

Note: The Foundation Board meeting minutes are published on WADA's website once they have been approved by the Foundation Board, generally at its subsequent meeting. The minutes are intelligent third-person verbatim transcriptions, i.e. slightly edited for readability.

Minutes of the extraordinary virtual WADA Foundation Board meeting, 17 May 2024

The meeting began at 7.00 a.m. GMT-4.

1. Welcome, roll call and observers

The attendance record below reflects Zoom log of those who connected to the meeting.

The following members attended the meeting: Mr Witold Bańka, President and Chairman of WADA; Ms Yang Yang, Vice-President of WADA; Mr Olle Dahlin, President, IBU; Mr Andrzej Krasnicki, Member, ANOC Executive Council; Mr Santiago Lange, Athletes' Commission Member, Argentinean NOC; Mr Benedict Tan, Vice President, Singapore National Olympic Council; Mr James Carr, representing Mr David Lappartient, President, UCI, IOC Member; Mr Jean-Christophe Rolland, President, World Rowing, IOC Member; Ms Petra Sörling, President, ITTF, IOC Member; Ms Dagmawit Girmay Berhane, IOC Member, Board Member, Ethiopian NOC; Ms Filomena Fortes, IOC Member, President, Cape Verde NOC; Ms Heike Groesswang, Secretary General, IBSF; Mr Baklai Temengil, IOC Member, Vice President, Oceania National Olympic Committees; Ms Maja Włoszczowska, representing Mr Abhinav Bindra, IOC Athletes' Commission Member; Ms Emma Terho, IOC Athletes' Commission Chairman; Ms Jude Ellis, representing Ms Miki Matheson, Member, IPC Governing Board; Mr Patrick O'Leary, WADA Athlete Council Member; Ms Ella Sabljak, representing Mr Yuhan Tan, WADA Athlete Council Member; Mr Ashraf Sobhy, Minister of Youth and Sports, Egypt; Mr Nana Ayew Afriye, representing Mr Mustapha Ussif, Minister for Youth and Sports, Ghana; Mr Tumiso MacDonald Rakgare, Minister of Youth, Gender, Sport and Culture, Botswana; Ms Hallem Cedeno, representing Mr Luís Denis Arce, President, CONCECADE, Republic of Panama; Ms Olivia Grange, Minister of Culture, Gender, Entertainment and Sports, Jamaica; Mr Jaime Pizarro Herrera, President, CONSUDE, Chile; Ms Carla Qualtrough, Minister of Sport and Physical Activity, Canada; HRH Abdulaziz bin Turki Al Faisal, Minister of Sports, Kingdom of Saudi Arabia; Ms Soohyun Myung, representing Ms Mi-ran Jang, 2nd Vice Minister of Culture, Sports and Tourism, Republic of Korea; Mr Yuji Kakizawa, representing Ms Toshiko Abe, State Minister of Education, Culture, Sports, Science and Technology, Japan; Mr. Zhiyue Chen, representing Mr Yingchuan Li, former Vice Minister of the General Administration of Sport, China; Ms Marja Ruotanen, representing Mr Bjørn Berge, Deputy Secretary General, Council of Europe; Mr Mehmet Kasapoğlu, Member of Parliament, Republic of Türkiye; Ms Sandra Bergqvist, Minister of Youth, Sport and Physical Activity, Finland; Mr Akos Reinhardt, representing Mr Ádám Schmidt, Minister of State for Sport, Hungary; Mr Darren Mullaly representing Ms Anika Wells, Minister for Sports, Australia; Mr Laumatiamanu Ringo Purcell, Minister of Sports and Recreation, Samoa; Mr Michael Cepic, Austria; and Mr Kum-pyoung Kim, Republic of Korea.

Also in attendance was WADA Founding President, Richard W. Pound.

The following Executive Committee members attended the meeting in an observer capacity: Mr Ingmar De Vos, Council Member, ASOIF, IOC Member, FEI President; Mr. Ryan Pini, Chairman of the WADA Athlete Council; Ms Gabriella Battaini-Dragoni, Independent Member, Italy; Ms Venetia Bennett, Independent Member, Australia; Dr Patricia Sangenis, Independent Member, Argentina; Ms

Roxana Maracineanu, France; Ms Minata Samate Cessouma, Commissioner for Health, Humanitarian Affairs and Social Development, African Union, Burkina Faso.

The following permanent special or standing committee chairs attended the meeting in an observer capacity: Mr Henry Gourджи, Chairman of the WADA Compliance Review Committee; Professor Mette Hartlev, Chair of the WADA Independent Ethics Board; Ms Diane Smith-Gander, Chair of the WADA Nominations Committee; Ms Nathalie Bourque, Chair of the WADA Risk and Audit Committee; Ms Kady Kanouté Tounkara, Chair of the WADA Education Committee.

The following representatives of WADA Management attended the meeting (in anticipation of being required to speak): Mr Olivier Niggli, Director General; Professor Olivier Rabin, Senior Director, Science and Medicine, WADA; Mr Ross Wenzel, General Counsel, WADA; Mr Günter Younger, Intelligence and Investigations Director, WADA; Mr Tom May, Director, NADO/RADO Relations, WADA; and Ms Karine Henrie, Head of Athlete Engagement, WADA.

The following observers attended: Gaby Ahrens, Valérie Fourneyron, Benjamin Cohen, Nick Barnes, Khalid Galant, Diego Grippo, Chika Hirai, Nick Paterson, Saul Saucedo, Jeongmin Lee, Geewon Yoo, Jaemin Ahn, Kijoo Han, Jeong Kwon, Saerom Lee, Michal Rynkowski, Monika Wojtasiewicz, Mateusz Lach, Richard Baum, Anthony Jones, Elizabeth Smalley, Marco Diaz, Jocelyn East, Jaimie Earley, Dante Cacciato, Eric Gustavson, Yumiko Nakajima, Shin Asakawa, Keiko Uchitani, Yu Ueki, Yoshinari Ayabe, Hidenori Suzuki, Ichiro Kono, Kenji Takahashi, Yuka Morokoshi, Yuichi Nonomura, Ken Hashiba, Qingping Yan, Mustafa Öztürk, Yasemin Godek, Satu Heikkinen, Oscar Byman, Hannah Grossenbacher, Michael Vesper, Richard Budgett, Farooq Kashif, Selena Steele; Ammar Sukkar, Abdulaziz Almasaed, Allison Wagner, Clare Egan, Jeremy Luke, Martin Lauesen, Ba Matar, Raluca Petre-Sandor, Margo Mountjoy, Catherine Ordway, Inanç Ozcakmak, Ahmet Temurci, Kitti Varga, Jane Rumble, Trevor Pearce, Harriet Purcell, Faafetraï Fesili, Lynne Anderson, Hazem Khamis, Jane Mountfort, Christina Sanchez, Alexandre Husting, Julien Attuil, Amandine Carton, Sophie Kwasny, Chris McLeary, Chelsea Busa, Andrew Ryan, Sakhavat Guliyev, Spencer Tautu, Peter Miskimmin, Sarah Shibusse, Richard Vaughan, Caroline Shi, Robert Auguste, Habibata Nouredine Sow. Additional members of WADA Management observed the meeting.

THE CHAIRMAN greeted the members and welcomed them all to the extraordinary Foundation Board meeting. There were 37 out of 42 board members or deputies in the virtual room and they were also joined by WADA's Founding President, Mr Richard Pound. Some of the Executive Committee (ExCo) members were observing alongside approximately 100 other observers from the anti-doping community. Lastly, over 50 members of the media were observing live, so there were quite a significant number of attendees at that open forum. He thanked the members for making themselves available at such short notice. That meeting had been organized to share the latest updates on the environmental contamination case of the 23 Chinese swimmers during a national swimming event in 2021, in addition to a few other issues, and to provide the opportunity to ask questions. As that meeting was deemed an information session only, it was not intended that any votes would be requested of Foundation Board members that day, so there would be no formal roll call made and, given that it was a full virtual meeting, the online attendance log would act as the record.

However, he wished to take the opportunity to welcome a couple of new members to WADA, namely, his Royal Highness Prince Abdulaziz bin Turki Al Faisal, Minister of Sport of Saudi Arabia; the Minister of Sport and Tourism of Poland, Mr Slawomir Nitras; Minister Tumiso Macdonald Rkgare from Botswana, and Dr Benedict Tan, representing ANOC. The meeting was supported that day by interpreters for English, French and Spanish, and the Foundation Board member from China had also

been provided with a Chinese channel for their interpreter. It was forecast that the information session would last for one-and-a-half to two hours maximum in duration.

The meeting would commence with presentations from some of the WADA experts. At the end of their updates, he would open the floor for Foundation Board members to ask any questions. Ms Lefevre, WADA's Events Manager, would act as a facilitator to manage any virtual requests on the Zoom system. He would shortly hand over to the experts who had been directly involved in that matter; but, before doing so, he would like to provide some context on the case and share some thoughts and observations.

As it related to the case, in June 2021, WADA had been notified of the decision by the Chinese Anti-Doping Agency (CHINADA) to accept that 23 swimmers had tested positive for a prohibited substance, trimetazidine, or TMZ, after being exposed through food/environmental contamination, and that anti-doping rule violation cases would not be pursued. That decision had also been provided to World Aquatics, formerly FINA, at the same time, as required under the rules. In order to determine whether WADA would exercise its right to appeal that decision, WADA had reviewed CHINADA's decision and immediately requested the full case file. World Aquatics had done the same and had also undertaken a review. Based on all available scientific evidence and intelligence, WADA had had no basis under the World Anti-Doping Code to challenge CHINADA's findings, a position that had also been reached by World Aquatics, which equally had decided not to appeal the CHINADA decision. Since that story had first emerged in the New York Times on 20 April 2024, there had been a lot of media commentary and WADA had received many questions. WADA had responded immediately by holding a media conference on 22 April, attended by approximately 400 persons from the media and the broader anti-doping community.

On 25 April 2024, an extraordinary meeting of WADA's Executive Committee had been held, where a decision had been taken with the unanimous support of the ExCo to invite an independent prosecutor to review WADA's handling of the case. Meetings had also been organized with athletes and national and regional anti-doping organizations. In the meantime, WADA had also been in touch with the Foundation Board members and had been sharing information on an ongoing basis.

With that context, he wanted to share some thoughts and observations and he would start by highlighting two facts. Firstly, according to all the available evidence, both scientific and otherwise, that was not a case of doping. It was a case of no-fault environmental contamination. Secondly, at all stages, WADA had acted according to applicable processes and rules and of course had not attempted to cover up that case in any way. Despite communicating those facts broadly and transparently with all stakeholders, the narrative that was being promoted in some sections of the Western media and by a very small number of people within the anti-doping community ignored those facts. Despite some such parties knowing better, they were accusing WADA of bias towards China and of sweeping the case under the carpet. Of course, those parties were doing that without one shred of evidence to support the narrative and without regard to the existing evidence and explanations that had been provided.

As an anecdote, as recently as January of that year, he had been accused by the Russian foreign intelligence service of working to discredit sport events in that country. Mr Sergey Naryshkin, Vladimir Putin's right-hand man, had said that the Americans had promised him a prominent position in return. Currently it was the US Anti-Doping Agency (USADA) that was accusing WADA of bias towards China. In addition, not long previously, at around the same time as WADA had been reviewing the case of those swimmers, it had been at the Court of Arbitration for Sport (CAS) pursuing justice in the case of China's biggest swimming star, Sun Yang. He recalled that WADA had won that case. Sun Yang had received an eight-year suspension and WADA had received death threats from Sun Yang's fans from China. Therefore, perhaps all the abuse that WADA received was the best proof that it was a truly independent organization. He stressed that WADA did not hesitate to act without fear or favour,

regardless of nationality or sport, but rather viewed all such politically-motivated attacks in the same way. He also stressed that WADA continued to do its job regardless. Of course, WADA was an easy target. It was a global regulator that monitored signatories' compliance with the World Anti-Doping Code, which of course sometimes resulted in consequences being imposed. It was no wonder that some people tried to drag WADA into political games, unfortunately often using athletes in the process. To provide some brief historical context, when WADA had taken the decision to reinstate the Russian Anti-Doping Agency (RUSADA) as compliant in 2018, it had given rise to a lot of criticism, defamatory statements, and, he had to say, brutal attacks on WADA. They had been led by some of the same individuals leading the current criticism. It had been said that WADA was being soft on Russia and the criticism had been really unfair. In the end, WADA had been vindicated. The decision that the WADA Executive Committee had taken in 2018 had allowed WADA to retrieve data from the Moscow laboratory and ultimately to uncover the data manipulations in the laboratory. That had allowed WADA to successfully prosecute the non-compliance case against RUSADA before the CAS and to launch Operation LIMS. He deemed that the biggest and most successful investigation in the history of sport integrity. Thanks to that decision and the hard work of the WADA Intelligence and Investigations Department, it had been possible to sanction more than 250 athletes who had cheated. Without that, many of them could still be competing that day. So, the question was: had it been a good decision in 2018? Yes, it had been. It was obvious. But rather than acknowledge that success, those who had criticized WADA had shifted their attention elsewhere. And, he had to say, those critics had found a new way to make their political points, that time regarding the Chinese swimming case.

The fact was that there had been a number of environmental contamination cases in the past. In fact, some of the most elaborate and surprising contamination scenarios had come out of the USA, including, just to give a few examples, contamination through dog medication, contamination by kissing a girlfriend who had bought medication purchased on holiday in India, contaminated tap water, and many others. However sceptical WADA might be at the outset, every such case was reviewed from the factual, scientific and legal perspectives in exactly the same way as it had been in the case of the Chinese swimmers. When the contamination theory was substantiated and there was no evidence to challenge it, WADA ultimately had to accept the evidence presented by anti-doping organizations (ADOs). There could not be double standards. WADA had to be fair and apply the rules equally around the world.

Having said that, WADA was under no illusion that the global anti-doping system was perfect. That was why the fourth comprehensive stakeholder review of the World Anti-Doping Code and International Standards was currently under way. Since the first iterations of the Code in 2004, the system had not stood still. It had been significantly strengthened over time. But there were gaps in harmonizing anti-doping policy globally and ensuring consistent implementation of the rules around the world, including in the United States of America, where the vast majority of those unsubstantiated and defamatory attacks had come from. To give a few examples of inconsistent rule implementation in the USA, 90% of American athletes – those in professional leagues and college sports – did not compete under the World Anti-Doping Code; 31% of American athletes under the Code had not been sufficiently tested in the 12 month-period prior to the Tokyo Olympic Games, according to the data that was available to WADA; and nearly one in five US athletes participating in the 2022 World Athletics Championships in Eugene, Oregon had not even had one out-of-competition test in the 10 months leading up to the event. He could provide more figures, but he thought those were sufficient to contextualize what WADA was currently facing regarding the Chinese swimming case and indeed to point out the hypocrisy of some individuals from the US anti-doping community.

American athletes, just like all athletes worldwide, deserved a fair and harmonized anti-doping system within their countries and in those countries where they competed. Frankly, the athletes

deserved better than those political games and he was committed to working with the authorities to strengthen the anti-doping system in the USA and globally.

One way in which WADA had been significantly strengthening the system was through its very successful Intelligence and Investigations project, which had been co-funded by the European Union. Working hand-in-hand with its European partners, law enforcement agencies and national anti-doping organizations (NADOs), WADA had managed to confiscate tonnes of performance enhancing drugs, dismantled dozens of illicit laboratories and ensured that almost 300 million doses of performance-enhancing drugs had been prevented from getting onto the market.

That project had made it possible to determine that the priority markets for performance-enhancing products were English-speaking countries and that there were massive purchases on the US market of performance-enhancing drugs and pharmaceutical products. The project had also provided WADA with intelligence of US-dollar money laundering related to performance-enhancing drug trafficking and other important data. Future intelligence-sharing opportunities had been identified with US law enforcement agencies and WADA hoped that the defamatory campaign related to the China case would not interrupt those promising partnerships, especially since WADA's collaboration with the US authorities over the years had been very fruitful.

Before he moved on with his intervention, he wished to say that those divisions that had been created within the USA were being leveraged by Russia to give the appearance that WADA had changed its position on the Friendship Games. He wanted to make it clear that that was definitely not the case and that the anti-doping community should remain united in that regard.

Coming back to the case, at the previous Executive Committee meeting, a decision had been taken with the unanimous support of the ExCo to appoint an independent prosecutor with 39 years' experience, Mr Eric Cottier, to review WADA's handling of the case. There had been some attempts to question his integrity, but the truth was that Mr Cottier was completely independent of WADA, of the sport movement and of China. Furthermore, Mr Cottier had the credentials and the track record to carry out that mission; indeed, as an independent prosecutor from Switzerland, Mr Cottier was very well placed to understand the legal environment in which WADA operated as a Swiss law foundation.

As for calls that had been made for additional prosecutors to be added to the review or for there to be an independent commission as the mandate was too complex for one individual, he recalled that the McLaren Investigation into allegations of doping within Russian sport had been successfully carried out by Professor Richard McLaren. Just like Professor McLaren, Mr Cottier was being granted full and unlimited access to all WADA's files and documents related to that matter and was free to consult with and hire the services of any independent experts to reach his conclusions. If the investigation revealed any gaps in the system, the ongoing World Anti-Doping Code update process would offer an opportunity to address the gaps. As previously mentioned, WADA was always open to strengthening the rules. Ultimately, WADA's stakeholders owned the Code. It was the World Anti-Doping Code, not WADA's Code, so it was a set of rules agreed and accepted by all stakeholders and it needed to be consistently applied for all athletes and signatories.

Before concluding, he wished to acknowledge that the matter had, unfortunately, given rise to concerns that the integrity of the Paris Olympic Games might be at risk. He wished to reassure athletes that that was simply not the case. It concerned a case of contamination that had taken place in 2021. There was no evidence of doping or performance enhancement and, since that time, the athletes in question who might compete in Paris had been subjected to doping controls multiple times, including outside China. Shortly, Mr Wenzel would provide more information about that.

To conclude, he wished to reassure everyone that it was a case of environmental contamination and that due process had been followed. The decision had been taken based on facts and evidence,

not political prejudice. Some might disagree with the technicalities, but the point was that there was no evidence supporting doping from those athletes and the WADA approach had been sceptical but fair.

Removing the political hysteria and clickbait headlines from that issue and looking at the facts from the legal and scientific points of view, the reality was that there was not a single piece of evidence to challenge the environmental contamination theory. Indeed, all the scientific evidence pointed to contamination. So, from the legal perspective, it would have been highly unethical for WADA to go to the Court of Arbitration for Sport, based on the nationality of the athletes, and say that WADA appealed the case, ignored all the facts and did not believe in anything that had been presented as it concerned China. It was currently in the hands of an independent person, so it was necessary to wait for his review and his conclusions.

Anti-doping should be absolutely free of any political influence and bias. All that had been achieved together among WADA and the global anti-doping community was based on collaboration and harmonization.

Finally, as the attendees could imagine, it had been a challenging time for WADA. It was one thing for the leadership to have to manage such a situation but, de facto, the integrity and expertise of WADA's staff had been called into question. As long as he was WADA President, he would never let anybody compromise the hard work and dedication of the over 160 talented and passionate WADA team members from over 60 countries. They were at the very heart and soul of that organization. He believed that, over the years, they had proven themselves and their commitment to the integrity of sport and that they would have earned more trust and respect than that case was affording them. As President, he was determined to protect the whole WADA team and WADA's reputation against those who were politically motivated to destroy the organization and the global anti-doping system – a system that was based on 25 years of dedication, harmonization and collaboration.

He thanked the attendees for their attention and gave the floor to WADA's Vice-President, Ms Yang, who also wished to say a few words.

MS YANG thanked the President and merely wanted to add her support to WADA's management as it continued to deal with that issue. She also wanted to express her anger at how the story had been portrayed in the media. Simply because she was Chinese, certain accusations had been made against her, and her commitment to fair and clean sports had been questioned. That was not true, and frankly it was disgraceful that her integrity should be questioned without any evidence. As a former athlete and having been involved in sport organizations voluntarily for more than 20 years, she strongly believed sport could unite people and create hope and opportunities. Unfortunately, some were trying to divide the world of sport around that issue. More importantly, she thought it was extremely unfair for those athletes who were preparing for the biggest moment of their careers, not only those athletes whose identities had been wrongly publicized, including some minors, but also the athletes who were being misled by false information from a group of people with ulterior motives and, as a result, the athletes lost confidence in clean sports. She had been an athlete and was currently a mother of two, and both of her children played sports. It was completely unacceptable to manipulate athletes for personal ego and political agendas. That was why it was necessary to make sure people saw the truth and to safeguard the confidence of athletes in clean sports. She supported the decision to appoint an independent prosecutor to carry out a review of WADA's handling of that matter. She had faith in the prosecutor's ability to produce a fair and unbiased report based on the facts and the evidence. As the President had said, it was currently necessary to wait and see what his findings would be.

THE CHAIRMAN thanked Ms Yang and stated that he would hand over to the experts who had been directly involved in that matter, beginning with the Intelligence and Investigations Director, Mr Günter Younger.

MR YOUNGER thanked the President for giving him the floor. His colleagues Mr Wenzel and Professor Rabin would provide the legal and scientific facts on the case; therefore, he did not want to repeat their part, which was also relevant for the assessment. However, before answering the members' questions, he wished to make some personal comments about the current situation. He had been a police officer for almost 40 years; he had worked at several international organizations such as Interpol and Europol. In that time, he had gained lots of experience in international investigations, in particular related to the complexity of investigating in foreign jurisdictions. He had helped to dismantle illicit drug laboratories, arrested drug traffickers, mafia and organized crime gangs across the globe; he had even received threats throughout his entire career, but there had never been a moment for him where he would have stopped any of his investigations. Over the past seven years working for WADA, he had built the Intelligence and Investigations Department, which was independent from WADA's management, and hired 16 experienced and very committed staff members (almost 10% of WADA's staff), the majority with a law enforcement background. He thought that WADA was also the only sport organization that had its own unit with specialized and experienced source handlers, showing how much WADA recognized the importance of whistleblowers. None of WADA's confidential sources had been disclosed to the public over the past seven years and he was very proud of that.

Over the past seven years, his department had initiated around 50 investigations, managed 800 LIMS cases, charged more than 400 athletes, coaches and officials, including two former Foundation Board members and almost 300 Russian athletes. The department was working with law enforcement agencies on a daily basis; they trusted WADA as a reliable partner and, as the members had just heard from the President, impressive outcomes could be achieved by working together. From all that, he had hoped that, over the past seven years, WADA would have earned some trust for the way in which it handled cases.

As the members had also just heard from the President about the Russian investigation, he wished to make some additional comments. He remembered a time back in 2018 when some stakeholders had publicly criticized WADA for its handling of Russia, while his department had been developing a strategy in the background with the support of WADA's management and the Compliance Review Committee on how to get the original data from the Moscow laboratory. His team had gone there, in a very hostile and emotionally intense environment. It had not been an easy task, but the team had done it knowing that it was doing it for clean athletes and that they were counting on WADA. Without the data from Russia, there would not have been a single case against the doped Russian athletes, nor would it have been possible to prove that Russia had manipulated its data. After obtaining the data, there had been 800 investigations with – to date – 250 sanctioned athletes and almost 90 athletes excluded from the PyeongChang Olympic Games based on WADA's intelligence. Back then, if WADA had listened to the criticism, none of the doped Russian athletes would have been caught and sanctioned. Some spoke on behalf of clean athletes; WADA felt like it did something for clean athletes. Many of the members worked on a daily basis with WADA staff, from the Science, Legal, Testing or Compliance departments, just to name a few. His question to them was, did they really believe that, in a case like that where many different people and departments were involved, they were all complicit or wilfully blind in covering up the case? What he saw on a daily basis was very committed and dedicated experts who believed in the cause of WADA and in spite of limited resources did what they could for clean sport.

WADA was not perfect, and as human beings the staff made mistakes and were open to correct them, but it needed to be done in a fair, professional and not defamatory way. He had not seen any signs that WADA or individuals at any level wanted to cover up the case. If there were, he guaranteed that they would be investigated.

He struggled to comprehend that the anti-doping community, which praised itself for being strong and fair, was starting to doubt itself and echo defamatory comments. It was hard to understand how,

in spite of the members' experience with WADA, some even believed that WADA and China would conspire together in something like that. It was hard to comprehend that some were more interested in the presence of media instead of getting clarification from the organizations involved first.

He had to say, coming from law enforcement where not everything was perfect either, that criticism would always be handled and resolved in a professional way and without defamatory narratives, which were completely new for him and hard to accept. He felt that he should also use that opportunity to emphasize how disappointed he was that privileged and confidential information had been leaked to the media. His core work was working with whistleblowers, and if they started believing that their messages would get out into the public domain, they would stop working with WADA.

He was not a politician nor into politics, but he believed in evidence and facts. His principles were to investigate with an open mind, neutrally, fairly and objectively, and it did not matter who the counterparts were. When it came to investigations, his beliefs or assumptions were irrelevant; it came down to what evidence he could obtain to initiate a case.

The damage caused by that campaign of misinformation or misinterpretation of information was tremendous not only to WADA and its programmes but also to the work of every committed expert in the field of anti-doping.

He was not blaming the journalists, as they were doing their job, and many discoveries had been initiated by good journalists, and whenever there had been substantiated allegations he had been very grateful for collaboration respecting one another's cause for the sake of clean athletes.

Regardless, and in spite of the criticism, he would not change his philosophy not to disclose any privileged or confidential information that could potentially endanger WADA's informants and whistleblowers. However, he did want to clarify due to other rumours coming out in the media that the Intelligence and Investigations Department had not seen the impetus to investigate (a comment that had been taken out of context) and had not had the files when it had sent the e-mail (to USADA regarding the lack of impetus to investigate). Not only had it seen the files, it had also included in its assessment the outcomes of numerous internal and external experts regarding the probability of contamination. He trusted the assessment of his analysts, who had checked different hypotheses of what could have happened and the probability of a cover-up. He trusted his source handlers, who had assessed the anonymous information containing the same or similar content that had been provided to different organizations (and had not been corroborated by other data holdings); also, none of the organizations had managed to speak to the source or come back with additional information backing up the claims.

Finally, also to be clear, there had been no attempt by WADA's management to stop or withhold any relevant information from the Intelligence and Investigations Department; on the contrary, his team had always been supported by WADA's management, even in sometimes difficult situations such as the LIMS investigation.

Lastly, he had handed over all the files to the independent prosecutor, and if he came back saying that something had been overlooked or that something could have been done better or more could have been done, he would be more than happy to adjust the process and take responsibility. He would also hand over the file to the new auditor of the Intelligence and Investigations Department, approved in November 2023 by the Executive Committee, for his assessment.

He knew that there might be further conspiracy theories regardless of what he said, but he stood by what he had just said. Thus far, nobody had come forward with additional information that would have changed his mind. If that were the case, he would be more than happy to re-open the case.

He was ready to answer any questions.

THE CHAIRMAN thanked Mr Younger and gave the floor to Mr Wenzel, the General Counsel.

MR WENZEL informed the members that he was not going to go over everything that had been said in the press conference a few weeks previously and that had been set out in various documents and statements that WADA had issued over the previous weeks, but he would deal with the two key points. The story that had been put out by The New York Times and by the ARD documentary on or around 20 or 21 April of that year was a sensationalist story about state doping and about WADA deliberately covering up that doping before the Tokyo Olympic Games. Neither of the two aspects of that story, the doping on the one hand and the covering up on the other, was true. Not only were they not true, they could not be further from the truth. There had been no doping and no covering up there, it was quite the opposite. Based on their own claims, it appeared that The New York Times and/or ARD had investigated that matter for up to two years. They had come to WADA two or three days before they had published their story with a couple of rudimentary questions. And that was it. If they really had wanted the truth of the matter, why in the course of that investigation would they not have come to WADA to speak to the relevant people, to ask a whole series of detailed and relevant questions? Perhaps because, if they had done so, there would have been no story to publish.

The press was there, amongst other things, to sell stories. What was perhaps more disappointing was that certain individuals from the anti-doping community had seen fit to give interviews to ARD in particular, without having all of the facts and, importantly, without coming to WADA to discuss the case. In particular, the CEO of the US Anti-Doping Agency, Mr Travis Tygart, had been willing to say that the allegations, if true, reeked of cover-up at the highest levels of WADA. He had said that without speaking to WADA and, more importantly, he had said that despite the fact that his investigators a year beforehand in April 2023 had been in touch with WADA's investigators, and WADA's investigators had told USADA's investigators that WADA was aware of the cases, they had been reviewed by WADA's Science Department and Legal Department, and, if there was any new evidence, then WADA would be willing to, as Mr Younger had said, reassess it. So that had been a year before, but nonetheless, Mr Tygart had been quoted by ARD in an interview as saying that, if true, those allegations reeked of cover-up at the highest levels of WADA. One did wonder why he had said that and to what end.

Before he dealt with the two allegations, the doping and the cover-up allegation, he wished to say something from a personal perspective. He said it with absolute conviction and sincerity, and that was that everybody who had reviewed that case for WADA, the scientists, lawyers and investigators, had done so in good faith and diligently. The review had been done, as was the case with all WADA reviews, without fear or favour and without regard to nationality. He had reviewed cases for WADA, mostly as external counsel, for nearly 15 years. He reviewed hundreds of cases per year. He had never once been subject to any sort of interference, political or otherwise, or told how to review or how to decide whether or not to appeal a case. It had never happened once, and it had not happened in that case either.

So, with respect to the allegation, the claim that that was a case of doping, and the President had already been quite clear that it was not, he would try and put some flesh on the bones. Even leaving aside the fact that the prohibited substance, the trimetazidine, had been found in the kitchen of the hotel where those 23 athletes had been staying during the national competition in early January 2021, there had been all sorts of other contextual and scientific elements pointing very strongly from the outset to the fact that that was a case of contamination and not of doping, of deliberate ingestion. The 23 athletes had come from different clubs from different regions in China, almost all of them had different coaches, they had all tested positive at the same time, in the same place, and at very low and consistently low levels, too, despite the fact that they had been tested on different days during that three-day competition. He thought that the most important point, and it was one that Professor Rabin would come back to, was that certain of those athletes had been tested more than once. Two of them, indeed, had been tested on three consecutive days, and their results had fluctuated between negative

and positive. And, for the reasons that Professor Rabin would explain in more detail, those low-level and fluctuating results between negative and positive simply were not compatible with deliberate ingestion. His department, his colleagues and he himself, after liaising with the original manufacturer of trimetazidine, had even tested the hypothesis of microdosing by those athletes, and even that had been ultimately excluded. So it had been a case of contamination. And the clear advice that WADA had received from external counsel had been that any challenge to that contamination scenario before the CAS would be bound to fail. Again, it was not only the fact that the substance had been detected in the hotel, but, even leaving that to one side, WADA had clear analytical, scientific elements that effectively proved that that was a case of contamination. And he was very confident, given those two things, the fact that the substance had been found and the fact that the science pointed strongly to and even proved contamination, that if WADA or if anyone had sought to challenge that before the CAS, there would have been close to a 0% chance of success. Turning up to the CAS, and he had a certain amount of experience doing that, in a case like that, without any concrete evidence to challenge the contamination scenario, all of the evidence pointing towards that scenario would have fallen flat on its face.

To argue that the results of the Chinese investigation should not be accepted or that one should somehow infer that the trimetazidine that had been found in the kitchen of the hotel must have been planted, would have, frankly, been unethical. That would be an allegation of fraud, for which there had been absolutely no evidence at all. It was not something he would do, and he did not think it was something that any qualified lawyer would do. So WADA had accepted, and it had had to accept based on the evidence, that those were cases of contamination. But it was not only WADA that had accepted that, it had been also World Aquatics that had reviewed the case independently with an external scientist and had come to exactly the same conclusion as WADA and had not appealed either. It had been adverted to by the President in his opening remarks: those were athletes who had been subject to significant, if not to say massive, testing over the years. To give the members an idea, since 2018, those 23 athletes had provided well in excess of 1,000 doping control samples and in some instances, he was talking about dozens of samples per calendar year. In particular, and so that athletes could be reassured, in the several months in the Olympic testing period, from the beginning of April until the start of the Olympic Games in Tokyo, that group of 23 athletes had been subject to several hundred doping controls. So there had been no doping and they had been subject to significant tests both in the years before and in particular in the months before the Tokyo Olympic Games.

With respect to the second allegation, which was that WADA had covered up that case, the CHINADA decision not to proceed with anti-doping rule violation cases against those 23 athletes had been notified to WADA in mid-June 2021, some six weeks before the Olympic Games, and it had also been notified to World Aquatics at the same time. Both WADA and World Aquatics had immediately or very quickly requested the full case file in order to conduct a review and, in the usual way, WADA had sent that case file and the decision to its external counsel. It had been fully studied, and ultimately the advice and the decision had been that it made no sense to appeal. The only way that publication would have been possible under the rules was if WADA or World Aquatics had appealed that case to the CAS and, as he had mentioned, WADA and World Aquatics had chosen not to do that. WADA certainly stood behind that decision. He would explain why. What would that appeal to the CAS in mid- or late July, on the eve of the Tokyo Olympic Games, have looked like? In fact, it would have been 23 different appeals filed on the eve of the Olympic Games. WADA would have accepted, based on its review of the evidence, that the athletes had no fault, that they had been subject to food or environment contamination. All of those athletes would have still gone to Tokyo. WADA would not have been seeking any period of ineligibility against them, as it would have accepted that it had been a case of no fault. And WADA, even if it had lodged those 23 appeals, could not have said anything before the Olympic Games about who those athletes were and the appeals that it had filed. Even if WADA had filed those cases and had been successful in those cases, and the result had been violations with no

fault, WADA would have received the award sometime in the course of 2022, probably not even early 2022. And it should not be lost from sight, either, that a number of those 23 athletes had been minors, in which case no publication could have ever been made under the rules.

He also wished to be quite clear that, if it had gone to the CAS, WADA would not have been able to seek any disqualification of the results after the national competition in early January 2021. And the decision by WADA not to appeal those cases to the CAS had been consistent with decisions that WADA had taken in the past. There had been, over the years, quite a significant number of cases of athletes from the same team or club together being exposed to a prohibited substance through food, for instance, as a result of staying in the same hotel. CHINADA was not the first ADO to have decided to close similar cases without pursuing an anti-doping rule violation (ADRV), and neither WADA, in those cases where that had happened, nor any other ADOs with a right of appeal had, to his knowledge, ever chosen to lodge such an appeal to turn a decision of no violation effectively into a decision of a violation with no fault or negligence. It was something that WADA certainly had never done, and he was not aware that any other anti-doping organization had done so in the past. He had mentioned in the press conference a case in the United States of America, in which a group of more than 10 athletes had been subject to what had been ultimately found to be meat contamination, and that case had been closed with no provisional suspension and no anti-doping rule violation. No appeals had been lodged.

He would mention another case, one of many, and that one was public as well to some extent, he believed. It was the case of more than 100 minor athletes at the FIFA under-17 World Cup in Mexico who had been subject to clenbuterol contamination. As in the Chinese case with the Chinese swimmers, there had been indications from the outset, based on the concentration, the fact that those were athletes from a number of different countries, that that was a case of meat contamination. And again, it had been decided in that case by FIFA not to pursue anti-doping rule violations against those minor athletes, not to provisionally suspend them. And they were also decisions that had not been appealed by WADA or by any of the NADOs that would have had a right of appeal in that case in 2011. And finally, WADA, and it did not shy away from that, took the view that at some point fairness needed to be taken into consideration. Once one had accepted, as WADA had and had had to, that those were cases of no-fault contamination as a result of eating in a certain restaurant, in a certain hotel, for instance, once establishing that the athletes had no fault whatsoever, to embroil them in legal proceedings on the eve of and during the Tokyo Olympic Games in order to turn a case of no violation into a case of violation with no fault did raise issues of fairness which WADA had also taken into account. But again, it was consistent with how WADA had handled similar cases in the past. Therefore, far from brushing those cases under the carpet, as had been suggested, they had been thoroughly reviewed by WADA internally and externally, and a good-faith decision had been taken not to appeal.

The final thing to mention was that WADA had discussed those cases with the International Testing Agency (ITA) in 2022. He had already mentioned the correspondence that had taken place with USADA in 2023. Those were not cases that WADA had been trying to cover up even within the anti-doping community. It had been mentioned that Mr Eric Cottier had been mandated. He had started his work and he would look into whether there had been any indication of any sort of bias or impropriety on the part of WADA in handling those cases. He would also make an assessment as to whether WADA's decision not to challenge the camp contamination explanation had been a reasonable one. Mr Cottier had access, as the President had already said, to everything, he could consult with whatever experts or other people he wanted to, and he would go without a doubt where the evidence took him. WADA awaited his report. He hoped that it could be issued in advance of the Olympic Games. That concluded his intervention.

THE CHAIRMAN thanked Mr Wenzel and gave the floor to Professor Rabin, the Science and Medicine Senior Director.

PROFESSOR RABIN informed the members that the WADA Science and Medicine Department reviewed tens of cases every year, including several cases of contamination or presented as such to WADA, and had developed over the years a certain level of experience and expertise in the field, so had a process in place for when it received such cases. Specifically, it requested access to the scientific information on the case or cases which was usually received via WADA's Legal Department. That included information on the substance or substances involved, the urine or blood concentrations of those substances, and the explanations provided by the athletes in support of the adverse analytical findings (AAFs) whenever possible.

In that very specific case of the Chinese swimmers, the number of cases had of course been extremely unusual. They had all tested positive for the same substance and at the same event, and the urinary concentrations had been very low (in the few hundreds of pg/mL, a pg being one billionth of a milligram, which was one thousandth of a gram).

Even if very rare, WADA had seen similar situations in the past of several athletes reporting AAFs for the same substance at the same place and with low urinary concentrations. Interestingly in that case of the Chinese swimmers, WADA had had the benefit of several swimmers being tested twice and even three times during the competition. Also quite interestingly, seven swimmers had tested negative during the event and positive the next day. To answer some uninformed comments that he had read in the press, he wished to insist on the fact that that was not related to concentrations of trimetazidine being close to the limit of detection of the laboratory that had done the analysis, or to diluted or concentrated urine samples, as the specific gravity of the samples had been quite normal for most of the samples, which was not unusual in swimming. To be complete, he wished to add that two athletes had been tested three times during the event, once every day, and had displayed interesting profiles that had gone from positive to negative to positive and from negative to negative to positive, again with concentrations of trimetazidine sufficiently above the limit of detection of the laboratory not to consider the negative results in that sequence as the result of an analytical artefact.

All those elements he had mentioned were usually indications that trimetazidine had not been deliberately ingested and rather pointed to some form of contamination and it was much less likely to be compatible with a doping scenario with trimetazidine. Despite such evidence, his department had wanted to put the contamination hypothesis to the test. It had contacted the original trimetazidine manufacturer to retrieve a maximum of data on the administration, distribution, metabolism and excretion (ADME) of trimetazidine and more specifically the pharmacokinetic elements of the substance, the way the substance was excreted from the body. It had been provided with confidential information that had never been published in the scientific literature and the pharmaceutical company had helped WADA to review the modelization of the trimetazidine excretion profile that his department had adapted to the anti-doping context. In collaboration with the pharmaceutical company, the department had also tested the hypothesis of microdosing with trimetazidine, even though there was no indication that microdosing would have any beneficial effect with that substance. Also, the samples going from negative to positive and then negative again were not compatible with a microdosing scenario. Based upon the low trimetazidine urinary concentration, the department's reverse calculations had concluded that the athletes would have needed to consume around 1 ug or less of trimetazidine which was 30,000 times less than the normal recommended pharmacological dose of trimetazidine and 7,500 times less than the smallest pharmacologically active dose of trimetazidine. That, again, was not compatible with any doping scenario. All of the information collected and analysed had indicated that the athletes had not been under the influence of trimetazidine pharmacology at the time of the competition.

He wished to add that trimetazidine had a short half-life and its pharmacological effect and the substance itself disappeared relatively quickly from the body, which was why the drug was traditionally prescribed to be taken twice a day by patients, usually in the morning and in the evening or late

afternoon. Also, the information on four previous adverse analytical findings of trimetazidine in Chinese swimming had revealed urinary concentrations tens or hundreds of times higher than the concentrations found in that situation. Aware that previous trimetazidine cases had occurred in Chinese swimming in the past, he had raised the hypothesis that several athletes could have received trimetazidine pre-competition. However, no correlation had been found between the athletes, their clubs of origin, the regions they came from or their coaches. Therefore, it had not been possible to reveal any apparent collective doping scheme.

Based, therefore, upon the scientific analysis of the dossier and even ignoring the information provided by the investigation in China, he could assert with a high degree of certainty that the athletes who had had an AAF for trimetazidine had not competed under the influence of trimetazidine, and that microdosing with trimetazidine in a doping context was not an option that would be compatible with the use of the substance and the analytical results observed. He concluded that there had been no concrete scientific elements to challenge the contamination scenario.

THE CHAIRMAN thanked Professor Rabin for his intervention. Before opening the floor for comments and questions to the experts, he wanted to take advantage of the presence of the WADA Founding President and invited him to say a few words.

MR POUND thanked the Chairman and appreciated the invitation to participate in that important meeting. He also thanked those who had spoken that day in the context of the extremely disagreeable publicity that had been generated over media reports and aggressive comments regarding WADA emanating from the United States Anti-Doping Agency. He acknowledged the careful work that had gone into the details of what had been done by WADA in the circumstances, and the exercise of knowledgeable judgement regarding the appropriate actions to be taken in those circumstances. On behalf of WADA, he was deeply disappointed and disgusted by the deliberate lies and distortions coming from USADA, including that WADA had swept doping cases in China under the rug. That accusation, bereft of any truth, had but a single purpose: to deliberately damage the reputation of WADA and to lessen the worldwide trust that had been built up since WADA had been created a quarter of a century previously to lead the international fight against doping in sport. The claim that WADA had in some way inappropriately favoured China was completely false. WADA applied the World Anti-Doping Code and the related standards in an even-handed way. Superpowers were treated the same way. What evidence had been produced to suggest that China had benefited in any way? Unlike many other cases in other countries, the Chinese NADO had reported positive tests in the WADA system. Nothing had been hidden. The Chinese investigation had led to a conclusion of contamination, not doping. The evidence pointed firmly in that direction. None had pointed to doping. To the best of his knowledge and belief, USADA had not been present. USADA had alleged that a whistleblower had suggested a different conclusion. When WADA had asked to be introduced to the whistleblower, assuming he or she actually existed, USADA had not responded. It had not responded to the international agency created to lead the fight against doping in sport, of which USADA was supposed to be an integral part. USADA was financed by the United States Government. That government was currently in a chilly relationship with China's government. Could there be a connection? But the beat went on. Now, USADA in its omniscience had declared that the Chinese incident was worse than the state-sponsored systemic Russian doping conduct that WADA had exposed and prosecuted. That was a headline grab that was unencumbered by evidence. What was missing in USADA's conduct was a demonstrated willingness to work for solutions, not endless and biased criticism and the resulting negative impact on clean athletes. He hoped that the public authorities participating that day would support the organization that they had helped to create in 1999 and to maintain ever since. WADA was the only organization with such a unique global mandate and able to bring the public and sport authorities together in a common purpose. His suggestion was twofold: firstly, to wait for the report of the independent investigator, and then to institute legal proceedings claiming significant damages against USADA, since there must be serious consequences arising from its outrageous conduct.

THE CHAIRMAN thanked Mr Pound for his intervention and comments, as well as for his presence that day and support. As he had mentioned at the outset, the WADA experts were available for questions. He asked those participants wishing to ask a question to raise their virtual hand and wait for Ms Lefevre to announce when they could take the floor.

MS LEFEVRE gave the floor to Mr Mulally, who was deputizing for Ms Wells.

MR MULLALY thanked the Chairman and greeted the colleagues. He had a few questions. He thought it was very important to acknowledge that it was a Foundation Board meeting. As a Foundation Board, it was important to focus on that organization and not on specific countries. Before he started, he wanted to acknowledge the WADA staff members who had provided information that evening, and he thanked them very much for that. He noted that the contaminated swimming cases seemed to be remarkably different to WADA's yearly 3,000 or so case reviews, or a review of singular cases or decisions, and that WADA's own actions in requesting advice from two expert legal counsels, who were both external to the agency, and the sheer amount of scientific work that Professor Rabin had just shared, would suggest that those matters were considered either high-profile or at least sensitive in nature, and certainly not a normal review. He also noted that the Executive Committee and Foundation Board had been briefed in significant detail on other very sensitive cases in the past, including, as the Chairman had rightly pointed out, the LIMS cases, but also even the Mexican cases involving minors back in 2011 that had been mentioned earlier, had been briefed to the Foundation Board in the Director General's report.

He requested confirmation on whether the WADA Risk and Audit Committee had adopted an appropriate risk register or similar document for the agency. He also wished to ask why, given that it was clearly not a normal case review, a decision had been made not to provide any information to the Executive Committee or the Foundation Board between 2021 and 2023, so that those bodies could properly oversee key decisions that obviously had a significant reputational impact on the agency. It was certainly expected that those types of decision needed to be briefed to the Executive Committee and/or the Foundation Board, even if on a de-identified basis in order to protect confidentiality for athletes. To that end, he also kindly asked for the December Foundation Board meeting to include an agenda item with an updated risk register to be included and presented by WADA's management to the Foundation Board for its oversight. In addition, he wanted to stress and reiterate the critical and vital key function for that organization which was set out clearly in the WADA statutes and very clearly in the Code, and that was harmonization and the consistent application of the anti-doping rules.

The important question was, if that case were to happen tomorrow, that anti-doping organizations around the world needed to know what to do so as to ensure that athletes were treated fairly. His expectation, given the critical issue of harmonization, was that the review being conducted needed to provide clarity; as would be said in Australia, all stakeholders needed to know where the goalposts were. For example, where were the goalposts for imposing a prompt provisional suspension? And what did 'prompt' mean? How was WADA going to interpret that in the future and was the interpretation correct? He requested clarification on whether the current terms of reference for the review included a full review of whether WADA's own actions, since initial notification of the cases, had been consistent with the Code. Lastly, he asked whether the reviewer would report to the Executive Committee and whether the Executive Committee, as the body with an obligation to supervise WADA's management in accordance with Article 11 of the WADA statutes, would be given the opportunity to review, discuss and accept or otherwise the contents of the report prior to any management actions or decisions. He thanked the Chairman and colleagues for their patience. That concluded his intervention.

THE CHAIRMAN thanked Mr Mullaly and gave the floor to Mr Wenzel.

MR WENZEL thanked Mr Mullaly and would try to answer his questions. There were many technical aspects. With regard to the terms of reference and if the prosecutor would verify whether or not WADA

had breached the Code, if he understood it correctly, first of all, he had not seen from USADA or the press or anyone any allegation that WADA had breached the Code. He was therefore somewhat surprised by that question, but he thought that what was important, in advance of the Olympic Games in Paris, was that the prosecutor focus on two matters: firstly, whether WADA had done its job in good faith or whether there had been any undue bias or interference in the review process, and secondly, and not least for athlete confidence, whether or not the decision, which had been reached in good faith, if that was the conclusion, and without interference, that it could not reasonably challenge the contamination explanations was a reasonable one. He thought those were the two key questions that needed to be answered urgently in advance of the Olympic Games. The more questions there were, the more people were involved in that process, the longer it would take. He therefore thought that those two key questions needed to be looked at first. Depending on what the prosecutor's report included, and as had been said previously, including at the Executive Committee meeting a couple of weeks previously, WADA was open, if necessary and after discussion with the Executive Committee and/or that Foundation Board, to look at further questions which arose from that initial review. But he thought the key questions were the two that he had mentioned: had it been done in good faith and without interference, and was that review and conclusion, namely that there had been no basis to challenge the contamination explanation, a reasonable one?

He had not been at WADA at the time when those cases had arisen. Hence, in terms of the practice as to whether or not it was usual to provide information about cases that were not appealed to the Executive Committee and/or Foundation Board, he would defer to other colleagues who had been present. However, he would say that certainly, if one were to provide information to the Foundation Board and in reality even to the Executive Committee, there was, of course, a risk of that information becoming public with the Foundation Board, which held open meetings. That would be inevitable. Mr Mullaly had mentioned providing it in a de-identified or anonymized way. But, of course, if what was provided to the Executive Committee and/or Foundation Board was information on the eve of the Olympic Games that 23 Chinese swimmers had tested positive for a given substance and WADA had accepted a contamination explanation that had been put forward and had not appealed against the finding of no anti-doping rule violation, it would give rise to a media frenzy that he would deem unfair given the context. Perhaps others would have something else to say on that, so he would leave it there.

THE DIRECTOR GENERAL wished to respond to two other points raised by Mr Mullaly which concerned the Risk and Audit Committee. That committee had been created a few months previously and he thought that it had had held its first operational meeting a few days or a few weeks previously. There was certainly a willingness to discuss any solutions or ideas in terms of dealing with such a situation, including a risk register, if that were the case. It was clearly the reality that none of those Executive Committee and Foundation Board meetings were confidential. It had been discussed in the past during the governance reforms whether that Executive Committee meeting should be more confidential to allow for a different kind of discussion to take place around the table. That had not been the wish of the members, who had felt that transparency was the most important thing in those discussions, but that had to be balanced with the protection of the athletes and the fact that rumours, fake news and speculation could not be allowed to start spreading in the media like that. There was certainly a willingness to have a very open discussion on those topics, but finding the right balance and keeping the protection of athletes at the heart of the discussion seemed to be the biggest challenge in that situation.

MS LEFEVRE gave the floor to Ms Berhane, IOC Member.

MS BERTHANE thanked the Chairman and, before beginning her intervention, wished to take the opportunity to firstly thank the President and the WADA administration for calling that meeting and for having kept the Foundation Board informed at every step of what had been undertaken over the previous four weeks. She thought that the open and transparent communication was crucial. In

particular, she found the explanations provided at that meeting to be very clear and transparent as well. As to her contribution regarding the independent intervention, the sport movement representatives fully welcomed that initiative to launch an independent investigation. She underlined that the timeline for the report was very important given the upcoming Paris 2024 Olympic Games. On behalf of her colleagues, she also wanted to emphasize and reiterate her confidence in WADA and the process that had been agreed upon. In that regard, it was her opinion that the close collaboration of the public authorities and the sport movement representatives played a very crucial role. As such, the sport movement representatives looked forward to closely collaborating with all public authority representatives in that regard. Finally, it was worth mentioning that the sport movement representatives had full confidence in the ITA's work and the pre-Games programme focusing on the high-risk sports and athletes. She reiterated her appreciation to the management for having led all those information processes in a very transparent and prudent way.

MS LEFEVRE gave the floor to Mr Patrick O'Leary, WADA Athlete Council Member.

MR O'LEARY firstly thanked all those who had contributed that day for the information. The Athlete Council colleagues certainly welcomed the direction of WADA in terms of the communication on that event and the timeliness of the initial briefing. He had thought at least one communication would have been directly addressed to athletes, but the amount of information that had been given out was certainly welcome. He had two other points to raise. He welcomed the independent review, and he certainly acknowledged that getting a large-picture, quick review was important with the Olympic Games approaching. He thought that was the aim of the review as it was laid out. He certainly welcomed the indication from the Director General that if things came up there would be a further review. In that he was acknowledging calls by some athlete groups and indeed some Athlete Council members for a more granular review in the context of the Code for both WADA's and China's actions, if things arose from the independent review, and that might be appropriate for the Executive Committee to consider in light of the initial review. But he was certainly acknowledging the fact that getting a large-picture, quick review before the Games was really important. His final contribution was to promote, to any athletes and to members of the Foundation Board who were in a position to promote that to athletes, the Code update. The Athlete Council members were contributing to that and indeed had been contributing to that before the event, but also, he knew, had contributed on the basis of that event and made recommendations or made requests for the Code review and would continue to do so. Athletes would be encouraged to consider what changes to the Code they might recommend. Athlete Council members were happy to engage with people to help make their voices be heard on that. That was not so much a question but rather provision of one portion of an athlete's view on that.

MS LEFEVRE gave the floor to Ms Sabljak, deputizing for Mr Tan, WADA Athlete Council Member.

MS SABLJAK noted that Mr O'Leary had done a wonderful job summarizing what the athletes had been feeling. She just wanted to add a further comment. The Athlete Council had met with WADA quite soon after the news had broken, and WADA and the WADA leadership had done everything possible to discuss the case with the Athlete Council, including all science, legal and investigative aspects and WADA's rationale in handling the case. She also wanted to touch on the fact that the Athlete Council was incredibly concerned about the unauthorized leaks of athletes' personal information, including minors. The council had requested, as had been mentioned previously, that WADA investigate and enhance the protection of athletes against those breaches to ensure that they did not happen again, and stressed the importance of a fair and robust athlete anti-doping system. She emphasized and applauded the Athlete Council for the way that it had behaved and for working together on such a complex issue surrounding the case. Collaboration was key to finding a solution. At the end of the day, the Athlete Council was there to represent athletes' voices. She therefore commended the group on its behaviour in that situation and on putting all differences aside. That was the statement from the Athlete Council and that concluded her intervention.

MS LEFEVRE gave the floor to the representative of the Council of Europe, Mr Mehmet Kasapoğlu.

MR KASAPOĞLU welcomed the meeting and hoped it would be successful and beneficial for the fight against doping. The Council of Europe had of course been following the developments regarding the Chinese swimmers. In that process, it had witnessed both the news reports in the media and the mutual statements and declarations of WADA and USADA. Recently, following the extraordinary Executive Committee meeting, the members had been informed that the matter would be investigated by an independent prosecutor, and the Council of Europe would be following the outcome of the work closely. All the recent developments clearly demonstrated once again that transparency, accountability and effective communication were indispensable for the success of the global fight against doping. He sincerely hoped that that incident would be resolved in a fair and transparent manner, without jeopardizing the integrity ecosystem in sport or harming the credibility of the organizations involved in the global fight against doping. Once again, a fair, strong and clean sport environment was indispensable for present and future generations. To that end, the Council of Europe believed that stronger communication and effective cooperation between public authorities and the sport movement should be reassured.

MS LEFEVRE gave the floor to Mr Michael Cepic, who was the Vice-Chair of the WADA NADO Expert Advisory Group.

MR CEPIC greeted all the fellow colleagues from the Foundation Board and the observers. WADA's NADO Expert Advisory Group (EAG) had been created and established to give stakeholders, in that case the NADOs, who conducted the majority of the worldwide anti-doping work, a voice, shaping policies and to review issues impacting NADOs by making recommendations to WADA. The TMZ contamination cases had impacted some NADOs, as their respective athletes and sport constituencies wanted assurance that the criteria used to classify the TMZ swimming cases as contamination were consistent with the Code and International Standard for Result Management and other previous cases where AAFs had not been pursued due to the evidence indicating contamination. The EAG appreciated that WADA management members had made themselves available for questions from the press and other communities, the athletes, the Executive Committee and the WADA Foundation Board. The NADO EAG was concerned about how the case and the public debate challenged confidence in the anti-doping community, both by clean athletes and the sport-interested society at large. Only together could confidence be restored through ensuring a transparent and credible assessment of the handling of the case, which could hopefully also clarify the facts surrounding how the athletes had tested positive. The NADO EAG therefore welcomed the compliance audit to be carried out in CHINADA and the review by an independent prosecutor. It trusted that WADA would be held accountable both to public authorities and the sport movement within the current structure. The EAG acknowledged the independence of Mr Cottier, but the appearance of independence was, for the sake of preserving the credibility of his findings, as important as the independence itself. The EAG would therefore invite the WADA President and WADA management to consider all possible ways to mitigate the risk of such criticism, so that the current debate would not flare up again when he provided his recommendations. For the EAG, it was of utmost importance that the findings, whatever they might be, be credible and unquestionable for the vast majority of stakeholders. A thorough and independent investigation would only add to the credibility of the TMZ result management process, and might bring information to light that could further strengthen the process and global adherence to the Code. Once the result of the independent review had been presented, further steps, if necessary, might have to be taken. It was hoped that the work would identify recommendations for improvement to the Code, standards, policies and practices for the future handling of similar cases. The EAG would be watching that process carefully and offered to provide expert input if so requested by the independent prosecutor.

MS LEFEVRE gave the floor to Ms Bergqvist, representing the European Union.

MS BERGQVIST thanked WADA for organizing that Foundation Board meeting, as well as for the documents and WADA's efforts on that case. Sharing information and having the opportunity to discuss the matter in the Foundation Board was very welcome. She thought that case offered a good opportunity to see how the system worked in practice, in that kind of situation, what the weaknesses and strengths were, and what could be improved in order to safeguard the credibility of the global anti-doping system. Therefore, she was pleased that it had been decided to appoint the independent prosecutor to carry out an independent inquiry. She wished him the best of success in his work, and was very much looking forward to that report. She assumed that the independent review considered fundamental questions, such as whether any gaps in the overall regulatory framework had been brought to light through that case. She wished to know if the report could also include recommendations for improvement of the Code, standards and policies and practice for the future handling of similar cases. She welcomed that the report of the independent prosecutor was to be issued to the Executive Committee for its approval and consideration before being shared. Transparency and humbleness were key words in those cases and, as politicians all knew, sometimes it was not about how something was, but rather all about what it looked like.

THE CHAIRMAN thanked Ms Bergqvist for her intervention. Of course, as he had said during his speech, WADA was very open to changes if required, and was currently in the process of updating the World Anti-Doping Code. That was actually the best time to review how the system worked. WADA was also very open to any suggestions that would strengthen the anti-doping system. Of course, it was also very open to implementing any recommendations made by the independent prosecutor.

MS LEFEVRE gave the floor to Mr Zhiyue Chen, deputizing for Mr Li from China, representing the Asian region. She informed the members of the Foundation Board and the rest of the participants that, due to technical issues, M Chen would use consecutive interpretation.

MR CHEN noted that China's attitude towards doping was consistently strict and firm. President Xi Jinping had made it clear that the fight against doping should be resolutely pushed forward and reinforced the awareness of winning moral, noble and clean medals to ensure zero occurrence and zero tolerance of doping. The importance China attached and the support it provided to anti-doping was rare globally. The government's achievements were apparently well witnessed and acknowledged by the anti-doping community. The Chinese Government gave CHINADA firm and steady support to ensure its independent, impartial, professional anti-doping programme with high quality under the World Anti-Doping Code and International Standards.

Regarding the recent media coverage of the Chinese contamination case, both WADA and CHINADA had made clear statements and given detailed explanations. The case had happened in 2021 after thorough and comprehensive investigation using scientific methods. CHINADA had decided that those adverse analytical findings had been caused by athletes' unknowing consumption of contaminated food or environment, and that the athletes involved should not be held to any fault or negligence and AAFs should not be brought forward as ADRVs. The conclusions from the investigation and decisions had been accepted by WADA after review. China trusted that CHINADA had conducted the investigation and made decisions strictly in accordance with the Code and International Standards. It also trusted that WADA had handled that case and any other cases with the same standards, which was fairly, consistently and abiding by the rules and the Code.

At the same time, it was also evident that the reputation of clean athletes had been greatly damaged. The personal information of clean athletes had been unlawfully disclosed. Clean athletes were under groundless media scrutiny. The rights of clean athletes, which the whole anti-doping community had been committed to protecting, were currently suffering severe damage, and that could happen to any athletes from any country, any region or any sport. It should be made clear that there had been false accusations and misleading, defamatory statements and reports from some

organizations and media that had attempted to seriously damage the legitimate rights of clean athletes, attacking the fair, professional, effective governance of WADA and shaking the foundation of the existing global effective anti-doping system. They had chosen to ignore China's firm attitudes, strict measures and effective results in the fight against doping. Instead, they had spread rumours that China was covering it up, which was not true and groundless. It was obviously biased and an illustration of double standards. China strongly condemned it.

It was acknowledged that, in order to clarify the facts and review the truth, WADA had decided to invite an independent prosecutor from Switzerland to review its handling of the case. China supported WADA's decision. In the meantime, China strongly opposed the politically-motivated tendency in anti-doping and rejected all groundless accusations.

China would, as always, continue its steady commitment to the domestic anti-doping programme and gave full support to WADA to conduct independent, professional, efficient and effective governance globally.

MS LEFEVRE gave the floor to Mr Sobhy, representing Africa.

MR SOBHY thanked the members of WADA's Foundation Board for affording him the opportunity to contribute to the discussions that day. After listening attentively to the updates from the President and management team, he felt compelled to share the positions of the African region, following intensive consultations between the members of the Foundation Board and the Executive Committee representative. He firstly thanked President Baňka for convening that special Foundation Board meeting to provide the members with the relevant information pertaining to the case. He had to say that what he had heard that day and what had been circulating in the media and on other social platforms seemed light years apart. It was his contention and that of the African region that WADA was everybody. The Foundation Board members were intrinsically linked to the organizations and therefore obliged to ensure that their organizations, and indeed the global anti-doping movement, came out of that stronger and even more united. They owed that to the athletes and those they represented. Based on the facts provided to the Foundation Board for consideration, it was clear that the scientific, legal and intelligence aspects surrounding that case of contamination of the Chinese swimmers were complicated. However, the Africa region wholeheartedly supported the swift and decisive actions taken by the WADA management and leadership team, and strongly supported the roadmap adopted by the Executive Committee at its special session in April, soon after the story had broken. The region had no issue with the appointment of Mr Cottier to investigate that matter as per the agreed terms of reference and wished him well as answers were sought and the anticipated findings and recommendations would be part of his report. Additionally, the Africa region was of the view that the athletes from all corners of the world who were getting ready to serve and represent their respective countries in Paris had to go there with faith and confidence in the system. It was therefore imperative that the investigation report be made available as soon as possible. WADA owed it to the athletes to ensure that the outcome of the investigation was presented in advance of the Paris Olympic Games, and that any subsequent questions that might arise from the report be investigated immediately following the Olympic Games. Nothing that deserved further considerations following Mr Cottier's report should be left untouched. If any subsequent investigations were required, they should be investigated comprehensively.

Finally, the Africa region was very perturbed about the release of very confidential and personal information linked to the case, especially that of the athletes in question. It urged the WADA management to leave no stone unturned in identifying the leaks and dealing with those responsible for that decisively. Also, those conveying misinformation as facts to the general public for whatever reason must be advised to allow the investigations to continue and then consider whether or not the understanding of the issues and criticism of the way the matter had been handled had been correct or not. The WADA Foundation Board must be united behind its organization. There were still too many

stories in the media which suggested that the organization was divided. It was not. It should never allow narrow and selfish interests to destroy what had been built up over the past 25 years.

MS LEFEVRE gave the floor to Mr Rolland, the representative of the Association of Summer Olympic International Federations.

MR ROLLAND firstly wished to commend WADA for its prompt reaction when the story had broken in the media. In fact, several statements had been published to provide explanations on both the process and the rationale behind the decisions. In addition, the press conference had covered all the points as well. Personally, as a Foundation Board member, he had been satisfied with all the information provided with clarity and transparency. He thanked the Chairman for his introductory words on the context, which also showed a strong, proactive and offensive commitment to the mission of WADA and its *raison d'être*. He also thanked Mr Younger, Professor Rabin and Mr Wenzel for again making it crystal clear about that story, as indeed, more than a case, it had become a story, a disagreeable and unfair story, and he had heard many times that day the words 'false', 'untrue', 'unfair' and 'defamatory'. Mr Wenzel had been very clear and loud on the media investigator's agenda and had also clearly targeted the source, as had WADA's Founding President. He hoped that one day the perpetrators would face responsibility for the false allegations, not to mention manipulation.

On the substance itself, the facts were crystal clear and had been presented very comprehensively. At that stage, he would again echo the President and Founding President in saying that WADA should wait for the independent review conclusions. However, beyond the actual case, the way the matter had been addressed by some individuals, some organizations and in the media was clearly an attack on WADA. It was clearly an attack on the organization and, in those challenging and difficult times, WADA could count on the full support of the sport movement. That attack was extremely serious and the impact was very grave in terms of the athletes involved whose names had been published, but also on the athletes' community, as it could create suspicion, confusion and lack of confidence in the organization and in the anti-doping system. It was not only a very sensitive matter, but with the Paris 2024 Olympic Games around the corner, that impact was even stronger. It also had an impact on the organization, damaging its reputation. He counted on the constructive collaboration between the sport movement and the public authorities to fully support WADA in those turbulent times and to continue to work as a team.

MS LEFEVRE gave the floor to Ms Hallem Cedeno, deputizing for Mr Arce, representing CONCECADE.

MS CEDENO greeted the members of the Foundation Board. She echoed the views that had been expressed by the WADA Executive Committee member who represented the Americas at the April meeting. The CONCECADE presidency agreed with the following points: identifying possible modifications or updates to the World Anti-Doping Code which would enable WADA to respond to cases such as that being dealt with that day, beyond the current procedure of contesting or appealing the decision of a national anti-doping agency at the CAS; analysing potential changes to the WADA governance structure to allow for greater response capacity in the event of contamination cases, given the complexity of such cases and the need for a quick resolution to protect athletes' rights and generate useful information for all those in the anti-doping system; considering increased participation of the athletes and commitment to the athlete community to afford the opportunity to athletes to interact with WADA's experts; and reviewing and assessing whether WADA's actions after the initial notification accusing the Chinese athletes of doping complied with the World Anti-Doping Code with regard to accidental cases of doping.

MS LEFEVRE gave the floor to Mr Afriye, deputizing for Mr Ussif, who represented Africa.

MR AFRIYE informed the members that he was representing Mr Ussif. He thanked President Bańka and the colleagues for the opportunity to contribute to that debate. He wished to thank the President, Director General and the team at WADA for convening that special meeting to share information and ideas on a topic that had been dominating the news and social media for some time. As had been described previously, the African regional representatives had met and the outcomes of that discussion had just been eloquently presented by Mr Sobhy. The African representatives remained steadfast behind that statement and position. However, the issue of the release of the personal data of the athletes in question, among them minors who deserved special protection, was very worrying. He echoed the sentiments expressed that day and in previous WADA statements that any potential breaches in the process of safeguarding such details and information should be investigated separately, and that those found to be responsible should be dealt with accordingly. He had taken good note of the views expressed by those representing the athletes of the world, which by all accounts constituted a sensible and progressive position.

At the risk of repeating what other colleagues had already mentioned, he wished to reiterate the region's hope that any attempts to derail and destabilize the unity that public authorities, the sport movement, athletes, NADOs and others had built up over many years, and more specifically following the extensive governance reform processes undertaken, be displaced. The trust in the work of WADA's leadership and the confidence in the work of the management team must be defended. Narrow and selfish interests, which unfortunately seemed to undermine much of the media comment and criticism, seemed to be attempts to degenerate the progress made thus far. The source of such criticisms was well known. It had failed previously and he knew it would not succeed that time around. Finally, he hoped that the President and Director General would continue their good work. He looked forward to receiving the report before the Paris Olympic Games, and trusted that Mr Cottier's report would be crystal clear and direct in terms of any follow-up actions to be considered and any potential steps that needed to be taken against any individual or entity that had dropped the ball in that case.

MS LEFEVRE gave the floor to Ms Qualtrough, who was representing the Americas.

MS QUALTROUGH thanked the President for convening that very important extraordinary meeting and thanked everyone who had provided such significant detail and for their candour during that meeting. She would begin by saying that Canada continued to have unwavering confidence in WADA; but, building on the comments of others, there was a situation of global speculation and mistrust. Whether or not that was perceived or real, questions and concerns had arisen. The world held WADA to a very high standard, and rightly so. And WADA held itself to a very high standard, again, rightly so. WADA had historically been open to improving processes and practices to ensure the utmost confidence of the global sport community and the broader public at large and that was really important. She thought, and submitted to those present, that there was a collective organizational responsibility to continue to fortify and improve the processes, because processes that led to even the perception of lack of transparency needed to and could be improved. She wanted to thank the Athlete Council for its intervention, which she thought was critical.

Indeed, she had heard from many athletes that they had felt let down by how events had transpired, and other athletes had felt villainized through that. Of course, the issue of the release of personal information was of particular concern. She thought there was a collective need to figure out how processes could be improved and lessons learned. She expressed full support for the appointment of the independent prosecutor to review WADA's handling of that and trusted that the report would allow for an objective assessment of the underlying issues at play. If further investigation were needed, she expected it would happen. She was pleased to have heard that day that there was a willingness on the part of WADA to address any issues identified. Frankly, she had expected that to be the case. It was how WADA operated. Finally, she stated that her region was going to continue to monitor that closely, and looked forward to receiving the report.

MS LEFEVRE gave the floor to Mr Abdulaziz bin Turki al-Faisal from the Kingdom of Saudi Arabia, representing Asia.

MR TURKI AL-FAISAL thanked the President for the introduction and hoped that his contribution would add to the amazing job that everyone was doing in WADA. He appreciated the information that had been provided that day. He conveyed the full support of his region and also thanked the team involved in that case and wished everyone the best.

MS LEFEVRE gave the floor to Mr Yuji Kakizawa, representing Asia, deputizing for Ms Abe.

MR KAKIZAWA welcomed the explanation and information provided that day. He appreciated WADA's efforts to initiate the independent investigation and looked forward to the conclusion of the findings and the report to the Executive Committee. He wished to make a clarification related to the point that had been raised by Mr Mullaly from Australia regarding the terms of reference and the two urgent questions that Mr Cottier was to answer. He assumed that, in order for Mr Cottier to answer those two questions, he would inevitably address the question of whether WADA's actions since the initial notification of the Chinese doping allegations had been compliant with the World Anti-Doping Code in the case of environmental contamination and had been consistent with the handling of similar cases of environmental contamination.

THE CHAIRMAN thanked Mr Kakizawa for his intervention and reiterated that Mr Cottier had full freedom to analyse that case from different angles, but he wished to give the floor to Mr Wenzel.

MR WENZEL stated that the independent prosecutor would answer the questions in the way that he saw fit. He would certainly have access to whatever documents he needed, whatever people he needed, within and without WADA, and whichever independent, external consultants he wanted to consult with. As he had said, the important point was that the review was done in good faith without interference, and that the conclusion reached regarding contamination from an athlete confidence perspective was a reasonable one and the right one. Exactly what he would consider in order to reach his conclusions under those two questions would be for Mr Cottier to decide. Speaking personally, he did not find it unreasonable that he would look at other similar group contamination cases in answering the second of those two questions. But it would of course not be for WADA to tell him what to consider and what not to consider. He would certainly have the freedom to answer those questions as he saw fit and all the resources that were necessary to do that.

MS LEFEVRE gave the floor to Ms Emma Terho, representing the IOC Athletes Commission.

MS TERHO wanted to express her gratitude for all the clarifications and the interventions thus far. The most important things from the athlete side and what had been discussed among the Athlete Council had already been said by Mr O'Leary and Ms Sabljak. She would reiterate only that the independent investigation was welcomed. Moving on towards the Olympic Games, clear and proactive communication for athletes was very important. She welcomed the decision to hold a call the following week for a larger athlete audience to inform the athletes and offer a chance to ask questions. The ITA pre-Games testing programme was a key confidence measure, and communication regarding that too was important.

MS LEFEVRE gave the floor to Ms Grange, representative of the Americas in Jamaica.

MS GRANGE noted that, following a thorough review of the pertinent documentation available to her, supported by additional research done by the technical team in her ministry, and further to presentations and comments made in that meeting, there was concern that the situation under discussion was casting a shadow over the significant gains and progress made in the protection of clean athletes and promotion of good governance. She and those she represented were concerned. That situation required revisiting the strategies and procedures in place to ensure effective execution,

and she gathered that attention was being paid to that matter. Vigilance, transparency, collaboration and trust were actions that WADA needed to stridently continue to advance and uphold. She looked forward to the report of the independent prosecutor engaged by WADA and the investigations also undertaken by World Aquatics. She had noted the concerns that had been raised and wished to suggest that matters such as those be shared with the Executive Committee as a matter of course, before said matters were brought to the public. The upcoming Code revision process provided an opportunity for amendments to be contemplated or pursued to treat that and other issues, and she looked forward to that being done.

MR PURCELL appreciated the information provided enabling an analysis of the information, agreed to the independent prosecutor's review, and supported WADA in any way in defending the agency. He hoped that those who had breached the privacy of the athletes would be caught. He looked forward to the independent investigation to clarify whether the motive was political or of any other kind, but would support WADA in any way.

THE CHAIRMAN thanked the speakers for all of their comments and questions. He hoped they had found that meeting very informative. As had been said from the very beginning, WADA had been very transparent and was very open when it came to the explanations of that case. Meetings were continuing. He wished to assure the members that major efforts were being made to explain the case from different angles and he hoped the independent prosecutor would be able to provide further confidence through his review and the contents of his report. Mr Cottier was to conduct his independent review so that it could be concluded in advance of the 2024 Olympic Games in Paris.

He thanked the members of the Foundation Board and media representatives for their patience. It had been quite a long meeting, but he hoped they had found it very informative. As he had said previously, WADA was very open to delivering any necessary information about that case to the Foundation Board members and continued its work. He thought it was important at the end of that meeting to stress that, and he was very happy that, in almost all interventions, the message was that everybody had to be united and that the system, the 25 years of WADA, was a history of harmonization and collaboration. It was a common collaboration between different stakeholders and that was the big asset of anti-doping, what had been achieved. It was one of, if not the, most unique systems functioning in the world. As a global anti-doping regulator, WADA oversaw the global anti-doping system and had more than 700 Code signatories, including close to 200 countries. Anti-doping was all about collaboration. He reiterated that the system was not perfect; it required development. It was the role and common responsibility of all Foundation Board members to make sure that everything possible was being done to create a level playing field for the athletes, because that was the mission and goal. He thanked the participants and looked forward to forthcoming meetings.

The meeting adjourned at 9.15 a.m. GMT -4.

FOR APPROVAL

MR WITOLD BAŃKA
PRESIDENT AND CHAIRMAN OF WADA

MR OLIVIER NIGGLI
DIRECTOR GENERAL AND RECORDING SECRETARY