

**Minutes of the WADA Foundation Board Meeting
20 November 2011
Montreal, Canada**

The meeting began at 8.30 a.m.

1. Welcome, roll call and observers

THE CHAIRMAN declared the meeting of the Foundation Board of WADA open and welcomed the members, thanking them for giving up part or all of their weekend to participate in the meeting and contribute to the fight against doping in sport.

He asked the members and observers to sign the roll call. He indicated that all of the members or their official deputies were present, with the exception of the minister for Uganda, who had found, upon arriving in Amsterdam late the previous day, a ten-hour delay, making it impossible for him to continue on to Montreal. Otherwise, all the Foundation Board members were present or represented by their official deputies.

1.1 Disclosures of conflicts of interest

THE CHAIRMAN noted that the opportunity was given for any disclosures to be made of conflicts of interest. Each of the members had completed the formal conflicts of interest document, which WADA had but, as matters arose from time to time, or since there might be something on that day's agenda that caused some level of conflict, this was the opportunity for any member to disclose that.

MR REEDIE said that he was a director of the BOA. If its name came up under item 7 on compliance, he would take no part in the debate.

MR PENGILLY noted that he was also a director of the BOA and therefore conflicted in that instance should a discussion take place.

PROFESSOR DE ROSE referred to the situation of the Brazilian NADO. Should he declare a conflict of interest?

THE CHAIRMAN thought that Professor De Rose had just declared a conflict and that would be noted. He was not sure in what capacity Brazil would be discussed but would keep a watchful eye on the matter and was sure that, if appropriate, Professor De Rose would absent himself from the room if necessary.

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; Mr Pascual, representing Sir Phil Craven, IOC Member and President of the IPC; Professor Dvorak, representing Mr Joseph Blatter, IOC Member and President of FIFA; Mr Willi Kaltschmitt Lujan, IOC Member; Mr Thill, representing Dr Robin Mitchell, IOC Member and Secretary General of the Oceania National Olympic Committees; Mr Richard Pound, IOC Member; Dr Schamasch, representing Mr Patrick Chamunda, IOC Member; Professor Eduardo Henrique de Rose, President, PASO; Mr Craig Reedie, IOC Member; Mr Richard Young, representative of ANOC; Dr Tamás Aján, IOC Member and President of the IWF; Mr Patrick McQuaid, IOC Member and President of the UCI; Mr Francesco Ricci Bitti, President of the International Tennis Federation and Member of ASOIF; Mr Gian Franco Kasper, IOC Member and President of the FIS; Mr Anders Besseberg, President, IBU; Dr

Rania Elwani, Member of the IOC Athletes' Commission; Ms Claudia Bokel, Member of the IOC Athletes' Commission; Mr Pengilly, representing Ms Angela Ruggiero, Member of the IOC Athletes' Commission; Ms Beckie Scott, Member of the IOC Athletes' Commission; Mr Molnár, representing Mr Attila Czene, Minister for Sport, Hungary; Mr Smorawinski, representing Mr Adam Giersz, Minister of Sport and Tourism, Poland; Ms Kristensen, representing Mr Uffe Elbaek, Minister of Culture, Denmark; Ms Battaini-Dragoni, representing Ms Maud de Boer-Buquicchio, Deputy Secretary General, Council of Europe; Ms Snezana Samardzic Markovic, Minister of Youth and Sport, Republic of Serbia; Mr Vincent Meriton, Minister of Community Development, Youth, Sport and Culture, Seychelles; Mr Sousa, representing Mr Pedrito Fulede Caetano, Minister of Youth and Sports, Mozambique; Mr Yamaguchi, representing Mr Tenzo Okumura, Minister in Charge of Sports, Japan; Mr Wong Ah Jit, representing Mr Dato Ahmad Shabery Cheek, Minister, Youth and Sports, Malaysia; Mr Kamal A. Hadidi, President, Jordan Anti-Doping Committee; Mr Jiang Zhixue, representing Mr Duan Shije, Vice Minister, State Sport General Administration, China; Mr Rowe, representing Mr Mark Arbib, Minister for Sport, Australia; Professor Gerrard, representing Mr Murray McCully, Minister for Sport and Recreation, New Zealand; Mr MacAdam, representing Mr Bal Gosal, Minister of State (Sport), Canada; Mr Patrick Ward, Acting Deputy Director for Supply Reduction, ONDCP, USA; Mr Gómez Lattus, representing Mr Miguel Angel Rimba, President, CONSUDE; Mr Gerardo Aguirre, President, CONCECADE; Mr David Howman, WADA Director General; Mr Rune Andersen, Standards and Harmonisation Director, WADA; Mr Frédéric Donzé, Director of the European Regional Office and International Federations Relations; Mr Kazuhiro Hayashi, Asia/Oceania Regional Office Director; Ms Maria José Pesce, Director of the Latin American Regional Office; Mr Rodney Swigelaar, African Regional Office Director; Ms Julie Masse, Communications Director, WADA; Dr Olivier Rabin, Science Director, WADA; Mr Rob Koehler, Education Director, WADA; Mr Alan Vernec, Medical Director, WADA; and Mr Olivier Niggli, Finance and Legal Director, WADA.

The following observers signed the roll call: Javier Odriozola, Bjorn Unger, Hu Yahuan, Tom Murray, Tanja Vogel, Ko Gway Seop, Kim Jong, Kim Minnie, Lee Keny, Ole Sorensen, Louis Jani, Julika Quan Haase, Luis Madrid, Ana Maria del Castillo and Paul Marriott-Lloyd.

2. Minutes of the previous meeting on 15 May 2011 (Montreal)

THE CHAIRMAN drew the members' attention to the minutes of the previous Foundation Board meeting. The item on page 20 section 6.2 first paragraph should read "US dollar had fallen back" instead of "Canadian dollar". That alteration would be made. Were the members happy for him to sign the minutes as a true and correct record of the proceedings?

DECISION

Minutes of the meeting of the Foundation Board on 15 May 2011 approved and duly signed.

3. Director General's report

THE DIRECTOR GENERAL informed the members that he intended to address some of the items in his written report and orally update them on matters that had occurred since the writing of that report.

As far as UNESCO was concerned, there was a full report and the members would receive a full presentation later in the day. Ratifications had increased to 163, and there were three countries whose instruments were in the pipeline: Belize, Lebanon and Costa Rica. With the addition of those three, WADA would reach 166, hopefully before the end of the year. There had been an addition to the number of countries under the auspices of UNESCO with the addition of South Sudan, making 194 countries that were part of the

UNESCO family, and Palestine's membership was also being processed by UNESCO, which would take the total to 195.

At the third conference of parties of UNESCO in Paris at the beginning of that week, the President had made an opening address on behalf of WADA, the Vice-President had made an opening address on behalf of the IOC, and the Foundation Board member Tony Pascual, representing the IPC, had also made an opening address. He had given a presentation later in the conference in relation to WADA activities.

The members had before them a list of the standing committees for 2012 onwards. WADA had received 36 nominations for the Education Committee, 44 for the Health, Medical and Research Committee, 23 for the Athlete Committee and 14 for the Finance and Administration Committee. The standard of the nominations had been extremely high, and the members could see only a few vacancies available to be filled. The composition had been approached pursuant to the constitution. Each committee had been determined through discussion among the President, the chair of the committee and himself. They had been entrusted to ensure that each committee had gender balance, regional balance and a balance between nominations from governments and sports. The committees had 24 representatives from Europe, nine from the Americas, nine from Asia, five from Africa and five from Oceania. 32 were male, 20 were female. The Athlete Committee had not been included in terms of the split between government and sport; of the other three committees, 19 were nominations from governments and 17 from sports. For 2012, there was a special category in relation to the Athlete Committee, and the members would see that there were three observers, all of whom were current athletes. It was thought that the Athlete Committee was going to be one of the most important committees the following year and the year after, when the Code was reviewed, and WADA particularly wanted the input of current athletes who were participating in anti-doping programmes, so three observers had been added.

WADA would benefit in 2012 from extra contributions being made to WADA activities by Japan, which would be hosting the first Athlete Committee meeting in Tokyo on 21 February, and Russia, which would host the second Athlete Committee in St Petersburg on 18 September. When he said extra contributions, he meant that they would be meeting the overheads and some of the travel and accommodation costs for members, reducing the need for WADA to expend money on those two meetings. That had helped WADA reach its decision in relation to having observers on that particular committee.

With regard to clenbuterol, there had been four football cases in Mexico during the Gold Cup held earlier that year. Those four athletes had been exonerated in the original hearings held by the football federation in Mexico. WADA had appealed those cases and, upon lodging the appeal, it had been given a very thorough file by FIFA, which had conducted an exhaustive research project during its Under-17 World Cup, also convened in Mexico. WADA had considered that information, discussed it with FIFA, and had made the decision that it could not continue with those particular appeals, as the evidence had been too compelling and suggestive of the fact that contaminated meat was the cause. WADA representatives had met later in the year with the president of PASO, Mr Vázquez Raña, and the Mexican Government. WADA had offered to be part of a research project that FIFA was running on clenbuterol in Mexico, but FIFA would prefer to continue its project without WADA, so WADA would continue its research as the members had already approved a research project in relation to clenbuterol and was hopeful that the results would indicate that there could be a differentiation between clenbuterol taken directly by athletes and clenbuterol that was taken by animals and then by athletes. It was very apparent that clenbuterol was used often by athletes wishing to enhance their performance, and to involve a threshold was not an answer. WADA felt that the responsibility for this particular substance rested with the governments of the countries in which it might be a problem, and was aware of two countries: China and Mexico. The Chinese Government had taken steps to enforce the rules it had in relation to animals. Mexico had rules that it was enforcing but, in some of the states of Mexico, it was dangerous for the federal authorities to undertake such enforcement practice. Members

of the criminal underworld were engaged in the cattle industry and involved in the steroid injection of cattle to enhance profits. WADA had issued a warning to athletes who might be training or participating in events in those countries. WADA would issue an alert to all of the anti-doping organisations and signatories, particularly those responsible for hosting events, that they should, when seeking hosting conditions, ask the host to ensure that the athletes would not come into contact with or eat contaminated food. China had done this for FINA, during the world swimming championships, and Mexico had done it for the Pan American Games and Para-Pan American Games recently held in Guadalajara. He would keep the members posted. At present, each case involving clenbuterol was investigated by the legal team relating to specific facts. WADA would continue to adopt that process.

The members might be aware of the recent CAS decision in the IOC-USOC issue relating to article 45 of the Olympic Charter, or rather the addendum to that particular article. The rule was that no athlete who had been sanctioned and given a sanction of six months or more would be eligible to partake in the next Olympic Games. The CAS had determined that that rule was effectively an extra sanction, which rendered the IOC rule not compliant with the Code. The IOC had stated that it would abide by the decision, and that this matter would be raised during the upcoming Code review to see whether sanctions could be changed to include such a rule or such a process.

With regard to courier costs, the management had continued its discussions with DHL to see whether better courier or transport costs for samples collected could be made available for anti-doping organisations. If there was a collective approach, there should be a collective response, and therefore prices should come down. WADA would continue those discussions and would advise the members of the outcome. WADA would not sign a contract with DHL; it would hopefully be a plan that could be made available to the anti-doping organisations. Once he heard from DHL, he would pass on the information

He was always asked to report on the major leagues, although they were not signatories to the Code and WADA had no mandate to deal with them. Nevertheless, WADA had been asked, almost since its inception, to see what it could do to encourage or persuade the major leagues to adopt the Code. At present, two of the major leagues in the USA were involved in collective bargaining. The NFL had completed its collective bargaining and, as part of the NFL anti-doping programme going forward, it had been agreed that there would be testing for Hgh, but the players had gone back on the original agreement and wanted more research. WADA had been involved in providing all of its research and information that it had in relation to the Hgh test. It remained a test that was not scientifically challenged; all the scientists involved accepted it, but this particular players' association did not. This was an indication of increasing player power through unions. The previous week, a new global players' association had been established, leading on from the European Elite Athletes Association, an international body with 150,000 athletes. One of its objectives in the coming months was to challenge WADA or be involved in WADA processes. This was a matter to which he had alerted the members over the past two or three years.

WADA had published the laboratory statistics for 2010. Roundly, 258,000 samples had been collected, a reduction compared to 2009. A little more than 1% had been positive cases. A matter of concern was that, of the positive cases, there had been only 36 positive EPO cases. He was concerned that many samples went to the laboratory with the request that they not be analysed for EPO, and one of the steps that must be taken was to alter that approach. He had been told that it was a financial matter. The response had to be, how strong was WADA's commitment in the fight against doping in sport when it came to one of the most abused substances? Why was it not being checked for? WADA had spent a lot of money on research in relation to EPO analysis. It was all in place, and millions of dollars had been put into that, but there seemed to be a disconnect between the science that WADA had been empowered to conduct research for and actual practice, and it was a matter that WADA would address in the coming months.

He had reported to the Executive Committee that ANADO was being wound up; it was in the later stages of liquidation. A new body would hopefully represent the NADOs of the world. The proposed name for it was INADO, the Institute of National Anti-Doping Agencies. He looked forward to the introduction of that body.

He issued a reminder about the no-needle policy, a policy introduced by a number of IFs. It was a very good medical policy and one that WADA certainly endorsed. Nevertheless, it was not an anti-doping rule or policy; it was a very good policy from a medical point of view and he wanted everybody to be clear about that. It was not a rule that WADA would be enforcing, although WADA certainly endorsed it from a medical point of view.

WADA had been approached by FIFA the previous month in relation to the use of non-accredited laboratories in South America. WADA had had to remind football associations, particularly in South America, that samples had to be sent to accredited laboratories if they were to be subject to the Code. WADA had encouraged laboratories in South America to seek accreditation, and there were two currently in the process of achieving it: one in Mexico and one in Argentina, but there had been no other applications for accreditation from any others.

Regarding the UNESCO convention, MR POUND said that everybody congratulated the WADA staff on managing the process to get to 162 countries in 96% of the world that quickly; it was really quite remarkable and he hoped that the momentum generated would help the other hold-outs to take their own steps.

With respect to the clenbuterol problem identified in Mexico, it seemed to him that it might be a useful exercise for WADA to put together, with the help of anybody with the necessary information, some kind of a general memo, dealing not only with clenbuterol but also other possible substances of that nature, so that everybody would know about the problem and perhaps some of the prophylactic measures that could be taken to avoid it in future, including such things as investigating food standards when awarding major events and so forth.

He was quite disturbed to find that many of the laboratories might not be testing for EPO and other substances known to be in wide usage. As a layperson, he had thought that WADA was testing for all of these things and he now found out that perhaps it was not. It was always a question of money; everybody would raise that but, in his view, that was not a complete answer to the problem. He really thought that WADA should be in full possession of every single agreement, written or otherwise, by which the menu of drugs being tested for could be examined. Perhaps one of the reasons there was a low rate of positive tests was that WADA was not testing for the things that were being used on a wide basis, so that ought to be something that WADA did, not in the intermediate future but right away.

The matter of the professional leagues had been a long drawn out process. Again, as a layperson, he did not find credible the NFL players' association's concerns with the reliability of the EPO and Hgh tests and he thought that somebody should make an assessment as to whether or not WADA was dealing with a situation of good faith and, if WADA was not satisfied that everybody was in complete good faith, WADA should not be part of this, as it simply dragged WADA down and harmed the fight against doping in sport.

MS KRISTENSEN thanked the Director General for the comprehensive information on the clenbuterol issue. There was no doubt that clenbuterol was of great concern and the samples that had tested positive for clenbuterol from the Under-17 World Cup underlined the need for action. It was necessary to ensure that athletes could not cheat but also that the athletes' rights were protected. The steps taken by WADA and the assurances given by the Director General of the steps to be taken were indeed very positive and she gave her full support to continue the work along those lines. At the same time, she strongly believed that WADA's efforts ought to go further. There was a need for concrete

guidelines for anti-doping organisations, athletes and laboratories. She was afraid that a general warning to athletes was not enough. Athletes needed advice when they went abroad to sport events and on training camps. Moreover, it was problematic that there was an unevenness between reporting levels in various laboratories with different detection levels. This created an unequal situation among athletes around the world. One way of resolving this might be to consider reporting levels for the laboratories, not of thresholds but a matter of equality for the athletes through reporting limits. In any circumstance, the current inequality was unacceptable. She spoke on behalf of Europe when she urged WADA to develop guidelines for athletes, ADOs and laboratories regarding clenbuterol. Guidelines could be a means of securing legitimacy and credibility in the fight against doping in sport.

MS SCOTT echoed Mr Pound's comments. Regarding EPO, this was deeply disturbing and, after chairing the session on anti-doping at the IOC athletes' forum in Colorado, and hearing the universal frustration and outrage about doping in sport, this had to change immediately. Changes needed to be made immediately in order to continue to protect the rights of clean athletes.

PROFESSOR DVORAK said that he had been encouraged by the representatives of the sports bodies at the meeting earlier that morning to share some information regarding clenbuterol. The previous summer had been quite difficult, as FIFA had been confronted by a situation affecting minors, which had been quite disturbing for his sport and the entire sport community. There was no doubt that FIFA really supported the fight against doping in sport. He shared information on the clenbuterol story. It had all started in late 2010 when the laboratory chairman in Cologne had examined some tourists going to China, who had come back with urine contaminated with clenbuterol. Then, some cyclists training in Mexico had also tested positive for clenbuterol, along with some tennis players from Germany competing in China, who had also tested positive for clenbuterol. The chairman of the NADO had informed people that they had to be careful. With regard to Mexico, the Dutch cyclist who had been training there had tested positive for clenbuterol, but had not been sanctioned as there had been a suspicion of meat contamination. The laboratory in Germany had examined random tourists travelling to Mexico, and two had come back testing positive for clenbuterol. The Cologne laboratory had informed the NADO and the German NADO had issued a warning to IFs and the IOC, and WADA, about possible inadvertent doping when travelling to Mexico. At that time, FIFA had not realised the magnitude of the situation in Mexico so had continued with preparations for the Under-17 World Cup, which had started on 18 June, and some of the teams had arrived in early June. To sum up, 24 teams had competed, and 208 doping controls had been performed at the laboratory in Los Angeles with the complete menu. In the first week, there had been four adverse analytical findings for clenbuterol at concentrations between 400 and 1,400 picograms per millilitre. They had come from four different teams. In his 20-year career in the fight against doping in sport at FIFA, this was the very first time that minors had tested positive for a forbidden substance.

Knowledge about Mexico and clenbuterol prior to the event consisted of a scientific paper that had been published in 2008 in which almost 90% of meat samples examined had contained traces of clenbuterol. There had also been a report in 2010 about 17 severe cases of food poisoning with clenbuterol among the general population. In May 2011, on a routine control by the Mexican national team prior to the Gold Cup in the USA (a control carried out not by the NADO but by the team), five players out of 14 had tested positive for clenbuterol. The Mexican football association suspected that this was due to contaminated meat, and FIFA had advised that the Mexican football association re-analyse the nine remaining samples, and an additional four samples had shown traces of clenbuterol at between 50 and 300 picograms per millilitre, so nine out of 14 samples had contained clenbuterol, which was very unusual, as it would be either contamination of meat or systematic doping, which would appear to be very unlikely. After receiving the first positive cases from the laboratory in Los Angeles, FIFA had re-analysed all 208 samples. 208 samples had been analysed and 99 had been free of clenbuterol, but 109

had shown traces of clenbuterol in different concentrations, representing 57% of all minors under 17 participating in the event in Mexico. The members would see on the screen the breakdown in terms of concentration. The majority of the positive samples had been somewhere between one and 50 picograms; the higher the concentration, the fewer the samples. The total range had been between one and 1,400 picograms. FIFA had looked at the cities and had identified the cities from which a higher percentage of positive cases had come, as well as the cities in which there had been the highest concentration of clenbuterol in the samples (Monterrey and Guadalajara), which made life very difficult for the Mexican Government.

To sum up, 19 teams out of 24 had tested positive; in four teams, all of the samples analysed had tested positive and, in five teams, all of the samples had tested negative. The interesting issue was that there had been no positive samples among the Mexican team, which had won the Under-17 World Cup. FIFA had investigated further and confronted the Mexican football association with the situation; the coach had been so shocked by the five Mexican players that he had ordered a vegetarian diet for the whole team two weeks in advance of the event, illustrating that one could win a world cup as a vegetarian. The players had been competing against teams that had probably been consuming clenbuterol the entire time.

FIFA had examined the samples at an independent laboratory to get a truly unbiased result, and had found traces at high concentrations. In addition, FIFA had collected meat samples from the different venues at which the teams had been staying and had had them analysed at a first-rate laboratory in the Netherlands, the Rikilt laboratory, and 14 out of 47 samples had been contaminated with clenbuterol at different concentrations, representing about 37%.

FIFA had informed WADA of the situation and there had been an excellent flow of information, as FIFA had been worried and had not known how to react, given that this was the first time FIFA had been confronted with such a situation. Based on all the results received in September that year, FIFA had decided not to open files against the 109 players who had tested positive for clenbuterol. The Mexican Football Association had decided not to sanction the five national team players. WADA had launched an appeal but, after an intensive discussion with the WADA Science Department, the appeal had been withdrawn as the Director General had said earlier.

In November that year, FIFA and the WADA-accredited laboratories had initiated a prospective research study on the pharmacokinetics of clenbuterol. FIFA had informed WADA about the study, which was ongoing, and FIFA expected the results early the following year. The question was, in the WADA statistics for 2010, there had been 116 adverse analytical findings for clenbuterol, the 2011 statistics were not known, and it remained to be analysed whether these included some false positives, and this was something that was very important. He thought that it was necessary to go into detail in every case and analyse the cases on an individual basis.

In terms of the consequences for Mexico, the Mexican Government had acknowledged the contamination of meat with illegally distributed clenbuterol. The ministry of health had confirmed that about one-third of the meat was contaminated, stringent action had been taken as of 1 July, slaughterhouses had been closed and guilty people arrested, and the Pan American Games had been more or less clenbuterol-free. Were Mexico and China the only countries affected? He urged the government representatives around the world to look into this, as it was not the duty of the sporting authorities to do so. If one entered the terms "Mexico", "clenbuterol" and "FIFA" on Google, one would find over the past two weeks 2.8 million communications, as he had checked that morning, so this was an issue that was obviously of great concern.

THE CHAIRMAN thanked Professor Dvorak for his spontaneous, spur of the moment intervention.

MR PASCUAL made some clarifications regarding EPO testing. It was a matter of concern that laboratories might be analysing a partial menu. WADA had created the monster in terms of not testing for EPO in all samples, as it doubled the price of a regular test. This had been a consensus because a checkbox for EPO appeared on all doping control forms, and even on ADAMS there was a checkbox for whether or not EPO had been requested, as if one could not request it, so it was a fact that EPO tests might not be requested when, in fact, EPO was prohibited on the List in all circumstances. Regarding the distribution of EPO testing done, WADA might consider whether it should be prohibited only for certain sports, as was the case for other substances, as it was quite unlikely that it would be used in sailing, for example. Perhaps that would be a way of complying with the List and removing the checkbox from doping control forms. WADA was not taking blood from all athletes when it should, as Hgh was prohibited at all times. He applauded the proposal from WADA to collect at least 10% of blood samples, but what exactly did this figure refer to? WADA had created the monster with which it was dealing because of the price and complexity of testing.

MR YOUNG followed up on the previous comment. He agreed with Mr Pound and Ms Scott that it was a real problem that there was not more EPO testing and more EPO positives, and there were certainly some sports for which a lot more EPO testing should be done but, if one looked at the cost of 90% of the tests for which EPO was not being analysed (ballpark: 50 million per year), maybe that was an inconsequential sum for what would be achieved by testing all samples for EPO, but there might be another approach. WADA did smart testing, but maybe WADA should also do smart analysis, so that there were some sports for which 100% EPO testing was performed and others for which less was carried out.

PROFESSOR LJUNGOVIST observed that the discussion had been very interesting and, as Chairman of the Health, Medical and Research Committee, he felt that he should provide some further information. Regarding clenbuterol, the problem needed to be addressed in various ways, one of which was information and guidelines for athletes, coaches and others, as recommended by Ms Kristensen from Denmark on behalf of Europe. One other was of course the scientific approach. There were two ongoing projects supported by WADA, one of which aimed at identifying or at least looking into the pharmacokinetics of clenbuterol when given to cattle (research on the animal side). The other sought to find out whether there was a method based on that knowledge to distinguish between a positive sample resulting from food contamination compared to direct ingestion. There was no answer as yet, but there was ongoing investigation in that field and he thought that this should be known. EPO was expensive but there was also WADA-supported research going on to find a cheap screening method, which could tell whether there was any need to go further with a full confirmation test, which was quite expensive, as he had said. This particular screening method had been in the pipeline for quite some time; it was now in the validation phase, and he had spoken to researchers quite recently about this, and they were hopeful that there would be a screening method for EPO in place shortly. There was hope from the scientific point of view with respect to the clenbuterol and EPO issues.

MR POUND said that WADA should know when EPO had not been tested for and be in a position to say that, on a particular sample, it thought that there should be an EPO analysis. That would reduce the overall costs.

Hearing the story of what had happened in Mexico, it seemed to him that, for the good of the game and a matter of fair play, clearly the Mexicans had known about the problem and had not disclosed it to anybody else. They had gone on a vegetarian diet and had all but invited others to get caught. He would have thought that somebody at FIFA might draw that failure of sportsmanship to the attention of the Mexicans.

MR SHIJE referred to the clenbuterol issue, as the Director General and the FIFA representative had indicated. China had not found mass positive clenbuterol cases in China but, over several years, some clenbuterol cases had been found and he was afraid

that these would be influenced into the market. He had communicated with the food department of the Chinese State Council to discuss the problem and had given feedback to the department, indicating that food contamination would be a problem if positive clenbuterol cases were continually found at international competitions. Recently, the State Council department had held many meetings regarding clenbuterol and food security. It had investigated the market. It had taken action regarding potential market problems. At the FINA event, the sports ministry and public authorities had carried out investigations regarding the potential problems and had found that a potential clenbuterol market existed but, having taken action that year, the overall situation was good. Because China was very large, in some remote places, contaminated meat existed. In China, major games organisations were asked to take security measures in training locations. From market analysis, it was known that, at competitions held in China, there were not many problems but, in rural areas, potential for cases existed and China would pay heed to these problems and manage the clenbuterol issue. In relation to that, each laboratory had different testing and analysis limitations. The laboratories had no standards. The athletes should be informed about the clenbuterol issue and educated about food contamination. He had heard from the Foundation Board members a suggestion for guidelines for the laboratories to detect clenbuterol, in order to harmonise the analysis of clenbuterol. The Mexican and Chinese governments would do a lot of work to deal with the clenbuterol problem.

MS BOKEL referred to the players' associations. At the meeting, there were four representatives of the IOC Athletes' Commission who had been elected at the Olympic Games, representing thousands of Olympians, also representing future Olympians from the Youth Olympic Games. At the recent IOC athletes' forum in Colorado Springs, there had been representatives from the IFs, the continental athletes' associations, the WADA Athlete Committee and the IPC Athletes' Commission, and she thought that the representatives had acted in the best interests of the athletes, having been democratically elected by them, and inviting all other athlete representatives in the world. One of the results was that tougher action was requested, including lifetime Olympic bans. Another result was that coaches and doctors and any other members of the athlete entourage found to be taking part in illegal doping practices should be convicted and sanctioned. Those were the things that athletes currently worried about, and they should be well reflected by WADA, which was the case. That was an answer regarding the players' associations.

MR BESSEBERG understood the Director General's concerns about the relatively little EPO testing but thought that the situation was not as bad as it seemed from the statistics. His sport, biathlon, was an endurance sport, and he knew that some other endurance sports were doing a lot of very targeted testing, based on a kind of scientific screening; for example, in his sport, blood samples had been taken from the athletes for 15 years, and there was very good blood profiling for all athletes taking part in high-level international events. During the season, his sport had two full-time doctors following all of the world's best athletes from 1 November until the end of March, using a new Sysmex machine, making it possible to screen the blood straight away. His federation was drawing blood from 10 to 25 athletes a day and, as soon as a small variation from their normal values was picked up that could indicate possible manipulation with EPO, immediately a full doping test was performed on the same day and sent to the laboratory. His federation had been able to catch quite a few athletes in this way. For EPO, it was necessary to have very targeted testing and an efficient screening system that indicated that EPO might have been used. He thought that the project that Professor Ljungqvist had mentioned was based on what his federation had been doing for some years. The situation was not quite as bad as was made out. The endurance sports were very aware of this problem and he knew that the ISF was doing something similar, as were other endurance IFs, including cycling. The situation was not as bad as it seemed from a statistical point of view. Some endurance IFs were taking this problem very seriously and doing excellent work and making progress in terms of catching EPO cheats.

MR RICCI BITTI congratulated the Director General on the UNESCO convention progress, which was very impressive. He knew that government time was different to sport time and he accepted the progress. He wished to remind WADA to complement the information with information about legislation and the operation of NADOs in each country.

Regarding clenbuterol, it was obviously a very serious situation, and WADA was very worried, but it should not become a food control authority; it should look at the impact of the facts on its activity and study the consequences.

THE DIRECTOR GENERAL said that there were many comments to which he was not expected to respond, and he thought that Professor Ljungqvist had responded very properly and clearly on one or two of the science issues raised.

He told Mr Pound that WADA would progress in relation to advice or guidance or a memorandum for clenbuterol; that was the intention. A warning had been published, but he thought that WADA needed to go further than that with a bigger document.

The issue of full-menu analysis was one that had been concerning WADA for a while and WADA had asked laboratories after the May meeting for copies of the contracts that they had with the anti-doping organisations. They had refused to provide those contracts under guidance from their lawyers. The previous day, an amendment or an addition had been made to the ISL which allowed WADA to seek those under its task of accreditation, so WADA would be going back to ask for those contracts under the power of the ISL and would expect to get them. It was a little disappointing when WADA was met with resistance in such areas as it was helpful to work together and there was no suggestion on WADA's behalf that it was asking for commercially sensitive information. WADA was simply seeking information about the analysis sought.

He noted the comment about the professional leagues. Certainly, WADA had not continued to partake in assistance after being subjected to unnecessary and uncontrolled criticism by the players' association which had been totally unfounded and more in the area of player politics than the science.

He told the Danish representative and others who had raised issues in respect of clenbuterol that WADA would certainly be taking steps with the help of its Science Department and under the leadership of Professor Ljungqvist in relation to that particular substance. That included the comment made in relation to measurement, as there was a technical document for measurements.

He agreed with Ms Scott that EPO was a very disturbing issue and that was why he had raised it and responded to Mr Pound. Looking at the suggestion raised on the next item on the agenda, WADA would start to look at better practice. It had looked at black-letter law, and now needed to look at practice, and that included this issue, and this was something on which the management would concentrate in the coming months, provided the members agreed with it.

He thought that Professor Ljungqvist had responded to the presentation made by Professor Dvorak but thanked Professor Dvorak for the report.

He told Mr Pascual that his comment was part of the issue that he had already raised, and Mr Pascual would hear more from him in relation to the ideas WADA had about practice, and that pertained again to the comment made by Mr Young.

He thought that the comment by the Chinese representative had been well received, and he thanked China for its cooperation in relation to WADA's request about clenbuterol and for responding in respect of the World Swimming Championships held in China.

He told Ms Bokel that he had forgotten to mention the forum in Colorado Springs; that would come up under the athlete report. It had been a very successful forum and one that WADA had been privileged to be a part of. WADA had had a good meeting with the IOC Athletes' Commission, had partaken in the forum, held its Athlete Committee

meeting, and everybody had come away feeling pretty empowered in terms of total athlete support and commitment.

He had answered Mr Besseberg's question in relation to EPO. He appreciated Mr Besseberg's comments regarding targeting and using information. The ABP and blood profiling was another item on the agenda.

He told Mr Ricci Bitti that the point in relation to legislation had been advanced with UNESCO. The project had been delayed, and WADA was expecting the project to be completed in the New Year, so hopefully, by May, the document in relation to legislation would be tabled.

THE CHAIRMAN said that the matters raised by the Director General were clearly of considerable interest given the questions and comments made. He asked the Foundation Board to note the Director General's report.

DECISION

Director General's report noted.

3.1 Executive Committee meeting update

THE DIRECTOR GENERAL stated that the ABP technical documents had been approved and would come into effect.

The Tunis laboratory had been suspended for a period of six months. Over that period, Tunisia had been in a state of civil unrest and the laboratory had been unable to attend to the remedial action required to return to full accreditation status. The Executive Committee had approved an extension of six months to the suspension, to allow the action to take place with the new government and, for reasons of force majeure, that extension had been granted.

The Executive Committee had approved the principle of a grant to the new body of NADOs to which he had referred previously, upon terms and conditions similar to those provided by WADA to SportAccord. The conditions and the terms would be agreed by the President, the Chairman of the Finance and Administration Committee and himself.

The social science research projects had been approved to a total of 102,450 dollars, and four Young Investigator Awards, each worth 2,000 dollars (a further 8,000 dollars) had also been approved.

The ISL had been approved and the issue relating to mandatory methods of the laboratories had been adjourned until May, as the progress made by those laboratories that might not be presently using the mandatory methods was very satisfactory and expected to be concluded by May.

DECISION

Executive Committee meeting update noted.

3.2 Future compliance reporting

THE DIRECTOR GENERAL said that the report essentially spoke for itself. He was asking for a deferment of the next compliance report until November 2015. The members would see the rationale for that in the paper. The Executive Committee had recommended that this approach be adopted. After the consideration and, hopefully, approval by the Foundation Board of the compliance report tabled that day, WADA would continue to work with those signatories deemed non-compliant and report on their achievement of compliance at the May meeting. That would not be ignored. WADA would look at any signatory that might take action or change rules or do something that would lead it to be considered non-compliant. WADA would report on a regular basis in any such instance. WADA would do both of those things in relation to compliance until

2015. One of the reasons for the request was that WADA would like to devote its resources to helping anti-doping organisations achieve better practice. He would like to say best practice but he thought that WADA had to look first at better practice, so it intended to work with all of the signatories in their various groups: IFs, small and large, NADOs, small and large, the regional anti-doping organisations and the major games organisers so that, going forward, WADA was working with all of its signatories to help them achieve better practice, including better economic practice and smart testing. WADA would engage its stakeholders in that process, but it would restructure its management team, giving different responsibilities to those with current responsibilities related to compliance for example. He asked the Foundation Board to approve the proposal to defer the next compliance report.

MR PENGILLY reiterated part of what the Director General had just said. Athletes were keen and requested that the standard for 2015 compliance and methods for measurement were improved significantly and that all signatories receive clear and early guidance on that.

MR POUND said that he appreciated that the Foundation Board was in a difficult position once the Executive Committee had already made a decision but, looking at this from the outside, as a member of the public or somebody not involved in the day-to-day administration, one got to the point where, for an organisation whose mission was to monitor and report on compliance with the World Anti-Doping Code, WADA seemed to be looking for every possible opportunity not to report. It was close to eight years since the Code had come into effect, and WADA was about to issue its first really, really soft compliance report. WADA was not dealing with rocket science here; it was dealing with sport organisations that knew perfectly well what the Code was and perfectly well what the problems of anti-doping were, and WADA was reluctant to pull the trigger on compliance, so putting it off for another four years was just additional evidence that this was where WADA was headed, and he found that particularly disappointing.

THE CHAIRMAN indicated that, in the discussion on this issue at the management level, there had never been any suggestion that this should be put off; the concern expressed and the reason for bringing this forward was that the timing in November 2013 would coincide with the adoption of some changes at the World Conference on Doping in Sport to be held in Johannesburg. For that reason, it had been felt that it was necessary to get the timing into a different sphere, hence the additional time being requested. He had heard this particular comment time and time again. WADA had been labelled as a regulator, which it was, but one that had simply applied black-letter law to these issues. Acting as a policeman was another comment he got frequently, and the wish was to not avoid the need to examine and make recommendations on compliance, and that would not be avoided, but to assist, be more positive, see how to make signatories achieve not just the letter of the law but also a programme that worked. It was in that context that the proposal had been put forward by the management for the support of the Executive Committee and approval from the Foundation Board.

He put the recommendation that the Foundation Board approve the proposal that the compliance report due in November 2013 pursuant to the Code be deferred until November 2015

DECISION

Future compliance reporting proposal
approved.

4. Operations/management

4.1 Executive Committee appointments 2012

THE CHAIRMAN stated that the members would see before them a paper indicating the current proposal for members of the Executive Committee. He presumed that they had had a chance to look at it. Did anybody have any difficulties with the paper or wish to make a comment? If not, he recommended that the Foundation Board appoint the members of the Executive Committee for 2012 in accordance with the distributed list.

DECISION

Proposed Executive Committee appointments
2012 approved.

4.2 Foundation Board

- 4.2.1 Memberships 2012

THE CHAIRMAN said that this had been tabled. The Foundation Board had been informed of the nominees from the various regions. Were there any problems with the list that had been circulated? He asked the members to note the memberships.

DECISION

Foundation Board memberships 2012 noted.

- 4.2.2 Endorsement of composition for Swiss authorities

THE CHAIRMAN asked the Foundation Board to endorse the composition for the Swiss authorities. This occurred twice a year. Were the members happy for that to go forward in accordance with Swiss law for filing in Switzerland?

DECISION

Proposed endorsement of composition for
Swiss authorities approved.

4.3 Standing committee memberships 2012

THE CHAIRMAN asked the Director General to briefly speak to the committees.

THE DIRECTOR GENERAL said that he had raised this during his report, so it was for the members' information that the process had been followed, and these were the standing committees for the following year. The expert groups would be announced before the end of the year; the process for them was for invitations to be sent to individuals to accept, and WADA did not announce these until it had received responses to the invitations, so they would be posted before the end of the year.

THE CHAIRMAN observed that it was good to see that there was still considerable interest and some level of competition in the nominations that came forward from the various regions for these committees, and that was healthy. He thanked the members for the interest they were showing in putting the nominations forward.

DECISION

Proposed standing committee memberships
for 2012 approved.

4.4 Strategic Plan performance indicators

THE CHAIRMAN informed the members that they had before them the Strategic Plan performance indicators for their information.

DECISION

Strategic Plan performance indicators noted.

5. Legal

5.1 Legal update

MR NIGGLI informed the members that they had his report in their files, reminding them that, since this was a public meeting, he would not discuss pending cases in too much detail.

The clenbuterol issue had already been covered, so he would not go back over the related cases.

He highlighted one thing that he believed was very important, not only for anti-doping, under heading 6 in his report. This particular case had been discussed earlier. An athlete had been convicted by the CAS and had challenged, in his own country, the CAS decision before the civil court. Initially, he had obtained interim measures; in the decision, the judge had indicated that arbitral awards from the CAS were not true arbitral awards and could not be executed under the New York Convention. WADA had been extremely concerned about this statement by the judge, and had initiated proceedings in two EU countries, Italy and Germany, to obtain recognition of the CAS award through an exequatur process and had in both cases obtained from the civil courts in German and Italy recognition of the CAS awards, indicating that CAS awards were true arbitral awards that could be recognised under the New York Convention. He thought that this was important and clarified the issue in Europe. WADA would use this in other cases should similar problems arise, and it was important for the members to know that this had happened in case they had similar issues.

He referred to a case that dated back several years, under item 9, indicating that the European courts would probably not entertain the merits of the case. They had indicated that, since the player had been retired for a number of years, they no longer saw any merit, and this would probably be the end of this long story.

He drew the members' attention to the tennis case under heading 10 to highlight the fact that there had been a decision from the State Council, the administrative branch of law in Belgium, that it would not entertain the case. This was good news in that WADA had not been accepted as a party in the case and it had been worried that the State Council would refer some legal questions to the European Court of Justice without WADA being allowed to intervene. There had been a final decision on that. Civil procedures would continue but WADA would be party to the case, allowing it to put forward its argument. There was also a CAS procedure going on at the same time as this particular case, although it was at a standstill until there was a decision from the Swiss Federal Court on an appeal launched by the players.

MR POUND said that he thought it might be helpful for the Foundation Board members to know how the International Court of Arbitration for Sport was dealing with some of the issues. The ICAS was the equivalent of the WADA Foundation Board but for the CAS, and it had had a meeting the previous week in Switzerland. During the summer, the ICAS had contacted the major stakeholders to get their comments on the performance of the CAS and suggestions for improvements, and it was addressing all of the issues arising from the responses, including a very helpful response from WADA. All those issues were being studied, including the question of costs, and the awarding of costs on a meaningful basis in cases where that was appropriate. The biggest set of concerns surrounded the process of the hearings, and the ICAS was looking for ways to

expedite the hearings, bearing in mind that in all of these adversarial proceedings one party wanted a decision as quickly as possible and the other party did not, and regularly used every possible means to delay the eventual decision. Some of the comments had indicated that it was important for the CAS, when appointing its arbitrators, to make sure that there was some basic knowledge of sport, as it recognised, as did the stakeholders, that a number of decisions had been coming out of the CAS that made no sense whatsoever from a sporting perspective. On the other hand, the sporting community had to realise that its decisions were going to be reviewed by arbitrators who applied law and that, if the rules were not clear or if they were ambiguous, in cases of interest to WADA, namely doping, the benefit of the doubt would always go to the athlete, and one got the impression that arbitrators were looking for ways to assist athletes. It was necessary to be very careful from that perspective. In criminal law those days, in anything dealing with sanctions, justice was increasingly procedural; it was not substantive, and the effort was made by the parties, or at least one of the parties, to make sure that relevant facts did not come to the attention of the deciders, so that was important. The ICAS would now appear in proceedings such as before the European Court of Human Rights, where appropriate, to make sure that the courts understood the system upon which they were about to rule, and the members of the ICAS had urged that, where cases were complicated, counsel be engaged to represent it and not have people acting on their own behalf.

MR PASCUAL said that it had come to his attention that a consistent approach was being made that sought to reduce the sanction to be otherwise applied in accordance with the Code by the various countries. It should be addressed from the point of view of compliance, and he recalled that, in the Code, or in the international standards, the professional description of the bodies, the TUE committees, laboratories, etc., was well described, but there was no description of the result management authority, so it was not surprising that the countries reached conclusions, many of which reduced the sanctions of their own athletes.

DR SCHAMASCH stated that the nine-page report showed the complexity of the work done by the Legal Department. In order to provide further explanation, he wondered whether it would be possible to provide the date of the offence, which could explain the complexity and length of each case. In some cases, Mr Niggli had referred to an appeal, but it might be interesting to know the date of the offence, which would explain why it was complicated and taking so long.

MR NIGGLI responded that he thought Mr Pascual was right; this was actually the result of the revision of the Code and giving more flexibility, which had been the wish of the stakeholders when the Code had been revised. WADA was appealing a lot of the cases simply because they deviated from what it thought should be the proper sanction. That was certainly something to be looked at during the next Code revision. The dates requested by Dr Schamasch would be added to future reports.

DECISION

Legal update noted.

5.2 Interpol update

MR NIGGLI said that the members had the report before them. He did not intend to add to the activities, but said that WADA was extremely happy with its cooperation with Interpol; it had worked well on an operational level. This was not only a memorandum of understanding; this involved actual work on the ground, and the officer seconded by the French gendarmerie had made contact with many law enforcement agencies around the world to coordinate the mission, and this had proved to be very helpful in the fight against doping in sport. He hoped that the French gendarmerie would agree to second the officer again, and there were other missions that would take place the following spring which would be of great interest. WADA had signed a similar memorandum of

understanding with the World Customs Organisation in June. It would take longer to get it up and running, but WADA hoped to have similar interaction with the WCO as the organisation had a lot of very interesting information as far as the trafficking of doping products was concerned.

THE CHAIRMAN informed the members that, the previous Monday, he had met the French sport minister, who had confirmed endorsement and funding for the seconded officer at Interpol for the next couple of years. That was good news. The work being done there was extremely valuable, everybody wanted it to continue, and he acknowledged the support of the French Government in funding the officer.

DECISION

Interpol update noted.

6. Finance

6.1 Finance update

MR REEDIE observed that he was delighted to hear Mr Pound talking about the ICAS; anything that it could do to speed up the process, reduce the costs and, above all, allocate proper costs to the good guys (because he thought that, most of the time, WADA represented the good guys), seemed to him to be a very good thing, and that might just reduce the ever-increasing litigation bill with which the agency was faced, and some help with some of the supranational courts would be much appreciated.

He started his report having read carefully the minutes of the previous Foundation Board meeting, and he did not want to go over everything that had been discussed at that time, as people were perfectly clear about the objects of the exercise and the decision that the Foundation Board would have to take but, if there was to be a verbal report from the Finance and Administration Committee, he simply spoke to the minutes of the Finance and Administration Committee meeting that had been held in the middle of July, from which the members would see that, in general terms, the Finance and Administration Committee had wanted to restrict costs, understood that the world was pretty complicated and thought that an increase in contributions was a reasonable prospect to bring to the Foundation Board.

DECISION

Finance update noted.

6.2 Government/IOC contributions update

MR REEDIE said that he was absolutely delighted that this had reached an acceptable level of 98.58% of contributions invoiced, with somewhere around six weeks to go until the end of the year. He knew that efforts were under way to make sure that those countries that had not made their contributions would do so. They were listed; none of any enormous amount, with the possible exception of Greece. Those efforts had been successful to date and he hoped that they would continue to be successful.

DECISION

Government/IOC contributions update noted.

6.3 2011 quarterly accounts (quarter 3)

MR REEDIE said that the statement of quarterly accounts showed the balance sheet and what he supposed would be called the profit and loss account, which followed the normal process. WADA collected a large amount of contributions early in the year, in the first two quarters, and had a fairly regular spread of expenditure, so it showed surpluses

in quarters one and two and a deficit in quarter three and, over the year to date, WADA was still in surplus to the tune of around 5 million dollars.

Attached to that document was the very detailed paper on the actual against budgeted expenditure, allowing the members to see every cent the agency spent and every cent it generated. He received these on a monthly basis and nothing had happened since the Finance and Administration Committee meeting in July that had not been expected, and things were running about as smoothly as WADA could expect them to.

DECISION

2011 quarterly accounts noted.

6.4 Budget 2012

MR REEDIE said that the whole strategic and operational plan set out in detail what the agency wanted to do in 2012. Then the figures had been put against that in the detailed plan. The Finance and Administration Committee had been invited and had agreed to present the budget on two bases, one with a contribution increase of 2% and another with a contribution increase of 0%. It was worth making the point that, on either basis, before starting at all, the amount of unallocated cash built up over the past few years by a combination of good management, good collection of contributions and a bit of luck was used to subsidise the operations, and that year the unbudgeted subsidy was around two million dollars, so he did not want anybody to believe that WADA was happily in surplus on an annual basis; WADA was subsidising its operations out of its unallocated cash. There was not much doubt, and if the members read the minutes of the meeting of the Finance and Administration Committee, and the Finance and Administration Committee had considered this in very considerable detail, that it would prefer to have a regular increase in contributions, and that year it would prefer an increase of 2%. The Olympic Movement had signed up to that and would be happy for it to go ahead on that basis. The Finance and Administration Committee had also tried to justify that in a certain way and had looked back at what had happened over the past few years. The members would see a graph illustrating the difference between contributions in 2010 and 2011. Due to the reduction in value of the US dollar, actually everybody was paying less in 2011 than had been paid in 2010. This point had been raised at the meeting six months previously that year and was included in the minutes. The Finance and Administration Committee had also done a detailed exercise to look back over the past ten years, and could produce statistics that would show that some countries were actually paying less in 2011 than they had paid ten years previously in their own currencies. He would like to think that people might take that into account when making a decision. A 2% increase would result in an increase in contributions of 264,000 US dollars spread worldwide, which was not an enormous sum of money, and he had used some rather graphic examples at the Executive Committee meeting the previous day which he would resist using again.

He thought that the members should also look at the cash flow projection document in their files. As he had said, WADA had unallocated cash at the end of 2011 of somewhere just over 7.5 million dollars. WADA's activities were being subsidised, and that unallocated cash, without a form of regular increase, would become exhausted. It was just a question of when. The governments, in the main, as he understood it, wanted a 0% increase. It would be fair to say that the Finance and Administration Committee understood that, and the Executive Committee understood that. WADA would be looking at additional sources of revenue, as had been suggested six months previously, and WADA was talking to the Council of Europe about the system that it operated and looking to the pharmaceutical industry to see what options were available, but these approaches were time-consuming and above all timing was of the essence. If one was going to ask somebody for money, there was a good time to do so and a bad time to do so, and that

moment was not necessarily the best time to do that. WADA was very well aware of that.

On balance, the Finance and Administration Committee had made a perfectly splendid logical reason for a 2% increase; however, the Executive Committee had not agreed and he had been instructed to suggest on behalf of the Executive Committee that the Foundation Board approve a budget with a 0% increase in 2012. That having been said, it seemed to him absolutely clear that it was false accounting to simply assume that there would be zero increases ever after. Increases would have to be made, and increases could be made in small amounts each year; if not, WADA would run out of its unallocated cash and then there would have to be a very substantial increase. Otherwise, WADA would have to reduce activities. WADA's job was becoming increasingly complicated, and there had been a presentation the previous day from Dr Rabin on the success of the science research programme over ten years, which had been very impressive, and one would not want to give up that kind of effort. The facts of life were there; the Finance and Administration Committee was aware of the facts of life and had done its work, the Executive Committee had considered it, and he left it to the Chairman to make the appropriate motion and add whatever he wished.

MR POUND wondered if the Chairman might respond to Mr Reddie's invitation to explain what it was that he wanted the Foundation Board to do.

THE CHAIRMAN noted that Mr Reddie had foreshadowed that there would be a motion on the basis of the recommendation from the Executive Committee the previous day after fairly significant discussion that the proposal for the year 2012 would be a 0% increase.

MR POUND asked whether the Chairman had anything to add.

THE CHAIRMAN endorsed all of the warnings in Mr Reddie's commentary. All of the members could be appreciative of the fact that there was a huge problem, particularly in Europe, about which they read daily, and it was not limited to Europe. On the other hand, it was clear also that sport recognised the need, with the recommendation from the sport side to go from a 2% increase, which again was below the cost of living increase, so on the one hand sport had been willing to make a small incremental increase in the budget, and the public authorities had recognised the difficulties that they were facing in various parts of the world, and sought no increase. As a result of that discussion, the Executive Committee had indicated that it would recommend no increase, but he could only stress that the day of reckoning was coming. This could be done once, if it was the wish of the Foundation Board to do that, and it was the recommendation to the Foundation Board. He asked the members to bear in mind that they would have to look long and hard at how effective they would be in the future if they kept cutting costs. He would love to be present at some stage when the issue was one of how much more could be contributed rather than how little could be spent, because to achieve outcomes one needed greater input, and that did require money. He accepted the debate and discussion and also understood the concerns expressed, particularly from Europe. It was not limited to Europe. He noted that the recommendation would be that the 2012 budget be approved with a 0% increase on 2011.

MR POUND said that he had been hoping that, along with that, there would be some other recommendation. If he understood the figures correctly, a 2% increase across the board would amount to 264,000 dollars from governments.

MR REEDIE confirmed the amount of 264,000 dollars from governments, which would be matched by the IOC.

MR POUND said that the public authorities wanted WADA to do more and more yet, among some 200 governments, they were not willing to pay 264,000 dollars. He found that insulting as a member of the Foundation Board, and an indication that people were not serious about this. There had to be a different approach. Times were just as tough for the Olympic Movement as they were for governments, and the Olympic Movement

was at least willing to propose a modest increase, far short of what was needed. WADA had to step back at some point as an organisation and ask whether it was serious about this or not. It was not possible to do a good job with the current budget, with all the best will in the world. If 50% of stakeholders said that times were tough and that they would not pay any more that year, WADA would be eating into its capital. There would probably be enough money in the bank to keep the doors open for two or three months if collections happened to slow down. There were far too many ramifications here to simply say that it was a formulaic 0% increase and move on to the next motion. He was opposed to a 0% increase.

THE CHAIRMAN said that he would be happy to entertain any motion on what the budget should be, as it was a decision for the Foundation Board. He had simply relayed the previous day's discussion with the warnings that had been given by the Chairman of the Finance and Administration Committee, all of which he supported in the context of the future of the organisation. He supported the sentiments that Mr Pound had just expressed and said effectively that WADA had the same number of people working as in 2004, doing far more than they had done in 2004. They were therefore spreading themselves thinner and thinner every year and wondering why they were not seeing better outcomes than had been referred to by the Director General earlier. He noted that Mr Pound's comments had been well made.

MS BATTAINI-DRAGONI thanked the Chairman and said that she had taken note of the very positive results in terms of obtaining contributions to the budget, which had not been the case at previous meetings she had attended. She thought that reaching such a high percentage in terms of contributions expected for the budget, as had been mentioned under item 6.1, was very positive. She paid tribute to the management for succeeding in getting such high contributions. Secondly, she wanted this budget discussion to be an opportunity for everybody around the table to try to look at things in an innovative manner. She thanked the Chairman for mentioning the particularly difficult situation that the EU Member States were in throughout Europe. They were facing austerity plans and their budgets were increasing negatively. Not only were they not reaching zero growth level, but in some countries they also were facing 10% and even 20% cuts. The situation was such that, in international organisations, such as the Council of Europe, they were dramatically reducing staff and people were losing their jobs. So the situation was different to previous years, when they had been able to follow proposals from the management to increase budgets for WADA with certain ease. They were now obliged to think differently. With regard to the points made by Mr Pound, naturally everybody wanted to have a budget that was appropriate to WADA's ambitions, but it was necessary to ask how this was possible. She welcomed constructive dialogue between the WADA management and the Council of Europe team. It was necessary to think differently; one thing was what could be considered as WADA's ordinary budget, which had to be financed following a unanimous decision by all stakeholders, governments and sport organisations, and another thing was what they could put together as additional resources with a view to financing specific projects, which, using both ordinary and extraordinary resources, would enable WADA to keep the level of implementation of programmes that were decided by the statutory bodies. The question was how to look for a good, alternative system to bring fresh money to WADA, how to develop a strategy for proper resource mobilisation which was not exclusively based on the ordinary budget, and how to encourage all countries around the world that were in a much better financial situation to contribute; and, if they wanted to make voluntary contributions to WADA, then why not? In Europe, the Council of Europe encouraged some of the Member States to make contributions to the Council of Europe budget. Nothing was wrong with that. If there were sports federations that wanted to make voluntary contributions to WADA, they should be welcomed. The point was not to say that the stakeholders must stop giving WADA the possibility to do what it wanted to do and had to do, but to look at how it would be financed. The principal of having an ordinary budget complemented by an extraordinary budget with voluntary contributions or other kinds of resource mobilisation seemed to her to be very important. Concretely,

she made two suggestions. Firstly, she wished to invite the WADA management to consider recruiting a person who could deal with resource mobilisation, because she was convinced that the present crisis would not go away in one or two years. Europe was expecting to be in a recession, so these were problems that would unfortunately be long-lasting. Therefore, having someone within the WADA secretariat to be a good resource mobilisation agent was something that WADA should consider. Secondly, as mentioned in the previous presentation, the Council of Europe did indeed have such a strategy in place. It had people who worked daily on identifying additional resources for the Council of Europe budget and she was willing to have an exchange of views and work together, and also to share information on possible donors who might be of interest to WADA. She was trying to be as constructive as possible. The issue was one of principle. She advocated using the budget difficulties as an opportunity to discuss alternative ways of financing the overall operations that WADA would like to carry out. She called for a creative and very active approach. She was very pleased to see that a consensus had been reached the previous day and noted that Europe welcomed this.

MR POUND thanked Ms Battaini-Dragoni for her very helpful comments. The idea of voluntary contributions was a well-known one. However, he suggested one variation to the proposal: it should not be WADA that engaged somebody who might not be aware of the system but governments that identify somebody with the necessary expertise to help WADA interface with them. If the public authorities identified such a person, who should probably be in the European sphere, it might be possible to live with the 0% increase that year. He did not think that WADA should hire somebody, as a person was needed with the gravitas within the public authorities already.

MS BATTAINI-DRAGONI thanked Mr Pound for his comment. He had previously referred to the fact that WADA was getting used to having seconded people, citing the example of the French sport minister appointing a person for the link with Interpol, seconded by the French Government. Welcoming secondment possibilities from a government or even the sports movement, with a view to defining and implementing WADA's own resource mobilisation strategy, was a promising way of getting out of the current squeeze.

THE CHAIRMAN clarified a number of points that had been raised in the discussion. WADA had been seconding for many years and had somebody there at that time from Japan and another person who had been on secondment from China and had recently returned to her country to continue anti-doping work. WADA would use the seconding process wherever possible. It had also approached and received cooperation from a number of governments worldwide. It was getting additional contributions at that time from Japan, Canada and Australia. He assured members that wherever he went he asked about secondment possibilities. However, he challenged all of the members to source such people. In Canada, the management team was working as hard as it could and was doing a lot more than some years previously, but did not have the skills, the knowledge or the ability to get to the governments of the world where there might be funds. He asked the members, as representatives of the public authorities, to see how they could identify such things. For example, WADA had made huge efforts with pharmaceutical companies and received a grant of 100,000 dollars to enable it to identify how it could set up an appropriate foundation to get further grants so that it could do research in the science area from additional contributions from those large companies, many of which were based in Europe, but most of which were based in the USA. WADA had allowed Dr Rabin to take a role in Brussels with a view to identifying possible funding through government based in Brussels. He appreciated the points that had been made, but asked the members to help find these sources since they knew them better than the management did. It was a task that fell to each of them, rather than simply the team employed in Canada. If anybody knew of a source, he asked to be notified so they could all work together to tap it. He thanked the countries he had referred to for their support and stressed that they were working continuously on this matter.

MR MERITON thanked the Chairman and noted that, as it was his first participation in the WADA Foundation Board, he ran the risk of being sanctioned. He had thought that this was a done deal because, at the African debriefing meeting and that morning's public authorities meeting, they had agreed that they would remain with the status quo. However, this question had clearly attracted great interest. He adhered to the principle of collective responsibility, but was also realistic in the sense that what was sown would be reaped. If WADA wanted better results, more resources must be provided. He was happy that the members remained faithful to the decision made the previous day and did not change the decision made by the Executive Committee, but noted that a way forward must be found. He supported the two previous speakers, who had said that WADA must look further afield. If the International Federations and public authorities wanted to contribute more and if they needed to find somebody to concentrate on resource mobilisation, that could be so, but more resources were needed if they were to succeed and achieve their ultimate objective.

THE CHAIRMAN assured Mr Meriton that he would not be sanctioned for his contribution. For the purposes of utmost clarity, the budget was a decision of the Foundation Board. What had occurred the previous day was that, following discussion, a recommendation had emanated from the Executive Committee that there be a 0% increase in the budget for 2012. However, the decision lay with the Foundation Board. The Executive Committee could merely make a recommendation.

MS SCOTT wondered if WADA had considered the possibility of conducting some meetings virtually, as a cost-saving measure. Looking at the operational plan for the Education Committee, the cost was \$100,000 for one meeting once a year. Many organisations were moving towards virtual meetings to save costs and be more environmentally friendly.

THE CHAIRMAN replied that this would be taken on board and added that WADA had been given a tremendous amount of support, even with its committees. For example, the Athlete Committee would be meeting in St Petersburg in conjunction with another meeting there, and that was being funded by Russia. WADA had also been able to share the costs of the Athlete Committee meeting held in Colorado Springs recently, because the members had been there for the IOC Athletes' Commission meeting at the same time. WADA certainly looked at opportunities to minimise costs and did its best to assist others. For example, at the meeting to be held there next year in May, the Executive Committee and Foundation Board would meet on Thursday and Friday so that they could fit in with the number of people who were committed to the SportAccord meeting taking place a day or so later in Quebec City. He would ask the Director of Education, Mr Koehler, to consider those comments and the particular example given.

MR REEDIE said that he did not want anybody to think that the Finance and Administration Committee had been sitting back for six months doing nothing. In fact, it was looking at the kind of projects that it could take to the Council of Europe and he had spoken to Ms Battaini-Dragoni about these the previous night. This was under way but it was not the answer to the basic problem. It would not generate large amounts of money that would allow the members to ignore contribution increases. Everybody in that room, including himself, signed up to what Mr Pound had said but, as an Executive Committee member, if that was what the Executive Committee decided to do when the partnership between public authorities and sport had worked extremely well for eleven years, and in financial and contribution terms, WADA was now going through the most difficult period ever, then one would end up with what might be regarded as a compromise at 0%. In response to Ms Scott's point, he noted that many costs could be cut but, whenever this was tried, he was met with the occasional wave of resentment. Papers were produced in several languages and, for instance, at the previous day's meeting, there had been interpreting into French but not a single person had listened to it. Many things could therefore be done. Thus, if the public authorities and the Olympic Movement were not prepared to make regular increases, WADA would be forced to reduce, and he would

rather not do that and do more. Therefore, he was happy to make the proposal from the Executive Committee that the following year's budget be based on a 0% increase.

THE CHAIRMAN said that the motion for consideration was that the 2012 budget proceed on a 0% increase. He noted that Mr Pound was formally against the proposal.

DECISION

Proposed budget for 2012 approved (0% increase).

6.5 Appointment of 2012 auditors

THE CHAIRMAN invited Mr Reddie to give a brief explanation of the fairly extensive process that the committee had gone through.

MR REEDIE stated that modern principles of corporate governance advocated regular checks on the quality of service being given by professional advisers, particularly auditors. The committee had put together an invitation to tender that had been sent to Deloitte's, KPMG, Ernst and Young, and PricewaterhouseCoopers, which was the existing auditor. The committee had received a range of different suggestions and a fairly wide range of costs, some far higher than expected and some much lower. It had made the committee look hard at what it thought the auditor thought that WADA was doing, which was an interesting exercise. However, the Finance and Administration Committee had ultimately been very clear that PricewaterhouseCoopers should be reappointed. He had been invited to speak to the partner concerned to say two things: firstly, that it would be pretty good if he sharpened his pencil, which he had done, and secondly, that it was good governance not to have the same partner dealing with WADA year after year. PricewaterhouseCoopers had been prepared to accept the new mandate that had been proposed and the members should note that a different partner would be looking after the WADA account from the Lausanne office in future.

THE CHAIRMAN put the motion that the Foundation Board appoint PricewaterhouseCoopers as the auditor for the fiscal year ending 31 December 2012.

DECISION

Proposal to appoint PricewaterhouseCoopers auditor for fiscal year ending 31 December 2012 approved.

THE CHAIRMAN then proceeded to thank the representative from Guatemala for the notepad and t-shirt that the members had all received. Secondly, he wanted to give Dr Aján the opportunity to give a two-minute slideshow and make a brief presentation on what the IWF was doing with regard to anti-doping.

MR AJÁN thanked the Chairman and the Director General for the opportunity. The International Weightlifting Federation was one of the Olympic sports federations that had launched a major anti-doping campaign, and only one week previously, the world championships in Paris had come to an end. Once again, the IF had endeavoured to increase the focus on anti-doping. He gave the floor to his colleague Dr Monika Ungar to make the presentation.

MS UNGAR announced that the International Weightlifting Federation had launched the Say NO! to Doping campaign at the 2011 World Weightlifting Championships, held in Disneyland, Paris. The championships had concluded the previous week, and 101 participating countries and over 600 athletes had been welcomed to the campaign stand in the foyer of the weightlifting competition venue. The IF had invited two role models, who had been carefully selected. They were Ms Pawina Thongsuk from Thailand, an Olympic champion and multiple world champion, and Mr Pyrros Dimas, a three-time

Olympic champion and President of the Greek Weightlifting Federation. The IF had made a green barbell as its token and was happy that Mr Dimas had not only agreed to be the role model but had also been to the congress and stood at the campaign stand throughout the competition, informing athletes and officials about the important anti-doping work. The IF had also had the pleasure of welcoming Mr Frederic Donzé to the championship congress. Mr Dimas had gladly handed the barbell over to Mr Donzé, who had accepted it. Mr Donzé had addressed the congress and had shed light on many issues, including the role of WADA and the International Federations in the world of sport. The WADA quiz had been available at the campaign stand in nine languages, and all documentation had been available in English, Spanish and Russian. All those who had visited the stand had had fun, and the IF had also been happy to welcome distinguished guests such as Hein Verbruggen. She showed a few pictures of the stand, including athletes and officials taking part and signing the banner, and lifting the barbell. Dr Schamasch had also visited. The IF had chosen "Lift CLEAN and Jerk" as its campaign slogan, from the clean and jerk movement of weightlifting. Last but not least, she showed a picture of Mr Dimas proving that, ultimately, lifting clean was not so hard. Finally, she asked Dr Aján, President of the International Weightlifting Federation, to join Chairman Fahey for a small surprise. As the token of the IWF's campaign, the green barbell was presented to Mr Fahey.

THE CHAIRMAN advised the meeting of a change in the order of the agenda and invited everyone to turn to Item 10.6 in their binders as the Science Director, Dr Olivier Rabin had to leave for Switzerland in the afternoon.

10.6 Science

- 10.6.1 Health, Medical and Research Committee chair report

PROFESSOR LJUNGOVIST explained that he would be brief since the full, extensive report was in the files. He did, however, wish to highlight a few matters. Firstly, the annual List, which would be in operation as of 1 January 2012, had been approved in the normal way and published before 1 October to give the necessary three months to the stakeholders to adapt to the List. There were no important changes to it. Some adjustments were being made but progress that was of significance was that the committee had managed to get one further beta-2 agonist better explained, in the sense that the beta-2 agonists that were used to treat asthma in people were also being used for doping purposes because of their anabolic action when taken systemically either by injection or orally. The difficulty was to ascertain from the analytical result whether the substance had been taken orally, which was banned, or by inhalation for treatment of asthma, which was allowed. WADA therefore worked with thresholds for these substances. Above a certain threshold, it was considered impossible to be taken by inhalation, and below the threshold, it was allowed on the grounds of proper medical use. That threshold had been in place for several years for one of the substances, salbutamol, and a threshold had also been established for one further beta-2 agonist that was widely used in the world, namely formoterol. That had been received very positively by the medical community, the TUE committees and so forth. The committee was working on obtaining thresholds for remaining beta-2 agonists.

With regard to research, a decision had been made by the Executive Committee on the allocation of research money for the coming year. 82 projects had been submitted, of which 35 had been approved. At the Executive Committee meeting the previous day, a survey had been presented of the outcome of results from 2001 until the present which had been very well received. The committee hoped that this would be posted on the website in the very near future.

With regard to the future and on the basis of the conflict of interests investigation that had been carried out by outside people and the conflict of interests declaration, the committee had also reviewed the procedure for allocating research money. This was a

sensitive matter because the research community was fairly limited when it came to anti-doping, and many people were related to either research teams or individuals. It had therefore been decided to go forward with a new grand review process, which would include the peer review system, as earlier, but also an independent project review panel, once the peer review system had been operating. The earlier procedure had been that all applications went for peer review and, on the basis of this review, a decision was made by the Health, Medical and Research Committee. A second step was at that time being introduced in the process, namely a project review panel of independent people who would evaluate the peer reviews and select those projects that they felt should be recommended for a positive decision by the Health, Medical and Research Committee. That would come into operation the following year.

With regard to laboratories, two laboratories were under suspension: Turkey and Malaysia. On the matter of potential new laboratories, priority was given to those that had been operating previously. Should they show new interest in being readmitted and accredited, they would be helped to achieve this goal. He did not know if Turkey and Malaysia wished to reapply but, if so, they would be given priority.

He referred the members to the report in their files for the details on all other matters. However, he first asked Dr Rabin to give some details on further matters that might be of interest.

DECISION

Health, Medical and Research Committee chair
report noted.

- 10.6.2 Science

DR RABIN added that the Laboratory Expert Group and the WADA Science Department had put significant time and effort into revising the technical documents. The new version of the ISL had been approved the previous day, which would naturally lead to some adjustments of the technical documents. Progress was also being made on steroid profiling. It had been necessary to adjust the technical document on endogenous anabolic steroids, and it was also necessary to take into account the modifications to the List standard, which were made annually. There was also progress in research sponsored by WADA, but also overall progress in analytical research to integrate the best scientific research in all technical documents. New guidelines had also been produced, one in particular on Hgh, because the test was now well-established in anti-doping laboratories as a routine, and WADA had wanted to support and provide the adequate framework for the full operation of the testing for Hgh, as well as for human chorionic gonadotropin, which was an area that had been somewhat untouched in previous years. WADA had been able to bring together a group of experts and provide very good guidelines in support of testing for HCG in laboratories.

He also wished to update the members on the relationship with the industry. An agreement had been signed with the International Federation of Pharmaceutical Manufacturers and Associations the previous year, and he was very pleased to report that the IFPMA had established a working group to work specifically on the relationship with WADA and strengthen the implementation of this agreement, and it was very promising, looking at the dynamic of the group and how it could help with day-to-day activities and the interface with the pharmaceutical industry.

He was also very pleased to report that the biotech industry was very much in support. In July, the US Biotech Industry Organisation had endorsed the agreement that WADA had with the IFPMA, which meant privileged access to over 1,100 biotech companies in the world, so this was a very significant step forward. In 2012, WADA hoped to organise a conference between the industry and WADA, with the support of the Council of Europe, to further strengthen and develop the relationships with the industry with the full support of the public authorities.

The Science Department regularly published articles in peer review journals on different subjects related to the fight against doping, and he highlighted a review published very recently on cannabis in sport, and he had some copies of the review, co-authored by Dr Marilyn Huestis, an eminent expert on drug abuse, in particular cannabis, who was a member of the List Committee and a well-known expert on cannabis and cannabinoids in the world. This article endeavoured to reply to many of the questions received from stakeholders and to explain the pharmacological, physiological and doping aspects and perspectives of cannabis.

PROFESSOR DE ROSE said that, although he knew that WADA could not regulate what laboratories charged for the A sample and the B sample, that year there had been a case in Brazil in which the laboratory had charged 10,000 dollars to the athlete for the B sample. That was not fair on the athletes as many would be unable to afford this. He proposed making a percentile relation between the A and the B samples, and to enable laboratories to charge 200% of the A sample, as this entailed more work. However, it was not fair, if the A sample cost 500 dollars, to charge 10,000 dollars for the B sample. He therefore requested that the Science Department find a way to solve the problem.

MR POUND picked up on Dr Rabin's remarks on publications and said that it was terrific that WADA had publications in peer review journals and he encouraged that; but, when WADA funded scientific research, one of the requirements was the results being made known and not being kept secret and, if peer review publications were made possible as a result of the grants, it might be useful for the members to have a list of those to demonstrate that WADA was generating some scientific advance.

DR SCHAMASCH asked whether it would be useful to remind the Foundation Board as to the relationship between a laboratory and a potential non-compliant country, as there could be countries that might be declared non-compliant in which there were laboratories. It was important to remind the members about the WADA policy.

MR REEDIE asked Dr Rabin about the status of reaccreditation of the Turkish laboratory, not least because he had to accompany the president of Turkey around the Olympic park in London on Wednesday.

PROFESSOR DVORAK said that he was a little worried about HCG, which had been raised in the presentation. There had been an unpleasant situation during the Under-17 World Cup, during which one of the players had tested positive for the substance, and it was not generally known that it could be elevated when a person had malignant testicular tumours. That had been the case for this player, so FIFA had informed the physician, additional tests had immediately been carried out, the boy had been operated on a few days after the results had been received, and he was now safe. He had looked at the statistics for 2010, and there were 33 HCG adverse analytical findings, approximately the incidence expected of tumours in the general population, so he kindly asked WADA to look at how those cases had been followed up as he assumed that it was not generally known and this could save lives, so perhaps some form of documentation could be issued just to remind physicians that this was the case, as many were not aware of it.

PROFESSOR LJUNGQVIST thanked Mr Pound for his proposal to have the peer review publication listed and circulated among the WADA Foundation Board and stakeholders, which was good PR and provided information.

The malignant testicular tumour referred to previously that produced HCG was exceedingly rare but also exceedingly malignant, so if there was an HCG finding, it of course had to be followed up medically. This should certainly be emphasised. HCG was otherwise being used as a doping substance because it promoted testosterone production in the body and because, if one was on anabolic steroids for a long period of time, one suppressed one's own testosterone production, and it might go as far as stopping spontaneous endogenous testosterone production, in the worst case for ever. Therefore, people doping in a sophisticated manner with testosterone had periods with HCG to

promote their own testosterone production and prevent it from stopping permanently. The frequency of HCG was surprisingly high, which was a worrying sign that there were a number of people practising sophisticated doping.

DR RABIN encouraged the members to read the guidelines as they did address this aspect. There were immunoassays that made it possible to distinguish between these situations, so an attempt should be made in the follow-up or immunoassays that were being used to distinguish between the risk of malignant tumours and potential doping or familial situations for HCG secretion.

WADA could not regulate the financial relationship between a testing authority and a laboratory or an athlete and a laboratory. WADA could ensure that there were proper agreements between the testing authority and the laboratory to ensure that the costs were embedded as part of the global analysis or specific costs were charged for the B sample analysis. This was routine practice for the laboratories.

Concerning the non-compliance of countries, section 4 of the ISL referred to the fact that a laboratory should be in a country that was Code-compliant, so this was a mandatory requirement under the ISL. There would be discussion about how to implement such a requirement in the framework of the non-compliance report and how this could be addressed later.

He was pleased to report that he had been in contact with the new director of the Turkish laboratory, to provide WADA's support in terms of interpretation of the rules and to offer WADA's services in order to pave the way if the laboratory wanted to regain accreditation. He understood from the conversation he had had with the new director that this was something that was currently being contemplated. The laboratory was not quite ready to approach WADA but, as soon as it was ready, it would come to WADA to seek reaccreditation.

DECISION

Science report noted.

7. World Anti-Doping Code

7.1 Final Code compliance report

MR ANDERSEN asked the members to refer to the documents that they had received on 28 October which contained agenda item 7.1, with two attachments. They would also have received that morning another attachment to the compliance report, agenda item 7.1, and addendum 2. Those were the papers the members had before them. In addition, there was an addendum to 7.1 (not addendum 2), which was an update on the status of signatories since the date on which the members had received their papers, 28 October, up until Friday at 3 p.m. The members would see from the addendum to 7.1 that there had been quite some movement in terms of increased level of compliance in the space of only three weeks. The paper before the members, the Code compliance report, was agenda item 7.1 attachment 1 updated as of 11 November 2011 (tableted document); that was the Code compliance report being dealt with in addition to item 7.1 addendum 2.

He took the members through the developments that had occurred since the previous Foundation Board meeting in May that year up until the previous Friday. He showed the members on the screen the global situation for NOCs; the green was positive (representing Code-compliant countries), whilst the yellow countries had some way to go and some were nearly Code-compliant. The members would see the NADOs that had become or were suggested as being Code-compliant since May. There were numerous NADOs with increased compliance levels since May and, comparing the statistics between May and the present time, the members could see the current positive situation for the African region, the Americas, Asia, Europe and Oceania. On a worldwide basis, 75% of

NOCs (154 NOCs) in the 204 countries were Code-compliant. The members would be pleased to see that all of the summer International Olympic Federations and winter International Olympic Federations were compliant, all of the IOC-recognised IFs were compliant, and only a few IFs in the non-recognised SportAccord and Paralympic IFs were not Code-compliant. The development of IFs was similar to that of the NOCs. In terms of final numbers, 92% of IFs were Code-compliant (91 out of 99). Looking at the total picture, of the 303 signatories, 245 were compliant and 58 were still in progress and therefore not compliant (81% compliant and 19% non-compliant). There were 7 billion people in the world, and 6.3 billion people lived in a country that had a Code-compliant NADO, and 9% (636 million) lived in a country that did not have a Code-compliant NADO.

The previous day, the Executive Committee had approved the decisions in item 7.1 with reference to attachment 1 of 18 November 2011, and then 7.1 addendum 2. It was important to stress that, even though WADA was doing this exercise and reporting on Code compliance, the way forward was to work with the stakeholders and signatories in a constructive manner in order to improve their practice and help the various anti-doping organisations to become Code-compliant or to improve their systems, effectiveness and so on if they were already Code-compliant.

The decision requested from the Foundation Board was to approve, pursuant to article 23.4 of the World Anti-Doping Code, the compliance reports in agenda item 7.1 attachment one and 7.1 addendum 2.

MS SAMARDZIC MARKOVIC gave credit to WADA and picked up on what Mr Andersen had been saying, that provision of extensive assistance to signatories to enable them to achieve compliance had been given, and she also complimented the work with signatories to help them build and develop their anti-doping programmes and, in that view, wished to urge WADA or to recommend that WADA issue a plan for support to non-compliant signatories to achieve compliance as soon as possible. This plan should include proposals for consequences if such support were not accepted or implemented by non-compliant signatories. She also thought that the compliance report should be approved, as WADA had been working on it for quite some time, but there was an issue relating to exceptions. There were certain exceptions, which was why some organisations were regarded as not Code-compliant, which should be argued as not lack of willingness but lack of ability to comply. This was very important. Why were these organisations exceptions and how did WADA establish the exceptions? Making exceptions could lead to unfair treatment of other signatories and in the end undermine the whole system. She would very much appreciate an explanation of the arguments and procedures relating to exceptions.

MS BOKEL asked for further elaboration on constructive follow-up action with assistance to the non-compliant signatories.

MR MERITON thanked the Standards and Harmonisation Department, led by Mr Andersen, for the very detailed report. He commended WADA on the good work it was doing. He was particularly pleased by the extent to which the African countries had responded positively to the responsibility. Coming from the region, understanding the situation in different African countries and knowing the work WADA was doing, particularly in the regional office headed by Mr Swigelaar, and the work Mr Swigelaar was doing with governments and NOCs, he was more pleased with what had been achieved, and he thought that the increase from 2 to 31 was remarkable. Having said that, there was still a lot to be done. There were 54 African states in total if he was not mistaken, and WADA had to help them build the capacity and see how it could get all stakeholders on board. This, and the need to ensure that WADA continued to improve the quality of the programme, must remain a priority. The Foundation Board members and those in the regional office would support WADA as best they could.

MR POUND said that it might be helpful to understand how IFs that had been non-compliant in May that year were now compliant. What had the International Ice Hockey

Federation done between the end of its season and that day to move from being non-compliant to compliant? Would the Foundation Board deal separately with the BOA?

THE CHAIRMAN responded that the recommendation requested encompassed item 7.1 and addendum 2, which related to the BOA, so it was all the one. That was a late development, one might say. Noting the declarations of conflict of interest at the beginning of the day's meeting, if Mr Pound wished to engage in discussion on the BOA, the conflicted members might wish to leave the room.

MR POUND said that he wished to comment on the matter, but it was up to the Chairman to decide on the order of discussion.

THE CHAIRMAN responded that he simply wanted to respect the conflicts disclosed and give an opportunity, since the members were about to enter into a discussion on that, to the conflicted members to depart.

MR POUND suggested bifurcating the issue, dealing first with the other matters.

THE CHAIRMAN replied that that would probably be helpful. He would certainly like those members with conflicts of interest to be present for the general discussion. Perhaps the BOA and the late addendum 2 could be left until WADA had dealt more generally with the issue of compliance.

MR POUND wished to make one more observation as to the special assistance now requested of WADA to help non-compliant signatories. He would love to do that but, clearly, WADA had no money to do it. Those people who wanted WADA to do extra work did not want to pay any more to ensure that it was done.

MR PENGILLY continued along some of the lines already discussed. Extensive assistance had already been given, and he congratulated WADA on that and the dramatic increase in compliance, and the desire that this should continue for those that were non-compliant. Having said that, there needed to be a timeline and a consequence for those that were not compliant, as one of the previous speakers had said.

MR MacADAM added his congratulations and thanks to the WADA regional staff, particularly in the Americas, for their assistance in the development since May. There had certainly been great progress, although there was more work to do. Commenting on Mr Pound's suggestion that this would be additional work, on the basis of the progress made since May, he would suggest that this was in fact part of WADA's main work but, having said that, there was also some additional funding available through the UNESCO Voluntary Fund, on which he was sure Mr Marriott-Lloyd would comment later that day, and also suggest that efforts be made to target those resources to assist the additional work of WADA to target those countries in the regions of the world that needed assistance to become Code-compliant.

MR ANDERSEN responded to the questions and comments. Regarding follow-up on non-compliance, this was what WADA saw that it would have to do in the future. It had been specifically mentioned by the Director General that morning in terms of how WADA saw Code compliance evolving until the next report in 2015, which would be compliance reports for every Executive Committee and Foundation Board meeting.

The issue of consequences for non-compliance was not something he would comment on. The Code listed what the consequences were and what WADA would do was report on what the Foundation Board members decided that day. Others would have to deal with the consequences in accordance with the Code.

He explained how the process had been in order to declare a signatory compliant or non-compliant. The members had seen the green dot report, in which the programmes had been separated, illustrating exactly what the ADOs did in their daily work, and the rules. He thought that the question had been about the rules. WADA was having a thorough external and internal review of the rules and any discrepancies between the rules that WADA was reviewing and the rules of the WADA Code. In that respect, these

were reviewed and recommendations were made. If there were issues that he thought needed to be brought forward to the governing bodies such as the Executive Committee and Foundation Board, he would do that and had done that, and these issues would be discussed and resolved in due course.

Follow-up was a priority for WADA within the limit of its resources and he thanked the delegate from the Seychelles for his kind words. He totally agreed that the progress seen by the NADOs could not have been made without the support of the regional directors and the RADOs, which were a joint project involving the regional directors and the WADA headquarters.

With regard to the IFs, WADA had been working very closely with the Code-compliant IFs, and had met corresponded with and had telephone conferences with every single IF. Mr Donzé, SportAccord, Ms Dagouret and ASOIF and the IOC had been very helpful in approaching the non-compliant IFs that were now proposed as being Code-compliant. Regarding ice hockey, WADA had met with the federation two weeks previously and had looked in detail at the programme, the RTP, test distribution planning, what had been done and what was planned for the future. Based on that, WADA had felt that it could propose that the federation be deemed compliant.

It was a very good idea to use the UNESCO Voluntary Fund, which had not been used enough in the work done to date. There were funds out there and WADA should be able take advantage of the opportunities they afforded.

THE CHAIRMAN moved to the second arm of the discussion as regards the BOA and asked the colleagues with conflicts of interest, namely Mr Craig Reddie and Adam Pengilly to leave the room. The Foundation Board would proceed to making the decision before inviting them back into the room.

MR POUND said that he was sure that the Executive Committee, the Chairman and the Director General had already instituted some kind of contact, but he had found the comments made publicly by the chairman of the BOA both very unfortunate and frankly quite offensive. He thought that he should at least have verified the factual basis on which he had been making allegations against WADA, that there was a particular responsibility on the part of the host NOC of the Olympic Games to be compliant, and that there was a special responsibility on that kind of an organisation not to deliberately make statements that would have the effect of weakening the fight against doping in sport or creating the perception that the fight was not being pursued with as much effort as was possible. In addition, the legal position that the chairman of the BOA had taken was clearly wrong; he thought that a first-year law student would have known that. The BOA must have known from 2003 onwards that the additional sanction rule, which it had dressed up as an eligibility rule, was offside. The BOA had signed on to the World Anti-Doping Code and must have seen that there was a discrepancy. There had been an opportunity in 2007 during the Code review to raise the issue and there would have been a considerable amount of sympathy for it had it done so. He thought that the BOA chairman's statements had been attempting to focus the attention of everybody on WADA as being responsible for the problem rather than his own organisation and then proceed to wrap himself in the moral position of being against doping, as if the BOA were the only organisation in the world so concerned. He did not know what WADA could do about that, but he certainly supported the proposal to declare the BOA non-compliant. He recognised that there might be issues out there of a political nature, but that was not WADA's responsibility. He clearly thought, on the basis of everything that had happened with the Osaka rule and the opinion obtained by a very eminent QC, that there could be very little doubt that the BOA was non-compliant and it should have to face the consequences of that.

THE CHAIRMAN informed the members that the decision must be a decision of the Foundation Board and, if the decision was to approve the reports, he indicated that these would then be sent to the WADA stakeholders and what they did thereafter would be their decision. It would not stop WADA from assisting, on an ongoing and daily basis,

any non-compliant signatory, and there were some 50 of those, to become compliant the following week, month or year, so that would be ongoing, and there would be a report given at each of the meetings going forward on who had become compliant since that day's report. The decision requested was that, pursuant to article 23.4 of the World Anti-Doping Code, the Foundation Board approve the compliance reports contained in agenda items 7.1 attachment 1 updated as at 18 November 2011 and addendum 2, the paper specifically referring to the BOA developments, on which he simply indicated that WADA had received the decision only on Friday that week, two days previously, so it was a late paper for those reasons.

DECISION

Final Code compliance report approved.

7.2 Code review

THE CHAIRMAN said that the Code review was among the members' papers and was there for their information. The following week, a letter would go out inviting the members to make their submissions. He knew that a number of members had already started getting organised. Europe had put some instructions in place to deal with the Code review, and he welcomed that. The timetable itself would speak for itself, but the process would conclude two years from then in 2013 at the World Conference on Doping in Sport in Johannesburg. He simply asked that the members note the document.

MR SMORAWINSKI said that, as had been said at the previous Foundation Board meeting in May, Europe would contribute to the Code review process. Certain concrete and coordinated steps had already been taken by the Council of Europe and the European Union. As a result of the work of the monitoring group and CAHAMA, a first list of comments and proposals relating to Code review had been prepared and already delivered by the Council of Europe to WADA. An important development in facilitating the European contribution was the recently established European Union Anti-Doping Expert Group, which had already identified the issues on which it would concentrate during the revision of the WADA Code. Those issues had been identified based on the compatibility of the European Union legislation and the Code.

THE CHAIRMAN said that he was conscious of that work that had been started. He made one simple point in respect of the review. He asked the members to try and give priority to what would make WADA more effective in catching cheats. WADA was certainly accused of being too legalistic, but this was all about how effective WADA could be with its programmes to stamp out cheating in sport, and if WADA could focus on the practical steps and the day to day work being done in the fight against doping in sport, and how to make that more effective, he would certainly like to see that being the story of the review when reporting on the conclusions in two years' time. He looked forward to seeing the members' contributions over time.

DECISION

Code review update noted.

8. Athlete Biological Passport

MR VERNEC said that he would provide a quick update on the ABP. The ABP was a very valuable anti-doping tool. It had been shown to be very valuable in target testing, and had on a few occasions been shown to be a direct means to an anti-doping rule violation in itself. One of the things that WADA had a harder time measuring but should certainly not neglect was the fact that it had a deterrent effect. An increasing number of ADOs were engaged in the ABP programme, and WADA had gone from about a dozen in the past few years up to about 27, which were obviously in different stages of implementation. WADA was assisting them all. He was happy to note that there was

cooperation between some of the ADOs, the IFs and the NADOs, which would be enhanced with new ABP guidelines and would also be facilitated through ADAMS.

In December 2009, the first ABP operating guideline and compilation of required elements had been put forward. This was a rapidly changing field, and the staff had spent a good part of 2011 reviewing this in detail, and had had extensive input from stakeholders, laboratories and medical and forensic experts, and had submitted the new version of the ABP to the Executive Committee the previous day which it had approved. Approval of the technical documents, which were the appendices, had been necessary.

Of these technical documents, the first three sections, A through to C, had been looked at carefully. These contained mostly the scientific elements, and he had been pleased to find that, after a lot of discussion, these essentially remained unchanged and had been found to be robust. Most of the changes to that section had therefore been more of a cosmetic nature. The result management part had been more of a problem, and an attempt had been made to come up with a plan to aid the ADOs going through the result management steps. WADA had introduced the idea of the athlete passport management unit, for which, although it was run sometimes out of an ADO, WADA had used the model already existing with the Swiss laboratory to push together an APMU that became associated with a WADA laboratory. The point of this was that many ADOs were under-resourced and simply did not have financial access or access to the fairly scarce haematological expertise in existence, so by putting them in certain centres, this kind of knowledge could be spread and used on a wider basis. The APMU advisers would work with the experts and ADOs to plan cost-effective intelligence testing programmes.

In annex D, WADA delineated a more stepwise process for the evaluation of blood results, and he was talking about the haematological passport. There were some data points put in, then there was a longitudinal profile, followed by application of ABP software, then an initial screening by an expert, moving on to expert panels of three people and so on all the way through the result management process. This had been clarified somewhat in the new document.

As far as the steroid and endocrine modules were concerned, he had very little to say, except that work was ongoing. Some information was expected in 2012, particularly for the steroid module. It was at the level of a sub-committee of the Laboratory Group, which was working hard on this. For the endocrine module, the members might have heard that there had been a pilot project with the IAAF at the Daegu World Athletics Championships. WADA had been working with the IAAF and the Lausanne laboratory to look at some of the factors that might be used in a blood endocrine module down the road. This was something that would be done in the future. There was information currently being analysed, and some thing would hopefully come out of it very early in the New Year.

In summary, he believed that the ABP was yet another valuable tool in the fight against doping in sport. It was not a stand-alone programme, and it should be integrated into other aspects of anti-doping programmes based on the needs and resources of specific ADOs. He believed that the new guidelines and technical documents would be of assistance. WADA was also trying to develop the APMUs so that WADA could train and educate certain centres of excellence, which would then be able to transmit this downstream to a number of ADOs rather than trying to educate and teach the entire world how to run these programmes with WADA's limited resources.

MR PASCUAL referred to ADAMS and the ABP software. He had seen how, in the new ADAMS version 3.0, there had been development of a series of parameters to be included in a file to be uploaded on the system, the parameters of the endocrine module, but nothing had been done on the ABP to enable laboratories to report automatically, as far as he knew. The laboratories were entering the results manually in duplicate so as not to make mistakes, which was time-consuming. He had not seen any XML file description so that his system could upload results on ADAMS.

THE CHAIRMAN asked Mr Kemp to respond to that question later on.

PROFESSOR LJUNGQVIST said that the project conducted in Daegu, Korea, during the IAAF World Championships had been mentioned, and noted that one very encouraging feature of that project, during which blood had been collected from all athletes for the purpose of identifying basic haematological data in an elite athlete population, which was information that was badly lacking, had been the total support of the athletes. Almost 100% of the 2,000 athletes had volunteered to give their blood for the project, showing quite significant support for the fight against doping in sport, at least in that population.

PROFESSOR DVORAK said that he thought that this was the way forward and he strongly supported it. FIFA had included the steroid module and endocrine module (although it referred to them as steroid and hormone profiling) for the next FIFA Club World Cup, to take place in December in Japan. FIFA was testing all of the teams to have the baseline data and compare these with the data obtained during the competition, and this was definitely the way to be explored in order to gain experience and expertise. No conclusions could be drawn as yet, but it was a very good way forward, and he stressed that this should be sport-specific, with appropriate risk assessment and management.

PROFESSOR GERRARD congratulated Mr Verneec and his hard-working staff of one who appeared to cover a huge amount of work. He thought that WADA tended to underestimate the value and importance of the TUE area in particular. He was sure that he need not remind the members, and he said this as a former athlete and a physician, that the TUE process enabled those athletes with legitimate medical concerns to compete on an even playing field, and it was very important that WADA continue to address this area of equality for all athletes. He wondered whether there were still dark holes out there with respect to IFs and some NADOs that did not have effective TUE committees operating in accordance with the WADA guidelines and whether or not some athletes in the world were missing out on the opportunity to compete in an area of equality with respect to their health.

DR SCHAMASCH drew the attention of the Foundation Board members to the fact that, the previous week, there had been a meeting with six IFs to see what could be done at the time of the Olympic Games in London, and he was happy to say that it had been able to reply positively to the six federations' requests to implement the ABP at the time of the Olympic Games in London. In addition, the IOC was also working with IFs to try to encourage them to enter the ABP programme, and he was happy to say that the IWF had entered into discussions to find out about how to enter the programme. Little by little, the IOC tried to encourage the IFs to enter the programme as it knew that the ABP represented the future of the fight against doping in sport.

MR PASCUAL referred to what Professor Ljungqvist had said about the almost unanimous acceptance of blood testing by the athletes. That was not seen when they had to tick the checkbox allowing urine samples to be used subsequently for research purposes. Perhaps a full explanation was not given as, in the end, around 50% of samples were offered for future research. That was a pity.

MR VERNEEC responded to the questions and comments. He appreciated Professor Ljungqvist's comments and the very hard work done by the IAAF in Daegu. One of the key elements for any programme was to get a significant amount of basic data, and he was very appreciative of the work done by the IAAF.

He was very happy that FIFA was going to come on board and develop some of the different programmes. It was important that there were many elements, including the haematological model, which still needed to be looked at. Whenever one looked at risks in sport, there were certainly risks of use of EPO in many sports, not only in the endurance sports. When he talked about the steroid module, it was in urine, while the endocrine module, which looked at some substances that were similar, was another blood module, and that was going to be coming later down the road.

He appreciated the comments about the work of the WADA staff. He was not aware of countries in which people were not able to obtain a TUE; he would guess that this was not a major problem. What was a problem, and this was part of the financial constraints in WADA, was that WADA did not look often when reports were coming in that were outside ADAMS, as it did not have the human resources to do that, so WADA was trying to encourage people reporting to ADAMS, which was much more efficient.

He added to what Dr Schamasch had been saying about the IOC and IFs. WADA had had very good dialogue with the IOC and Dr Schamasch was having dialogue with the IFs about the London Olympic Games and the smartest way to go about doing testing, specifically for the ABP during the Olympic Games, because this was a different system, and it was longitudinal, not a one-shot positive test, so it was very important that everybody was cooperating and coordinating. He thought that quite a good job was being done on that and he thanked Dr Schamasch for his assistance.

DECISION

Athlete Biological Passport update noted.

9. Anti-Doping Administration Management System (ADAMS)

MR KEMP wished to provide a very brief update on the status and activities related to ADAMS and in particular discuss the upcoming enhancements to the whereabouts system. He reassured the members that WADA was well on track for the implementation date of 22 November. The Foundation Board had been advised of this implementation date (Tuesday 19 November) at the previous meetings in May, and ADOs had been advised at the end of August (on 24 August). Since the previous update in May, extensive testing and development of the new interface had been under way. WADA had also initiated a series of infrastructure upgrades to the servers and databases associated with ADAMS to ensure appropriate support and, in terms of testing of the new system, the representative group of testing organisations included a number of NADOs, IFs and members of the WADA Athlete Committee, and their feedback on the interface to date had not only been valuable in terms of input made and incorporated, but it had also been wholly supportive; the feedback had been very positive.

Although the system would go into effect the following week, it would be done in the middle of the quarter so that the system would be fully in force on 1 January, so that more than sufficient time was available to ADOs using the system to adequately train and support the athletes who would be inducted into the registered testing pool and whereabouts system for the first time. He reminded the members that the enhancements related to the whereabouts module improved the technical process and the ability for athletes to submit their whereabouts; there was a much improved look and feel to the system, a much more modern look and, also, perhaps most importantly, it integrated a series of educational initiatives and support within the system so that athletes need not entirely be reliant on the support provided by their ADOs but rather the system itself would provide some support as they went through the system, and he would be happy to elaborate on that as required.

He showed the members what the calendar in ADAMS currently looked like for athletes. It was somewhat antiquated if compared to a Google or Outlook calendar, whereas the interface to be implemented that week was much more sleek in design but, more importantly, it was much more up-to-date in terms of functionality and ease of use.

Another highlight worth mentioning was the improved language capacity of ADAMS. Throughout the development process, it had been important for WADA to ensure that all the languages in ADAMS were being updated, so that any new terms or provisions made in the new system were translated well in advance of the actual implementation. In that respect, early in the summer, a new MOU with several NADOs and one IF had been developed to see that languages were adequately updated in the system, and also to

build a placeholder system so that new languages could be added to ADAMS with minimal impact. As the members would see, ten languages were currently in the system, for which MOUs had been signed, and he took the opportunity to thank the relevant NADOs for their support in the translation of these languages, as well as to the UCI for the work that it was undertaking with respect to the Italian translation. The members would note the new languages that were being incorporated. At the May Foundation Board meetings, some Foundation Board members had strongly suggested that Chinese and Portuguese be integrated, and he was pleased to say that that would be done in the coming weeks, along with Bulgarian, Czech and Korean. The process for adding new languages was now much more straightforward, and it also reduced WADA's cost, as it was reliant and cooperating with NADOs to do that translation work rather than having to conduct it in-house.

In terms of future enhancements after whereabouts, WADA was currently finalising improvements related to major games use. WADA had held two meetings in the past month with the IOC, the LOCOG and the King's College laboratory to discuss changes related to improving the use of ADAMS during the Olympic Games in 2012, and he was pleased to report that not only were these on track but they were also enhancements to the system that he anticipated would support and improve the system for all major event organisers in the future. Another important enhancement would relate to the ABP module; the changes to the standard and the technical documents approved the previous day needed to be reflected in ADAMS but, more importantly, WADA sought to integrate the existing ABP software into ADAMS itself, so that those organisations running a passport programme need not rely on ADAMS as well as the passport software, but could do it in one comprehensive database.

Another important priority for WADA was the incorporation of automated data retention and deletion in accordance with the annex recently approved to the International Standard on Privacy and Data Protection, so that was being worked on as he spoke. A further step would be additional enhancements related to the athlete interface; the changes being made that week to the whereabouts system really focused on the whereabouts process itself and the submission of whereabouts information, but WADA had also initiated changes regarding what athletes would see when they logged in with respect to accessing test history, applying for TUEs and a few other modest improvements. It was his hope that, in the future, once WADA had completed the athlete interface enhancements, which he saw as a priority, it would then pass on the look and feel to other modules in ADAMS, which would assist a larger number of organisations.

He mentioned the work being done on a potential mobile whereabouts application. There had been many calls from ADOs and certainly from athletes, advising WADA that it would be of benefit if it could integrate a new system for iPhones, Android phones, Blackberrys, that sort of thing, so that athletes could update their whereabouts remotely from a mobile device, and he was pleased to report that WADA was well into discussions with the Dutch NADO on the good work that it had done to date on its own mobile whereabouts application, and WADA was looking at ways and means of incorporating its work into ADAMS, so that was ongoing and certainly something on which he hoped to report further in the near future.

MR KRISTENSEN made a brief point. This was undoubtedly an important and good system update. A slight concern that she had was whether the ADOs in practical terms had sufficient time for information and education activities to introduce the new modules to the athletes and, if the athletes were not sufficiently informed, there was a risk that this would be used as a legal argument in whereabouts cases. It took time and resources to translate the information materials and for the ADOs to get to know the system in order to educate and support the athletes. She knew that WADA had done a lot; what she heard from the ADOs was that many of them, even with the material they received from WADA, found that they were not sufficiently prepared, so she encouraged

the management to consider whether something else could be done. Perhaps the ADOs could be given access to the training environment, or were there other means?

PROFESSOR GERRARD said that, with respect to the whereabouts issue (and he knew that in some athlete quarters this was a hot topic), it was salutary to read some outstanding testimonials from many top athletes who were in total agreement with the process of whereabouts, and he knew that the members of the WADA Athlete Committee sitting around the table were nodding in agreement, yet every now and then, he read media releases, and one such release in New Zealand earlier that week had indicated that player power was very critical, not only of WADA, but also of the Director General himself for implementing whereabouts requirements that were described as draconian, so it seemed to him that, between some of the media debate and the truth of the matter, which he thought was reflected by the Athlete Commission, it was a disservice to WADA and the concept in the media that this was an unfair imposition upon athletes of today. He wondered whether Mr Kemp or members of the Athlete Committee might like to comment on this opinion.

MS BOKEL said that, after two years saying that ADAMS required an update, she wished to congratulate everybody who had worked on it. She had had the privilege of testing it and it looked and felt really good. She had already mentioned the IOC athlete forum in Colorado Springs, at which one of the recommendations had been a lifetime Olympic ban for athletes, which would be brought into the Code review process, in order to avoid organisations with strong anti-doping rules not being Code-compliant. Another recommendation had been the mobile phone application, and she was happy that this had been taken up. She had already received feedback from the Dutch agency that WADA had contacted it and was looking forward to seeing progress on that. She congratulated the management.

MR PENGILLY said that, with regard to imposition on athletes, an hour a day had to be given by the athletes, and they had to go online and do it as there was not yet a mobile application. It was great that there would be, but it would be good to know when. The fact that athletes had to pull their pants down and urinate in front of somebody was of course an imposition, but he recognised that, to have any chance of winning the fight against the drug cheats, athletes had to do it. That was the way it had to be. For those who did not necessarily recognise it, a lot of it was down to education and discussion, so that they understood what actually went on and what the cheats were prepared to do, and since being more involved in that type of forum, he had been shocked by some of the things that went on. He had heard comments from Professor Ljungqvist about HCG. It was an imposition, but it was one that the athletes had to bear if they wanted clean sport.

In response to Professor Gerrard with regard to the languages, he had asked the question in May and it was good to know that it was definitely planned and it sounded like a good structure was in place. It would be good to know when this was happening, particularly with respect to Portuguese and, he presumed, Mandarin. By way of a brief example, he knew an athlete who was not Brazilian but who was having to fill in her Brazilian friends' ADAMS whereabouts forms because they did not speak good enough English or whatever other language there was. She had to do that for about six athletes on the tour. It was a practical thing, and it was a small thing in some ways, but it was a real pain for her. The people on the ground had to deal with this so it was imperative that WADA made it as good as it possibly could be for the athletes.

MR YOUNG responded to Ms Kristensen regarding the ability to enforce whereabouts rules. The same whereabouts had been in force for a couple of years and WADA was not changing the rules and obligations but was trying to make the system more user-friendly, so that would only make the job of people like him who had to enforce the rules easier.

MR PASCUAL said that it was unfortunate that the system had been down for part of the time during the celebration of the Pan American Games. There had been difficulties

reporting to PASO at that time. The IPC had been in contact with Mr Kemp regarding the unfortunate period of time for the implementation of the new modules and having downtime for the system whilst the Para-Pan American Games were being held. It was thought that it would not have a major impact in the end, but perhaps WADA should consider having a kind of calendar built into the system, so that different IFs could choose what period was critical for them, with fast turnaround time, and not to choose that time to make changes to the system, as one would not expect that to happen during the Olympic Games, for example. Something should be built into the system so that such things did not happen.

MR KEMP responded to Mr Pascual. He thanked him for his correspondence on Friday relating to the potential downtime that week as WADA underwent the upgrades relating to the new whereabouts system, the servers and the hosting environment of ADAMS itself. The notice received was merely a heads-up that there was a potential for downtime but no guarantee that there would be. He simply wanted to make sure that users of ADAMS would not be alarmed if it was down, and it was a possibility, so he thanked them for their understanding, and did acknowledge the difficulties associated with potential downtime during a major event. He took on board the idea that WADA should perhaps think about major events going on, especially with ADAMS use, within the development strategy, so that, when there were new releases or new versions going into effect, WADA would be cognisant of that.

Regarding the earlier question about export or import files related to the steroid module, he answered in two parts. It was his understanding that the Science Department had released a new document for laboratories late that week, advising laboratories about how to comply with these new requirements and the additional enhancements for the ABP scheduled as part of the major games releases. WADA would provide more details to laboratories on this, and would also provide adequate time to incorporate these changes.

With respect to the excellent question about education and support, and in particular giving athletes and ADOs advance notice, he reiterated that WADA had tried to minimise the impact by having the system launched mid-quarter, so that athletes in the RTP in the New Year in January 2012 were given as much notice as possible. They were advised of the changes only as soon as the system was in place, so WADA had tried to provide information about the new system in a phased approach. Because WADA had been receiving feedback and new ideas about ways to improve the system on an ongoing basis, what WADA had to tell everybody kept changing. So, what WADA had done was release information in a phased manner, telling people what could be expected but that it might change a little bit. He hoped that this had been alright. WADA had provided an extensive document itemising the changes scheduled and this had been released among the entire anti-doping community on 24 August, and the major bases of those changes had not been affected since. In early October, WADA had also released initial versions of a presentation showing an overview of the new system, and the plan was also to provide a training environment at the same time as the production environment went into effect.

He was very hopeful that no additional training and user resources would be required because the system was more intuitive. He hoped that the system spoke for itself. There was this new integrated whereabouts guide, so that, if ADOs were not providing a rudimentary level of support, ADAMS could walk them through the system itself.

He was not sure that any response was required to Professor Gerrard's comments, as they had been covered. He also thanked Ms Bokel for her support and taking the time to test the system. He hoped that WADA delivered. With respect to Mr Pengilly's question about languages, he would be happy to provide some information about the timelines, and could confirm that English, French, Spanish, German, Japanese, Russian, Dutch, Italian, Finnish, Chinese and Korean would all go into effect that week, and the additional languages of Arabic, Portuguese, Bulgarian, Czech and Hungarian might take some

additional time as WADA had not yet received all of the translated files from the relevant ADOs.

DECISION

ADAMS update noted.

10. Departmental/area reports

10.1 Education and programme development

- 10.1.1 Education Committee chair report

Before he began his report, MR WARD kindly asked that the Foundation Board observe a moment of silence to pay respect to Mr Mahmoud Khalifah Ali, a WADA Education Committee member and the head of the Olympic Council of Asia's doping control department, who had suddenly passed away the previous day. Mr Mahmoud Khalifah Ali had actively participated in all programmes launched by WADA and had been instrumental to the development of the Asian RADO. He asked all those present to stand to pay their respects with a moment of silence.

At the May Foundation Board meeting, the members had been given a detailed update of the Education Committee meeting, which had taken place earlier in May 2011 in Montreal. One recommendation he wished to highlight again related to social science research. The Education Committee had recommended that an expert working group be established to review the social science research projects. The working group, made up of two social scientists and two members of the Education Committee, had met in October that year to discuss all projects submitted to WADA. The following day, the working group and the Education Committee had convened via teleconference and agreed on the projects recommended. These projects had been presented the previous day and been accepted for funding by the Executive Committee. Mr Koehler would provide more details on the process but, as the chairman, he stressed that the new process had added tremendous value to the programme. As a result, the working group had revised the research application form to assist researchers in focusing their applications as well as developed a series of questions and answers to guide them in the process. He had also been pleased that year to see an increase in applications from Africa, Asia and Oceania. At the May Education Committee meeting, one of the objectives had been to try and engage countries in which social science research was lacking and he thought that the Education Department had taken a step in the right direction by promoting the programme globally and would be encouraged to continue to do so. In 2011, the department had also carried out an evaluation among its stakeholders to get a better understanding of the amount of education carried out, as well as enquiring as to whether WADA's education materials were being used and if they were meeting the stakeholders' needs. As the department continued to focus on quality programmes, he believed the evaluation had been timely. It was recommended that such an evaluation be carried out every three years.

Finally, he wished to highlight the importance of education in the fight against doping in sport. He was pleased that WADA continued to be a strong advocate for education, and he encouraged all stakeholders to invest their time and resources to educate their leaders of today and tomorrow. Everybody had the responsibility to educate elite and young athletes about the dangers of doping and empower them with the skills to reject doping through effective prevention. With education as a mandatory element in the Code, he was pleased to report that more stakeholders were expressing interest in implementing education programmes.

He invited Mr Koehler to provide the members with a more detailed overview of the departmental activities.

MR KOEHLER wished to provide a brief overview of some of the items contained in the education report. In 2011, WADA really wanted to focus on the quality programmes within WADA and promote quality, not only within WADA but also externally with the stakeholders. To do so, the department had realised that an evaluation was necessary to understand stakeholders' needs, to make sure those needs were being met and to assess the gaps where things were missing and stakeholders required further assistance. To accomplish this, a survey had been conducted at the beginning of that year to look at what stakeholders were doing and what they thought about WADA programmes. The survey had been sent to 624 stakeholders, of which 597 had responded. The response breakdown was as follows: 65% of International Federations had responded, 51% of NADOs, 31% NOCs, and 16% of NPCs. He showed the members the overview of the response rate from national anti-doping and regional anti-doping organisations, where it was possible to see some gaps in Africa, Asia and Latin America. Similarly, the NOC response rate had been scattered. This could be partly explained by the fact that some NOCs had not felt the need to respond but rather had left it to the NADOs to respond. There had been a similar demographic response rate among the NPCs to that of the NOCs. Turning to the overview of the IFs, six out of the seven winter Olympic IFs had responded; 17 of the 28 summer Olympic IFs had responded; and 18 of the 50 recognised IFs that had received the survey had responded. Overall, the response rate from the IFs had been very high, at 65%. The good news was that most were carrying out education work, but there was still more work to be done.

Stakeholders had been asked to rank WADA's resources. As could be seen from the slide, he was very pleased that all of the tools had been ranked as excellent to very good by stakeholders. The stakeholders had also been asked why they were using these tools. The main reason given had been quality, and the second reason had been because they were free, which were points that must always be taken into consideration when developing things with and for WADA's partners. The survey contained recommendations based on the information received, which were that more needed to be done in Africa, Oceania and the Americas related to raising awareness on the importance of education. Substantive education also needed to be promoted. The information received from stakeholders indicated that most were carrying out information activities, such as providing brochures on the Code and understanding the rules, but not many were carrying out a value-based approach to education. It was key that anything that WADA developed must engage stakeholders from the outset since WADA did not have all the answers. It needed to encourage and establish partnerships. WADA did not have the ability to implement in every country or IF, so such relationships needed to be forged to ensure implementation was done with stakeholders in partnership. Regular surveys would be carried out every three years to make sure that a difference was being made and to have a full understanding of what was happening in the field. There had been a clear recommendation that WADA have 15 regional anti-doping organisations engaging 116 countries and that it use them to implement and engage its stakeholders.

A regional symposium had recently been held in South Africa for the African continent and it was recommended that these be carried out in other regions as well.

WADA needed to continue to monitor and assist its stakeholders, in the sense of helping them develop their education programmes. It had also transpired from the previous anti-doping organisation symposium that having good tools did not necessarily mean that people would use them. WADA needed actively to market its tools. Within one week of holding the anti-doping organisation symposium the previous year in Lausanne, when a presentation on tools had been given, 25 to 30 stakeholders had requested additional resources from WADA.

He also wished to provide a brief highlight of activities in 2011. The first was the Play True Generation programme that was aimed at youth. He was pleased to report that the Play True Challenge, which was the game that went with this programme, had received a silver award from the International Serious Play Organisation for the game's ability to engage in interactive learning with young people. WADA had been present at the 2011

Commonwealth Youth Games, and it was worth mentioning the support that the Commonwealth Games Federation had provided to WADA, which had felt part of the team and the organisation. In close cooperation with the IOC, the programme would be taken to the Youth Olympic Games in Innsbruck. Everything had been set and planned in cooperation with the IOC. WADA was also looking at going to the Youth Pan American Games in Guatemala, pending available budget. Discussions on this had begun that week.

Coach True was another programme that had been very successful. Users of the programme had increased and WADA would be informing the International Federations about how many coaches in each sport were using the programme. Coach True had won a second award that year, the International Davey Award, for interactive e-learning. The International Coaching Association was adopting Coach True as part of its existing coaching education programme and planned to highlight it and use it in London in 2012 at its coaching booth at the Olympic Games. The other good news was that Coach True was also being used by other prevention campaigns to learn about the multi-phased approach in teaching, involving teaching and then practicing what had been learnt. This programme would be shared with the IOC Entourage Commission in a few weeks' time.

Some additional key highlights were that there was a new process engaging experts to review social science research, entailing an in-depth review of all programmes and applications received. WADA was in the final stages of developing a digital library, which would make it far easier for stakeholders to obtain information from WADA, involving intuitive searches for PowerPoint presentations or brochures that would be easy to use.

He was also pleased that a memorandum of understanding had been signed with Olympic Africa, which had a unique partnership with schools and training facilities across Africa. WADA would be working with it on training staff and implementing programmes in training centres.

There had also been cooperation with the Medical Department to release the sports physician tool kit.

As mentioned previously about the symposia planned for the following year, one had just been concluded in Johannesburg with the support of the South African Institute for Drug-Free Sport (SAIDS) and under the leadership of WADA's regional office in Cape Town. Thirty countries had participated in the symposium with 52 participants, which spoke volumes on the interest in Africa in education. With regard to the key outcomes and challenges that had been discussed, the first was the lack of funds and support from governments in the region. There was a lack of technical expertise within the region in developing and implementing education, and there was a clear need to make sure there were effective structures to be able to implement the programmes. Merely creating the documents was not enough; structures to implement were also necessary. How could these problems be overcome? The first way was to raise awareness among governments within the region, to show the importance of anti-doping education and prevention. However, to do this, a comprehensive and detailed plan needed to be put in place, and WADA needed to work together with them to show the value and return on investment for governments. Another way was to ensure that the RADOs and NADOs were effectively implementing the programme. Utilising the UNESCO voluntary fund where money was not available had also been mentioned as a possibility of helping with education programmes, and using WADA materials to reduce costs. The materials were already in existence. Finally, the symposium had provided a unique opportunity in that there had been working sessions in which WADA had worked with each member country to develop education plans. Each region or sub-group had worked on a plan for specific countries so that it could then provide information to the governments and NOCs to support education programmes. It was also important to work on how to implement strategies, which would be given to the government and to stakeholders, showing them how they could work together. The need to create a media tool kit had also come out of the symposium, to raise awareness among the media and help the NADOs and the

RADOs understand how to deal with the media. Mr Koehler had been in discussion with Ms Masse, the Director of Communications at WADA, to look at developing this in the future.

MR KALTSCHMITT congratulated Mr Koehler and the committee on the report and all the work they had done on education. He had always seen education as one of WADA's key programmes. Creating awareness and prevention and showing what WADA was doing and how doping could affect people's lives was very rewarding. He agreed with Mr Koehler that a global approach was needed. With regard to funding and finding new partners to fund WADA, education was an area that contained all the necessary tools for finding partners. He was sure that very important partners could be found to finance education and raise the amount of money required in this area.

MR PASCUAL congratulated the department on its fantastic work. He often gave speeches on the Coach True tool and had always received very positive feedback from coaches about it. He would stress the importance of giving education through coaches, physicians and other athlete support personnel to reach many athletes. He thought that coaches and physicians were very important tools.

MR SOUSA added that it was very encouraging to note that many African countries were considering using the social research on anti-doping. He thanked WADA for its commitment to assist the two projects in his region out of four submitted, and hoped to see many more in the future. He hoped that these two projects would set an example. The regional office endeavoured to engage the region and colleagues to keep the momentum up.

MS BATTAINI-DRAGONI congratulated the team responsible for this programme and said that she valued the programme very much. She asked about the extent to which, at least in some continents, attempts to cooperate simultaneously with ministries of sport and education had been made, with a view to introducing curricula in the classroom with the kind of basic knowledge that was provided through this programme. The answer would perhaps be very satisfactory; but, from the documents, she saw that only one mention had been made as to such cooperation, but it did not appear that this cooperation was already in place.

With regard to Europe, she could pursue the discussion with the team with a view to building something together. If WADA could get into classrooms, in addition to all the important work that was done by WADA, it would have a major impact and WADA could surf on the wave of the strength of ministries of education per se, which would also be a good way of getting a lot of work done without having any related financial difficulties. Through a memorandum of understanding with some ministries, for example in Europe, WADA could inject some of the good work it did into classroom curricula.

DR HADIDI said that excellent benefits had been obtained from the RADOs, especially in countries or regions that did not have the framework to bring people together. Through the RADO, WADA had managed to bring together all parties in his region and enable them to work together to fight doping in the region, and he wished to acknowledge the huge efforts and ongoing visits made by Messrs Howman and Koehler to bring parties together in such a good way. The impact of the RADO in developing anti-doping activities in the region were now being felt.

MR KOEHLER stated that he fully supported wanting to work with ministries of sport and education. Indeed, two years previously, five pilot projects had been run to develop a model using the teacher tool kit in conjunction with the education ministries in Singapore, Oman, Canada, Uganda and Mexico. This tool kit had been developed in a modular fashion so it could be implemented either fully or partially. It gave recommendations on how ministries could approach that. WADA had also reached out to the UNESCO Associated Schools Network, unfortunately with little success. WADA would welcome anything that Europe could do to partner with it to integrate more education in

schools because that was an important space for it. As such, he thanked Ms Battaini-Dragoni for her offer.

DECISION

Education Committee Chair report noted.

- 10.1.2 Education

MR KOEHLER reminded the members that, a year and a half previously, WADA had commissioned Mr Tom Murray to develop a book to commemorate its tenth anniversary, and it gave him great pleasure to announce that Mr Murray was there that day. Mr Murray was the President and CEO of the Hastings Center, and had formerly been director of the Centre of Biomedics and Ethics in the School of Medicine at Case Western Reserve University. He was the founding editor of the Journal of Medical Humanities in review, and the Chair of the WADA Ethics Committee, to name but a few responsibilities.

MR MURRAY thanked WADA for the opportunity to share some of the results of his research. He explained that the Hastings Center was a small, independent, non-profit research institute devoted to the study of ethical issues in health, medicine and the life sciences. It was the first in the world, having been established 42 years previously. He had joined the centre over 30 years previously and had soon been given a project to look at the ethics of non-therapeutic drug use, or drug use not for the purpose of curing an illness. He had chosen sport as the field of human endeavour to research because it had seemed to be the one area in which there was some evidence of drug use. Over the past thirty years, he had observed a sharp increase in the number and prominence of anti-doping sceptics, who had written articles in notable scientific, medical and philosophical journals, and op-ed pieces in magazine articles. He thought it was important for WADA to understand that it was engaged in a struggle on many fronts, of which one of the most fundamental was the struggle of ideas. If those who believed in anti-doping were not clear about the rationale behind it and why it was important, he believed that ultimately public support of it would erode. The critics had gone much deeper than complaints about adjudicating and testing, although there had been plenty of those. Many of the criticisms cut to the very justification of doping control, and indeed to the meaning of sport in life. WADA used the concept of the spirit of sport in its Code, and he hoped it would be possible to see in his book that he had written about the meaning of that spirit of sport. He had thought it was time to make a positive case for the meaning of sport in people's lives, and how doping undermined that meaning. He noted that he was speaking as an independent scholar and that this was a research project, not a book in praise of WADA. The book conveyed what he thought to be the truth and he thought that would serve everyone's interests better. Incidentally, the book had the working title "Why We Play". He would give a very brief summary of what it contained thus far since, if he read it all out, it would take some six hours.

There were two main keys to understanding what was wrong with drugs in sport. One came from a mantra that had been learned at the Hastings Center when he had first begun to work there: good ethics always begins with good facts. In other words, it was always necessary to know what the facts on the ground were of whatever phenomena one wished to understand. In the end, the answer to the question of why anti-doping was worthwhile and what was wrong with doping in sport depended on the values and meaning found in sport. When he had started this project thirty years previously, he had begun by talking to athletes. He had asked them about the drugs, which at the time had been mainly stimulants such as amphetamines, and anabolic steroids, which he would be focusing on. In the scientific and sports medical literature at the time, many experts had said that anabolic steroids had no effect. When he had talked to athletes about this, they had simply laughed and replied that of course they worked. They had said that they could see people suddenly bulking up and getting much faster and stronger, and had known that they were taking steroids. So the experts had harmed their own credibility

by not telling the truth about these drugs and underestimating their power. Secondly, in his research, he had asked athletes why they used these drugs, and he had been delighted to hear the athletes talk at the meeting that day. The athletes had replied that they were pressed to use drugs because sport, by its very nature, was inherently and relentlessly competitive. If an athlete was 1% better than the person next to him in a race, but that person took a drug that gave him a 2% advantage, who would win? Not the first athlete, even if he had trained harder and had more natural talent. Athletes were therefore under a huge amount of pressure to use drugs and, when drugs made a difference, such as the anabolic steroids currently available, along with Hgh, EPO and others, clean athletes faced some choices, some of which were rather unhappy choices. They could compete at a disadvantage, knowing that others were cheating, and hope that they would win through their talent and dedication. Some athletes succeeded with that strategy. Some athletes simply did not want to compete; they did not want to cheat or lose to cheaters. These athletes were invisible because they dropped out of competition at whatever level, whether it be Olympic or any other level. The third had to do with something that happened sometimes in sport, and historically there had been periods when large numbers of athletes had chosen this option, which had been to join in the cheating and try to level the playing field. The point of doping control was to create the opportunity for clean athletes to compete and have a chance of winning based on their talents and dedication. That was why he was there, and WADA also.

One of the first questions dealt with thirty years previously, and this would be the only philosophical, technical term he would use, was paternalism, which meant doing something to or for another person, for their benefit but without consideration of their own desires and preferences. Parents were paternalistic to children, as they should be. Being paternalistic to a 25-year-old elite athlete was a very hard argument to make. If doping control was simply paternalistic, its moral ground would not be very strong for adults, although it would be for young athletes. To summarise the argument, he used the example of a sport in which people strapped long, thin boards to the bottom of their feet and then careered down a mountainside at seventy miles per hour, namely alpine skiing. Telling those who wished to do this sport that they should not use drugs as they might hurt themselves would strike many athletes as rather crass hypocrisy. Therefore, paternalism could not be the answer. In fact, the issue was more akin to public health ethics. In newborn genetic screening, for instance, tests were run on a large group of people without their permission or sometimes even the permission of their parents, just because otherwise a disease like phenylketonuria, if untreated, would quickly lead to retardation and other symptoms in the child. It was a public health programme in which permission was not asked because it was for the good of everyone. Another public health programme was using a seatbelt in cars. People did not have the option of buying automobiles without seatbelts because seatbelts saved lives. Those were public health programmes in which consent was not asked; they were done on the entire population because otherwise they would not have the desired positive effect. In bioethics, public health ethics had that extra power. When performance-enhancing drug use was not properly contained, one could expect (and had seen) pressure to use ever more drugs, higher and higher dosages, and use them in combination (so-called stacking), which no scientist had ever or could ever ethically study. There could, therefore, be an escalation of dangers. Contagion was also perhaps inevitable, of amateur, young and even very young athletes. In a survey that Mr Murray had co-chaired for the US Anti-Doping Agency, in which adults had been asked why they wanted children to play sport, they had said they wanted them to learn values such as honesty, hard work, fair play, respect and learning to do one's best. When children had been asked, the primary reason given had been that it was fun. It was also known that, when it stopped being fun, children and youth stopped doing sport, so one of the priorities for anybody organising sport at any level was to continue making sure it was fun for those participating. Children also played for friendship and exercise.

The key to Mr Murray's argument on why people played was, on the one hand, to develop one's character, and on the other, to discover and perfect one's talents; a

combination of fun and the dedication that one learned when one played. Mr Murray showed the members one slide from the survey, showing the response of 4,000 adults to the question "What is the greatest danger to sport?". The answer was drugs, or performance-enhancing substances.

In his research for the book he had looked at how sport thought about a variety of things, including equipment and various rules. He explained that sport had a very peculiar way of thinking about technologies that enhanced. For instance, one might imagine a neurosurgeon who was performing the most delicate operations on the most vital parts of the brain, who was troubled by the fact that, as with all people, her hands had a slight tremor which meant she was unable to keep the scalpel as stable as she would like. She also knew that there was a drug that seemed to minimise such trembling, so she conducted a small self-experiment and took the drug, and felt she had better results. Since she was a good scientist, she created a good double-blind, placebo-controlled, cross-over design trial and recruited a number of other neurosurgeons, and found that it worked. Those who took the drug considered it a fairly harmless drug. They had better results, fewer complications, and their patients had faster recoveries. This constituted enhancement via a drug. What was the ethical question? If this hypothetical situation were true in some circumstance and the drug was not harmful to the neurosurgeon, the ethical question would be: how could the surgeon not use the drug if her patients got better? As to the neurosurgeons who said they did not want to use the drug because they wanted to depend on their natural skill, who were indeed so proud of their natural skill that they used eighteenth-century instruments, everybody would probably think they should lose their licence because they had missed the point. The point of the practice of surgery was to help patients. What was the point of the practice of sport? Sport was more complicated in some senses. Mr Murray was not a golfer, but he understood that some golf balls were banned because they had been made specifically to fly straighter so that the player would not be penalised for an inaccurate swing. There were also clubs with a special groove on that enabled players to get out of the rough and maintain control which had been banned in competitive sport. A number of buoyant swimsuits had been banned from competition, as had ultra-light bikes. All of this was done because sport often refused to make it easier. In economy, there was a concept known as de-skilling, which referred to the fact that anybody could do something without any level of skill or practice. That was not the essence of sport. Sport liked to make, or at least keep, things difficult. Why? Some of his critics had argued that natural, or unearned, talents conferred unfair advantages on some competitors. Some had taken this further and advocated doping as a way of levelling the playing field, to counter those unearned advantages. It was not necessary to agree with this; indeed, he was not in agreement. There were some very difficult conceptual and practical difficulties with the idea of unearned talents in sport, and how one would compensate for them.

Coming to his second thought experiment, he asked the members if they were familiar with LeBron James, who was an American basketball player, one of the physically most gifted athletes to have entered the game in recent years. He was about 6'8, incredibly strong and fast, a fabulous leaper, and very talented. He had deserted the city of Cleveland, where Mr Murray had lived for twelve years, so he had certain animosity toward him. He asked the members to imagine that he challenged LeBron to a game of one-on-one basketball, which was the one sport he had had any talent at as a young man. What would happen in the hypothetical circumstance that he spent six months in full-time training for this competition? He felt confident that he would not get a single shot or be able to dribble the ball twice in a row before losing it. It would be a complete ludicrous farce due to LeBron James' superior talent. Had LeBron quit basketball one year previously and been eating doughnuts and watching television in his reclining chair during that time, while Mr Murray had been training full-time for a rematch, what would happen? LeBron would still beat him because his talent was so much greater that once again it would be a farce. Was that unfair? The critics said that it was unfair for a person to work harder and still be beaten. He felt that such critics did not understand

what sport was about. Sport valued natural talent; there was an idea of excellence in sport which included the talents that athletes brought to a competition, and how smart and dedicated they were in perfecting those talents to actually play. What was the meaning of the sport one happened to play or love? People involved in a given sport shared deeply felt understandings and convictions, and there were also endless arguments about rules and what to do with various technologies that emerged in the sport.

His book also dealt with the Paralympics, as Paralympians had had to worry far more than most about creating level playing fields, since they were people with many different kinds and degrees of impairment. There had been two finals of the 100m sprint at the Beijing Olympics, whereas at the Paralympic Games there had been fifteen. It had taken that many races to create enough level playing fields to make meaningful competitions and to give talented, committed athletes an opportunity of winning. Everybody should ask what their sport valued, what kind of talent it valued and how those talents could be perfected. There were many arguments raging around these questions.

He apologised for taking his next example from a predominantly American sport. Some of his friends had lived in New Zealand for a number of years and were avid fans of the All Blacks, who had won the Rugby World Cup recently. In their honour, he had watched the World Cup, but he had been unfamiliar with the game and the rules had made no sense to him whatsoever. However, the more one knew a sport, the more one appreciated why the rules existed because they enabled certain kinds of play to take place. Taking the example of baseball, Mr Murray named two players: Bob Gibson and Don Drysdale. For those who did not know, the distance between the strip of rubber on the pitcher's mound and the home plate was sixty feet and six inches. Notwithstanding the apparently arbitrary nature of this distance, the fact was that it worked because it created a good competitive tension and a balance between the person throwing the ball and the person trying to hit it. That distance had not changed in over a century. Something that had changed was the pitcher's mound, which had been fifteen inches high in 1968, when Gibson and Drysdale had been at their peak. Bob Gibson had started 34 games that year, in 13 of which he had pitched a complete game, which meant that the other team had not got a single run. At that time, pitchers had been utterly dominating baseball, so the mound had been lowered by five inches, which had helped to restore the competitive balance between pitcher and batter. That was the point of a rule in sport: to bring out what was valued. The reason he had chosen baseball to exemplify this was because the leading political philosopher in the English language of the last half of the twentieth century was John Rawls, who had also happened to love baseball. He offered to leave his slides with WADA, but picked up on the point that the rules of a game were an equilibrium in that the diamond must be just the right size and the pitcher's mound must be at just the right distance to enable marvellous plays such as the double play. Quoting Rawls, he said that, "The physical layout of the game is perfectly adjusted to the human skills it is meant to display and call into graceful exercise." A more eloquent description of what the members were there for could hardly have been written, although Rawls had also trashed basketball, his sport.

Why should doping in sport be resisted? He thought that for the same sorts of reasons that sport should make decisions based on equipment and rules: to promote fairness, to prevent harm, and to preserve meaning. About fairness, the critics said that doping would not be unfair if every athlete were allowed to dope because it would not be cheating. How could fairness be rescued from that kind of critique? One way was to acknowledge that, as long as doping was banned, it was cheating. The question of whether it should be banned had more to do with meaning. The reason WADA and he were there was to create effective drug control to provide fairness for clean athletes. With regard to preventing harm, critics said that it was paternalistic, as previously mentioned. They also said that some drugs were safe and that the authorities had exaggerated the risks of the drugs being used by athletes. How could safety be rescued? He recalled the relentlessly competitive structure of sport, and that this was a matter of

public health ethics rather than crass paternalism. Furthermore, what looked safe might not be. For instance, EPO and similar drugs now carried a black box warning in the USA, as stipulated by the FDA, because they had turned out to be quite risky in medical populations that were using them, which tended to be older people or those on kidney dialysis. Controlled studies were showing that there were more deaths and strokes among people on higher levels of EPO, which in the studies were to a haematocrit of about 12, compared to 15 or higher used by athletes. So the drugs that some people were promoting as safe might not be. As regarded other drugs, there was perhaps not all the evidence on them. A huge, uncontrolled pharmaceutical "experimentation" was taking place, which could not be considered true experimentation because there was no control or systematic observation, but merely people doing whatever their gurus were telling them to do.

How could meaning be preserved? The critics had little to say about the meaning of sport. One of the representative candidates was maximum performance. He quoted some British philosophers who said that, "The athletic ideal of modern athletes is inspired by the myth of the marathon. Their ideal is superhuman performance at any cost." Should they be reminded that the mythical marathon-runner had dropped dead at the end of the race? This was not a future for sport that anybody at the meeting would be likely to embrace. Returning to the words of John Rawls, "The game is perfectly adjusted to the human skills it is meant to display and call into graceful exercise." In his view, sport was a celebration of the variety of ways of being human. It was a celebration of human excellence in body and spirit. It was necessary to fulfil the agenda of WADA, namely vigilance, fair and transparent adjudication and first-rate science. Athletes' voices had to be heard; they had to be involved as extensively as possible, in making the case and understanding the best ways to promote clean sport. WADA must also focus on the values there were in sport and the values achieved through sport.

Ultimately, it was important to remember why one played. He ended by quoting Bill Bradley, who had been a basketball star at Princeton University, a Rhodes scholar, a star with an NBA championship team and then a United States senator: "I allowed the kid in me to feel the pure pleasure in just playing. Plenty of games I played simply for the joy of it."

MR YOUNG observed that, before he had met Mr Murray, he had really had no use for the social science side of anti-doping. To him, anti-doping had been about writing good rules, carrying out good scientific research to have good tests, collecting samples, and prosecuting positive cases. When he had first met Mr Murray, he had actually found him rather annoying because he had kept asking "why?", and his own object in anti-doping had been to deal with the hard side and get from point A to point B quickly and efficiently. He was saying this because he felt there might be other people in the room with that same gut instinct, that the hard side of anti-doping was valuable and the soft side was not so valuable. He had learned that the soft side was incredibly valuable because it gave public credibility. Mr Murray and others like him looked for the reason behind a particular decision and questioned why the rules worked a certain way, which led to the rational basis that helped the public understand that WADA was doing a good thing. Without such credibility, WADA would not be able to get very far. The USADA Discovery Channel survey that Mr Murray had mentioned had given him goose bumps because, when one looked around societies, there were problems of corruption and financial mismanagement and important people cheating, whether it be in government or Bernie Madoff and a Ponzi scheme taking people's money. These were people who had somehow got high up in a system without ethics. The survey had asked parents, athletes, children and general society how they had got or taught those ethics, which, as everybody at the meeting knew, was through sport. Sport was one of the most important vehicles to teach such ethics and have people growing up playing true. If the young Bernie Madoff had played sport and learnt such ethics, he would not have set up a Ponzi scheme and taken everybody's money. The same could be said for many bad guys. The next step in the survey had been to examine who the role models were that

parents and society expected to be the best at teaching these ethics. As his wife was a teacher, she would have said teachers. He would have said parents because he was a parent. Many people would have said priests, ministers and rabbis. The answer given had been coaches. In answer to the question of the greatest threat in sport to teaching these values, those surveyed had replied doping. Taking all these points and putting them together showed that what WADA was doing would save the world.

MR MURRAY thanked Mr Young for helping him understand why people found him annoying! He understood how his area could be described as the soft side but added that he had started his career as a scientist and moved into ethics and philosophy later, which he thought was actually a lot harder than science.

THE CHAIRMAN thanked Mr Murray for his presentation and looked forward to the completion of his book in the not too distant future. WADA had felt it was a necessary addition to what it was doing and seeking to achieve, and he had little doubt from the presentation that it would contain substance that would make everybody feel a lot better and provide further understanding of why they gave up their weekends in the interests of better health and greater guidance for the young people of the world. He wished Mr Murray good luck in concluding the book and thanked him again for his insights into his work.

DECISION

Education report noted.

- 10.1.3 Anti-doping programme development

MR KOEHLER said that he would look at the situation of the RADOs and the direction of the regional anti-doping organisations. There were currently 15 regional anti-doping organisations, which engaged 118 countries worldwide. Professor Hadidi had mentioned the one in West Asia and what it had done to the region. Looking at the focus in 2011, obviously that was the year of the Code-compliance reporting, and WADA had wanted to get as many RADO countries as possible implementing and doing anti-doping work to ensure compliance. As a result, the RADO Rules had been implemented, providing the ability for the regions to accept one set of rules to govern work within the region. It had continued to help them with their testing programmes, establishing committees to ensure that the work was being done and well-managed. WADA had wanted to make sure it was having active buy-in from all members; not countries just showing up for a meeting but countries showing up and then also going back and doing work. This was key to the success of some of the RADOs. In 2011, WADA had also had to look at restructuring some of the RADOs by moving some head offices to a different country. Some countries had left the RADOs due to the importance of their country developing its own programmes. Offices had had to be relocated in two locations due to the lack of support from the host. These offices had now been strengthened and were working quite well and a full update was contained in the paper.

He was pleased to say with confidence that, without the RADO programme, he did not believe that 75% of countries would have ratified the convention. Over 77% of the RADO countries were successively Code-compliant and WADA would be working on the remainder for the main meeting and throughout the year.

He listed some of the key success factors for the running of the RADOs: strong local support for the RADO office, which had resulted in success; an active, committed, full-time member of staff in the RADO office had made a huge difference, as seen in Oceania and other regions; board member commitment, not only during the Foundation Board meetings but also afterwards, to make sure that programmes were operating in their respective countries; the support from NADOs, without which this programme could not have achieved what it had; support from governments had also been huge, in addition to support from sport by using RADOs for testing and helping with training. The organisations that had helped WADA in 2011 included UK Anti-Doping, which had been

very committed to the RADO programme and had helped with six RADOs. When WADA had asked it for assistance, it had always complied. Despite its own heavy workload, it could see the benefit of having all countries engaged in anti-doping and of staff being involved with the programmes. The Finnish Anti-Doping Organisation had also assisted in 2011 in South-East Asia; USADA had worked with Central America and the Caribbean on training in result management and DCOs; the South African Anti-Doping Organisation had helped within two regions and was always willing to help with all countries in Africa; and Drug-Free Sport New Zealand had been very helpful in Oceania and had sponsored testing in that region. As Mr Howman had mentioned with regard to governments, there had been great support from the Australian Government in funding a staff person, helping with the office and providing education funds. Similarly, Canada had helped the Caribbean RADO. That funding would cease as of that year, but it had paved the way for the future of the Caribbean RADO. Japan had committed to help all of Asia. Last year, it had contributed an additional 230,000 dollars and would continue that contribution to help Asian RADOs further develop all of their programmes to ensure effective anti-doping. There had also been support from CONFEJES, which was helping with education programmes in Francophone African countries and developing anti-doping programmes. Many sports were utilising the RADOs, but one that had helped WADA in 2011 was the UCI, where an expert had helped in French-speaking Africa with the training of TUE committees in Zones 2, 3 and 4, for which WADA was grateful. For 2012, the second RADO conference had been planned, and it would be hosted in Kuwait with the support of the Olympic Council of Asia, which would cover all accommodation and meals for all 15 chairs and the 15 members of RADO staff. The conference objectives were to evaluate the current landscape, understand where the RADOs were at that time, identify the challenges and how they would be overcome, look at mechanisms to make RADOs more effective and operational, and evaluate the future of the RADO programme. The conference outcomes would be reported in May. As mentioned by Mr Howman, WADA had also looked at continuing to promote better practice to ensure that all were engaged in anti-doping work.

DECISION

Anti-doping programme development update noted.

10.2 Communications

- 10.2.1 Athlete Committee chair report

THE CHAIRMAN informed the members that Ms Elwani would present the report on behalf of Mr Fetisov.

MS ELWANI stated that the WADA Athlete Committee had gathered in Colorado Springs on 7 October for a meeting hosted by the IOC and USOC on the occasion of the fifth International Athletes' Forum. Members had received comprehensive information and updates on specific anti-doping matters and in turn had been able to advise and comment on a variety of topics. The committee had been given two very useful presentations, the first by Richard Young on the Code review process, and the second by USADA's CEO, Travis Tygart, who had given a detailed perspective of a NADO. The key outcome of the meeting had been the Athlete Committee calling on ADOs across the world to increase the amount of blood samples and to conduct more EPO tests. The Athlete Committee members felt very strongly about this and had agreed that it was the only way to tackle the problem of sophisticated dopers; this message had been communicated by WADA on behalf of the athletes. The committee had also said that ADOs should concentrate more on testing for the full list of prohibited substances and not only on the easier or cheaper to test substances. WADA had explained the reasoning behind the paperless project and the need to help reduce costs related to testing by developing fully electronic doping control data. The committee had also been given a

detailed update on ADAMS and the soon to be released 3.0 whereabouts module and how it would be simpler to record movements. Committee members Sara Fischer and Alberto López Moreno had reported on the European Elite Athletes Association conference in Madrid in September. The committee had made two requests to WADA during the meeting: one, that WADA continue to work on harmonisation of anti-doping programmes and laboratory capabilities, and two, that WADA continue to communicate the Code review process to athletes for their input. Overall, the members of the Athlete Committee had considered it a very productive meeting. The following day, the WADA Athlete Committee and the IOC Athlete Commission had held a joint meeting for the first time; the WADA Athlete Committee had shared issues and matters discussed the previous day such as the lack of EPO testing, ADAMS, the compliance report and the Code review process, as well as the outreach programmes in Innsbruck and London.

The next meeting in 2012 would be generously hosted by the Japanese Anti-Doping Agency in Tokyo on 20 and 21 February on the occasion of its tenth anniversary. The second meeting would be held on 18 and 19 September in St Petersburg, Russia, with the financial support of the Russian Government.

MR POUND said that he wished to understand more about the players' union. It seemed to him that there should be some kind of outreach to this group, to ensure that it could not make any credible claim to be the only body entitled to speak on behalf of athletes. WADA had its own Athlete Commission, as did the IOC, the IFs and other organisations, and they should say that they had been elected by people who had a say in what was going on and that, while they welcomed the input of the players' union, it was not the body that spoke for them or their athletes. He was concerned that they would suddenly take down the doping system and the whereabouts, and that there were many polemics that were not based on fact or understanding and that needed to be addressed before they went too far unopposed.

THE CHAIRMAN replied that WADA had reached out and had had an open door to understand its purpose and objectives. A number of meetings had been held with the WADA Director General and representatives of these associations, which were based along the lines of a union and took their authority from membership, which involved receiving paid fees to have people look at what were described as the conditions under which they operated. Those conditions were of course relevant to the pay received to play sport. He thought that it was incumbent on all who believed that sport was a very different and separate operation to other workplaces to make that clear. In his opinion, the least amount of credit credibility given to these people, the better. They must be seen for what they were: a union, and if individual sportsmen and women wanted that, it was their choice. But WADA should make this clear at every opportunity possible and under no circumstance would it recognise them as representatives of the sportsmen and women of the world.

MR POUND believed that WADA should take on a positive burden of making its case and setting the record straight rather than merely responding every time they made a statement.

THE CHAIRMAN said that the management would review the strategy going forward in the context of the events of the previous week, when it had been announced there would be a so-called "super association" of some 150,000 athletes. It was certainly the right time for WADA to look at the strategy it might adopt. He also urged all those involved in sport to think about this in the context of their own sport and federation because giving such associations credibility and recognition would only encourage them to develop into a more prominent position than he believed they should. He in no way saw their role as being representative of sportsmen and women, and he urged all members not to give them any oxygen.

DECISION

Athlete Committee chair report noted.

- 10.2.2 Communications

THE CHAIRMAN asked Ms Masse to give the communications update.

MS MASSE said that she would briefly highlight the points that were difficult to appreciate in the written report. WADA had taken the Outreach programme to the All Africa Games in August and September, and hundreds of athletes had been met by a team that had been recruited in the region. They had been able to go through the quiz and have passing grades. The WADA Outreach programme had also been at the Pan American Games and it was possible to see the high spirits and many people waiting in line to pass the anti-doping quiz. When they had passed, they had been given a token gift and had their photo taken for the cover of the Play True magazine. In the previous week, WADA had been at the Para-Pan American Games, where again the queues had been very long to play the game, which was not so much playing a game as answering the questions in the quiz. There was a need to give more information since the many athletes met were always happy to receive further information.

Social media had been included in the Outreach programme in the previous year. It was interesting to note that going to the Outreach programme activities and inviting athletes to become friends with WADA enabled it to engage in meaningful conversations in the sense of providing athletes with information. Athletes who liked the information sent it out to their network, including friends, other athletes, coaches and the like.

The Outreach model had been redesigned and relaunched that year, and had had 47 uptakes. She showed images of Slovenia proudly presenting the free starter kit it had used at the World Rowing Championships, and images of the World Swimming Championship in China. The many publications that members could see on the table were templates that were free of charge and were included in the free starter kit, which organisations could use and translate and in which they could include their own designs and images. All of this was available free for all stakeholders.

The anti-doping quiz was now available in 26 languages, including most recently Slovenian, Creole and Turkish. That year, some slightly harder and more diverse questions had also been included.

With reference to the "Say NO! to Doping" campaign, a brochure had been prepared to help stakeholders build effective campaigns. The latest uptakes had been "I Play Fair Say NO! to Doping" with South Africa Doping Free Sport and, on Tuesday of that week, the FIS would launch its "Clean as Snow Skiers Say NO! to Doping" campaign. Many organisations had been very creative in integrating this campaign. Another, "Win Clean Say NO! to Doping", had been launched by UKAD in October and would be used throughout the year until the London Olympic Games. In January, the NHL All Star Game would be displaying a 30-second clip on its major jumbotron that WADA would soon be launching. Mr Koehler had just informed her that there would be 2.4 million viewers in North America who would see that clip. The shirt shown in the image was a mock-up; the final version would not be available for another two months, but players were supposed to be using it at different times. World Triathlon had also used the "Say NO! to Doping" campaign just prior to an Iron Man testing event, as part of youth activities before events.

The e-Play True electronic platform had been enhanced so it was now possible to send out news daily or weekly, depending on what was happening in the anti-doping community, which made WADA more agile and quicker to put stories together, in addition to showing profiles and words of the President and other experts.

Lastly, the 2012 Prohibited List would be available in a booklet and wallet format, as an iPhone app and on a microsite that catered to other mobile devices such as Androids and BlackBerrys. This microsite made it easier to integrate languages and, in January, WADA would be able to integrate a fourth language, Norwegian. Stakeholders had been invited to send in their translation if they were interested, and this was done at the third of a cost of an app at that time.

DECISION

Communications report noted.

10.3 Regional offices

- 10.3.1 Tokyo

MR HAYASHI wished to highlight four priority areas in that region: the RADOs, improvement of compliance through the RADO framework, encouragement of ratification and application to the UNESCO fund and continuing efforts to seek regional agreement for contributions to WADA, and communication, especially the relationship with major games organisers and IFs in Asia, as well as NADOs.

Six RADOs had conducted each board meeting and training for DCOs and experts related to result management and TUEs and testing, in cooperation with WADA. This was an essential base to implement the Code. Some RADOs had also taken the initiative to carry out their own anti-doping programmes. Regional offices had done their best to coordinate and assist the RADOs in that region.

With regard to UNESCO, 76% of countries had already ratified the convention in the region since the convention had come into force in 2007. The national and regional projects under the UNESCO fund were making a large contribution to anti-doping development, especially in education.

On finance, the issue of seeking consensus in the Asia region on contributing to WADA had been a major one since the establishment of the framework and the regional office. At the Riyadh intergovernmental meeting of the previous May, the finance committee in Asia had made a recommendation to governments. The meeting participants had agreed on the treatment for less-developed countries as well as the establishment of the Asia Foundation to compensate for the shortfall in the WADA contribution, but an agreement had not been reached on the formula. This would be discussed and reported on at the following meeting in 2012.

He showed bar graphs, which revealed that the contribution amounts had recently reached some 95 to 97%. Thanks to recent contributions from Vietnam and Kazakhstan, the 2011 amount was 96%. The regional office would continue to facilitate and encourage all governments in Asia to pay WADA in full.

As Ms Masse had already reported, at international championships and regional games in Asia such as the Universiade Games in China, the IWF World Championships in Korea and the Pacific Games, Outreach and Outreach models had been conducted very effectively. A recent code of compliance monitoring process had also improved the relationship with IFs in the Asia region.

DECISION

Tokyo regional office update noted.

- 10.3.2 Montevideo

MS PESCE highlighted some activities and meetings that had been undertaken in the region. Helping countries to achieve Code compliance had been a priority and she was proud to say that 85.4% of countries in the region had reached that goal. The Central

American and Caribbean RADOs were also 100% compliant. She thanked the governments for their contributions that year, with 99.96% collected to date, and highlighted the 11 countries that had successfully applied to the UNESCO voluntary fund during the year and were already working on anti-doping development projects. She welcomed the new Foundation Board member from South America, Bolivia, representing CONSUDE, Mr Gómez, and wished him luck.

She had brought some photos of different events and meetings in which she had participated. In previous presentations, she had used typical South American music – a tango from the south and music from the northern Andes region – and it was now time for the Caribbean region, with music from a well-known Cuban musician, Paquito de Rivera, which she hoped the members would enjoy.

Finally, she presented a short video that had been kindly put together by Guatemala, representing Central American and Caribbean countries, to show some anti-doping activities in their countries, followed by a few words from Guatemala and Bolivia.

MR AGUIRRE said that it was an honour to attend the meeting on behalf of CONCECADE, an organisation that represented government institutions in sports and recreation for the entire Central America and Caribbean region. He wished to convey warm greetings from its executive committee to WADA. In the countries of his region, 96% complied entirely with the Code, which had been achieved through the work of the RADOs and due to intense follow-up from the regional office for Latin America, with which it had established excellent relations and teamwork. This had enabled it to improve and obtain better, more efficient anti-doping programmes. Following the previous meeting of the Foundation Board last May, Guatemala had been able to train some 1,000 people, including doctors and professionals in the applied sciences, coaches, and athletes. In several countries in the area, it had been possible to secure UNESCO support to carry out several efforts to fight and prevent doping. He thanked WADA for its tireless work against doping and for promoting clean play in sport worldwide.

MR GÓMEZ thanked the Chairman and the entire Foundation Board and WADA for their hospitality. He was speaking on behalf of the South American Sports Council, which brought together ten countries in the region. They were delighted with WADA's work through the office in the region, with follow-up related to anti-doping policies. This entailed assessments and the demands for Code compliance, of which they were aware. Much work had yet to be done and some issues had yet to be resolved. Nevertheless, all countries in the region wished to comply with standards, as they should. In some countries, there were legislative problems that would be rectified in the following months and they hoped that everything would be in order for the coming year.

He also wished to note the positive results in education. They had worked very efficiently with the UNESCO fund and, thanks to the regional office and Ms Pesce, nine projects had been approved in seven countries, which was a considerable amount. His country had the privilege of having the second project, which meant a lot to the sports community in education terms and was fundamental to fighting the scourge of anti-doping. Lastly, there would be two events in the following five years: the 2014 World Cup in Brazil and the 2016 Olympic Games in Rio de Janeiro, Brazil. He asked WADA to continue its joint cooperative work to increase standards in the region to the necessary level as these were two very important events for the entire world.

DR SCHAMASCH thanked Ms Pesce for all the work she was doing to help cut the Gordian knot, which was the Brazilian issue.

MR KALTSCHMITT also wished to congratulate Ms Pesce on her great work, in addition to the two presidents, one of whom was from his country, Guatemala, and a good friend of his. He believed that Latin America had made great progress; not only had it hosted the Pan American Championships but it would also now be hosting the Olympic Games in 2016, the World Cup and also the IOC session in 2013, which would be a very important session. Initially, he had felt that the regional offices did not do positive work, but he

had been proved very wrong and was now very proud of the work being done in his continent.

DECISION

Montevideo regional office update noted.

- 10.3.3 Lausanne

THE CHAIRMAN asked Mr Donzé, the European Director, to speak not only about the activities in Lausanne but also about International Federation relations.

MR DONZÉ announced that there would be no Swiss yodelling but that he would do his best to give a short report on some of the key activities from the Lausanne office. The office was based in Lausanne and was therefore strategically geographically placed, as well as having a specific main role to liaise and act as an interface with the IFs, many of which were based in Lausanne or Switzerland, with the IF umbrella organisations, including ASOIF, AWOIF, the International Association of Recognised Federations (ARISF) and SportAccord. Given its position, it also liaised with a number of major games organisers based in Europe, in particular, the International World Games Association and also the International Olympic Committee and International Paralympic Committee.

WADA's position and location in Lausanne was reflected in its work with the IFs, which were very diverse, not only in terms of sport but also in terms of their stage of development, resources and so forth. He counted 91 IFs, including the Olympic recognised and non-recognised ones, but it was also possible to add the eight Paralympic IFs under the aegis of the International Paralympic Committee, that WADA had had to monitor in terms of Code compliance. The work that had been done in this area was an excellent example of a coordinated approach between all stakeholders, and he thanked all of the umbrella organisations, starting with SportAccord and its Doping Free Sports Unit headed by Françoise Dagouret, but also ASOIF, AWOIF and ARISF, and the IOC, which had helped on a number of occasions. The fact that there were now 86 fully Code-compliant IFs out of 91 was a real achievement. The IFs were of course very diverse but many shared a number of challenges, some of which had been listed. As discussed the previous day and that morning, IFs had by nature limited financial and human resources. Since taking on his position at the beginning of that year, he had found a significant lack of expertise, in particular among small IFs. This was where WADA's daily cooperation with the SportAccord Doping Free Sports Unit helped, because it boosted expertise and anti-doping knowledge within the IFs. The theory versus practice challenge was very well known. How did one practically and concretely enforce and implement the anti-doping rules in day-to-day practice? The office tried to work with IFs as much as possible in this regard.

The following two challenges were of course not limited to IFs: the eternal challenge of effective top-to-bottom communication, in that case with national federations and athletes. The last challenge he had listed was one that returned on an almost daily basis, and was synergies between the IFs and the national anti-doping organisations. WADA was working on a daily basis to try to bridge the gap between these two sets of stakeholders, and ongoing emphasis on this was being put into its work. Remaining mindful of this context, there had been three key top priorities in activities from Lausanne that year. The first was fairly obvious: to establish mutually beneficial relationships between WADA and all IFs. Most importantly, it had worked in close cooperation with all IFs to ensure they would progress towards full Code compliance before that weekend meeting, and helping them to implement effective anti-doping programmes, which were of course two closely interlinked objectives. The office had done this by providing strategic and technical advice, by sharing anti-doping expertise, resources and best practice, and by trying to coordinate action with IF umbrella organisations as much as possible. He gave three brief examples of partnerships that had been put in place with umbrella organisations and major games organisers to try to

improve and help their daily work. The first was a project that the office had worked on in close cooperation with SportAccord, which had an extranet that could be accessed by each of its member IFs. In the past few months, the office had been working with SportAccord to create a template and Q&A section on its extranet, so as not to reinvent the wheel. For instance, the template section included a number of templates and anti-doping forms that could be used by IFs, and the Q&A endeavoured to address a range of concrete issues that arose on a daily basis in the anti-doping world.

There had been a very successful informal meeting of summer Olympic IFs, co-hosted on 15 September 2011 by the IOC, ASOIF and WADA. The goal had been to bring together all anti-doping personnel of summer Olympic IFs to discuss day-to-day issues in the run-up to the London Olympic Games, with a view to addressing a number of technical matters, such as how to set up a registered testing pool, and how to ensure that testing would be as coordinated and effective as possible before and during the London Olympic Games.

Lastly, the Director General and the Lausanne office had already held a number of discussions with Sport Accord, ASOIF and ARISF, which was the umbrella organisation of recognised federations, to try to come up with concrete means of optimising the resources available to the IFs.

With regard to the way forward, as had been mentioned a number of times, WADA would try to emphasise better anti-doping practice within anti-doping programmes in the coming years, which would of course be done from Lausanne with the IFs to find the best way forward all together. This would be communicated through a number of occasions, one of which was the Annual WADA Anti-Doping Organisation Symposium. That year's symposium had been a real success in participation terms, in that there had been over 300 participants in Lausanne. Work was already being carried out on the next symposium and the confirmed dates were 20 and 21 March 2012, in Lausanne. Registration would commence in mid-December, at which time a draft programme for the two days would also be published. Work was being carried out on the programme, bearing in mind the input, feedback and suggestions received from the previous year's participants and various stakeholders. Insofar as was possible, the emphasis would be on practice and quality, in line with the strategy that the Foundation Board had approved earlier that day. Another aspect would also be put in place following advice and suggestions from participants, which was to generate as much discussion and networking as possible between participants. This would address the IF/NADO synergy mentioned previously. WADA tried to ensure that everybody could share practice, experience and expertise to improve the global fight against doping in the future. He confirmed that he would be happy to answer any questions or make any clarifications on his presentation.

DECISION

Lausanne regional office and IF update noted.

The Chairman left the meeting and the Vice-Chairman, Prof. Ljungqvist, took over as Chair for the remainder of the afternoon.

- 10.3.4 Cape Town

MR SWIGELAAR played the members a video presentation of work in his region. He did not wish to add a great deal to the topic of the All-Africa Games but merely wanted to mention the fact that WADA had had significant presence. There had been a very successful media conference during that period.

He wished to focus on two aspects but invited the members to raise any questions on the report he had tabled. The first aspect was the transformation of the sports governance structure, which he had mentioned in the past. As recently as one month previously, a conference of sports ministers had been held in Addis Ababa and the process of moving sport away from the Supreme Council for Sport in Africa to the African

Union had now gained momentum. The Supreme Council for Sport would be dissolved in January 2012 and, at the conference of ministers, which he had attended on behalf of WADA, great attention had been paid to anti-doping and WADA's role and the responsibilities of countries to that process. Not only had they been able to discuss and complete the nomination of future vacancies on WADA governance structures, but they had also been able to make very pertinent decisions related to ensuring that African governments walk the walk when it came to implementing the UNESCO convention and other general anti-doping matters. This process was unfolding and he was confident that, with a new, invigorated approach to sport and anti-doping in Africa, much more progress could be made.

Secondly, he touched on the education seminar as discussed by Mr Koehler. The symposium that had been held a few weeks previously was a follow-on to a symposium held in 2006 in Cairo. What he had experienced was that the depth and level of discussions had improved, which made him believe that WADA had been doing something right. He felt that this would lay the foundations for future work in the region.

MR MERITON wished to reply briefly on the question of restructuring of sports in Africa, which he believed to be very important, particularly at the political level. WADA needed the will to make the changes that it sought. That morning, the members had spoken of the need to get more compliance, about more contributions to the budget and more quality programmes, and he thought that the more work that went on, the more visibility WADA would have. He looked forward to anti-doping receiving more quality attention at the continental level with the African Union taking over responsibility but, at the same time, respecting the independence of different sports bodies because that was vital and critical.

Secondly, WADA and the regional office and Mr Swigelaar's work must be commended because they were doing tremendous work in very difficult conditions at times. He thought that it was necessary to ensure that WADA's work and anti-doping featured prominently on the African ministers' meeting agendas and, in general, in the African sports movement within the African sports community. The transition would be challenging, but he was optimistic and positive that, with all the good work WADA was doing, it would see the results that it sought. Finally, during lunch he had been challenged and noted that the Seychelles was a high-end tourist destination. He wished to put it on the record that he offered the availability and readiness of the Seychelles for an international meeting.

THE VICE-CHAIRMAN thanked Mr Meriton for his comments, not least the last one, which had been warmly received.

MR FULEDE CAETANO wanted to refer briefly to the recent All Africa Games in Maputo, but had just discussed with Mr Swigelaar that the next time he would probably bring the group of Zulu dancers that had performed at the closing ceremony of the games in order to compete with his colleagues from Latin America! The tenth All Africa Games had been held in Mozambique from 3 to 18 September of that year. Although it had been a challenging experience for his small country, he was satisfied with the outcomes and the fact that it had been possible to ensure, with the assistance of WADA and other partners, especially the IOC, that a complete anti-doping programme had been in place. 200 urine samples had been collected, with one anti-doping rule violation reported. The presence of WADA's international independent observers had not only provided the comfort that the process was in the main in accordance with international best practice, but their input throughout had also provided valuable technical support and ongoing education to the medical anti-doping teams, as could be seen in some of the images shown by Mr Swigelaar. WADA's Outreach programme had been most successful with the athletes visiting the booth in droves. The success of the programme had been very evident and the only thing that remained to say was thank you to WADA's management for its support and to the individuals who had participated with selfless endeavour and committed actions. Last but not least, WADA's continued support of

events in the African region was required, especially as it would now be hosting the next African Games in Brazzaville, Republic of Congo, in 2015. As the previous speaker had said, this would happen in a transition situation whereby the National Olympic Committees would be in charge of organising the entire African Games henceforth.

THE VICE-CHAIRMAN noted that Mr Swigelaar appeared to have a great deal of regional support, and thanked all those in the regional offices for their excellent work.

DECISION

Cape Town regional office update noted.

10.4 International Federations

(see Lausanne regional office update)

10.5 Governments

MS JANSEN announced that she would give an update on the UNESCO convention and list those countries that had completed and those that had yet to complete. She welcomed Paul Marriott-Lloyd from UNESCO, who would give a report on the UNESCO voluntary fund and the outcomes of the recent conference of parties held in Paris from 14 to 16 November. There were at that time 163 states parties, which was an increase of seven countries since the meeting in May. The biggest jump had been in the African region, with four countries completing. Asia had had two and Oceania one. WADA was still tracking at UNESCO record pace for completion. Those countries that had completed and had not completed were published daily on the WADA website. As Mr Howman had mentioned that morning, UNESCO had two new member states: South Sudan, taking the total number to 194, and Palestine, which still had procedural issues to finalise. In terms of world population, WADA was 96% complete. Of the 4% yet to complete, just under half was from Asia, 38% from Africa, and the remainder from the Americas, Europe and Oceania. For the remaining 31, 14 were said to be in progress. For Belize, the instrument was at UNESCO awaiting legal finalisation. There had also been updates from Lebanon and Costa Rica, which were very close and would hopefully complete that year. There was limited information on 17, possibly due to political issues, economic crisis and changes in officials. WADA continued to encourage ratifications and, as mentioned by Mr Koehler, the RADOs had been instrumental in this. Foundation Board members such as those in Japan, and the regional office director there, had been to the commissions in Tokyo and had progressed the countries in that region. At government and sports meetings, WADA was continuing to try to make progress.

On behalf of WADA, THE VICE-CHAIRMAN welcomed Paul Marriott-Lloyd, who was the second guest speaker and known to most as having been the key person at UNESCO and particularly instrumental with regard to follow-up of the ratification of the convention.

MR MARRIOTT-LLOYD wished to follow on from the conference of parties that had taken place that week in Paris. Rather than repeating the information already provided by Ms Jansen, he would focus on the direction that UNESCO was taking with the convention, which had been the most successful instrument in UNESCO in terms of the speed of its development and entry into force. Given that most members were now states parties to the convention, it was now possible to look at other mechanisms to promote the convention. UNESCO was looking for opportunities to provide some added value in that area. One thing it had done was establish a series of interlinked databases to collect information about the experts working in this field, and another database on the active institutions. This complemented the work being done with WADA to establish a database that collected international legislation, regulations and policies in the area of doping in sport. The fourth database presented the projects that had been funded through the fund for the elimination of doping in sport. The other area it was getting actively involved in, following on from UNESCO's education mandate, as highlighted

previously by the distinguished representative of the Council of Europe, looked at opportunities for UNESCO to promote values-based education, particularly promoting sporting values and ethics. UNESCO had prepared a draft curriculum guide for teachers and would be validating that with teachers from around the world to ensure that its content was applicable to all regions. Naturally, Mr Koehler would be invited to participate in that process. Subsequent to that process, which would also involve representatives from ministries of education and teacher-training institutes, the idea was to build an interactive web network to host these resources and create competitions and exchanges between schools. UNESCO would be using the Associated Schools Network and looking at opportunities in terms of some of the major sporting events around the world to promote an exchange and dialogue between schools about sporting values and ethics. UNESCO was developing a series of applications and games to make it more interesting for young people to participate. The other project that was being finalised was a public service announcement, the first of which would be in English, followed by the other UNESCO official languages. The idea was to start raising awareness among the broader public to the issues around doping in sport. Discussions had also been held with documentary-makers who were making a film on the war against doping in sport, and UNESCO was looking at hosting its premiere in April of the following year. The idea would be to invite journalists to the premiere as a way of stimulating interest and new stories around the issues of doping in sport.

With regard to the fund for the elimination of doping in sport, this currently had three million dollars. Since it had been established in 2008, one million dollars had been invested in projects around the world. That biennium, 48 national projects had been funded, most recently in Chile, Guinea, St Lucia and Tunisia, and funding had been or was being provided to three regional projects in the Seychelles, Panama and Samoa through the Oceania regional anti-doping organisation. He wanted to take the opportunity to thank the regional directors for their invaluable support to UNESCO in terms of promoting the fund and helping governments worldwide access available funds and develop good quality projects. The two best decisions he had made over the biennium were firstly to hire his assistant, Elise, and secondly to change the rules for the fund so as to accept applications in Spanish. This was an important decision since there had been a huge increase in applications from the region.

At the conference of parties, governments had been required to submit their reports on compliance with the convention. This was an obligation under article 31 of the convention. Those reports had been published on the UNESCO website. To date, 99 complete questionnaires had been received from states parties, and an additional seven reports from territories to which the convention had been extended. At that point in time there had therefore been a 62% return rate, which was satisfactory. One of the key decisions made during the conference of parties had been to make it a requirement that governments that did not submit their reports on compliance with the convention would be made ineligible to receive financial assistance from UNESCO under the fund. That had been decided because the compliance reports helped UNESCO identify areas of weakness within the anti-doping programmes of governments, and it was seen as being complementary to how the fund was invested. When such areas of weakness were identified, UNESCO wrote to governments and pointed out the areas where they were deemed not to be compliant with the convention and encouraged them to submit projects to the fund to help them achieve compliance. He thought this was a significant decision because, in a way, governments were being penalised for not reporting, but it was also a way of reinforcing the value of compliance monitoring as a tool to develop better and more effective anti-doping programmes. Of the 99 governments that had submitted reports, 75% had been deemed to be in compliance with the convention; nine had been on the borderline of the benchmark, and 14 had been deemed to be non-compliant.

In terms of the process going forward, there had been a viewpoint that, because governments reported every two years, the benchmark was increased each time on the

understanding that governments had another two years to develop and improve their anti-doping programmes. The benchmark therefore increased incrementally each time that governments reported on compliance. The last aspect had to do with the research project that UNESCO was conducting in partnership with WADA, which had been postponed because UNESCO had been going through the process of getting governments to submit their reports on compliance. UNESCO would reinstate that process. The reports from governments gave UNESCO good quality data on the legislation that had been implemented, which UNESCO was using to add to and embellish its existing research. It was therefore hoping to present a draft report to WADA at the beginning of the following year.

THE VICE-CHAIRMAN believed that everybody applauded the decision made in Paris about the eligibility for funding and thanked Mr Marriott-Lloyd for his report.

DR SCHAMASCH asked if Mr Marriott-Lloyd foresaw any problems due to the crisis on the voluntary fund.

MR MARRIOTT-LLOYD replied that, on the contrary, over the past biennium, UNESCO had received just over 1.5 million dollars in contributions to the fund. As he had said, its expenditure had been slightly under a million over the biennium, so it had made something of a profit. A number of governments made annual contributions to the fund and, at that point in time, he thought this would grow healthily.

THE VICE-CHAIRMAN noted that it was unfortunate that Mr Marriott-Lloyd's contract with UNESCO was coming to an end and that he would be leaving and would no longer be WADA's man in UNESCO. Mr Marriott-Lloyd had been instrumental in conveying WADA's messages to UNESCO and would be missed very much. He wished Mr Marriott-Lloyd every success on his return to New Zealand and thanked him for what he had done for WADA.

DECISION

Governments update noted.

10.7 Medical

MR VERNEC said that WADA was doing some ongoing TUE screening and was looking in an intelligent fashion at some of the more nefarious substances, but he wished to point out the work between the TUE Group, the Laboratory Committee and the List Committee, which had been able to put in thresholds for some of the substances, such as the beta-2 agonists, which had drastically reduced the number of TUEs that were needed in sport. To give some numbers, there would probably be about 900 TUEs entered in ADAMS in 2011, and as recently as 2008, 4,000 TUEs had been put in, along with thousands more declarations of use. The department had been working very hard to try and reduce the administrative financial burden on ADOs and they were quite delighted with that aspect, not to mention the fact that athletes, physicians, coaches and so on, did not have to deal with a situation that was no longer important in the fight against doping in sport.

The department had also been working very hard on androgen deficiency hypogonadism, which related to taking testosterone and similar substances. Testosterone supplementation was actually becoming more commonplace in the world in general, not only in the world of sport. This sometimes went over into the area of sport and became quite an issue. WADA had got together ten of the world's leading experts that summer to assist in developing guidelines on this and the gist of it was that anybody who did not have an organic disfunction and could display this through testing would probably not be granted a TUE. It was a very challenging area and the department was working on it on a weekly basis.

The department was also working on other medical topics, such as allergies and anaphylaxis. Some new documents were coming up and others were being revised.

The department was happy to announce that, in conjunction with the Education Department, it had created the physician tool kit, which was now available on the website. It completed the package of tool kits, and it could be particularly valuable for physicians teaching other sport physicians about the entire anti-doping process on every level.

DECISION

Medical report noted.

10.8 Standards and harmonisation

- 10.8.1 Out-of-competition testing update

MR ANDERSEN said that the members had the report in their binders but he wished to make only one small additional comment, namely that WADA was at that time conducting fewer tests due to the increase in quality tests. It was doing exactly what it was asking all anti-doping organisations around the world to do, which was to look at quality, better information on whereabouts, better test distribution plans, registered testing pools, and so on, and to conduct the necessary analysis, which was also something WADA had stressed in its own out-of-competition testing programme. WADA was conducting EPO tests on the tests that it was conducting, which of course meant that it would have to reduce the number of tests. However, quality had gone up and the figures could be seen in the papers.

DECISION

Out-of-competition testing update noted.

11. Any other business/future meetings

THE VICE-CHAIRMAN moved on to the issue of future meetings and noted the dates of them. The May meeting would be held on Thursday and Friday to accommodate those who intended to stay on for the SportAccord meeting on subsequent days. The September meeting had been discussed back and forth and WADA had been invited by the IPC to go to London on Monday 10 September, in conjunction with the closing ceremony of the Paralympic Games. This meant that the office had had to adjust other meetings in order to have the necessary materials available for decision earlier than usual, since the September meeting would be held some two weeks early, but he hoped that members would be happy to have the opportunity to be at the closing ceremony and the meeting in London. The November meeting would be held on 17 and 18 November the following year in Montreal. He asked the members to note those dates in their calendars. He thanked all the members for their attendance and participation and noted that several important decisions had been made, for instance on compliance and other matters that had been postponed for a prolonged period. He thanked the staff for their usual efficient organisation, as well as the audiovisual providers and the interpreters.

MR KALTSCHMITT said that he wanted to mention the work that Professor Ljungqvist had been doing over the past forty years in the Olympic Movement and Olympic sports. His devotion to and work at WADA was key to the success that it had achieved. In May, on Professor Ljungqvist's birthday, the individual organisations and institutions and the Swedish Government had made joint donations for the organisations of the anti-doping symposium under Professor Ljungqvist's foundation. He therefore wished that Professor Ljungqvist would continue working as he had in the past forty years for the benefit of sport, and thanked him for all his achievements.

THE VICE-CHAIRMAN thanked Mr Kaltschmitt for his comments, which came as a complete surprise. He had not prepared any response and could merely promise that it

would not be forty more years! He thanked the members for this touching support and was happy to note it. He had been very flattered and honoured to receive such a gift from his own government, his own medical school, the Karolinska Institute, and the Swedish sport umbrella bodies, to stage a symposium in his name in 2012, which would be held in his home town of Stockholm the following year and which he hoped the members would note in their calendars.

He thanked everybody again and wished all of the participants a safe journey home.

DECISIONS

Executive Committee - 17 May 2012,
Montreal;
Foundation Board - 18 May 2012, Montreal;
Executive Committee - 10 September 2012,
London, UK;
Executive Committee - 17 November 2012,
Montreal;
Foundation Board - 18 November 2012,
Montreal.

The meeting adjourned at 3.50 p.m.

FOR APPROVAL

JOHN FAHEY, AC
PRESIDENT AND CHAIRMAN OF WADA