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Minutes of the extraordinary virtual WADA Executive Committee meeting, 25 April 2024

The meeting began at 7.30 a.m. GMT -4.

1. Welcome, roll call and observers

The following members or deputies attended the meeting: Mr Witold Bańka, President and Chairman of WADA; Ms Yang Yang, Vice-President of WADA; Professor Ugur Erdener, IOC Member, President of World Archery; Ms Hannah Grossenbacher, representing Mr Jiri Kejval, President, National Olympic Committee, Czech Republic, IOC Member; Mr Nenad Lalovic, Executive Board Member, ASOIF, UWW President, IOC Member; Mr Ingmar De Vos, Council Member, ASOIF, IOC Member, FEI President (also represented for part of the meeting by Mr James Carr); Mr Humphrey Kayange Emonyi, IOC Member, representing the IOC Athletes' Commission; Mr Robert Auguste, representing Ms Minata Samate Cessouma, Commissioner for Health, Humanitarian Affairs and Social Development, African Union, Burkina Faso; Dr Rahul Gupta, Director, Office of National Drug Control Policy, USA; Dr Koji Murofushi, Commissioner, Japan Sports Agency, Japan; Ms Roxana Maracineanu, France; Mr Chris Bishop, Minister of Sport and Recreation, New Zealand; Ms Gabriella Battaini-Dragoni, Independent Member, Italy; Ms Venetia Bennett, Independent Member, Australia; Dr Patricia Sangenis, Independent Member, Argentina; Mr Ryan Pini, Chairman of the WADA Athlete Council.

The following representatives of WADA Management attended the meeting (in anticipation of being required to speak): Mr Olivier Niggli, Director General, WADA; Professor Olivier Rabin, Science and Medicine Director, WADA; Mr Ross Wenzel, General Counsel, WADA; and Mr Gunter Younger, Intelligence and Investigations Director, WADA.

The following observers joined the meeting: Michael Vesper, Richard Budgett, Cécile Mantel, Richard Baum, Anthony Jones, Yumiko Nakajima, Darren Mullaly, Nick Paterson.

Additional members of WADA Management observed the meeting: Dao Chung, Samantha Dubois, James Fitzgerald, Sébastien Gillot, Kevin Haynes, Karine Henrie, Amanda Hudson, Angela Iannantuono, Olympia Karavasili, Stuart Kemp, Florence Lefebvre-Rangeon, Francisco León, Catherine MacLean, Marc-André Matton, Tom May, Nicole Nezan, Rafal Piechota, Tim Ricketts, Julien Sieveking, Rodney Swigelaar, Alan Verneq, Shannan Withers and Yaya Yamamoto.

THE CHAIRMAN thanked the Executive Committee members and observers for joining the meeting at such short notice. He thought that it was important to address the content of the story published in The New York Times and the German station ARD the previous Saturday about the no-fault contamination case involving 23 swimmers from China in 2021. Since the publication of that story, WADA had been receiving many comments and questions. As the members had probably seen, he had held a media conference on Monday along with WADA's Director General, Olivier Niggli; General Counsel, Ross Wenzel; Senior Director of Science and Medicine, Professor Olivier Rabin; and Director of the WADA Intelligence and Investigations Department, Gunter Younger. The media conference had been attended by almost 400 people, many of whom were from the broader anti-doping community. It had lasted nearly two hours, and he and his colleagues had been pleased to be able to answer all the questions clearly, openly and comprehensively. In addition, full written explanations of exactly what had transpired had been published.

First of all, he should say that it was not a case of doping. According to all the available evidence – scientific and otherwise – it was a case of no-fault environmental contamination and the low levels of TMZ present could have given no performance enhancement to the athletes. Second of all, at all stages, WADA had acted according to every agreed process and rule, and had not sought to hide the case in any way.

However, despite the facts, the narrative being promoted in large sections of the media was very different. WADA was still being accused, by people who knew better, of bias towards China and of sweeping the matter under the carpet. WADA's integrity and reputation were under attack. Without one shred of evidence, WADA was being accused by some stakeholders and media representatives of the worst possible thing for an anti-doping regulator: that it would knowingly attempt to cover up cases of doping in order to favour a particular country or group.

That was unacceptable and he could not let it continue. It was necessary to act and, with the Olympic and Paralympic Games in Paris on the horizon, WADA needed to act fast. It needed to move forward and bring the story to its conclusion. For that reason, he had decided to respond urgently and restore some order to the chaos.

One of the more vocal calls over the past day or two had been for WADA to allow an independent prosecutor to examine the matter. To be honest, there was zero evidence to warrant that. However, in an effort to move it along, WADA had asked Mr Eric Cottier, a highly respected and entirely independent prosecutor from Switzerland, to conduct a thorough review of WADA's handling of the matter.

Mr Cottier was a prosecutor of 38 years' experience who had been attorney general of the Canton of Vaud, Switzerland, from September 2005 until his retirement in December 2022. Prior to that, he had been a public prosecutor from 1984 to 1991, president of the second district court in Vevey and Lavaux from 1991 to 1998, and a cantonal court judge from 1999 until 2005. Mr Cottier was currently a member of the board of the Swiss Institute of Comparative Law and former Prosecutor Extraordinary at the federal level in Switzerland. He was entirely independent of WADA, the sport movement and governments. He was not part of a law firm or any organization. To facilitate his review, Mr Cottier would be granted full and unfettered access to all WADA's files and documents related to the matter and would be free to consult with any independent experts as he saw fit so as to reach his conclusions. Specifically, he would be asked to present his opinion related to the two main questions at hand: first, whether there was any indication of bias towards China, undue interference or other impropriety in WADA's assessment of the decision by the China Anti-Doping Agency (CHINADA) not to bring forward anti-doping rule violations (ADRVs) against the 23 Chinese swimmers, and second, based on a review of the case file related to the decision by CHINADA not to bring forward ADRVs against the 23 Chinese swimmers, as well as any other elements that WADA had at its disposal, whether the decision by WADA not to challenge on appeal the contamination scenario put forward by CHINADA was a reasonable one.

He wanted to add that the fact that WADA had not appealed in the case was not unique. There had been a number of occasions in the past, involving different countries and different sports, where anti-doping organizations had closed cases of no-fault food contamination without asserting an ADRV. WADA had never appealed such cases where it agreed with the no-fault contamination scenario, as in that case.

In addition to bringing in the independent prosecutor, WADA would shortly send a compliance audit team to China in order to assess the current state of its anti-doping programme. For added reassurance, WADA would invite a number of independent auditors from the broader anti-doping community to join the audit team on that mission.

WADA had listened to the criticism, the allegations and the requests for action. WADA did not agree with them, but nevertheless was willing to go along with them and see what the independent prosecutor found. He would welcome the members' reaction to the way forward.

MS YANG thanked the Chairman for his leadership. It had been very frustrating over the past few days to read all of the erroneous information being reported in some countries. There had even been some videos and news stories bringing her integrity into question. She wished to repeat what she had said in the media. Some people were suggesting that she was in WADA to increase the influence of the Chinese Government. She clarified that she had not been nominated to the position of Vice-President of WADA by the Chinese or any government. In fact, in her position, she was an independent member (she had been nominated by the Olympic Movement) of the WADA Executive Committee and the Foundation Board.

Since retiring after a 23-year career as an athlete in sport, it had been her honour to serve in different sport organizations such as the International Olympic Committee, the International Skating Union and WADA. She was also a member of several sport charity organizations, such as the Laureus Academy, a Global Ambassador for the Special Olympics and she had recently been appointed a Goodwill Ambassador for the UNHCR. She thought that that lent her some credibility.

Sport had been very special in her life. She had always tried to do the right thing because she strongly believed that sport could unite people and not divide people as some were trying to do with that issue. To challenge and question her integrity was unacceptable and could not be tolerated. She had not even known about the case before the news had come out a few days previously, so it was unfair to link her to the specific case. That was why she fully supported the President's move to invite an independent prosecutor to review WADA's approach to the case. The independent prosecutor was essential to protect the integrity of the organization. It was necessary to restore some order to the situation to make sure that the truth was heard.

DR GUPTA thanked the President and his team for working hard along with the Vice-President and everybody else to deal with the difficult circumstances. WADA had been established to lead a collaborative worldwide movement for doping-free sport, and the primary role of the team was to develop, harmonize and coordinate anti-doping policies and rules across sports and countries, moving towards monitoring compliance with the World Anti-Doping Programme. That was the essential reason for which WADA had been created, and the Executive Committee members owed nothing less to the athletes across the globe who had made it to the pinnacle of their sport through hard work and dedication. The WADA members would do their utmost to ensure that the integrity of the system was maintained and elite athletes across the world had confidence in the system established to ensure clean sport. He applauded WADA for looking into the matter very seriously and for putting together the approach.

There were three goals or questions, some of which would be time sensitive, others not so much. One was obviously reviewing the actions taken by WADA in response to its learning of the positive tests from CHINADA, including a full and complete investigation into WADA's compliance with its own policy procedures and practices, and the second was of course a review of the actions of CHINADA in discovering and reporting positive drug tests. The last was, to the extent possible, to determine the cause or causes of the positive drug tests of the Chinese swimmers, either confirming accidental contamination or confirming doping. Those were the three big questions. A quality independent investigation would fully investigate those acts and thoroughly examine the documentation, conduct interviews and site visits, using all manner of investigative tools in an effort to gather the relevant information. The goals remained, of course, one, whether the doping allegations were true, two, whether WADA had properly adjudicated the reported allegations, and three, as Ms Yang had said, most of the members had been notified in uneven time periods and it was necessary to look at how to get better at that as a group, because that was the pledge that extended to the fairness of the game.

Given that the Paris Olympic Games were around the corner, time was of the essence, and everybody wanted quick answers, although getting it right was the most important objective. That was what was expected of WADA. The WADA President was on the right track to look at getting a report before the Paris Olympic Games which looked at the first part, that of the WADA procedures and processes, but the independent investigation should continue until complete, to include the development of specific recommendations. It would instil more confidence in athletes, in the public and nations across the world. If the completion of the independent investigation were to take more than approximately 90 days before the opening of the Paris Olympic Games, he would urge that the Executive Committee mandate regular briefings on the progress of the efforts. WADA could instil confidence with an interim report prior to the Olympic Games in Paris, but had to make sure that the entirety of the investigation was also conducted and that WADA would be able to get the reports.

DR SANGENIS thought that the President had been very clear. WADA was a global organization under attack and the Executive Committee should support the actions of the President, Vice-President and Director General. It was very weird to see such a good movie being made to let all of the world know about

the attack on WADA. It was really astonishing to see how the credibility of the President, Vice-President and Director General was being questioned, she did not know on what basis, so the support of the members should be firm. She asked the President to expand on the past history of contamination and whether there were other cases of environmental contamination, what countries had been involved and how WADA had dealt with them. They had not received as much publicity as the Chinese cases.

THE CHAIRMAN thought that the better person to address the question regarding the history of contamination was the General Counsel.

MR WENZEL said that there had been, over the years, a number of cases of environmental or in particular food contamination whereby teams of athletes staying in the same place had been exposed to prohibited substances through particular foodstuffs, and ADOs in some of those instances had decided not to provisionally suspend the athletes while the matter was being investigated and had decided in certain instances not to charge anti-doping rule violations. There had been a number of those instances over the years. He had mentioned during the press conference that there had been one in the USA in 2014, not a case involving USADA, but a case involving an IF whereby a large group of athletes had been exposed to a prohibited substance through what had been found to be meat contamination and, like in the Chinese swimmers' case and under the WADA director general at the time, it had been decided not to appeal against the decision, not to impose a provisional suspension and not to appeal against a decision not to bring forward anti-doping rule violations. There had been further cases involving food contamination in other parts of the world where there were issues with food contamination, for instance, clenbuterol cases in Mexico which had involved different sports, so that was not something unique or unprecedented.

WADA, in this case, did not seek to argue and had never argued that the decision by CHINADA or indeed the decisions by those other anti-doping organizations in the past were technically correct. Those cases where a prohibited substance was reported as an adverse analytical finding and there was no TUE should be brought forward and, if the environmental food contamination was accepted, technically, under the Code, they should be resolved with a finding of violation and no fault or negligence. The question for WADA, which was not there to adjudicate those cases, was that it had a right to appeal. Therefore, the question for WADA in those prior cases as in that case was whether WADA exercised its right to appeal in a case in which, although it would have resolved the matter differently from a technical perspective, it did accept and had no basis to challenge the finding that the athletes had innocently been exposed to prohibited substances through food or environmental contamination. He had explained in the press conference that, in that instance and based on the advice of external counsel, WADA had decided not to exercise its right to appeal to the CAS.

MR BISHOP wished the members good evening, as it was almost midnight where he was. He wanted to make three points. It was very important to get it right. WADA owed it to the athletes to ensure trust and confidence in the system with the Olympic Games in Paris not far away. The members were just learning about the independent investigation or review as of half an hour previously, so the Executive Committee had not had any input into the independent prosecutor and had not had any input into the terms of reference or prior notice. It was difficult to ask the members without any notice to provide much informed comment, as they were only just learning about the matter, so that was regrettable. Once the review came back, it needed to be viewed by the full Executive Committee. That was very important. The third point was the one made by Dr Gupta which he would reiterate, and it was that WADA needed to do it quickly in advance of the Olympic Games in Paris, but it was also important to get it right, so it was a critical moment for WADA and WADA needed to move expeditiously and transparently.

THE CHAIRMAN thanked Mr Bishop for his availability, given that it was the middle of the night. It was much appreciated.

THE DIRECTOR GENERAL said that everybody had been learning about the matter at very short notice over the past three or four days and, as mentioned by the President, the goal was to start by addressing the main accusation of a cover-up by WADA. Time was of the essence and there was very little time before the Olympic Games in Paris, so the aim had been to try to identify who would be

completely independent of WADA (WADA had never had any interaction with that individual), who would be available to conduct the work at short notice and who would have the background and reputation and CV to give them credibility. WADA had spoken to the former head of police of the Canton of Vaud who had been an independent auditor for WADA's Intelligence and Investigations Department, and he had indicated that the independent prosecutor could do the job and said that he might have the time to do it at short notice. WADA had therefore contacted Mr Cottier to see if indeed he would be able to provide a report before the start of the Olympic Games and he had agreed. Given the circumstances, the President thought that it was WADA's duty to start moving things forward. That did not prevent anything further happening after the conclusion of that report. Of course, there would need to be an assessment of those elements. He had heard Dr Gupta's comment about some kind of interim report, and that was fine. After the first report was on the table, if the Executive Committee thought that other experts should be called, that could be discussed. Mr Cottier would have total freedom to appoint anybody he wished to help him in his work and unlimited access to WADA documents or personal. That would also avoid the perception of any bias. The Executive Committee would hand over the request to Mr Cottier and he would do his job in total independence.

PROFESSOR ERDENER observed that there had been some really good comments and questions raised by his member colleagues during the meeting. The sport movement was also following the situation very carefully and during that very important process fully supported the WADA President's approach. He believed that the right way forward would be found.

MR PINI thanked the President and Vice-President for their leadership in that moment and appreciated the consideration given by the Executive Committee members to the athletes. He expressed appreciation to Professor Rabin and Mr Wenzel for the time they had taken over the past few days. The Athlete Council had held a meeting the previous night. Regrettably, not all of the members had been able to attend, but it had been recorded, so he did not have an outcome of the meeting until he could get all of the members to go over the recording. It had been a very constructive meeting and he thanked Professor Rabin and Mr Wenzel for taking the time to answer questions. Straight after that meeting, he had sat on a call with the World Aquatics athletes' committee with the same discussion, and it had been a very productive meeting. He would not comment on the committee's behalf. He supported the recommendation for the independent prosecutor, which was a positive move and would restore confidence. He would also raise concern, and that had come up in some of the discussions with the athletes, regarding the issue of the right to data protection. That was point number 8 in the WADA Athletes' Anti-Doping Rights Act. Personal information had been released, it was private information, and it was necessary to ensure the integrity and protection of clean athletes and if not then, at some point, there should be an investigation into that matter.

THE CHAIRMAN observed that it was very important to mention that last point on data protection, so he gave the floor to Mr Wenzel.

MR WENZEL responded that it was something that WADA would certainly have to consider investigating. It was clear, based on the claims of the media outlets that had broken the story, The New York Times and ARD, that they had come into possession of a full result management file that contained personal information about the athletes. It exposed and breached their privacy and, although he did not think that any formal decision had been taken by the senior management at WADA or by Mr Younger, he imagined that it would be necessary to seriously consider an investigation into those data breaches and how they had occurred. Only a limited group of ADOs and service providers (WADA, World Aquatics and the ITA) had had access to that file and he would have thought that the senior management and/or Mr Younger would have to consider whether or not to initiate a formal investigation into how those data breaches had occurred so that processes could be put in place to ensure that they did not occur in the future. Even if CHINADA had resolved the cases as no fault, the data that would have been made public under the World Anti-Doping Code would have been the minimum data, in particular the name of the athlete, the sport, the violation and the resolution that would have said no fault. It would not have been the full decision, still less the full case file, so the fact that the data had been leaked into the media and had

come into the public domain was of serious concern and something that Mr Younger or senior management would have to consider investigating over the coming days and weeks.

MS MARACINEANU said that, a few months prior to the Olympic Games and Paralympic Games in Paris, France, it was truly regrettable that WADA was being weakened in that way. It was necessary to implement action that would secure WADA from a political point of view and obviously also reassure all of the athletes and also the competitors of the swimmers who had been called into question by that contamination case before the Olympic Games in Tokyo, and perhaps even those athletes themselves, if indeed they were not guilty and if they had qualified for the Olympic Games in Paris. The proposal to engage an independent prosecutor could be a solution, but should not place too much pressure on WADA, as WADA had to play a strong role and its position needed to be supported. There was a lot of work to do before and during the Olympic Games, and it was important that it be done by somebody outside the organization. She had not quite understood what the prosecutor would do, audit the process undertaken or reinvestigate the substance of the case, so she would like to see the mandate or engagement letter for that person. It might also be worth asking whether WADA should not take a stronger position of systematically appealing. In that case, 23 athletes had been called into question, with a CHINADA decision that WADA had not queried. She understood that there were other cases. It was necessary to understand what that would mean for WADA, to systematically appeal to the CAS in the event of decisions that were not in accordance with the Code. If it was only a matter of cost, it should perhaps be discussed by the Executive Committee every time an appeal was necessary in the event of a non-conformity. Those were ideas for the future. In any case, she hoped to be kept fully abreast sufficiently in advance of what was happening so as to be able to react to media requests and also to members of the sport movement and the NADOs, which would not always understand why they were subject to the Code and their compliance was called into question if they did not implement the Code when they could see WADA taking positions that were not in compliance with the Code, which WADA itself enacted.

THE DIRECTOR GENERAL responded to Ms Maracineanu's comment. As she had said, it was essential to be able to answer certain questions prior to the Olympic Games in Paris and not the day before the opening ceremony. That was why the independent prosecutor had been asked to compile a report, if possible by the end of June or the start of July. The prosecutor would focus on the questions to determine whether, in the management of the file, there had been a bias in favour of China (which was one of the accusations that had been raised) and also whether, based on the circumstances and elements in the file, the decision taken had been reasonable. That was the first thing. He would therefore review all of the elements received from China at the time. After the publication of the report, if additional elements of substance needed to be looked into, as mentioned earlier, that would be possible, but it would take longer to fully reinvestigate such a case. It was necessary to focus on the issues of integrity, process and the decisions taken to reassure the athletes, and then we would be open to continuing whatever actions were deemed necessary by the Executive Committee.

MR WENZEL stated that WADA received somewhere between 2,000 and 3,000 appealable decisions from IFs, NADOs, MEOs and others per year and it was true to say that, from a resource perspective, it was simply not in a position to appeal every single one of those decisions that might not be perfectly compliant with the Code or correspond to what WADA would have done in those situations. It had to make choices. He put it in real terms. WADA had a litigation budget in the region of one million dollars per year, and almost all of the appeals went to the CAS, very rarely to national appeal instances. Given the complexity of those CAS proceedings, the length of those proceedings, that budget enabled WADA to prosecute somewhere in the region of 25 to maximum 35 appeals per year. If WADA were to appeal every decision that was not perfectly compliant with the Code, it would be appealing hundreds and hundreds of decisions and the litigation budget to enable those appeals would have to be a significant multiple of what it currently was. Choices had to be made. Since he had joined WADA at the beginning of 2022, a practice had been implemented, even in certain situations where WADA decided not to appeal, for reasons of pragmatism, of writing to the ADO to say that it did not agree with the decision, explaining why it did not agree, and asking the ADO to provide the letter with WADA's position to the members of the tribunal and

the wider disciplinary commission so that they could review it. It was a compromise to take into account the fact that WADA simply could not appeal all of the decisions with which it did not fully agree.

In that case, and he would not go over all of the reasons he had shared during the press conference, WADA had had to accept based on the evidence that the athletes had had no fault or negligence. If WADA had appealed to the CAS on the eve of the Olympic Games in Tokyo, it would not have been seeking any period of ineligibility against those athletes based on accepting that they had no fault or negligence, it would not have been seeking any disqualification of their results subsequent to the national competition in January in China and, as he had mentioned during the press conference, if WADA had lodged that appeal, it would not have received a CAS judgment until the summer or autumn of 2022; so, for reasons of pragmatism, as it had done in previous cases involving different stakeholders, including IFs, WADA had not exercised its right to appeal in that case.

One final thing he wished to mention was that there had been a number of ADOs, in particular USADA, which had been the most vocal of those ADOs, and it had argued very strongly and had issued press releases on the matter in connection with cases that there should be no publication whatsoever in cases where athletes were found to have no fault or negligence. That was a comment that USADA, at least in the ongoing Code revision process for the 2027 Code, had made formally. It had been put to the Code team. It was his understanding, without wishing to breach in any way the confidentiality of that process, that the Code team had accepted that publication in principle in cases of no fault should not be made, meaning that a further exception would be made to the mandatory public disclosure requirements. This was, again, a case whereby WADA had had to accept based on the evidence that the athletes had been innocently exposed. WADA could not appeal every decision. It was consistent with the practice that WADA had adopted in the past. It did not mean that WADA was saying that CHINADA had acted perfectly and that the decision was 100% compliant with the Code. WADA had taken into account in that case the fairness issue for athletes, and he had made that point to the Athlete Council when he had spoken to its members the previous day with Professor Rabin. Given that WADA had accepted and had had to accept on the evidence that the athletes had been innocently exposed to the prohibited substance, to appeal 23 cases on the eve of the Olympic Games when 13 of the athletes had been scheduled to compete in Tokyo and to embroil them in those legal proceedings before and during the Olympic Games would not have been fair on those athletes, given that WADA had accepted or had had to accept that they bore no fault. WADA did have to make choices in terms of the cases it appealed. That was the choice made in that case and it was consistent with precedents involving different sports in different countries.

MR AUGUSTE spoke on behalf of Her Excellency Ms Cessouma, who, given the short notice, was unfortunately otherwise engaged, to thank WADA's President and Director General for the swift action they had taken in view of the situation regarding the media reports that had come out about the case. Africa supported all the moves made by WADA and also supported the proposal to engage an independent prosecutor to audit the case in the short term, before the Olympic Games, and to continue thereafter. He believed that a full audit of the case could be done in full transparency and, in the event of any result contrary to what had been found, WADA would take appropriate action and act firmly.

MR CARR said that he was deputizing for Mr De Vos, who was currently travelling (and had lost connection to the meeting). As Professor Erdener had said, he supported the proposal and applauded the WADA team for the quick, full and robust response to the allegations. He was keen to see the terms of reference for the independent prosecutor, but it did seem as though Mr Cottier had the right profile for that urgent and delicate task. The need for cooperation with partners was often discussed. He understood that World Aquatics had an upcoming board meeting and was considering its own investigation. He was not sure what jurisdiction that would be based on or the remit of that investigation, but encouraged WADA to talk to World Aquatics to avoid duplication, and also maybe the ITA, which World Aquatics asked to conduct its operations. It was important to reach out to the ITA, which had been involved in the case. As the press statement from earlier in the week indicated, the ITA had followed up testing missions in China in 2021, 2022 and 2023, so it might well be that it had helpful information. In summary, it would not be

helpful, in fact it would be disastrous, if there were multiple investigations with possibly different findings. That would not be very helpful at all for the mission.

THE DIRECTOR GENERAL noted the comment and said that WADA would talk to World Aquatics. WADA had actually been in touch already. Based on that, he wished to raise an important point, and he hoped all of the members realized that, in parallel with the WADA process, there had been a similar process by World Aquatics, which also had a right of appeal, and it had reached the same conclusion through its own process. There had been different parties with a right of appeal who had independently reached the same conclusion.

MS YANG supported what Mr Wenzel had said about WADA needing to do something to protect the future of the organization. WADA could not allow such things to happen again in the future. She wished to raise awareness about the public expectation. A couple of days previously, those challenging WADA had called for an investigation. After the meeting that day, WADA would be stating its intention to carry out an audit, and that might be interpreted as a response to the call for an investigation, which could become very complicated given the political environment. She thought that WADA was a very technical organization. It was in a political environment. WADA needed to stick to the technical background and not let the political environment distract it.

MS BENNETT acknowledged that it had likely been a very busy time for the President, Vice-President and WADA's management and thanked everybody for their efforts. She imagined that there had been some long days and late nights and thanked them for what they had been doing over the past few days. She thought it was also possibly worthwhile acknowledging that there had been a public disagreement between stakeholders in the anti-doping movement, and that was regrettable, certainly not necessarily just on WADA's part, and there was an uncomfortable spotlight on WADA which at that stage seemed to be largely based on innuendo, so she particularly wished to thank the President, Vice-President and Director General and the WADA management for the quick response and move towards an independent investigation, which she wholly supported, and she supported the appointment of an appropriately qualified independent individual who was fully independent of WADA, CHINADA and the Chinese Government and other particularly interested entities such as USADA. It did seem that Mr Cottier held those qualifications and she would defer to others' expertise in that regard. She echoed colleagues' comments about aiming for a report well in advance of the Olympic Games in Paris but also, as Dr Gupta had initially said and as reiterated by other colleagues around the Executive Committee table, ultimately WADA would not want to try to hit a particular date and risk compromising the integrity of the investigation to achieve that timing. She also appreciated the concerns raised by Ms Maracineanu about ensuring that questions about WADA's credibility had to be resolved well before the Olympic Games in Paris, because WADA played such an important role in any major sporting event, so it might well be that two stages were required for a report, with key questions answered in advance of the Olympic Games in Paris and others that might trail off until after the event before they were ultimately resolved. Was it intended that a report would be produced by the independent auditor or investigator and, if a report was produced, was the intention to publish that in full? There were obviously pros and cons to each approach. She appreciated that there would be an analysis of potentially very confidential information that was held by WADA and its Intelligence and Investigations Department. There might be some competing priorities. In terms of reporting, was it intended that the independent investigator would be engaged by the WADA management or report to the Executive Committee or Foundation Board? She was interested in hearing about the intended reporting structure.

THE CHAIRMAN responded that the goal was, of course, to maintain full transparency so the independent investigator's report and remarks and conclusions would be published by WADA. WADA had nothing to hide; it was totally open to everything that the prosecutor might need from WADA, any documents or files, and that was the reason why, from the very beginning, WADA had expressed that it had nothing to hide and there was nothing wrong in terms of the procedures and how WADA had dealt with the issue. WADA would be fully open and the members of the Executive Committee would, of course, be informed about the process and the final conclusions from the prosecutor.

THE DIRECTOR GENERAL added that the full report would be shared with the Executive Committee and then the members could decide together what could be published. There might be some data protection issues, although the members were bound by the confidentiality agreement with WADA.

DR MUROFUSHI thanked the WADA management, President and Director General. It was a very difficult time for WADA, but WADA did not want to increase unnecessary tensions at that point before the Olympic Games in Paris. However, at the same time, consistency and transparency were two important elements that needed to be ensured throughout the process and he supported the proposal to have an independent prosecutor investigate the matter. Japan supported the process, and hopefully WADA would not attract any more unnecessary attention at that point.

THE CHAIRMAN thanked the members for all their comments and support to the process that had been established regarding the independent prosecutor and audit in China. It was a very difficult moment, which was why it was necessary to react as quickly as possible to restore confidence in the anti-doping system. It was not easy in those difficult moments. He found the situation very unfair, especially when he had seen the material and movies in the media full of misleading information, misinterpretation and even manipulation of the situation. That was why WADA had decided to react immediately and to be totally transparent, hence all the statements published on the website and in social media, including at the press conference with the journalists. Currently, he was in Washington to attend a CADE meeting, and there had been a few interviews with journalists, and his colleagues had met the Athlete Council. WADA was thus totally open and would continue its efforts and inform the public and the stakeholders about the process, what had happened and how WADA was going to deal with the situation. Sport had the power to unite people and build something positive, but sometimes sport and anti-doping became a tool in the geopolitical competition between the powers. He would never let WADA be a part of that game or a tool as long as he was the president of the organization. WADA was independent and its role was to protect the integrity of sport and athletes and to eradicate doping from sport, but, equally importantly, to protect innocent athletes. WADA would continue to do so and would do everything to protect the integrity of sport. He thanked the members again for supporting the process.

In terms of next steps, WADA would provide information to the members about the progress and the situation and, if something new happened, the members would naturally be informed. He was quite sure that WADA would come back stronger as the global anti-doping regulator. He thanked his colleagues very much and said goodbye.

The meeting adjourned at 8.37 a.m. GMT -4.

FOR APPROVAL

MR WITOLD BAŃKA
PRESIDENT AND CHAIRMAN OF WADA

MR OLIVIER NIGGLI
DIRECTOR GENERAL AND RECORDING SECRETARY