometimes, and one had to be a little bit careful when

developing the role. It was necessary to think about whether this would be a permanent role or for a limited time. All of that could be brought together in the context of some thought from the management and the preparation of a paper for further discussion at the May meeting.

MR REEDIE said that the question about whereabouts was a popular one, and everybody wanted to know about this. He thought that it would be wise if the Director General could say who was going to be in the group, when it was going to meet and when it was going to report.

There was also the question of laboratory contracts without full menus. His instant reaction was that that was actually quite a complicated one. He was not sure that WADA could stop a laboratory doing business as such. He wondered how WADA could find out first just how big a problem that was, if at all, and he relied on Dr Rabin and the science team to let the Executive Committee know whether WADA's relationships with its laboratories were good enough to get that information or not. He was not sure that the initial reaction of saying that WADA would not accredit a laboratory unless it told WADA was the way to go, but WADA needed to find out.

The last comment had to do with Professor Ljungqvist's suggestion. The IOC would be running a debrief of the 2016 candidate city procedure under Mr Bach's chairmanship and he thought that he was going to be involved. That seemed to him to be the right time to go to the IOC to ask it whether it would consider putting into a precondition for becoming a candidate for the Olympic Games that a country had the necessary legislation in place to help the anti-doping process.

MR ROWE had some comments for information. In relation to the development of NADOs in large countries, the Australian Government had made some resources available to help develop anti-doping capacity in India in the lead-up to the Commonwealth Games and discussions had started between ASADA and the Indian authorities, so he hoped to have contact with WADA to coordinate the development there.

ASADA was a NADO that had been involved in investigations for some years and, in relation to the notes on statistics, in 2007-08, non-analyticals had formed 25% of the ADRVs and, in 2008-09, the figure had been 38%, so he thoroughly supported the inclusion of information on non-analyticals to get the full picture.

THE CHAIRMAN noted that this was a striking example of targeted testing and the use of intelligence and focus rather than just blanket testing.

THE DIRECTOR GENERAL responded to the comments and questions. The information that Mr Ricci Bitti sought in relation to countries that had ratified the UNESCO convention was important to WADA as well. WADA had entered into a project through which that information was being put together so that it would be available. The preliminary project had been completed some time ago, but the information was not as detailed as the management would wish, so that was a very important issue to WADA and Mr Ricci Bitti's idea about how WADA could report on that at coming meetings was a very good one and WADA would do that. He thanked Mr Ricci Bitti for his other comments. WADA would proceed as Mr Ricci Bitti had suggested in respect of André Agassi and would see what happened.

Mr Ricci Bitti had raised the matter of whereabouts, and that had been raised by others. The group assembled was the same group that had been used for the consultation period of the IST in 2007 and 2008, so WADA was using the same resource and had added to that resource by including some of its own internal members of staff. The process was simple: they would meet and analyse the information that they had from the anti-doping organisations that had put in place registered testing pools in 2009. Once they had analysed that, they could discuss what they wanted to do next, but WADA had no preconceived ideas as to what they might suggest. They would be having a preliminary meeting in about a week's time, and would then discuss what they wanted to do, and it would be a question of that before WADA was told what the recommendations



might be, but Mr Andersen was on top of it, and he thought that the UCI would be part of that group; WADA had engaged people who were at the coalface, and WADA would then do what was necessary as a result of that first meeting. Consequently, by the time the Executive Committee met again in May, there would be a report, obviously to the Executive Committee and, if there was any need to report earlier, WADA would engage the members.

He told Mr McQuaid that the minister in France was a new minister, and WADA had met with her out of courtesy and also to establish the way in which she was engaged, not only at the level of the AFLD and the laboratory, but also in terms of general European support for WADA, and she was strongly committed to the fight against doping in sport, and WADA had discussed how that commitment might be implemented. She had asked why France did not have any people in WADA's working groups, and it had been necessary to advise her that the Council of Europe had not nominated anybody from France for that particular year. He thought that it had been the sort of meeting one had to engage on the first occasion with a new minister.

As to the meeting with the AFLD, he could not report on some matters at that meeting because they were confidential, but it had included the engagement of the new French laws, which involved the police and the customs officials, so that they did have the power in France to do the sorts of things that Professor Ljungqvist and Mr Reddie had commented on and WADA was asking what was being done. He knew of some recent raids at which evidence had been collected. But WADA did not know the outcome of what the prosecution was going to do with it. The President had taken the opportunity to make it clear that WADA did not talk about what it was going to do before the process was completed and had made it very clear to Mr Bordry that he should adopt the same attitude, and Mr Bordry had accepted that. That had been a positive outcome. The proof of course would always be in the pudding and WADA had not seen a pudding cooked since that time.

The laboratory issue that Mr McQuaid had mentioned was one that had been on the table in September. WADA was alert to that and the Laboratory Committee was looking at the fact that there were some laboratories in the world where the NADOs were too close, and was looking at whether the laboratory standard ought to be changed to preclude that, so that was a work in progress.

He thought that Professor Ljungqvist knew what WADA was doing with UNESCO on the legislation review, so he would not repeat what he had just said. He had given guidance to Professor Ljungqvist on what WADA considered would be appropriate for the IOC to put into a bid document going forward, because WADA shared those views, so he hoped that this might have been of some use to Professor Ljungqvist.

He thanked Mr Lissavetzky for the invitations. He was sure that WADA would willingly accept, and he would look at the calendar to see how the events might be built into the programme for 2010, but of course WADA was very keen to go back to Spain.

Mr Lissavetzky had asked about professional leagues. There were many professional leagues in the world, ranging from sumo wrestling in Japan to kickboxing in Thailand to what many people described as the professional leagues in the USA. Many of those professional leagues were now signatories to the Code (kickboxing and sumo were good examples). Many with football were also part of WADA. Within the USA, both the tennis tours, the ATP and the WTA, followed ITF rules and were therefore fully compliant. The golf PGA had changed its rules and, as a result of getting invited to be part of the Olympic programme, had developed a fully Code-compliant project. WADA would monitor that because it was new. WADA had been talking with the NFL for some years. The NFL commissioner had in fact been to Montreal to meet the WADA President. The NFL was making huge efforts to continue to talk to WADA to develop Code-compliant activities, educational material and so on. The NBA had a very strong link with FIBA, and WADA was content that that process and programme were going on, and therefore WADA did not need to interfere, and was updated by FIBA on a regular basis. WADA had

substantial meetings with the NHL, and Mr Koehler in particular had been engaged, and was making very good progress in getting the NHL up to almost total speed. He thought that this would be enhanced by what was being done for Vancouver, with the testing that would be carried out with the NHL teams. WADA was about to talk to Mr Fetisov about an agreement to be reached with the Russian hockey league (KHL), which would be fully Code-compliant, so that was another step from a professional league in the direction that WADA hoped all of the leagues would go. Baseball was one sport with which WADA had had more difficulty in achieving progress, but WADA was available and would remain available to the major league people and would try to advance that. That was the sport that had probably caused WADA more difficulty.

He told Professor Ljungqvist that WADA had been well involved in Turin. The IOC had at one stage been asking WADA to ask the Italian authorities to waive their laws for the period of the Olympic Games because the IOC had been uncomfortable. WADA had resolved that and he thought that WADA's role could be the same in any country for any event, provided that WADA got adequate advance notice of that role and what it might be asked to do with the country and the government. WADA would be very happy to participate in that if that was something that WADA could do. Of course WADA had a good relationship with the Canadian Government, but he had not been informed about the issue until then. It made it a little harder for him to respond other than to say that WADA was available and could help if necessary.

He knew about the issues relating to ADAMS. WADA would give the IOC personnel to go to Vancouver and take part. He knew that it was a big task and that it was a change, but he was confident that the change could be met and WADA could help.

Dr Schamasch had asked about the countries and the NADOs that were not using ADAMS. The members might recall that one of the drafts of the Code provisions had said that ADAMS should be mandatory. As a result of consultation, it had been decided that ADAMS ought not to be mandatory. More was the pity in retrospect, but WADA might consider that ADAMS ought to be mandatory during the next Code revision process. Some countries had spent a lot of money on establishing another system. They did not want to waste their money, so the longer they could use their current systems, the less they would have to write off. That was a problem because of the incompatibility. WADA continued to work on that. He referred to one country in particular that had just agreed to spend a lot of money putting a system in place called SIMON when it could have used ADAMS for nothing. That sort of approach defeated him in terms of cost effectiveness, and was a problem.

He told Mr Jurith that his comments were really on the matter of ambassadors and the President had given the Executive Committee members direction on that, so he did not need to say anything in relation to what Mr Jurith had said.

He told Mr Stofile that WADA was very alert to the issues that prevailed in parts of the world in which IT was perhaps not as advanced as others. That was a significant message that had come out of the RADO meeting in Kuwait, and one to which WADA was very alert in terms of what it was trying to achieve and the way in which it would go forward with its communication strategies. Again, he thought that good presentations would be made the following day, showing the members that WADA was going ahead in the right direction in that regard.

The issue in relation to laboratory contracts was not that difficult. WADA could make it a condition of the audit, so when WADA representatives went to a laboratory to determine whether or not it should be reaccredited, they could ask for documentation; the bigger issue was whether that should be a condition contained within the standard. The Laboratory Committee had been asked to debate that matter. WADA did have the ability, but doing 35 laboratories in one year was quite a high level of resource, so he was looking at ways and means of getting the information.

He thanked Australia for its contribution to India and the Oceania RADO, because that was a significant way in which WADA had been able to keep that body going when the

Commonwealth Secretariat had ceased the funding for the RADO. The point made about non-analyticals was substantial. The ASADA anti-doping programme used to conduct some 8,000 tests annually. ASADA had reduced the number of tests by 40% but had increased the number of cheats that it found by 40%, so the testing programme itself was not the panacea to finding all the cheats. Using other ways of gathering evidence and using that evidence was significant, and to have 38% the previous year of the number of violations in Australia was a significant result, and one that WADA hoped to promote in the way in which it developed its quality programmes with anti-doping organisations going forward. He thought that he had answered all of the questions.

THE CHAIRMAN thought that a good discussion had taken place, and he thought that it would be appropriate to have a coffee break.

#### DECISION

Director General's report noted.

### **4. Operations/management**

#### **4.1 Executive Committee appointments 2010**

THE DIRECTOR GENERAL informed the members that the first issue related to membership of the Executive Committee for 2010. Along with the chairman and the vice-chairman, WADA had the representatives from the sport movement completed. Mr Ricci Bitti, Mr Reddie, Mr McQuaid, Mr Kasper and Ms Elwani had all been nominated again for 2010. From the government side, Mr Lissavetzky would be representing Europe; Ms Ellis would be representing Oceania; there was a new minister about to be appointed in Tunisia whose name was not known because the cabinet had not yet been formalised, but a minister from Tunisia would be representing Africa; the Americas would be holding their meeting that evening, so WADA would know the name of the individual the following day; and similarly, Asia would be having its government meeting that evening, so WADA would know the name of the individual the following day. The Foundation Board would be informed in the morning. If the Executive Committee could endorse the proposals as the members of the Executive Committee for 2010, the management would be able to report to the Foundation Board appropriately.

#### DECISION

Executive Committee appointments 2010 endorsed.

#### **4.2 Foundation Board**

##### **4.2.1 Foundation Board memberships 2010**

##### **4.2.2 Endorsement of the Foundation Board composition for the Swiss authorities**

THE DIRECTOR GENERAL said that, on a regular basis, WADA had to provide the names of the Foundation Board members to the Swiss authorities. The members would see the list of names in their folders. He would take it that there was no problem with the names and the areas from which the members came. WADA would report to the Swiss authorities accordingly in relation to the Foundation Board members for 2010 and he asked the Executive Committee to recommend that that be the case.

The composition of the standing committees for 2010 had been completed. The process was to receive nominations and, for each of the standing committees, the President and the chair of the respective committee, as well as himself as Director General, determined the composition bearing in mind the requirements to ensure a spread between continents, to establish an appropriate gender balance, and to look at the balance between sport and governments. He thought this had been achieved. WADA

would be tabling those groups the following day; an announcement would not be made until the Foundation Board meeting, but he did have the composition of the groups with him and, if any member wished to see the list or talk about this, he would be happy to do so. There were 50 members who represented WADA in the standing committees, seven from Africa, eight from the Americas, eight from Asia, 23 from Europe and four from Oceania. There would be 31 males and 19 females. He did not count the athletes when looking at the balance between governments and sport, because they were all essentially sport people, some nominated by governments and some by sport; but, for the others, there were 18 nominations from governments and 15 from sport.

That dealt with item 4. He asked for approval from the Executive Committee and endorsement of the composition of the Foundation Board to supply the information to the Swiss authorities.

THE CHAIRMAN understood that such support was given.

MR LISSAVETZKY said that the Council of Europe position on the Foundation Board had been nominated to CAHAMA and this would be voted on at the committee of ministers of the Council of Europe, and that would be the minister for youth and sports in Serbia, Snezana Samardzic Markovic. This would be on 9 December in Strasbourg; that was the person who would be nominated.

## DECISION

Foundation Board composition endorsed by the  
Executive Committee for the Swiss authorities.

## **5. Legal**

### **5.1 Legal update**

MR NIGGLI stated that the members had his report on the various cases with which WADA was currently dealing. He would not go through it in detail, but he simply wished to highlight a few matters in the report.

He started with what he called his usual matter, the Valverde case and Operación Puerto in Spain, which was a never-ending story. To clarify the matter, WADA now had two cases pending before the CAS. The first case was the result of an appeal made by the UCI and WADA against a decision by the Spanish federation not to initiate a prosecution against Mr Valverde. WADA was still dealing with this case, as it had been unable to gain access to the evidence gathered in Spain by the Spanish justice, despite many requests from WADA, the CAS and the CAS panel. This evidence had finally been gathered, and he was tempted to say by chance, because it had been gathered by the Italian prosecutors through criminal law cooperation. He said by chance because, the day after the evidence had been taken, there had been a new order from the Spanish judge cancelling the previous one, and that had been quite extraordinary. The bottom line was that the Italians had managed to get hold of a sample of the blood bag, which had been held in Spain, analysed it in Italy and obtained the result of a DNA analysis, and there would hopefully be a hearing in order to present the evidence to the CAS in March in order to get a result on the case. The members had to understand that there were still technicalities, and he would not go into detail, but the result of the DNA analysis was that there was one chance in a billion that this was not Mr Valverde's blood, so the members would draw their own conclusions about that.

The other case that was pending was an appeal by Mr Valverde against a decision by the CONI to ban him for two years in Italy. The UCI and WADA had intervened in this case and he hoped that this case would be tried soon, but there were always surprises, and in this case the Spanish arbitrator appointed by Mr Valverde had resigned from the panel on the grounds that he was too busy to continue the case in 2010, which was quite surprising coming from an arbitrator. Mr Valverde had also challenged one of the arbitrators, Professor Ulrich Haas, on the grounds that Professor Haas had been involved

in the WADA Independent Observer programme in Athens and had also played a role in the Code revision process as an expert for WADA. This challenge had been dismissed by the CAS, and WADA was very happy with that decision, but all of that took time, and meanwhile Mr Valverde was still racing. WADA and the UCI were spending an outrageous amount of resources, both financial and human, on these cases. Progress was slow. WADA was getting no cooperation from the Spanish justice, and this had been causing pain for many years. He could only hope that the CAS would take that into account when the cost awards were made with a decision, but WADA was currently waiting for the cases to go to trial and hopefully get a resolution.

The other matter to which he wished to draw the members' attention related to current issues in Belgium. The members had twice approved intervention by WADA before the Belgian State Council in a case launched by a syndicate of athletes against the whereabouts and a decree by the Flemish Government. WADA had been admitted as an interested party in both cases, and therefore this procedure would go on. On top of that, there were two tennis players who had been given one-year sanctions, one as a result of one missed test and two failures to provide whereabouts, and the other as a result of three failures to provide whereabouts. These tennis players had decided to contest not only the sanction but also the entire system, including the whereabouts system, through all possible avenues. These athletes had appealed the decision to the CAS, and so would WADA (it would appeal the Flemish decision for a number of reasons), which would mean that WADA would be in the case. The second thing that the athletes had done was to try to get a provisional order in Belgium to cancel their current suspension. He suspected that the true reason for this action was that they would rather have a forum in Belgium so that they could then ask for an opinion from the European Court of Justice. This was what they had made clear in the media. Their tactic was to try to gain access to the European Court of Justice to get some sort of opinion on issues such as proportionality, whereabouts and so on. The Flemish were currently defending that case, and WADA would see how it went. The players had also lodged a complaint with the EU Commission. WADA had a copy of that complaint, which was a relatively basic and standard complaint. He would see whether or not the Commission decided to entertain the complaint; if it did, he guessed that the matter would become far more complex, with parties being asked to provide their position on the matter. Finally, the tennis players had indicated in the media, although nothing had yet been seen, that they would go to Strasbourg to the European Court of Human Rights, which they were probably entitled to do, so WADA would have to follow that closely. He would be meeting the Flemish authorities in Brussels on Friday to make sure that they coordinated their roles appropriately and ensure that they had a common line of defence. He thought that WADA would certainly defend the system and see how the matter progressed in Europe. This was the first time that he had spoken about this case, but he was sure that it would certainly not be the last time.

By way of information, one case that had been pending at the time of the report had been resolved. It was a football case involving Mr Munsberg, for salbutamol, which was always difficult, and the player had been given a six-month ban on the grounds that he had abused the substance.

WADA had heard that the Federal Court of Switzerland had upheld the appeal from Mr Busch, the ice hockey player. WADA had not yet received the motivation of the decision so he would not comment further until such motivation had been received.

He had rather good news about the Cañas case. This related to a complaint that had been lodged by Mr Cañas with the European Commission two years previously, and a decision had recently been received from the Commission. It had not yet been published, and he guessed that the European Commission would publish it fairly soon. It was a good decision. First of all, it rejected the complaint from the player, but it also clarified a number of matters, particularly in the follow-up of the Meca-Medina case; it gave some clear indication on the fact that anti-doping regulations must be strict, they were not incompatible with competition law in Europe, they were justified by a legitimate

goal, and they were necessary. He thought that all of these points were positive, also in light of the Belgian case that he had just mentioned. These decisions clearly indicated that there was a scale of sanction in the Code, and that the Commission did not see anything that would be disproportionate in the way in which this was articulated in the present Code. This was rather good news. Of course Mr Cañas could go to the European Court of Justice; he had no idea if Mr Cañas would take that route, which was a very expensive one, but he thought that this was a well-drafted decision from the Commission, which would be helpful.

He would not go back over the Pechstein case, which had already been mentioned by the Director General, but he did wish to say that, although this was not a passport case, there were several findings in the case that would be very useful in relation to the passport and would be helpful to the organisations that decided to try the first passport cases. The findings clarified a number of difficult points, and he thought that this would be very useful going forward.

MR MCQUAID supported Mr Niggli in relation to Operación Puerto. He had spoken to his friend Mr Lissavetzky many times about this. This was costing the UCI a small fortune in terms of resources and money, and had done for a long time, and what amazed him was the support from a very high level that Mr Valverde was receiving in Spain, because he was using every trick in the book and every legal loophole to try and avoid the final decision and final outcome, yet nobody in Spain seemed to be able to ask Mr Valverde a very simple question, whether or not the rider could state clearly if it was his blood, because the Italians had verified that it was, and yet that actual aspect of it was completely ignored in Spain. This amazed him.

MR RICCI BITTI congratulated Mr Niggli; this was really for people on the field, and it was good to know that legal matters, which had significant implications from a financial point of view, were under control in WADA. He wished to make two comments about his sport. The comment about Mr Cañas was very good, and was a positive solution. In the Belgian case, which was still open, he had been amazed by the public support of the ministers. This was why he had asked about UNESCO earlier that morning. This was the only thing that had surprised him. The public support of the players by the Flemish ministers had surprised him, which was why he had suggested an investigation of the situation country by country.

MR LISSAVETZKY said that he had not intended to take the floor, but he wished to follow up on Mr McQuaid's comments. He felt obligated to take the floor because Mr McQuaid had commented on a member of the Executive Committee and on the Spanish Government. Of course, the UCI and the Verbruggen case against Mr Pound was not shown here, so he was surprised at what had been said, not because Mr Niggli's explanation had not been complete, but because what had been said was not very courteous. Mr McQuaid had asked why nobody had done anything in Spain. There were several authorities in Spain, and the judiciary was independent, and the members knew full well that the Government of Spain had asked, along with WADA and the UCI, for evidence in order to start the proceedings. He was therefore very surprised to hear that comment. Was Mr McQuaid addressing a member of the Executive Committee? If the rules were going to be broken, then would there be discussion of the Verbruggen versus Pound case? There was a new police operation under way in Spain, and his government had been working hard as always. There were several problems that had to do with the legal system. The Anglo-Saxon legal system was totally different to the Latin legal system and he would like to see the issue resolved, but Operación Puerto had been a major operation, and it had led to very positive consequences and results. Of course, there were some loose ends there, but in Spain proper action was being taken. If Mr McQuaid had been referring to the Spanish Government or to him, he thought that this was inappropriate.

THE CHAIRMAN said that he had not interpreted the comments as being any criticism of the government or of Mr Lissavetzky; he had seen frustration in the comments, based on the fact that the Legal Director, in his report, had mentioned that every trick was

being used to defer this case, including one of the arbitrators appointed by the cyclist simply resigning because he had no time in 2010 to deal with the case, even though he had been selected by the rider. All that did was delay an outcome that had been frustrating many people, including WADA, over a long period of time. Everybody would give respect to the individual nations and their jurisdiction and legal systems; that was not to say that, sometimes, as these matters unfolded, they did not cause a certain degree of frustration, as they took up a great deal of resource and funding. He did not see that Mr McQuaid's comment had been a personal criticism.

MR MCOQUAID concurred with what the President had said and appreciated his intervention. There was absolutely no way that he reflected what he had said on Mr Lissavetzky or on the Spanish Government. He knew that Mr Lissavetzky was frustrated, but the matter was so frustrating for everybody, because the fact that it was impossible to reach a conclusion was undermining the credibility of the fight against doping in sport.

PROFESSOR LJUNGVIST thanked Mr Niggli for his clear report. He had a question relating to point 3 in the report. Did Mr Niggli know how many precedents there were with respect to whereabouts determinations at the CAS level? He knew of at least one case in which the CAS had recognised the whereabouts rule. Could Mr Niggli refer to any further cases?

MR NIGGLI responded to the comments. He told Mr Ricci Bitti that he would be meeting the Flemish minister on Friday afternoon to work out the final position on the matter. He gathered from discussions that he had had so far with the Flemish authorities that they were prepared to defend their decision strongly.

He could not give Professor Ljungqvist a precise number regarding cases. There had been some cases prior to 1 January 2009; he was not sure exactly how many, but he knew that, post-2009, using the new standard, the case in Belgium was probably the first.

## DECISION

Legal update noted.

## **6. Finance**

### **6.1 Finance update**

MR REEDIE said that after a number of quite complicated issues that morning, this was the simple part, as it was only about money. The finance update was relatively brief, because the Executive Committee had already seen the discussions and papers presented by the Finance and Administration Committee in September justifying the draft budget and the additional papers showing the forecast over the period. In order to finally present figures to the members, he would have to ask the Education Committee to report first on the two items that had been referred to it. The members would remember that, the previous time, the Finance and Administration Committee had decided that, while it had its own view, it did not think it was entirely its responsibility to decide how WADA should spend its money, and had therefore asked the Education Committee to look into the two particular cases brought to the Finance and Administration Committee, and it had done so, but he thought that it should report first and then, based on that, he would take on the resulting figures.

## DECISION

Finance update noted.

### **6.1.1 Report from the Education Committee on special projects**

MR BOUCHARD said that the Education Committee had been tasked to look at two projects: the university curriculum project and the communication and awareness tool. The Education Committee had met from 26 to 28 October and had discussed both

projects. Overall, the members had been supportive of the university curriculum project, but felt that WADA should first conduct a needs assessment for an anti-doping module at university level. Fundamentally, the committee suggested taking a two-step approach regarding this project. Reference had been made during the discussion to the fact that the project should be targeted for a Master's degree programme, and WADA could select a university to help design a pilot project to test the module. As a result, the members had agreed to recommend a scaled-down version of the project submitted. This was why the proposal was to reduce the amount from 200,000 to 25,000 dollars, so the recommendation to the Executive Committee was to undertake the project but at a reduced scale.

With respect to the second project on communication and awareness tools, there had been quite a lot of discussion, after which the committee members had agreed that the project should not be supported at that time. The fundamental issue raised by almost all of the members was that a strategy had to be developed before looking at specific projects. One of the comments endorsed by pretty much everybody had been that this should not be a project that drove the strategy; so, in looking at how WADA wanted to communicate its message, the members should be a little bit more strategic about what they wanted to do before endorsing specific projects.

#### DECISION

Report from Education Committee on special projects noted.

### **6.2 Government/IOC contributions update**

MR REEDIE said that the members had an update as at 27 November, and he asked Mr Niggli to comment on the matter.

MR NIGGLI informed the members that, if they looked at the figure and overall percentage on 27 November, they would be able to see that WADA had reached 98% of contributions, which was very good, and was again a sign of commitment from all of the governments, so he thanked all those involved. This was very encouraging. He pointed out, however, that the trend was unfortunately not the same in every region. The Americas had improved a lot over recent years, but Asia had unfortunately gone in the opposite direction. The only reason WADA was at the same percentage was because there had been an extra contribution from Japan, for which he was grateful, but there were several countries in the Asian region that had contributed the previous year but had not contributed that year. Those countries were Iran, the Philippines, Vietnam, Cambodia, Kazakhstan and Lebanon, and that was a little worrying, because it did not set a good precedent and he did not understand why these countries, which had previously been involved, had suddenly stopped contributing, so WADA would have to look at this carefully in the coming months to engage more countries in that region. Apart from that, the situation was very positive and confirmed the trend that had been seen over the past two years.

MR REEDIE said that that was a fact of life and no doubt WADA would be speaking to the Tokyo office to see what efforts could be made to rectify that situation.

#### DECISION

Government/IOC contributions update noted.

### **6.3 2009 quarterly accounts (quarter 3)**

MR REEDIE said that these were figures that came to the members at the end of each quarter. They were formally produced, and this quarter showed that there was a "profit" in operations. He was always more interested in the additional figures, which represented the comparison of actual income and expenditure against budget, and these showed the nine months to September 2009. Ms Pisani sent these to him on a monthly basis and, following the September figures, he had asked her to give him her views on



where she thought that WADA would end up at the end of the year. He was hopeful that the litigation assumption would be correct. He thought that it would be in 2009. 2010 was a different ball game, but that was where WADA was. There was little doubt about the fact that, for reasons he was sure the Director General knew, there was a quite rapid increase in the number of intergovernmental meetings. People were leaving Montreal on a very regular basis to attend intergovernmental meetings all around the world, and that actually put a modest strain on the budget that WADA assumed.

In relation to ADAMS, he thought that WADA would be able to cover and build into the current figures any additional work that needed to be done in 2009 in preparation for Vancouver, and he would deal with the 2010 figures subsequently. He thought that general corporate communications would be within 95% of their budget; the SportAccord grant had been paid and committed, so there were no other changes there. Under Code development and monitoring, Mr Andersen was working on a very cost-efficient basis and he thought that Mr Andersen would spend less money than budgeted, and he hoped that Mr Andersen was listening carefully and would not immediately rush out and do something silly. He was reasonably happy with the situation and awaited the first set of actual figures for the full year, which he assumed he would be able to read on the plane to Vancouver in early February.

#### DECISION

2009 quarterly accounts update noted.

#### **6.4 Budget 2010**

MR REEDIE said that this item could be seen on the last page in the members' papers. The budget was drawn up according to the strategic and operational plan, which the Director General always put in the folder so that the members knew that the money for which WADA was budgeting and the members were spending fitted within the overall plan to which they had agreed some years previously. The forecast figures before the members remained the same, relating to the major decisions that WADA wished to create a specific reserve fund by taking some of its unallocated cash, 2.4 million dollars to be precise, and adding it to the capital to produce 6.4 million dollars of reserve. He believed that it would be necessary to subsidise the 2010 figures by around 585,000 dollars to make the accounts balance in that year, which left an element of unallocated cash; the thinking had been that WADA would spend that over three years (a million dollars each year). He hoped to return to that point in a moment.

Looking at page 1 of 15 in the 2010 draft budget document, the members would begin to see where the figures came from. He knew that the stakeholders, both governments and the Olympic Movement, would be comfortable meeting a 4% increase in contributions for the year 2010. WADA was still assuming a contribution collection rate of 96%; WADA was at 98% that year, but he was being cautious and suggesting 96%. If WADA could collect the uncollected contributions from Asia in 2009, and if that happened again in 2010, then WADA would have a little bit of leeway in the income figures. WADA was doing quite well in getting interest at a very reasonable level in an era when interest rates had dropped dramatically. The members could see that the committee thought that the 2010 draft income would be just over 28.3 million dollars. When the committee had produced the budget, and he was not prepared to start changing figures on guesswork, as that would be a very foolish thing to do, under the legal and finance heading, it had reduced the litigation budget by 100,000 US dollars to 700,000 dollars. He would come back to suggest that maybe that had not been a very good idea. He hoped that it was a good idea, but it was really a case of the blind leading the blind in trying to work out exactly what litigation costs would be in 2010. But 700,000 showed a small reduction in legal and finance costs. WADA had a 1.5 million dollar litigation reserve, and it might well be that during 2010 or thereafter it would tactically want to use some of that reserve. Under the executive office heading, WADA would spend quite a bit of money in an Olympic year fulfilling its obligations in Vancouver, and he was sure that the members would expect WADA to do that. At that

moment, under IT, he thought that ADAMS costs would come down, although there were a couple of as-yet unexplored additional costs for the following year, when WADA might have to upgrade the system to make sure that it was fully compliant with everything that WADA wanted to do, but the committee could not identify exactly the cost at that moment. On information and communication, again there were higher costs, mainly due to the outreach efforts made in Vancouver. This was an opportunity that WADA had with all of the winter athletes of the world in the one place; it was the best opportunity that WADA had once every four years to educate and inform these athletes. As far as research was concerned, the committee had budgeted for 5 million dollars, but he would come back to that in a moment. Health and medical was actually a new department (health and medical had been split from the science element). In education, there was an additional symposium cost, and there were obligations for the Youth Olympic Games in Singapore. Under standards and harmonisation, the committee had assumed costs as far as an international federation symposium was concerned and as far as work concerning the passport was concerned.

The end result was that, if all of this worked out exactly as planned, there would be a deficit of 585,000 dollars, which WADA would be prepared to fund. The issue was how to allocate the one million dollars, which had been the thought at the previous meeting. The Finance and Administration Committee would recommend that, of that million, 500,000 dollars be allocated to research. He had discussed this with Dr Rabin, and it would give him a total figure of 5.5 million dollars in 2010, and to that he would add the 25,000 dollars suggested by the Education Committee. At that moment, he thought that there were potential additional costs on litigation, particularly for the cases involving the players in Belgium, and the members should also be aware that the CAS now imposed charges on WADA that it had not previously had. That presumably meant that the CAS was now so active that its own budget did not work and it had to recover costs. WADA also had to take account of some potential costs related to ADAMS. On that basis, he suggested that, of the million dollars WADA was going to spend, it spend 525,000 dollars and it hold the balance, which would just mean a slightly larger element (in theory) of unallocated cash at the end of 2010, and he said that because he was aware that at least one of WADA's stakeholders had said that, given the difficult economic conditions in which WADA operated, perhaps unallocated cash could be used to reduce the contribution increase as opposed to pay for specific projects. It was too early to make any decisions on that, because more financial information was necessary, and he would hope to be able to come back and discuss that as an issue of policy at the meeting in May the following year. For all those reasons, he suggested submitting those figures to the Foundation Board the following day for approval. The document had the agreed current cash flow projection attached to it that showed higher rates of contribution increase, as had already been discussed. That might have to be varied in light of what he had said in terms of the future agreement on contribution increase, but a budget was needed to go forward and that was the one he hoped that the Executive Committee would take to the meeting the following day.

PROFESSOR LJUNGOVIST referred to page 7 of 15 in attachment 2. Mr Reddie had suggested 7.1 million dollars in total for health, medical and research. Had he understood this correctly? Because science and research and medical had been split, he was not fully clear as to what was what.

MR REEDIE replied that, if the science and research budget totalled 7,170,318 dollars and the health and medical budget totalled 439,000 dollars, if the two were added together, under the old format, the total would come to somewhere round about 7.5 million dollars.

MR MCQUAID referred to education. He had attended the annual general meeting of the European NOCs the previous weekend, at which a presentation had been given by Liechtenstein on a new anti-doping education programme that had been prepared for its athletes. Liechtenstein was one of the smallest countries in Europe. At the same time, the UCI had spent a lot of money, time and effort that year in developing an interactive

anti-doping education programme for its members, and it was a shame that WADA was not the one leading this. He was looking at the education budget, and he thought that it was a shame that WADA was not taking more of a leading role in providing education for NADOs and IFs.

THE CHAIRMAN asked Mr McQuaid to be a little bit patient, because he would see a very comprehensive and very powerful presentation the following day during the Foundation Board meeting which would hopefully allay his fears. He had no doubt that WADA was at the forefront; of course, everybody knew that it was mandatory to have an education programme to be Code-compliant as of 1 January, and he had no doubt that, if there were a suggestion there that day to increase the budget significantly to boost education, there might be some supporters around the table, but, within the parameters set in the past, he had no doubt that WADA was very much there. Perhaps Mr McQuaid might hold his thoughts until the conclusion of the Foundation Board meeting and the presentation by the Education Director the following day. He thanked Mr McQuaid for his comments.

MR REEDIE said that he was familiar with the Liechtenstein proposal. Liechtenstein had a tiny NOC, and it used this proposal on an educational basis and on a control basis for all of its athletes (all 50 of them), so it was a relatively easy thing to do, and was done by a real enthusiast, Hubertus Von Liechtenstein, and he would be meeting Mr Liechtenstein in London, as he was quite impressed with the proposal, and would be taking it to the new UK anti-doping agency. WADA knew that it was out there and it was up to the education people to decide whether they wanted to do that or not, but he suspected that, with modern technology, there were lots of people applying their minds to see what they could do in this area. Coordination of it would be ideal, but complicated.

MR JURITH asked, if an additional 500,000 dollars were to be added to the research budget, what the process would be for determining how these funds were used and how that all tied in to the longer research plan (he understood that there was a five-year research plan budgeted at about 2.4 million dollars). How did that all tie together?

DR RABIN responded that the Health, Medical and Research Committee had selected some priority areas for development, and there were a lot of pilot projects to integrate new technologies, as well as some projects that WADA would follow over the coming two to three years that combined the two. WADA also received close to 90 projects every year, some of which were very innovative. Thus far, he had seen that many of the most promising projects submitted to WADA had been selected, either for full funding or as pilot projects, and he believed that there would more targeted research in the future with the objective of WADA going to research project teams to make sure that they could fulfil WADA's needs. From previous discussions with the Health, Medical and Research Committee, he thought that this was the line that would be taken over the coming two to three years.

MR REEDIE noted that there were on occasion two projects that suddenly became available that needed to be dealt with almost instantly, which was why he had been convinced that there should be some additional funding prepared to deal with that particular issue. The easy bit in the process was to say that WADA had a choice of 90 projects, would do 25 and the cost came to X. It was the additional stuff that came up irregularly and sometimes not quite on a crisis basis, but WADA did need the freedom to react, and that could cost money. This was an inexact science, but he was comfortable with the way in which WADA had worked this out. He should say that this was for 2010 only, because Dr Rabin had made a convincing case for having that additional money allocated to the research budget, and it was medical research, not social research.

MR KOEHLER said that he had met with Mr Liechtenstein from Liechtenstein to talk about the proposed programme, which he believed was going in the right direction. Regarding the UCI and the True Winner project, WADA had been very much engaged with Stig, who was developing it, and had in fact reviewed all of the documents to make

sure that everything was in line with the Code, so it had provided a leadership role to make sure that the project fitted with the education mandate. WADA could not be the creator of everything for everybody. It needed to provide leadership and some tools to help people along, otherwise there would be a 10 million dollar budget for education. WADA had also developed some tools for stakeholders to use at no charge, specifically targeting areas that research showed needed to be targeted, and one area was coaches, and an online area would be developed for them. There was also the importance of youth, but he would talk about those points in more detail the following day.

THE CHAIRMAN asked the Executive Committee to support the proposal to recommend the budget to the Foundation Board the following day.

He had not introduced Dr Alan Vernac, the new Medical Director at WADA. He invited the members to make themselves known to Mr Vernac.

#### DECISION

Proposed 2010 budget approved for submission to the Foundation Board the following day.

### **6.5 Appointment of 2010 auditors**

MR REEDIE said that he was happy to propose the reappointment of WADA's auditors, PricewaterhouseCoopers, who were based in Lausanne and Montreal. They had done the job for some years, and did it well. He would like to propose that the Foundation Board reappoint PricewaterhouseCoopers for 2010.

THE CHAIRMAN noted no objections.

#### DECISION

Proposal to appoint PWC as 2010 auditors to be submitted formally to the Foundation Board the following day for approval.

## **7. World Anti-Doping Code**

### **7.1 Interim Code implementation and compliance report**

MR ANDERSEN said that the members would have received an addendum to the Code compliance report, which listed those countries that had recently submitted their Code compliance rules to WADA. Every time WADA submitted papers to the Foundation Board and Executive Committee, countries read the papers, saw that they were not on the list of countries that were in line with the Code, and were eager to submit their rules to WADA. The previous day, in addition to the addendum, WADA had received Code compliance rules from China. Looking at the report, attachment 1 to agenda item 7.1, the members would note that progress for Code implementation of rules was now in full swing. The Olympic IFs were doing extremely well in Code implementation, and he was happy to report that all of the IFs on the Olympic programme were now in line with the Code.

In terms of national anti-doping agencies, there were still issues remaining, and this was due mainly to slowness in processes, but also legislation and issues relating to national legislation. Some national anti-doping agencies had issues related to the verbatim rules of the Code, which had to be implemented without any substantial changes, and there had also been issues related to the translation of the Code into English or French, and WADA was totally dependent on such translations in order to review the rules. Those countries not listed as being in line were still countries in progress, and they might very well have anti-doping programmes that were fully operational and fully enforce the rules, but there were issues that needed to be resolved with the rules, and he thought that the ice hockey player from Germany, Mr Busch, was

one example that illustrated the importance of having harmonised rules. If such harmonised rules did not exist, there could be court cases concerning inconsistent rules between national and international federations, and WADA might lose those cases. In the addendum, he had emphasised that those in line with the Code were listed but, at the same time, this did not mean that those not on the list were not nearly there. For legal reasons, WADA could not list a country as being in line with the Code unless it had all of the provisions, specifically the verbatim issues, resolved. Finally, for the NOCs, as he had mentioned at the previous meeting, there was now a simplified procedure with a simple declaration that the NOCs could sign, which made them compliant as NOCs with the Code provisions applicable to NOCs. He would be happy to answer any questions in relation to his report.

PROFESSOR LJUNGOVIST asked whether all of the IFs had been listed as being in compliance. He did not see ice hockey on the list. Was there a problem or was it just an omission?

MR MCQUAID said that, on behalf of the IFs that he represented, the summer Olympic IFs, whilst Mr Andersen had stated that all of the summer Olympic IFs were compliant, he saw in the list under item 3 that there were three federations missing from the list and, likewise, in the chart, there was a blank spot against three federations (basketball, cycling and handball). He knew that cycling and basketball had made huge efforts to make the rules compliant, and it was simply legal interpretations of rules that were being discussed with WADA, and he did not think that this should mean that the federations should be listed as being non-compliant and he was afraid that, if the document got out, the federations would be seen quite clearly as being non-compliant.

DR SCHAMASCH wished to make the same remarks as Professor Ljungqvist, as these documents would be presented to the Foundation Board and made public the following day, so it was necessary to have a clear answer about this question, as the media might ask questions and it was necessary to be ready to answer.

MR LISSAVETZKY said that, some days previously, there had been a meeting at the Council of Europe, and there had been a focus on total compliance, compliance under way, in other words, a kind of grading, and the speaker had been quite correct in pointing this out. It would seem that, in more than one case, those countries with specific legislation had more difficulties being considered as fully compliant, whereas other countries had not passed that kind of legislation and did not have those difficulties. He gave Sweden as an example. The only reason he was saying this was to better illustrate the point. This was something that WADA had not taken on board. He wished to inform the members about the Council of Europe meeting. In the case of his country, there was a very direct link, but taking European anti-doping countries, there should be a non-compliance note sent to each individual country with the reasons for such non-compliance, because people needed to know. Some countries had a great anti-doping tradition, and he agreed with Mr McQuaid that, if this went to the press, WADA would be in trouble, as there would be misunderstandings. There were definitions, but these were not sufficient. In Europe, the European governments that did not comply should be made aware of the fact so that they could resolve the situation. This would be beneficial to everybody.

MR RICCI BITTI fully supported his colleagues who had spoken. This matter was very delicate. He saw the list as an administrative job but, behind the administrative job, there was always some content. He wondered what WADA asked the NOCs to do to be compliant. The NOCs could do something very important in order to align the rules of the NFs to those of the IFs and NOCs. He would start talking about content and not only about lists. An IF that was completely compliant meant a lot, investment and activity on the field, and an NOC, within the sport organisation, also played a very important role, but it was very different. It was not an operational role, it was one of compliance, and so putting all of this together meant that it was necessary to move forward. WADA was ten years old and this kind of document should also support what had been said previously. He would like WADA to look inwards to try to improve the quality of the outcome.

PROFESSOR LJUNGOVIST said that he saw an inconsistency in the documents, because it was said in the text that Sweden had been declared as being in line with the Code (page 7 of 8), but there was a blank space on the list next to the country. There was a problem here, and perhaps this list or this table was not ready to be made public. Again, ice hockey appeared to be a problem.

THE CHAIRMAN drew the members' attention to the addendum that was on the table (7.1), which had in its first paragraph a good explanation of the position. Having said that, he also took the members back to the history, as some members would not know the detail. WADA had determined that there would be an interim report at each of the meetings and, that year, WADA had moved into the 2009 upgraded, amended Code and, as and when a situation arose whereby compliance was obvious from the process followed, that would be reported to WADA. Of course, by implication, if a body was not there, the suggestion was that that body was non-compliant. He asked the members to look again at the paragraph in the addendum, and to bear in mind that WADA was not required to submit an official compliance report to its stakeholders until November 2011. The debate that had been ongoing for a couple of years was that WADA needed to continue to monitor (that was the primary role of WADA) who was in compliance or not in compliance, and to assist, as it had done. He heard a fear that, if WADA were to produce this, and the papers would certainly be available for anybody to look at the following day, then certain questions might be asked that might cause some level of discomfort in certain countries. The absence of any particular sport or body should not indicate that there was any problem other than that there was a little more work to be done. He asked the members to bear that point in mind.

MR ANDERSEN said that he needed to make a specification regarding the Olympic IFs. The list before the members was correct. There were minor issues remaining with summer and winter Olympic IFs and he hoped that those issues would be resolved with the help of the European office pretty quickly. Those were not major issues. The list before the members was the list that prevailed. Also, regarding the practical issues related to monitoring this, it was important to remind the members that WADA had quite comprehensive communication with every Code signatory so, for all of the signatories, WADA had quite a lot of communication and, if anybody was interested in WADA's communication with the stakeholders, he had all the correspondence with him and would be happy to show this.

In terms of Code implementation, it was important to discriminate between Code implementation and enforcement of the rules, as these two were often confused. The implementation of the rules was only to adhere to the Code, to make rules within each organisation that were in line with the Code. That was a fairly legal matter that was being dealt with by legal professionals in the office and two external independent law firms in Montreal and Lausanne. If they could not tell WADA that rules were in compliance with the Code, it would be very difficult for WADA to bend the rules. WADA had to submit these comments to the stakeholders and tell them that these were the interventions from the legal people and ask them to include these in their rules. The second part, and that related to Sweden for instance, concerned the enforcement of the rules. The Swedish NADO conducted out-of-competition testing, but still had issues with the national anti-doping rules, and those needed to be resolved; but, for the enforcement of the rules, which was the second and probably the most important part of the Code compliance reporting, it was necessary to know whether there was an out-of-competition testing programme in place, whether it was efficient, whether in and out-of-competition testing was carried out, and so forth. That review and monitoring would take a long time. Implementation was fairly legalistic and simple, but enforcement was more complex.

As Mr Lissavetzky had said, this point had been raised by the Council of Europe Monitoring Group and the CAHAMA, and he was open to suggestions as to how WADA could resolve the reporting issue. WADA was not reporting on non-compliance because the management was not mandated to do that, nor was the Executive Committee

mandated to do that; only the Foundation Board could report on non-compliance in 2011. In the meantime, he had been asked to provide an interim report on Code compliance and those bodies that were in line with the Code. This meant that the rest were in progress, but WADA could not say that they were non-compliant because they were not.

THE CHAIRMAN pointed out that any explanation sought by anybody would be answered with the response that this was not a report on non-compliance and that there was no requirement for such report to be written until November 2011, and that this did not suggest for one moment that those not on the list did not have an effective programme in place. This was what the Executive Committee and Foundation Board had wanted WADA to do in relation to the 2009 revised Code, and this represented that.

DR SCHAMASCH suggested that the explanation that had just been given, which was totally correct, be said as a preamble to the presentation to the Foundation Board.

THE CHAIRMAN asked whether the Executive Committee was happy to note the report on the basis that it would be put to the Foundation Board the following day, along with the explanation that he and Mr Andersen had endeavoured to give the members.

PROFESSOR LJUNGQVIST said that he was a little confused. Perhaps he was not intelligent enough to understand, but what was the actual difference between enforcement of anti-doping rules and implementation of the Code?

MR ANDERSEN replied that implementation of the Code meant informing the anti-doping organisation that the articles in the Code needed to be implemented in the national rules or the rules of the IF. The verbatim rules needed to be implemented without any substantial changes; otherwise, there would be cases such as the Bush case. The first step was Code acceptance, the second step was Code implementation, and the third step was that, when the rules were in place on a national basis and in the IFs, it was necessary to act, enforce the rules, and have a testing programme in place, a TUE committee in place, and so forth.

MR MCQUAID claimed that he still found it difficult to understand that Mr Andersen was saying that the IFs were all Code-compliant and yet wrote that they were not Code-compliant.

MR ANDERSEN said that he had specified that those listed were nearly there, but that there were simply small issues that needed to be resolved with those IFs.

THE CHAIRMAN guessed that perfect answers would never be found. WADA had a responsibility to monitor the Code and its acceptance and implementation, and this was constant, and WADA had helped significantly along the way. Mr Andersen had noted that he had correspondence with all of the signatories. This took place every single day. The Foundation Board and the Executive Committee had asked the management to try and keep this as a regular process of monitoring and working to ensure that WADA assisted so that, by the time it had to make the formal report in November 2011, there might not be a lot to be done. He knew that the sensitivity arose in relation to the missing names, but that was not to suggest that there was non-compliance. The alternative was to ask for a status report on every single body. Just by way of an example, Germany had an excellent anti-doping organisation, but had not translated the rules into English as the Code required. That did not mean for a moment that the anti-doping organisation was not effective. This was just an example as to why Germany was missing from the list. One could not bring through the gate those bodies that had not done the appropriate things required by the Code. He did not think that the members should read anything into this. It was as simple as that. It did not suggest that there was a problem with those that were not on the list. There might be one or two minor technical points that would be fixed very quickly, and he suspected that the members would see many of the missing names on the list the following May if the format were followed. This format was what the management had been asked to do after running into all sorts of difficulties with the compliance reporting over the previous few years.

MR REEDIE said that it might be possible to do it the other way round. It looked to him as though there was a system whereby a body might be 95% compliant, but WADA did not say that this body was compliant because it had 5% to go. The alternative was to be positive and say that, if the body had completed 95%, it was compliant, and then put an asterisk and clarify that a little bit more work was needed. Was it not a question of presentation?

THE CHAIRMAN said that he thought that the members were splitting hairs. It was not necessary to produce a compliance report until November 2011, so why would WADA tick people off at 95% at that point in time when nothing hung on it? WADA would not report anybody whose name was missing to its stakeholders as being non-compliant. That would happen in November 2011. It was his belief that, by November 2011, there would be nobody left who was not compliant, and certainly he would do his best to make sure that this was the case. So, when would it really matter? It would really matter in November 2011.

MR RICCI BITTI said that he totally agreed with Mr Andersen in the distinction, but he preferred to use words with which he was more familiar: adoption and enforcement. It appeared that all of the IFs were enforcing a programme, so it looked very strange legally that people working with a huge programme, such as the UCI, had not yet adopted the Code. He had understood that the adoption was not complete in these cases, but that the IFs were working normally and enforcing the rules on a daily basis.

THE CHAIRMAN asked if Mr Ricci Bitti would be happy if Mr Andersen's report to the Foundation Board the following day began with the statement that the overwhelming majority of the signatories were actually implementing the Code, although there were some technical matters that were being worked through. Nobody should read this as a problem, because there was no problem as far as he was concerned. One either reported or did not report. If WADA did not go this way, WADA might as well not have reports every six months.

MR MCQUAID agreed with what had just been suggested. Regarding what Mr Reddie had said, he did not accept it as a question of 95%; he knew that the UCI and basketball were 100% compliant, and what was at issue here was the legal interpretation of the rules. The rules were there and they were 100% compliant, but it was the legal interpretation between the UCI and WADA that was at issue here, and he did not think that this should be a cause for saying that the UCI was not compliant.

PROFESSOR LJUNGQVIST thought that the danger the following day was that the meeting would be open and the media would be there. If WADA was confused, how would it explain this correctly to the media? This was a serious problem. If a list featuring some federations or countries with a blank were published, it would be taken as a problem, so it was more a matter of media perception and presentation, and he was very much concerned that even the Executive Committee members, who knew these matters so well, did not fully understand this. He had difficulties understanding it.

THE CHAIRMAN said that this was being done because it was what had been requested: interim reports rather than a report every three years. Having done that, it was very difficult to give a report if it was not done honestly and accurately. WADA did need a set of words explaining it, but the members should note that these papers had been circulated and could not be pulled back from the Foundation Board members the following day.

MR STOFILÉ said that he did not think that there were doubts about the compliance of the management as far as periodically reporting back was concerned. What seemed to be the real problem was the English language. One could not say that a body was 100% compliant but that there was disagreement as to the interpretation. What was one complying with if one did not know what it meant? He suggested that the communication specialists look at this. It was not so much about the practical programmes of sport administrators vis-à-vis the resolutions and rules of the Code that was at issue here; it seemed that the real issue was the meaning of the words that were



used when reporting back. What was compliance? Compliance meant to be doing those things that the regulations said one must do; but, if one did not agree about what the regulations said one must do, then one would be forever contesting compliance. This was a problem. It was a linguistic issue. WADA should not be worrying about this, but should be worried about whether it was doing what it had resolved to do or not. Then the communicators or owners of these languages should find a way to relate that. He honestly did not know what was being debated here; he just did not understand.

THE CHAIRMAN suggested that the addendum paper be looked at and broadened a little bit to pick up the concerns expressed by the Executive Committee members and to make it abundantly clear that this information paper should not be interpreted as any of the signatories being non-compliant at this point in time. Did the Director General have any thoughts about this issue?

THE DIRECTOR GENERAL said that the management was doing what the Foundation Board had asked it to do the previous May. The management could change the report, or take parts of it away, but was doing what it had been asked to do. Maybe the Executive Committee thought that this was not the way in which the management should be reporting, in which case the management could simply report to the Executive Committee, but the idea in May had been that everybody wanted to see a rolling report and gradually there would be an increasing number of people who had made it prior to formally reporting in 2011. It was not a negative connotation; it was something that was supposed to be positive. However, if it was not being viewed as that, the management could change. It was not a management dictate.

THE CHAIRMAN said that he had tried to make that point very clear. The Executive Committee could not stop the paper going forward the following day. Would it assist if the management were to incorporate some of the concerns stated, based upon sensitivities? He thought that the members were boxing at shadows a little bit, as they were not reporting on anybody, and he would do his best in terms of reporting to the media to put to bed any suggestion that any country or body was non-compliant. The programmes being adopted by so many of those names missing were fully robust anti-doping programmes. Would it help if the management attempted to change the addendum paper to further explain the matter or pick up on the sensitivities? The management could change going forward if that was the wish of the Executive Committee members, but he was not sure that he saw any wish to change. This would be left as an agenda item for information the following day, but an attempt would be made during the course of that evening to prepare a new addendum to it that picked up the sensitivities expressed and gave a full explanation in order to remove any doubts that might be there and hopefully overcome the sensitivities, which he could understand.

#### DECISION

Code implementation and compliance report noted.

### **8. Department/area reports**

#### **8.1 Education**

##### **8.1.1 Education update**

THE CHAIRMAN asked Mr Bouchard to present his report.

MR BOUCHARD said that he would be brief. The Education Committee had met in October 2009, not so long ago, and had been quite pleased with the work being carried out by the WADA Education Department. The committee had been quite pleased with the tools being developed by WADA and encouraged it to further develop and share the resources so that they would be beneficial to all stakeholders. When looking at the different tools being developed (the programme officer, coach and teacher tool kits),

there was an understanding that the material was of high quality. Part of the issue involved good promotion and distribution, and he knew that a lot of effort was being undertaken to that effect and with successful results. Making sure that the material was available to as many parties as possible was certainly an issue that needed to be tackled. The committee had also been quite pleased with the proposals received that year for the social science research grant programme, and the increased funding received under the 2010 budget would further enhance its success. A number of good projects had been submitted and the committee would be making recommendations as to which projects should receive some funds, although it had been difficult to choose the five projects.

The committee had been quite pleased about the direction in which the youth programme was moving with regard to the implementation of the Play True Generation programme, which would be officially launched in 2010 at the Youth Olympic Games in Singapore. The programme encouraged young athletes to make the right choice when faced with doping. He had been talking about partnerships and the committee had been quite pleased about the number of partnerships into which WADA had been able to enter with various bodies. The Education Department worked closely with the IFs, NADOs, the IOC and governments.

### DECISION

Education update noted.

#### **8.1.2 2010 social science research projects**

MR BOUCHARD informed the members that 30 high-quality proposals had been received from 21 countries. Of these, 28 had been submitted for peer review and, based on the results of the review, the Education Committee was recommending five projects for a total of 145,000 dollars. The committee was also recommending two other targeted research projects for a total of 100,000 dollars, the first to develop evaluation tools for education programmes for use by stakeholders, as the committee had felt strongly about the fact that it was important to be able to show results and be specific. The second project was linked to research into web-based tools to engage young people in anti-doping prevention activities through social marketing, and the committee had talked about that at length in Oslo in the spring. All of the projects were listed in the attachment to the agenda item.

MR KOEHLER said that he wanted to provide a brief overview of the social science research programme. Looking at the objectives for the programme itself, there had been two main objectives since the beginning: to encourage social science research in the field of anti-doping, and to provide evidence-based information for the development of WADA's education programmes (the second objective had been extended that year to include all of WADA's stakeholders' programmes). The three priorities had been maintained, which were to encourage social science research in the field of anti-doping, looking at doping behaviour, risk factors and protective factors, and how to promote and support social science work. Evaluating anti-doping intervention and what that could bring to help other organisations and, in general, improving science research in prevention were key activities. Since 2005, there had been 25 projects funded for a total of 730,000 US dollars. The members could see that the majority of the projects came from North America and Europe. This was one of the areas on which WADA wanted to work through its strategic plan, tabled at the previous two meetings. One of the issues with social science research was that, a lot of the time, the work was done in the language of the country; unlike science, for which English was widely spoken by the science community, social science was carried out in the language of the country. It was WADA's duty to promote the programme in other regions.

He pointed out a few of the key research results achieved since the programme had started. All of the research projects were posted on the WADA website for all of the anti-doping organisations to download and use. One project had concluded that there was a huge need for more social science research. Another research project had dealt with

political support and the need for governments and high-ranking officials within IFs to support the implementation and development of education. Without that political support, the programmes did not go very far. Another project had concluded that athletes who tended to have perfectionist tendencies were more likely to dope. Another interesting project had concluded that education programmes needed to be culture-specific. Further research was being done on this to see exactly what that meant. Another project had concluded that it was necessary to be specific with the approach to education. It did not make sense to give the same message to a body-builder as an archery athlete. A constant message was required, focusing on specific areas for certain athletes at risk. A project had recently been completed the previous year, looking at the development of self-reporting mechanisms to try to detect what populations were at risk through a questionnaire-based programme to determine where potential risks lay. Another project had looked at what was an effective prevention programme and what types of mechanism needed to be built in to have an effective prevention programme.

For the 2010 research projects, the call for proposals had been sent out on 16 March 2009, the deadline had been 10 July, and 30 applications had been received from 13 countries. The Education Committee put forward the following recommendations to the Executive Committee for funding.

Project Sullivan looked at helping coaches and building more confidence in coaches, and how this could be done to confront athletes who coaches might suspect were doping.

Project Butryn looked at a qualitative examination of the knowledge of doping and the motivations or deterrents to dope among Canadian and US elite triathletes. This project also had an interesting element to it, evaluating whether the use of supplements was the first step an athlete would take before going into a doping regimen, and whether there was any correlation between those athletes taking supplements and those moving on to doping.

Project Petroczi was another interesting one focusing on youth, looking at the key stages in a young athlete's career that might lead to the use of performance enhancing substances and identifying the key times when an athlete was most vulnerable at a young age.

Project Piffaretti related to learning about the psycho-social determinants of doping behaviour through testimony of sanctioned athletes. The project had been quite broad and the committee had reduced it quite a bit to get a better understanding of where those athletes had been caught cheating and where and when they had been led to dope. He hoped that it would be possible to learn from these athletes to better identify prevention programmes.

Project Skinner looked at the relationship between moral reasoning and the level of sport involvement and the relation to anti-doping attitudes, focusing on young athletes and why some of them chose to take performance enhancing substances, why they were making those decisions and the influences influencing those decisions.

As Mr Bouchard had mentioned, two targeted research projects were being recommended. Many organisations and the Education Committee had spoken about the need to evaluate programmes effectively. The aim here was to bring together anti-doping, evaluation and prevention experts, and develop a tool for other organisations to use to effectively evaluate existing and new programmes.

The final targeted research project looked at Web 2.0. WADA had been working closely with the IOC on the Youth Olympic Games and both organisations would share the outcomes of their work to look at where they should be in relation to social networking. The Director General had mentioned that WADA had several target groups and focus groups with young athletes; here, the aim was to bring in a Web 2.0 expert, an anti-doping expert and a prevention expert to look at where WADA should be and how WADA should meet those athletes to get its education and prevention messages out.

The final thing built into the five-year strategic plan was to encourage young investigators and students to get interested in the field of social science and anti-doping. The following year, the proposal was to have four awards for graduate research, whereby graduates would submit their research papers to WADA and the Education Committee would award four awards at 2,000 dollars each to those graduates whose papers brought the most intrinsic value to the education programme.

In total, he was asking the Executive Committee to approve 256,878 dollars to fund the five projects indicated, as well as the two targeted research projects and the young investigators award.

THE CHAIRMAN said that the papers showed that a number of applications had been submitted that had certainly been worthy of funding; but, again, there was a limitation on all of these things when applications came in. The Executive Committee members were now being asked to consider the approval of those projects presented.

MR LISSAVETZKY had a lingering doubt and asked for clarification. He understood that this was a project and that there was a call for tender, and there was competitive action there, and peer review results, and then a committee that decided. Why was the first project graded higher (and that was the Greek project) than the other two, and why was it that the fourth project was graded higher, and the fifth project, why was this not funded, and why was the sixth funded? The committee conducted its assessment, and that was a scientific assessment; it graded the projects and discarded the project that ranked highest. His question was, what was the reason for this? He could understand a scientific committee taking a decision that was best geared to whatever objective the committee had set for itself, but it seemed a bit odd. Why had some projects been picked and others discarded?

MR BOUCHARD replied that the peer review was carried out before the committee saw the different projects, and it was for guidance; it was a first cut and provided some kind of a ranking. The peer review did not benefit from the expertise of the committee, and each project that was part of the first group of projects evaluated through the peer review was reviewed by the committee, so the committee focused on them and then reviewed them. It had a discussion on each of them and sometimes, as Mr Lissavetzky had noticed, the rating or ranking changed. The committee relied a lot on the expertise, which was balanced between scientific and educational expertise, and then looked again at the priority of the programme, so that was why, in a nutshell, without going into specifics for each project, some of the rankings for the projects had changed and were no longer the same as those indicated by Mr Koehler.

MR JURITH congratulated Messrs Bouchard and Koehler on their excellent reports. As the committee knew, governments in particular had been concerned for a while about the need to increase the focus on youth education. He thought that what the committee had put forward, particularly the Play True Generation programme, the Say No to Doping programme and the health consequences pamphlet were all part of that increased emphasis and that was something that the governments were uniquely concerned about. They had been pleased to see that emphasis and hoped that they would be able to work with the committee to ensure that this continued. He knew that, in the USA, there was a lot of experience in drug prevention messages and so on, and his government would be more than happy to offer whatever help could be extended.

MR ROWE asked about the coordination of research. He had noticed on the graph that there had been one social science research project from Asia (Oceania). Australia was also funding anti-doping and social science research, and indeed Mr Skinner was also receiving some funding through the Australian programme. His question was about the coordination of this research, because it was important to avoid duplication of resources. In fact, Australia had had some assistance from WADA the previous year on one particular project, for which there had been an application from some researchers in Australia to do a project that had been similarly done in a European country, and it had been able to add to and build on that information rather than duplicate it. He asked

whether it might be possible to try and coordinate some of the research that Australia and other countries were doing and whether that should be folded into the symposium workshop mentioned at the previous Executive Committee meeting.

MR LISSAVETZKY stated that he did not consider the explanation given convincing, for the very simple reason that he could not see the causes. He asked for the reasons. Although the peer review was not definitive, it might help, i.e. it was not geared to the objectives, to the targets, or maybe not everybody agreed. He wanted to know more about this out of curiosity, because it was good to know what this was all about since there were similar exercises under way in other countries, and sometimes there was insufficient cooperation, so perhaps it was necessary to have databases to find out about the projects funded by the various countries.

Of the 2005 projects, there was an ex ante assessment, but was there an ex post assessment as well? In other words, had monitoring been carried out on the 2005 projects to see exactly what the findings of the research had been? Had there been a good return on investment? In scientific terms, an ex post assessment was necessary in order to have a good yardstick for the success of the programme.

DR SCHAMASCH confirmed to the Executive Committee that the IOC had given WADA the responsibility for the doping model in the courses that the IOC gave around the world. Olympic Solidarity had a huge programme involving a sports medicine course, which included a doping model, and the IOC had asked WADA to take care of this.

Were there any plans to use the leverage of the Olympic Museum or Olympic Academies to set up some kind of a permanent exhibition relating to education?

MR KOEHLER responded to the comments. Regarding what Mr Jurith had said, one of the first things that WADA had done was to send a notice out to all those who had ever applied for social science research funds, and WADA was putting together a database of names to enable more communication among the researchers so that they could start joining up on research activities. WADA was investing more time and resources, and a lot of researchers were coming to tell WADA what they were doing; for example, three Australians had visited Montreal the previous week to discuss some of the projects for which funding was being sought in Australia. The other point, which was part of the WADA learning objective, was to create a database in which WADA would store not only its own research but also other people's research. He encouraged everybody applying for WADA funds to seek funds from other areas; so, if somebody was getting 20,000 from one country and WADA was putting in 40,000, the project would be given a higher rating, as long as the intrinsic value was there. Nevertheless, there was recognition from the conference to be held later in the year to bring that world together a little more to share results and resources.

Looking at the actual social science research peer reviews, it had been necessary to go through a third peer review for some projects because the numbers had been so different. With regard to why specific projects had not been chosen, the reasons were not listed in the minutes of the Education Committee meetings, but he would be happy to provide Mr Lissavetzky with some information on why some projects had been chosen over others.

He told Dr Schamasch that WADA was working with five universities that were involved with Olympic Solidarity, using the coaching tool kits and bringing coaches around the world into education and implementing that in the daily education of those cultures. WADA did have an exhibition at the Olympic Museum, although it might need to be updated, but Ms Masse would be the best person to talk about communication with the museum.

MS MASSE said that there had been an update on the Olympic Museum about two years previously, but certainly this was something that needed to be looked at on an ongoing basis.

THE CHAIRMAN asked whether all of the members were in favour of the proposals. There were no objections, so the motion was carried.

#### DECISION

Proposed 2010 social science research projects approved.

## **8.2 Science**

### **8.2.1 Technical documents**

DR RABIN said that, following the implementation of version 6.0 of the International Standard for Laboratories in 2009, WADA was continuing with the adjustment of the related technical documents, and there were several related to this international standard. Several technical documents had already been approved in the past by the Executive Committee and only two existing technical documents, the document on identification criteria and the document on endogenous anabolic steroids, and one new technical document on decision limits covering measurement uncertainty, remained to be approved in the future, so he wished to inform the Executive Committee that WADA was currently at the end of the consultation process for these three documents, which would be reviewed one last time by the Laboratory Committee at the next committee meeting on 9, 10 and 11 December. The objective would be to incorporate the relevant comments received following the final consultation phase and finalise the draft documents for these three technical documents. If all went well, it was anticipated that these technical documents would be submitted for approval by a circulatory vote in early 2010.

One other related point concerned the International Standard for Laboratories because, in order to prepare the implementation of the steroid profiling to which he had referred earlier as part of the Athlete's Biological Passport in 2010, an adjustment of the point tabled in annex A of the International Standard for Laboratories was legally needed. Such amendment, which would allow the Laboratory Committee to request corrective action from laboratories deviating from the expected results, and possibly sanction them in the event of recurrent or serious deviations, was needed. This should allow for the implementation of the steroid module in the Athlete's Biological Passport in the second half of 2010. A revised annex a) of the ISL would be circulated for approval in early January 2010 after there had been a chance to discuss the revised document with the members of the Laboratory Committee at the December meeting. He wished to note that some circulatory votes would be needed in relation to these documents in early 2010.

THE CHAIRMAN presumed that there were no questions or comments in relation to the point.

#### DECISION

Technical documents update noted.

### **8.2.2 Athlete Passport/blood variables**

MR NIGGLI said that he wanted to give the members an overview of what WADA was proposing to put in place. This was the conclusion of what he would describe as a very long and thorough process. There had been lengthy discussion with experts on how to put things together to ensure that WADA had a very robust and reliable programme. The passport had two objectives. The first was to identify cheats and be able to prosecute them under the use or attempted use provision in the Code. The Pechstein case discussed that morning had demonstrated that, even though it was not related to the passport, prosecuting athletes on the basis of a longitudinal profile was something that would be possible. The other objective was related to the fact that, on a number of occasions, there might not be sufficient evidence to prosecute a case, but it would

provide a good indication of athletes who might be manipulating and help organisations to have a better targeted testing programme and perform more intelligent testing.

The Athlete Passport was structured in two sections. There was a guideline to explain what the passport was and how to implement such a programme, and the second part was a compilation of required elements; in fact, these were technical documents that would be attached to the various standards (the International Standard for Laboratories and the International Standard for Testing). These were the technical documents that would have to be followed and were mandatory for those who wanted to use the Athlete Passport system. There might be other programmes, as had been seen, but this was what would have to be followed in order to have the label.

The technical documents contained four different sections. The first related to blood sample collection, and dealt with how to collect blood in and out of competition, dealing with specificities related to the passport, the key questions to ask the athletes at the time of collection in order to have the information later on, and the procedure of blood collection itself, which was quite important in order to have comparable results. The second technical document referred to the transport of blood, which was particularly important as blood was a very fragile substance. This document had all of the requirements for storage and transport, including the requirement that the analysis be conducted within 36 hours. The third document related to the blood analysis requirement, directed towards the laboratories; it described what type of laboratory should be performing this analysis in the context of the passport. It also, importantly, highlighted the kind of internal and external quality controls that would have to be conducted by the laboratories on a regular basis to minimise the variability of results from one laboratory to another. It also contained a section on how the analysis itself had to be performed. The final document was a technical document on result management, which was the phase through which every organisation would have to go before the matter became a disciplinary matter. This management could be divided in two. First, there were several things to be done prior to notification of the athletes. Having identified an abnormal profile, this would have to be reviewed by three experts. An abnormal profile would be identified either because an expert was looking at it and saying that he or she thought that there was something wrong, or using the statistical software developed by the Lausanne laboratory (with which some people were familiar) that would identify abnormal profiles with a 99.9 (or less) probability percentage. That would be a tool. Once the experts had reviewed the profile, they would have to decide whether or not there was a satisfactory explanation for the profile. If there was no satisfactory explanation, they would have to have a unanimous conclusion that it was highly likely that the athlete had used a prohibited substance or method and, at that stage, this would be referred to the athlete to give him or her the opportunity to provide any explanation that could justify his or her profile. The experts might conclude that further investigation was required or that there was nothing so abnormal in the profile. After receiving the explanation from the athlete, the same panel of experts would have to look again at the profile and decide whether or not to confirm their original position. If they confirmed their original position, and said that, in their view, there was no known reasonable explanation other than the use of a prohibited method or substance, the case would be referred to the disciplinary body for prosecution. This was probably not the easiest tool that WADA had, but it would be very efficient when put in place. There were some key challenges, and the issue of logistics was certainly one of these, as was the network of laboratories, about which Dr Rabin would talk. Making sure that there were sufficient laboratories so that the transport time could be respected was key to the programme, as was having the right experts to review the blood profile, as there was only a limited number of experts around the world and they would have to be shared by the different anti-doping organisations. These things would be worked on.

His final remark was that it was very important that the members understand that this was not based on statistics. Statistics were there to help identify the abnormal profile, but the conclusion based on which the case would be brought forward was the opinion from the experts. The case would not be brought forward based on a statistical

model, but because three experts were unanimous in finding that there was no explanation other than manipulation.

DR RABIN said that he wanted to elaborate on some of the issues without going into too much detail. Since 2006, many technical meetings with experts and stakeholders had enabled WADA to address many of these technical issues through a concerted and consensual approach. Some specific issues had been faced in the development of the Athlete Passport. He wished to focus on a few of those issues, in particular those that had been faced more recently.

The first concerned the network of laboratories. To date, there were 35 WADA-accredited laboratories in the world, as well as a few reaching the probationary phase in different regions of the world, and there were some regions that were well served for urine analysis but might be considered somewhat deficient for blood analysis, because the time for the sample to reach the laboratory could exceed the 36 hours currently deemed reasonable by scientists. A decision had been discussed at length by a lot of different people concerning which laboratories WADA could, or should, rely on for the implementation of the passport. The initial reaction had been to rely on WADA-accredited laboratories, because obviously these laboratories had a lot of expertise in the methodologies in support of the passport; they had extensive knowledge of the anti-doping context, which was quite important because of the application of the longitudinal monitoring to the anti-doping context; they operated according to very strict rules, not only the ISO accreditation, but also the ISL accreditation plus the technical documents, and they were bound to those documents; they were accountable to the resource that they provided, and everybody would be able to appreciate the benefit of having laboratory experts from WADA-accredited laboratories coming to the court in support of their results, and that was absolutely key in the process; and, finally, if there were deviations from the rules, WADA had the possibility to request corrective action reports or actions from the laboratories, and even sanction the laboratories. So, all these elements created an environment that was very much in support of what WADA was trying to achieve in the anti-doping context.

Of course, the main issue was that there was a limited network of laboratories and WADA needed to find solutions. The Director General had mentioned that morning that maybe WADA could rely on other laboratories; pathology or forensic or clinical laboratories were potential candidates as they were very familiar with the blood matrix, which was a very reactive matrix, much more than urine, which was more familiar in the anti-doping context. The WADA Laboratory Committee had discussed the possibility of involving other laboratories on many occasions, and some recommendations had been made, in particular on the nature of the requirements to be fulfilled by the laboratories before they could be accepted as part of the network. In particular, there was a need for proper accreditation. The WADA-accredited laboratories were currently accredited in accordance with the ISO 17025 accreditation; he would certainly want those laboratories to have the same accreditation or the equivalent for the blood matrix, which was the ISO 15189. They would need to participate in external quality assessment schemes, meaning that they would receive external samples to analyse in order to make sure that their results were in compliance with WADA's expectations. Of course, all the elements of the chain of custody needed to be fulfilled; it was necessary to make sure about the pathways followed by the samples to ensure that there was extensive traceability of the samples; and it would be necessary to ensure the capability of those laboratories to produce documentation packages. This was key to the process, from a scientific and a legal perspective. Also, WADA would want those laboratories to respect the rules in the International Standard for Laboratories, and to be in a position to support any legal process that could be related to the analysis of blood variables. So, if all of these elements (which were really requirements) were put into place, the number of laboratories could be more limited than initially envisaged, and he believed that, ultimately, the solution was to combine some of the options, and not only to rely extensively on the WADA-accredited laboratories. That was already a fact, since more than half of the laboratories were currently in a position to analyse for blood variables. It



would also be possible to use the satellite laboratories. WADA had already heard from some laboratories that, to serve some of their clients, in particular IFs, would like to establish satellite laboratories under their accreditation in some regions of the world. There was also the possibility of using mobile units. A few laboratories were currently equipped with mobile units that they could bring to the field to conduct the analysis in the field. This was a good option in that the laboratories that were already accredited could carry out this activity as part of their accreditation and provide the quality of analysis expected by everybody. Of course, there was the possibility of approving other laboratories, those to which he had referred earlier. The candidates remained to be identified, and this approval would probably be on a case-by-case basis, but that could be a solution in some countries, providing that they followed the rules he had explained earlier. So, there were solutions and, from a purely biological point of view, it was probably possible to extend the 36 hours, which was the time limit currently being discussed in terms of blood analysis, to 48 or 72 hours based on the variables that were being measured as part of the Athlete Passport, so there was a good possibility in that area.

Another element that was absolutely key in the process was the reliance upon an external quality assessment scheme to guarantee the quality, traceability and credibility of the analyses conducted by the laboratories measuring those blood variables. WADA sent blood samples every month to the laboratories participating in the programme to ensure that they were conducting analyses in accordance with the requirements put in place as part of the Athlete Passport programme. He believed that this was extremely important and there were independent assessments of the results and, if necessary, WADA could request corrective action reports from the laboratories that might have deviated from the quality of the analysis expected. WADA would also like to rely increasingly on internal quality assessment schemes. Every time they conducted analyses, the laboratories needed to run samples provided by the manufacturer within certain specific limits, and there was currently a programme that WADA was trying to develop in order to make sure that the internal quality results were shared between the different participating laboratories so that they could monitor in real time their day-to-day performance and make sure that they did not introduce any intra-laboratory bias in the analysis. All of this would enable WADA to ensure the high quality results that were needed as part of this process.

He also wanted to mention a point that had been a point of discussion, and some experts had also been involved in this process in the past, along with external experts, referring to the selection criteria for the expert review panel. It was clear that the review of longitudinal blood variables was a new approach in anti-doping analysis. Many stakeholders were not very familiar with this and it was necessary to integrate some specific analytical aspects when looking at longitudinal profiles or the Athlete Passport in general. WADA needed people with a good understanding of blood patho-physiological conditions, which would obviously be central to some of the issues faced, in particular on a legal level when cases were brought forward, and WADA wanted to have complementary skills, as it was almost impossible to find one expert with all of the necessary skills to review the abnormal profiles. WADA needed to establish a specific and highly skilled panel and had opted to have three experts independent of the anti-doping organisation to review the abnormal profiles and report a unanimous opinion to the anti-doping organisation. This opinion would be documented to ensure full traceability and maintain the expert opinion as part of the result management process. He believed that complementary expertise would be needed for this panel, in particular people with expertise in blood data analysis, as it would rely heavily on the results from the different pieces of equipment and somebody needed a good understanding of all of the technical elements. He strongly recommended somebody with expertise in blood patho-physiological conditions and clinical haematological expertise. An expert in sport and physiology medicine would also certainly be welcome on this panel and, if necessary, some additional expertise could be accessible on an ad hoc basis so that, in the end, the

unanimous decision could be documented and recorded as part of the result management of the abnormal profile.

He wished to conclude by saying that a great deal had been said about the haematological module. For the very near future, WADA was working actively on the endocrine module, one of the main sections of which was related to the steroid module. This was information available in the routine analysis carried out by the laboratories; the steroid profiling was already taken up by the laboratories as part of their routine analysis, and WADA wanted to make sure that it was sufficient in order to bring it up to the level of longitudinal follow-up of such steroid profiles. This was ongoing work, but he believed that it would be implemented in 2010. WADA was also working with experts to include human growth hormone markers and other endocrine markers for the future, and was also already reflecting on some other modules, such as the performance module and how to compare laboratory versus field data and, finally, on the forensic module, in which it would be very interesting to incorporate non-analytical information.

The members currently had before them for approval the haematological module. The rules would be adapted to other modules. This new dimension in anti-doping was very complementary to the existing traditional urine testing and those involved in the activity believed that it opened up new perspectives in anti-doping, particularly for the future. He requested the approval of the three documents related to the International Standard for Testing, namely the blood sample collection requirements, the blood sample transport requirements and the result management requirements, and one technical document related to the International Standard for Laboratories, namely the blood analytical requirement.

PROFESSOR LJUNGOVIST supported the proposal to approve the document. He wished to follow up on Dr Rabin's comments related to the fact that this was not a blood passport; it was a biological passport, with some emphasis on blood for the time being. He could see that the basic document could also be used for the purpose of identifying markers for gene doping in the future. Work was being carried out to find markers for such detection. Did WADA then touch upon a more sensitive area in terms of legality? Who would be the owner of such a profile when it came to genetic markers? Did it require the consent of the athlete? Had that been discussed at all?

MR LISSAVETZKY thought that this was a very good model and believed that WADA had to implement it, although he had some doubts. Professor Ljungqvist had referred to genetic doping. Had WADA truly solved the problem of who owned the data? What about the proprietary rights? Who was the proprietor? WADA needed to avoid running into trouble. There had been talk of satellite laboratories. How would these be accredited? He thought that there were 34 or 35. This was insufficient. Were these satellite laboratories university laboratories, research centres, or public or private laboratories? Who would decide that the satellite laboratory was authorised to conduct these tests? He was worried about the legal aspects of this. He did not want WADA to be treading on very thin legal ice. It was necessary to delve into this sufficiently before going ahead.

MR REEDIE said that he entered into scientific discussion with trepidation. Before having a profile at all, it was necessary to have at least three analyses from an individual. Would those three analyses be conducted and examined only in accredited laboratories, satellite or otherwise? Secondly, there were other biological passports out there. Did this document fit in with the other biological passports that WADA knew existed, in order to avoid confusion? He had been asked at the World Athletics Championships if there was any way that initial blood analyses could be done outside accredited laboratories at the local hospital to see if that would cheapen and speed up the process.

MR MCQUAID noted that the UCI had been running one of the other biological passports for two years. Maybe 80% of the UCI's activity was in Europe, so it was not too far away from an accredited laboratory; but, if the IAAF became involved in the

passport scheme, a lot of its athletes lived in various parts of Africa, and there could be problems there. The second area related to the experts. WADA had a group of eight or nine experts who were supposed to be among the best in the world. If WADA moved forward, and he was concerned about other IFs coming into this, was there a worry that WADA would run out of experts very quickly? Even basing it on three, when one started looking at other sports, there could be a huge amount of work involved, as there was a huge amount of work for those experts, and he would have some concern as to how this might be dealt with going forward.

MR RICCI BITTI asked about Mr McQuaid's experience. In business terms, had there been any analysis on the return on this investment? In his opinion, this was a big effort. Complementary meant complementing what WADA was doing. He endorsed the scientific effort, but he was not entirely sure that an analysis had been done on the outcome compared to the investment.

THE CHAIRMAN referred to the pilot project that the UCI had been conducting.

MR MCQUAID responded that Mario Zorzoli had made a presentation in Tokyo on the blood values of athletes over a period of six to eight years, and there was very strong evidence that the introduction of the biological passport had decreased certain parameters, so whether a value could be put on it in terms of the expense, it was hard to know; but, in terms of cleaning up the sport, there was strong evidence that it was working very well as a deterrent.

THE CHAIRMAN argued as well that he did not think that a better deterrent tool had been seen for a long time. The simple fact was that those who were being subjected to this in the context of the UCI programme had been under notice, daylight to dark and week in week out, that there could be random tests and the plotting of all of those tests that might lead to certain consequences. He suspected that it stopped a lot of them from doing things they once did, but how did one put a value on that?

MR NIGGLI referred to the question of ownership of samples. It was necessary to look at the sample as a normal anti-doping sample. They were provided for the purpose of anti-doping, and would be analysed to get some information; they could be analysed for the detection of other substances. These were not research samples or anything like that. He did not like to talk about ownership because it was still a tricky question in terms of who owned what. Certainly, they were provided by the athletes with the understanding that they would be used for anti-doping purposes. The same applied to the data, which would be used by the anti-doping organisation in charge of the profile, so no distinction should be made between the classic test and this one.

He told Mr Reddie that the document clearly stated that there might be other passports, and the Pechstein case was an example of this. They should not necessarily be called passports as there were other ways of carrying out longitudinal studies on athletes. What this passport would do was provide the framework and probably good ammunition for bringing a case before the court, but anybody could do this and choose how to do it, and would have to defend it in court. The idea had been to provide something to take to court that was slightly more robust.

DR RABIN responded to questions about the accreditation of laboratories. Article 6.1 of the Code stated "WADA-accredited laboratories or otherwise approved by WADA", so WADA had a duty in accordance with the Code to approve those other laboratories and the process that he planned to follow, based on what he had presented, was to request from those candidate laboratories information about the way in which they would fulfil those requirements and bring the information before the WADA Laboratory Committee, so that it could be properly reviewed by the appropriate experts, and then an approval would be recommended for these laboratories. This was something that had been planned; he was very much aware of the issues that some IFs were facing in remote parts of the world. WADA had been discussing matters with them, and the recommendation was to have either mobile units going to those areas on an as-needed basis, or to approve or accredit some satellite laboratories based on this need. This had

been discussed with the IAAF for some regions in Africa. Also, the athletes travelled quite a bit and, as the whereabouts information indicated, it was possible to collect information from the athletes when they travelled. It was certainly very good to have such data off-season. So, having discussed this extensively over the past few months with the experts in the different fields, he believed that WADA currently had a workable process that was embedded in those rules to really support the biological passport in all of those different areas, particularly from the laboratory perspective and the perspective of quality of analyses which, as he had said earlier, was pivotal to the process, so that the collection could be made in good conditions and be used by all of the stakeholders with access to these particular profiles for the athletes.

PROFESSOR LJUNGOVIST asked Mr Niggli whether it would also be acceptable to introduce markers for the purpose of identifying gene doping. Would that not cause further legal problems?

MR NIGGLI replied that, as long as this was done for the purpose of anti-doping, it would fall within the scope.

THE CHAIRMAN supposed that this would be no different to any sample given for anti-doping purposes, which was what WADA had been applying for several years.

MR MCQUAID repeated his question about experts and the number of experts available.

DR RABIN replied that the number of experts was certainly an issue, because the pool of experts was fairly limited. Having said that, he had been in Vancouver at the end of October for the USADA meeting and had seen that there were other experts in the field of haematology, sport medicine and laboratory analysis who were simply not identified as such to be part of this global network; therefore, WADA needed to expand the number of experts so that more experts could support the work of the anti-doping organisations. The question was also valid for WADA, of course; being an independent body, it needed to rely on independent expertise, and this was certainly part of the process for each anti-doping organisation to expand the pool of experts. That was clearly an issue WADA was looking at carefully.

DR SCHAMASCH asked whether, if the Executive Committee approved the documents, they would enter into force on 1 January 2010 or immediately after the decision. How many laboratories currently fulfilled the testing requirements in annex C?

DR RABIN responded that the idea had been to have the documents made available immediately after approval by the Executive Committee, because he already knew that some stakeholders, namely IFs and NADOs, were waiting for these documents to strengthen their current programmes. About half of the WADA-accredited laboratories could currently run blood variable analyses under the conditions indicated in the document. WADA did not necessarily want to have all of them performing the analyses; it wanted to make sure that they were performing a sufficient number of analyses and that they were geographically well spread in order to meet the needs of the anti-doping organisations.

DR SCHAMASCH asked whether those laboratories currently performing such analyses would need specific accreditation to fulfil the new guidelines.

DR RABIN replied that they would be identified as laboratories in a position to conduct this analysis in accordance with the criteria established by WADA, namely the external quality assessment scheme, the fact that they reported to WADA, and the ISO accreditation for blood analysis.

MR RICCI BITTI said that he was unable to understand. He appreciated the efforts made, but was unable to envisage the link with the current programmes. Who was the owner of the file? Who was allowed access to the file? Which authorities would update the file? To him, all of the procedures were unclear, but he would like to hear about their relationship with the existing programmes.

MR NIGGLI responded that, if there was an existing programme in which profiling had been carried out, meaning that a body had collected blood from the same individual over a period of time, and that body had not followed what was in the document, it did not mean that what had been done was invalid, it meant that the body would be able, if it thought that it had enough evidence, to bring a case with that, which was what the ISU had done with Ms Pechstein, and it had worked. The idea here was simply to create something that was more harmonised and more robust, because then everybody would do the same thing and, after lengthy consultation and discussion with experts, WADA had come to the conclusion that this was a fair way of dealing with the matter. If an IF decided to implement an athlete passport programme, it would be responsible for the file, the profile and the decision to bring it to court or not to bring it to court. In practice, it was the IF and the athletes themselves who saw the file, and there would be a question at some point about how to coordinate between NADOs and IFs, and it would be necessary to see in practice how that would work.

MR REEDIE asked how many IFs or NADOs were currently running biological passport programmes.

DR RABIN replied that there were about five or six IFs actively running a programme, and there were at least three or four NADOs.

MR NIGGLI said that, in practical terms, ADAMS would be helpful, because each result for an individual athlete would go into one profile, whether that result was entered by the IF or a NADO, so ADAMS was the tool that would make it easier to control the profile; that was the practical approach.

MR JURITH picked up on Professor Ljungqvist's question about the link with gene doping. It was not evident from these four protocols that they were relevant to gene doping but he guessed that, if information collected on the passport could support a gene doping inquiry, such evidence could be used for that.

THE CHAIRMAN said that he was not sure that the question had been heard.

MR NIGGLI replied that the answer was yes.

MR MCQUAID had two questions for Mr Niggli. If the IF and the NADO entered results, then ADAMS was where the common result was; but who would take the decision in relation to whether or not to go forward with the process?

He presumed that Mr Niggli had read the 52 pages of the Pechstein document; he had been talking to Mr Bach the previous week in Monaco, and Mr Bach had told him that he had read it, saying that there was one reference in there that was of some concern, making a reference to if WADA had technical documents or some protocol in relation to it that the CAS might even have ignored that. Mr Bach had been concerned for WADA going forward. Mr Niggli might not know what he was talking about.

MR NIGGLI thought that this was something that WADA was going to have to address; but, at the moment, if the IF decided that it was its passport programme, it would take a decision and, if the NADO decided that it was its programme, there might be cooperation and this would have to be agreed among the organisations.

In response to the second question, the answer was that it had been raised by Ms Pechstein's defence that there were some guidelines circulating and that they ought to be respected. This was where the comment had come from. Looking at the overall decision, if the panel was convinced that the evidence presented was sufficient and reasonable, it would go forward with the case, as it had done. There had been an argument about the draft guidelines because they had been in circulation, and the athlete had been trying to gain an advantage, and the panel had looked at them and said that they were not in force so it was not something for the panel to worry about. He was not too concerned about that.

DR VERNEC said that the guideline was to make this as robust as possible so that, if it ever came to a legal case, it would be solid. Some types of testing, for example,

reticulocytes, red blood cells, etc., were done everywhere and quite well, and most medical hospital laboratories were actually quite accurate, so somebody could actually take a case without necessarily following these guidelines, but, if one was going to build up a biological passport system, this was probably the best way to do it, so that nobody could say that this particular hospital or this particular red blood cell result was not accurate and drive a hole into the argument. The Pechstein case had showed that the panel had been aware of the WADA guidelines; nevertheless, there had been enough solid respectable information to get through.

THE CHAIRMAN thought that the Executive Committee should recognise that this was not mandatory, but it was a very valuable tool and something that everybody had been anticipating being put into more extensive use for some time. In that regard, there had been many iterations of these guidelines and enormous support given by IFs, anti-doping organisations, scientists, lawyers and various others, and the experience of the UCI had been valuable but, having said that, WADA had been looking to develop a set of guidelines that would give confidence to anybody wishing to use this tool, making it possible to legally and scientifically put the case and have confidence in its outcome. In that regard, he thanked all those involved; it was a tremendous step forward, it would take time and more work, and some questions had been raised during the meeting, including the ADAMS issue and the software that the laboratory in Lausanne had agreed to provide, but WADA now had a set of guidelines that would allow this particular area to be developed and this particular tool to be used to bring about even better results going forward, so he congratulated all those concerned. Having said that, he first asked the members to approve the technical documents, which related to blood sample collection requirements, blood sample transport requirements, blood analytical requirements and result management requirements. He thanked the members for approving. Further work would proceed and the members would watch with interest to see how the use of this assisted what was being done.

#### DECISION

Athlete Passport/blood variables proposals approved.

### **8.3 Report by the Chair of the Athlete Committee**

MR FETISOV said that the Athlete Committee had met in Berlin in August during the IAAF World Championships. The federation had made the committee members very comfortable during their stay in Germany. The committee represented winter and summer sports, and had appreciated the opportunity to see how the most powerful federation had organised its event. There had been good conditions for a productive meeting.

A number of key topics had been discussed during the meeting. In relation to ADAMS, the committee had reiterated its position that all anti-doping organisations should be using ADAMS as the only tool for their anti-doping programmes, as it would be simpler for athletes to use around the world. This would also help improve testing strategies and maximise the resources of all organisations involved in the process.

The members had also discussed the need for national sports federations, NADOs and major games organisers to be better coordinated, in order to avoid multiple testing on the same athletes during the same period. This was very important and had been discussed over the past few years.

The committee had discussed other key topics, commenting and making suggestions in relation to ADAMS, whereabouts, testing, result management, education and Outreach. The full summary was in the members' folders.

There had been a decision that virtual meetings should be organised more often, particularly before Executive Committee and Foundation Board meetings in order to keep committee members informed about the latest activities. On 24 November, there had

been a conference call, and the Director General had provided an overview of his activities to the Executive Committee and the Foundation Board, and had taken questions and comments from the members. The Director General had been excellent as usual, and he thought that it was very important to get the athletes involved in the process. This had been a positive meeting and he thought that the new members of the committee had been able to get involved immediately in the process.

THE CHAIRMAN thanked Mr Fetisov for his report.

#### DECISION

Report by the Chair of the Athlete Committee noted.

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

THE CHAIRMAN noted that there was a paper for the Foundation Board on the revised International Standard for Therapeutic Use Exemptions. He wanted to tell the members that Mr Lissavetzky had raised this particular matter that morning in the context of concern that Europe had put in writing about one week previously. There had been a good discussion that morning at the public authorities meeting and the outcome of that discussion had been that the request to add the issue to the agenda had then been withdrawn on the understanding that there was a recognition that the way in which this came together, in other words, that the changes to the international standard take effect from 1 January the following year, and that was necessary because that year, on the Prohibited List, there were a significant number of changes that required some alterations to the international standard, and the standard always took effect on 1 January, and there was a need to provide three months' notice on the Prohibited List, and that had gone out on 30 September. In a timing sense, and out of sync with that, were the UNESCO alterations, and Europe had expressed the concern that there might have been a void there as a result. There had been a recognition in the discussion that morning, particularly as a result of the written response provided by WADA, that this was unlikely to cause any concern anywhere or affect any government, and he had given the assurance that there would be further discussions on this going forward to see as and when WADA had a need to alter the International Standard for TUEs in the future, based upon circumstances similar to that year, during which there had been significant changes to the List. WADA would endeavour to alter the timing so that such a void would not occur. So, for that reason, it had been indicated as a result of that discussion that Europe no longer wished to see the matter dealt with formally at the meeting, but he had indicated to those present, particularly the European representatives and Mr Lissavetzky, that he would simply mention the point that afternoon by way of information to the Executive Committee. If Mr Lissavetzky had been present, he might have wished to add something.

MR MCQUAID said that the point had also been brought up by the sports movement and the Olympic Movement. The Standard proposed by WADA meant further amendments and, in many IFs, it took quite a bit of time to do that. They were having difficulty getting it done through their system and there needed to be some acceptance of that situation.

THE CHAIRMAN added that the timing in respect of the List and its publication each year did squeeze things towards the end of the year. The difficulty that WADA had always found was that the Northern Hemisphere holidays tended to rule out July and August for meetings to occur, and that did tend to concertina the steps that had to be taken thereafter, leading up to approval by the Executive Committee and publication prior to 1 October. However, the management was looking at that to see if there was a way to change the timeframe, which was no doubt causing some concern with the steps that had to be taken.

He explained to Mr Lissavetzky that he had raised the discussion that had taken place during the public authorities meeting that morning on the International Standard for TUEs and the fact that the timing (in relation to UNESCO and the application of the international standards) meant that there was a discrepancy there. Those involved in the discussion that morning had felt that this would have no practical impact and had resolved to continue discussions going forward to try to avoid this occurring in the future and, on the basis of that, he had pointed out that the request he had received to add this particular item as a late agenda item to the Executive Committee meeting had been deemed to be no longer necessary. Acknowledging that the point had been valid, and that it would have no impact in practical terms, WADA would endeavour to avoid it through discussions and a little bit of planning for the future.

MR ROWE went back to the minutes. The Chairman had said that Australia had put in a request for an amendment, but he did not see the amendment in the redistributed minutes. He had made a reference at the previous meeting to the Pacific ministers' council, and the minutes had recorded that he would be meeting with ministers. In fact, he had not met with ministers; he had just been advising that ministers were meeting.

THE CHAIRMAN said that the amendment suggested had certainly been accepted; if it had not been included in the minutes, it was certainly at the bottom of page 8 and it would now read, "he said that a meeting of Pacific ministers would soon be held" whereas the minutes had previously read, "and he would meet with Pacific ministers soon".

MR ROWE added that, during the discussion, he had raised a point about research and mentioned that Dr Rabin had spoken at the previous Executive Committee meeting about the possibility of anti-doping research coordination through a workshop or symposium, and he was wondering whether Dr Rabin could give any advice on that.

DR RABIN said that WADA was planning to host a meeting in Montreal of NADOs and IFs. WADA had thought about committing some money to anti-doping research, and wanted to convene the meeting and address several issues, including possible redundancies, how to better optimise relationships and better optimise resources in anti-doping research, so this was something that WADA planned to do, and it had been in contact with a number of people, including in Australia, to identify who to invite to the meeting, in order to have a fruitful and productive discussion in March or April.

THE CHAIRMAN drew the members' attention to the forthcoming meetings of the Executive Committee. He asked them to bear in mind the think-tank and the agreement to set aside Friday 17 September for planning, so that would mean coming a day earlier for many of them. The members would receive details of the programme in May.

This was the last meeting of Mr Stofile, a member of the Executive Committee, who was no longer on the Foundation Board, although he would be welcome and had been asked to sit at the table the following day. WADA had valued the extraordinary contribution made by Mr Stofile. He had always appreciated Mr Stofile's counsel, and WADA wished the minister all the very best in his future challenges. He suspected that many people in the room would look forward to greeting Mr Stofile in South Africa for the Football World Cup. Mr Stofile's contribution was one that would always be remembered. He personally wished Mr Stofile good health in the days ahead.

He thanked all those who had assisted during the meeting, including the WADA staff, the interpreters and the audiovisual technicians. The meeting had been very productive and he thanked all of the members for their contributions before closing the meeting.

#### DECISION

Executive Committee – 8 May 2010, Montreal;  
Foundation Board – 9 May 2010, Montreal;  
Executive Committee – 17-18 September  
2010, Montreal;  
Executive Committee – 20 November 2010,  
Montreal;



Foundation Board – 21 November 2010,  
Montreal.

The meeting adjourned at 3:30 p.m.

**FOR APPROVAL**

**JOHN FAHEY, AC**  
PRESIDENT AND CHAIRMAN OF WADA