

Note: The Executive Committee meeting minutes are published on WADA's website once they have been approved by the Executive Committee, 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 Executive Committee meeting, 9 July 2024

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

1. Welcome, roll call and observers

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

The following representatives of WADA management attended the meeting: Mr Olivier Niggli, Director General, WADA; Mr René Bouchard, Senior Director, Stakeholder Engagement and Partnerships, Ms Dao Chung, Chief Financial Officer, WADA; Mr Sébastien Gillot, Director, WADA European Office and Sport Movement Relations; Mr Kevin Haynes, Compliance, Rules and Standards Director, WADA; Ms Karine Henrie, Head of Athlete Engagement, WADA; Ms Amanda Hudson, Education Director, WADA; Ms Angela Iannantuono, Corporate Services and Sustainability Director, WADA; Ms Olympia Karavasili, Stakeholder Engagement and Partnerships Deputy Director, WADA; Mr Stuart Kemp, Chief Operating Officer, WADA; Ms Florence Lefebvre-Rangeon, Deputy Chief Operating Officer, WADA; Mr Francisco León, Director of the WADA Latin America and Caribbean Office and Head of Program Development; Ms Catherine MacLean, Communications Director, WADA; Mr Marc-André Matton, Chief Technology Officer, WADA; Mr Tom May, NADO/RADO Relations Director, WADA; Mr Rafal Piechota, Director, Office of the President, WADA; Professor Olivier Rabin, Science and Medicine Director, WADA; Mr Tim Ricketts, Testing Director, WADA; Mr Julien Sieveking, Legal Affairs Director, WADA; Mr Rodney Swigelaar, Director of the WADA Africa Office; Mr Ross Wenzel, General Counsel, WADA; Ms Shannan Withers, Chief of Staff, WADA; Ms Mayumi Yaya Yamamoto, Director of the WADA Asia/Oceania Office; and Mr Gunter Younger, Intelligence and Investigations Director, WADA.

The following observers joined the meeting: Kum-pyoung Kim, Hannah Grossenbacher, Michael Vesper, Richard Budgett, Dagmawit Girmay Berhane, James Carr, Gaby Ahrens, Robert Auguste, Angela Martins, Jack Lane, Jono McGlashan, Shin Asakawa, Yumiko Nakajima, Amandine Carton, Sophie Kwasny, Richard Baum, Carla Qualtrough.

THE CHAIRMAN thanked the Executive Committee members and observers for joining the meeting. He welcomed everyone online. There were 16 out of 16 Executive Committee members in the virtual meeting room. They were joined by some of the Foundation Board members, who had asked to observe.

He wished to thank the members for making themselves available at such short notice. He also wished to thank Mr Cottier, who he would introduce later, for joining the members. They were supported that day by interpreters for English and French. There would be no formal roll call given that it was a full virtual meeting where the attendance log would act as a record.

- **1.1 Disclosures of conflicts of interest**

THE CHAIRMAN asked if any members wished to disclose any conflict of interest. He saw no request. He was surprised that there was no declaration of a conflict of interest from one of the stakeholders, but would take note. That was a matter that could be discussed further with the Independent Ethics Officer after the meeting.

He forecast that the session would last for approximately 90 minutes.

As noted in the member communications the previous week, the members would be joined by Mr Eric Cottier, the independent prosecutor who would present the findings of his interim report. Mr Cottier would present his report in French. After his verbal presentation, the floor would be opened for questions. Given that Mr Cottier continued to work on a further report, any questions would be limited to the content of his interim report. Once the final report was received in August 2024, WADA would liaise with the Executive Committee members on how and when to reconvene.

That day, following the presentation from Mr Cottier and any questions and answers, the Executive Committee members would be asked to decide on the next steps, including the publication of the interim report and annex, and the timing thereof. He would come back to the members at the end of the meeting with the question as to how to proceed.

Before he introduced the members to Mr Cottier, he also wished to introduce them to Mr Rino Pisani, WADA's new Events Manager, who would act as facilitator to manage any virtual requests in the system.

Without any further delay, he wished to introduce the Independent Prosecutor, Mr Eric Cottier. As the members knew, Mr Cottier had been reviewing WADA's handling of the case and had thus far produced his interim report. It had been sent to the members the previous Friday (5 July 2024) and he was sure that they had all read it with interest.

As the members would recall, the decision to appoint Mr Cottier had been taken on 25 April 2024, following requests for such review by a number of stakeholders. As they knew, Mr Cottier was entirely independent of WADA, the sport movement and governments. He was a prosecutor of 39 years' experience, and had been the attorney general of the Canton de Vaud, Switzerland, as well as a judge at the cantonal court level and a special prosecutor at the federal level.

To facilitate his review, Mr Cottier had been granted full and unfettered access to all WADA's files and documents related to the matter, as well as being afforded the opportunity to interview all those involved. He had received a comprehensive package of documents, papers and all relevant e-mails regarding the Chinese contamination case. He had been supported by experts at the renowned forensic institute of the University of Lausanne. They had confirmed that he had, indeed, been given access to everything related to the case. Also, he had been free to consult with any independent scientific, legal and other experts of his own choosing to reach his conclusions. He had done so, as outlined in his interim report.

In his letter of engagement from WADA in April, he had been asked to use his best endeavours to issue his full report by the end of June 2024. However, in the event that the full reasoned report could not be issued within that timeframe, he had been asked to consider issuing a summary interim report before Paris 2024, including the outcomes of his inquiry. Mr Cottier had since done so; therefore, he wished to give the floor to Mr Cottier to present his interim report. Once Mr Cottier had completed his presentation, he would remain with the members to answer any questions they might have. At the conclusion of the question and answer session, Mr Cottier would leave the meeting, and he would then invite the Executive Committee members to discuss the publication of the report. As indicated, Mr Cottier would speak in French, and he invited the members to use the interpretation system found at the bottom of the screen.

MR COTTIER noted that he was grateful to the members for the honour they had done him by giving him the opportunity to present to them at their meeting the main elements of the investigation they had entrusted to him, and the answers to the questions they had put to him. An interim report had been submitted, with an annex summarizing WADA's actions in the case. They had read it and, for the most part, he referred to it.

He began with a brief reminder of the facts and the implementation of the investigation. 23 Chinese swimmers had tested positive – some multiple times – for trimetazidine (TMZ) during a national competition held from 31 December 2020 to 3 January 2021. The swimmers had come from all parts of China, from different provinces, cities, and clubs; the doses found in their urine had not been capable of improving their performance. The China Anti-Doping Agency (CHINADA) had decided not to consider those to be cases of anti-doping rule violations (ADRVs), but rather as environmental contamination. Following various procedures and expert opinions (chemistry, pharmacokinetics, legal, etc.), WADA had concluded that there were no grounds for appeal. While WADA still had doubts about the environmental contamination scenario, it had found that it was strongly supported by a body of evidence and clues, and that no other hypothesis in favour of doping appeared more likely. The same conclusion had been reached by the International Swimming Federation (FINA, which had since become World Aquatics) after studying the case with its own experts. Several of the swimmers concerned had participated in the Tokyo 2020 Olympic Games, which had taken place in the summer of 2021, and some of them had won titles and/or medals. On a few occasions, between the beginning of 2022 and April 2024, it had been suggested or claimed that China had hidden doping cases and, lately, that WADA had covered up those cases. On 6 May 2024, WADA had mandated him to act as an independent prosecutor. In particular, the agency had guaranteed him total independence in the exercise of his mandate. He had been given a deadline of the end of June to submit his report. On 1 July 2024, in view of the developments in his investigation, he had made use of the opportunity to file a summary report indicating the conclusions of the investigation, i.e. the interim report that the members had in front of them. The mandate had left him free to organize his investigation and to carry out any investigative procedures that seemed useful to him. At the outset of his mandate, the agency had provided him with a voluminous amount of documentation. It had included the Chinese decision, its annexes (mostly translated into English), electronic exchanges of questions and answers, internally and externally (with FINA and its expert, in particular), and additional questions addressed several times by WADA to CHINADA, with the latter's answers, a scientific presentation, etc. He had also received, separately, a file from the agency's Intelligence and Investigations Department, commented on by its director.

After reviewing the extensive documentation and putting a series of questions to WADA's various departments from the beginning of the investigation, he had quickly identified three areas in which he needed to rely on experts to be able to base his assessment on the questions posed. To determine those areas, he had applied the ordinary rules that applied to any person with the competence to establish or judge facts: to have recourse to one or more experts when they themselves did not have the necessary knowledge or skills.

First of all, he had had to check the documentation and files that had been given to him. To assess the agency's activity, he had had to be sure that all of it had been submitted to him, and that there were no gaps. Since that documentation was the result of the extraction carried out by WADA itself on its own database, he had had to have access to it, and he had had to know the tools and criteria used for the extraction. He had entrusted that task to the School of Criminal Sciences of the University of Lausanne (ESC). The ESC had been granted unlimited access to the agency's electronic data. It had first applied the criteria used by WADA. Then, it had extended the search, using other keywords and, in particular, by searching in e-mail accounts other than those initially explored, it had carried out its own extractions. The data provided by the agency and found by the ESC had been compared. The result was that the documentation provided to him had been complete.

In terms of the facts, the central point in CHINADA's decision, as in its review by WADA, was the hypothesis of environmental contamination that had led to the presence of TMZ in swimmers' urine. The

second expert appraisal necessary for him had therefore been to compare that hypothesis with the scientific elements in the file (content of the samples, results of the analysis, TMZ research in what had been the athletes' environment, etc.). The aim had been to verify whether the hypothesis of environmental contamination was compatible with those elements, to assess its plausibility and to compare it, in terms of probabilities, with other hypotheses, in particular the ingestion of TMZ at therapeutic doses. He had entrusted the second expertise to Professor Xavier Declèves, Professor of Pharmacokinetics and Director of the Pharmacokinetics Laboratory of the University of Paris V. In summary, he had concluded that the use of TMZ at clinically effective and potentially doping doses during the competition and even well before it could be definitively ruled out; that the hypothesis of contamination within the hotel remained a valid hypothesis that no scientific argument could dismiss; and that there was ultimately no scientific pharmacokinetic argument in favour of one hypothesis over another.

The third expert opinion had focused on the general conformity with anti-doping regulations of the acts on file, whether those of CHINADA, including the decision, or those of WADA with a view to a possible appeal. In fact, in a complex legal field that he had not practised, he had wanted to submit the essential documents of the case to a specialist in doping law, in much the same way as a judge who had to apply technical standards and who questioned a professional or, if he planned to apply foreign law, turned to a comparative law institute. He had entrusted that expertise to CMS von Erlach Partners SA, in Geneva, which had several lawyers specializing in sports law and members of the CAS panel of arbitrators. It was apparent from that expert report, regarding WADA's examination of the issues to be addressed in deciding whether or not to lodge an appeal, that it had been conducted in accordance with the rules, without excluding the possibility that the agency might have carried out further investigations.

In addition to those expert opinions, throughout the investigation, he had asked a large number of additional questions to WADA's various departments (Legal, Science and Medicine, Results Management, IT, Intelligence and Investigations, etc.), which had collaborated fully, also with regard to the experts. He had also turned to World Aquatics (FINA at the time of the incident) to be informed to the extent necessary on its handling of the case in 2021. It had been confirmed to him that the examination of the case had been carried out in a multidisciplinary manner, and that its executive director remained convinced by the hypothesis of contamination.

In terms of the summary of the recitals on the facts and the application of the relevant rules, on the basis of his investigation, he had noted the full cooperation of CHINADA throughout the examination of the case by the agency with a view to a possible appeal. He had not found anything to suggest any outside interference or intervention in the process that had led to WADA not filing an appeal. WADA's review of CHINADA's decision had been carried out quickly, continuously and comprehensively, through a multidisciplinary approach, with precision and rigour. To examine whether WADA's decision not to appeal was reasonable, he had obviously relied on the file, and by examining the applicable rules, but he had also relied on his own experience in appeals, whether as a prosecutor or as a judge. He had considered that the reasonableness of an appeal must first be sought in its chances of being accepted by the appellate authority. To put it succinctly, those chances required that the contamination scenario be shown to be improbable, which presupposed, intellectually at least, the existence of a more probable scenario. In view of the information available to him and even in assessing what other procedures might have revealed, he considered those chances to be nil, or at the very least virtually non-existent. In particular, the pharmacokinetic expertise that he had commissioned scientifically confirmed that no hypothesis other than that of contamination was more probable. However, that scientific conclusion applied to a case in question that had involved very particular, if not unique, circumstances: extremely low levels, within a short range, among a large number of athletes from several provinces, towns and clubs, staying on a single site during a national competition without much at stake. The 28 positive tests would have required, in view of those circumstances, an accumulation of coincidences which appeared to be clearly more unlikely than the scenario of the swimmers, once all gathered on a single site, falling victim to environmental contamination. Even if he could have stopped there, he had still considered that, before filing an appeal, the person to whom that legal remedy was available must take into consideration the consequences and the resulting

harm for the persons concerned. He would not go into the details of that very subsidiary argument (*obiter dictum*) there, and would limit himself to referring to the final paragraphs of his interim report.

In terms of answers to the two questions put to him, there was nothing in the complete file to suggest that WADA had shown favouritism or deference, or in any way favoured the 23 Chinese swimmers. He had not found any evidence of any interference or meddling in the review by the agency, either internally or externally, by any entity or institution, including CHINADA, or the Chinese authorities. He had found no irregularities in the examination of CHINADA's decision; that review had been detailed and covered all relevant issues.

In response to the second question, all the elements taken into consideration by WADA, whether they came from the file produced by CHINADA with its decision or from the investigation procedures carried out by it, made the decision not to file an appeal appear to be reasonable, both in terms of the facts and the applicable rules.

The final report would be much more detailed, on the measures of inquiry and with regard to the reasoning behind the responses. He also planned to make a number of recommendations, both on WADA's internal process and on elements of the World Anti-Doping Code which he believed could be revised or clarified.

He concluded his presentation, thanked the President and members for their attention and would be happy to provide further information if necessary.

THE CHAIRMAN thanked Mr Cottier for his report. Before he opened the floor for questions or comments from his fellow members of the Executive Committee, he wished to thank Mr Cottier for his diligence and professionalism in conducting his review. While that was not the final report, it was pleasing to hear his high-level conclusions, that WADA had not shown any bias towards China and that WADA's decision not to appeal the 23 cases to the Court of Arbitration for Sport was, in fact, reasonable, based on the available evidence.

Those were the two big questions as far as WADA was concerned. Its reputation had been attacked with outrageous allegations of a cover-up. It had been important to address them urgently and decisively, which WADA had done. The independent prosecutor had found those allegations to be entirely baseless.

Since the start, WADA had stated that it had reviewed the case with all due scepticism, diligence and without fear or favour. It was important to stress that Mr Cottier's report clearly showed that WADA had approached the case with a healthy scepticism. That was standard procedure when it came to such matters. As WADA had said from the very beginning, despite its scepticism, the analysis of the situation from a legal and scientific perspective had not allowed it to disprove the contamination scenario. WADA always treated such matters in a technical way, both from scientific and legal points of view. Thus far, no credible evidence had emerged that could successfully challenge the finding of no-fault contamination at the Court of Arbitration for Sport. That was no longer something only WADA's experts were saying – it had just been confirmed by the independent prosecutor based on his assessment of the case file and all other relevant information, including the opinions of independent experts. While WADA had always been confident as to how it had handled the case, it welcomed that validation by the independent prosecutor. WADA awaited his full, reasoned report in the coming weeks. WADA would be ready to consider Mr Cottier's recommendations at that time and to discuss them at length during the Executive Committee meeting in September 2024. In fact, WADA would be happy to do that so as to continue to strengthen the global anti-doping system for all athletes of the world.

He wished to open the floor to questions and comments for Mr Cottier; however, before doing so, he reiterated that, as mentioned at the outset, any questions put to Mr Cottier should remain focused on his interim report. He asked the members to raise their virtual hand should they have a question, and Mr Pisani would announce when they could take the floor. Speakers would be called in chronological order of hands raised. If questions were posed and required answers, direct responses would be given, i.e. each intervention would be addressed before moving to the next question or comment.

Lastly, before beginning with questions, he asked the members to note that sitting at the virtual table were the WADA experts from whom the members had heard before, in case there were any questions that might be better put to them. Mr Ross Wenzel, WADA's General Counsel, Professor Olivier Rabin, the Science and Medicine Senior Director, Mr Gunter Younger, the Intelligence and Investigations Director and Mr Tim Ricketts, the Testing Director, were available to answer questions. Without any further delay, he opened the floor for questions.

On behalf of the sport movement, PROFESSOR ERDENER thanked Mr Cottier for his clear report and extensive work in the timeframe. That was very important. He wished to say something about the report and approach. He was pleased to learn that Mr Cottier had benefitted from the necessary forensic and external expertise to verify the WADA database and all the elements related to his investigation. The report and its annex provided important information that clarified that there had been no irregularities on the part of WADA in handling the case. It was also clear that it had been reasonable of WADA not to appeal the CHINADA decision. The sport movement urged WADA to ensure clear communication, especially targeted updates on the findings of the interim report and the recommendations that would follow. As had been indicated by the WADA Foundation Board, it was undeniable that the case had been the source of politicization. The clear report left no more room for accusations of a cover-up by WADA. The sport movement remained concerned about the current mood regarding WADA and urged that concerns over challenges still facing the anti-doping community be addressed in a constructive manner. Criticism should serve to help WADA improve the global system, building on the principle of international cooperation, a concept that had been central to WADA's inception. The sport movement called on WADA to reaffirm that it looked forward to receiving Mr Cottier's recommendations to support its continued efforts to strengthen the anti-doping global system.

MR DE VOS fully agreed with Professor Erdener; but, to avoid any doubt, he thought that everybody knew that the members had insisted on having the interim report prior to the Olympic Games in Paris to ensure absolute clarity for all of the athletes preparing for and participating in the Olympic Games. Mr Cottier had already mentioned that he had had access to all the files and documents and it was good to hear that, but could he confirm that he had had enough time to assess all the documents and go through all of the data and information in order to establish his conclusions?

MR COTTIER responded that he had of course reviewed all of the documents, several times. He had found a lot of very interesting documents but had to admit that he had found duplicates and even triplicates of the same documents, which had made the task more difficult. He had left nothing unreviewed, and he had obtained everything he had needed and there was no indication whatsoever that anything had been withheld. Obviously, he would take everything into account in his final report, considering, just as he had done when he had been a judge, that he had everything necessary to enable him to provide his decision in the form of the responses that the members had heard. He hoped that he had answered the question.

DR GUPTA thanked the Chairman for sending the interim report and for his efforts, and thanked Mr Cottier for his commitment to providing answers to the questions posed by the WADA management. The Executive Committee owed athletes a way forward and a work plan on how it would ensure the best management of complex and sensitive contamination cases at that point and in the future. He would make two points and had two questions. He understood the desire to have a report available prior to the Olympic Games in Paris; the gravity of the analysis and the conclusions reached in the interim report reinforced some of the concerns. He had previously indicated that it would have been wise to involve the entire Executive Committee in the formulation of the terms of reference, to work to ensure a comprehensive report with the best recommendations. The current interim report lacked the critical methodology and a more comprehensive scope of investigation, finer details within the purview provided, as well as the substantive information required to ensure full confidence in the investigation. That would have empowered everybody to work collaboratively and strengthen WADA and to give it better options for the future. He was afraid that a narrow approach might set a negative precedent and leave NADOs worldwide unsure on how such cases would be managed and that athletes across the world might continue to question the fairness of the entire anti-doping enterprise. It left WADA without the tools it needed to take

that critical opportunity to reach its full potential. In other words, the interim report did not do enough to ensure the trust of the stakeholders, but he appreciated the effort. As much as he appreciated Mr Cottier's efforts, and he truly did and respected them, WADA needed to make sure that nothing like that would happen in the future, and therefore an independent commission should still be considered.

He had many questions and reserved the right to submit additional ones in writing very soon. He thanked Mr Cottier again and asked him if he believed that WADA and CHINADA had followed the Code as generally understood and accepted. Secondly, what information outside the case files had been considered? Considering the entire course of events, did he have indications or concerns that there were important facts or actions not reflected in the case files and would the case files that he had reviewed be made available as some athletes and NADOs had requested?

MR COTTIER understood that the first question had been on whether his investigation had been able to show that WADA and CHINADA had actually complied with the rules of the Code and whether CHINADA had been complying with the rules of its own code, because NADOs had their own rules, which obviously had to be compliant with the World Anti-Doping Code. He reminded Dr Gupta that the investigation he had undertaken had concerned verifying whether WADA had done its work properly and whether the decision not to appeal against the decision concerning the 23 swimmers had been a reasonable one. He had therefore had to avoid playing the role of a judge at the CAS, because it had not been his role to act in the same way as the CAS would have had to do in the event of an appeal. A court would have had to decide not whether the appeal was reasonable or not but whether it had grounds or not, which was a different matter, but he imagined that the members were aware of that. With regard to WADA's activity, he had been able to conclude that it had complied with the rules that it had to follow whenever it was necessary to carry out an examination and reach a decision to appeal or not, and whether the examination had been comprehensive. The examination had been comprehensive primarily because CHINADA had submitted a comprehensive dossier with answers to questions put to it by WADA throughout the procedure. That was a substantial element. As to the second question, he was being asked to judge whether the documents he had received and reviewed were comprehensive. The files had been comprehensive, both the one handed in by CHINADA and that submitted by WADA. It was easier to identify when something was surplus to requirements in a file than when something was lacking. However, when looking at both files, he had never felt that there was anything lacking or that he should have been able to discover something else. He had felt that he had been fully able to understand what had happened.

DR GUPTA clarified that he had been asking more about the outside information of the case files Mr Cottier was considering or had considered.

MR COTTIER responded that he had provided some indications of the assessment undertaken. He had of course not travelled to China to investigate as he had not felt that would be necessary, but he had considered doing so. Given the documentation he had studied and his assessment, he had not felt it necessary. He had been able to fully understand how FINA or World Aquatics had done its work. He had contacted World Aquatics to find out what it had done and what it thought about the case, and when he had ascertained that in 2021 it had been convinced (and it remained convinced) about the contamination scenario, he had not sought outside information because he had believed that he had everything he needed, and in any case he did not know what kind of outside information he might have sought.

MR BISHOP thanked Mr Cottier for the investigation and the report and noted that it was encouraging to see a preliminary report that provided assurance that WADA had not shown bias towards China and had made a reasonable decision not to appeal CHINADA's findings to the CAS, but he was looking forward to seeing recommendations on how WADA and the anti-doping community might improve processes in the future. The report reflected the very narrow terms of reference initially set for the report, and what he and potentially others were interested in was that the report did not consider why CHINADA had interpreted the Code differently to others, in particular why the athletes in question had not been notified and provisionally suspended pending a hearing to determine the cause of the adverse analytical finding (the presence of TMZ), or why the investigation had not been handled promptly. He thought he spoke for many in saying that athletes needed to have confidence that the same standards applied regardless of where

they were tested. That was the fundamental principle that should be aimed for. He also thought that the terms of reference were too narrow. An extended term of reference should assess whether WADA's or CHINADA's actions had been compliant with the Code and provide clarity on why WADA had not taken additional action to investigate the contamination claim further when evidence of that claim had been inconclusive, and he also thought that there should be greater clarity as to whether the WADA Executive Committee members should have been advised as to WADA's actions as they had been for other previous doping allegation cases. Therefore, he would like to see extended terms of reference potentially as part of the more conclusive report that would be coming as a follow-up to the preliminary report. He thought the report was useful insofar as it went but believed there were some unanswered questions linked to the very narrow terms of reference set from the start.

THE CHAIRMAN said that the urgent matter had been to respond to the two main questions as to whether there had been any bias shown towards China and whether the decision taken by WADA had been reasonable. That was an interim report and the more comprehensive review would be in the bigger report to be discussed before the September Executive Committee meeting.

MR PINI thanked Mr Cottier for his urgency in producing the interim report. It was especially welcoming to clarify the people involved and the processes taken to ensure attention to detail and transparency in that complex case. He hoped that the initial report and its conclusions would provide some reassurance to athletes, especially in the lead-up to the Olympic Games in Paris, if indeed the report was publicized. He wished to provide an outline of the Athlete Council actions involving the athletes to raise awareness. The Athlete Council had been productive in that matter in collaboration with WADA and a specific athlete webinar had been held at the end of May with over 200 athletes and athlete representatives. The webinar had been an invaluable opportunity for the Athlete Council and WADA to listen and directly answer the athletes' concerns, and he extended his thanks to the athlete community for its active participation and to the WADA community for spreading the information and facilitating that engagement. Additionally, numerous letters had been received from various athlete committees and commissions requesting clarity and suggesting further actions. In addition to the athlete call, which had provided further clarity, he had shared the resources produced by WADA with the groups which had been greatly appreciated and provided much-needed clarity. Several athlete groups, including the Athlete Council, were eager to learn of any improvements that could be made to the process and the Code and international standards as a result of that case. He looked forward to reviewing the full report and seeing the recommendations, which he hoped could inform the Code and international standard review process. Some athlete groups had called for the scope of the review to be broadened and were eager to read the recommendations and determine whether that should be considered, but recognizing that the full report was not yet ready, any indication from Mr Cottier or recommendations that could be shared that day would be welcome regarding changes to the Code review. There would be another webinar on 16 July focusing on enabling athletes to contribute to the Code and international standards review, and finally, following the report in August, there would be a discussion on plans to host another webinar providing yet another opportunity for athletes to ask questions and engage with the process in relation to that case, thus further involving the athletes. If Mr Cottier had any notes or recommendations on any review regarding the Code or international standards, they would be greatly appreciated.

DR MUROFUSHI appreciated Mr Cottier's efforts conducted in a limited timeframe of approximately two months, acknowledged his commitment to submit the interim report before the Olympic Games opening ceremony, and supported the publication of the interim report in order to allay the concerns of the athletes regarding fair competition at the Paris Olympic Games and Paralympic Games. However, he had a question regarding the consistency of WADA's interpretation of the relevant rules and their application which remained unanswered, and he reiterated that the question needed to be answered, as it was in the interest of the entire anti-doping community.

THE CHAIRMAN reminded the members that that was an interim report and the goal of the report had been to answer the two main questions. At the outset, WADA had been accused of bias towards China and that it had not followed the rules. As Dr Murofushi had mentioned, the prosecutor had received

thousands of documents related to that case and it had taken him two months to answer the two main questions that were the most important for WADA, on whether everything had been in accordance with the standards and whether WADA had followed the rules. That was the goal of the interim report and was not the end of the matter. The prosecutor would continue his work. Other questions and more detailed information about the case would be discussed by the Executive Committee with some recommendations as to what might be changed, strengthened or developed in the rules.

MS MARACINEANU thanked WADA for succeeding within such a short timeframe in mobilizing those involved in responding diligently to Mr Cottier's questions and for providing all of the necessary documents for the interim report and its publication. It was really important that WADA do that before the Olympic Games to be able to prove that WADA fully accepted its responsibility to ensure fairness in sport and the fight against doping in sport and she thanked Mr Cottier for doing his work so diligently. She had heard many of the government representatives raise the issue of the terms of reference. She asked Mr Cottier, who had summed everything up in a remarkably straightforward and clear manner in the interim report, whether he had taken into account only the period as of 15 June 2021 or whether he had also taken into account the period from 15 March to 15 June 2021, which was when WADA had found out about the positive doping results. She wondered whether there would be a second investigation for the period from 15 March, and picked up on the questions asked, which included why WADA had not reacted to the decision taken by CHINADA, which had not suspended the athletes in accordance with article 7.4.1 of the World Anti-Doping Code, which stipulated that athletes testing positive should automatically be suspended.

MR COTTIER replied that the WADA files that he had examined had covered not only the period as of 15 June, when CHINADA had notified its decision, but rather also covered the period from 15 March, which was when WADA had become aware of the 23 positive cases. He had taken that period into consideration and had been provided with the relevant documentation to do so. His assessment was that what had been given to him regarding that period had been complete. It was clear to everybody that CHINADA had not followed the procedure set out in the Code; however, his mission had been to determine whether WADA had shown any bias or had been unduly influenced by political bodies or federations. That had been the first point to determine, whether WADA had shown any bias, and the second was whether or not the decision not to appeal had been a reasonable one. He had not been tasked with issuing a judgement on what CHINADA had done, but he had not been limited by the fact that that question had not been submitted to him. That did not mean that the question did not exist, but it had not formed part of his terms of reference. Furthermore, he thought that the terms of reference that had been set out were perfectly reasonable.

MR EMONYI started by thanking Mr Cottier for his initial detailed report. The conclusions drawn were clear and very insightful. He eagerly awaited the recommendations to further WADA's ongoing evolution in the anti-doping system. The implementation of the recommendations was crucial to demonstrating the commitment to clean athletes and continuous improvements to anti-doping efforts. Athletes needed assurance that their data would be protected without risk to their privacy rights while protecting the integrity of sport. He appreciated WADA's transparency in communicating with the athlete community and that was evidenced by the positive feedback from the recent meeting with the IOC athletes' commission to prepare for the Olympic Games. That direct exchange and engagement was invaluable and offered an opportunity for athletes to hear directly from WADA. Although no direct questions had been asked, Mr Cottier's presence at the meeting underscored the commitment to the athlete community. He concluded by emphasizing the need to strengthen communication from WADA directly to the athletes, as that would improve transparency in processes since a lot of information had been moved around without any clarity from WADA. He thanked Mr Cottier once again for that initial report.

MS CESSOUMA apologized that she had not been able to join the meeting at the start due to circumstances beyond her control. She also wished to say that she was pleased to attend that important meeting that day. The circumstances were by no means easy, particularly just before the Paris Olympic Games. It was necessary to ensure sporting integrity. She thanked and congratulated Mr Cottier on the work he had done. She had received his detailed interim report. She had gone through the report and the

conclusions had been very carefully examined. He had worked on the basis of evidence. He had received the test results and witness testimony and drawn conclusions, for which she congratulated him. He had stated that the documentation provided to him had indicated no kind of bias towards CHINADA. She felt that was important, in addition to all of the other findings in the report. The investigation showed that there had been no irregularities and that there had been no reason for WADA to challenge the decision taken by CHINADA. Africa's position was the same as it had been previously. Africa appreciated the work done by WADA which made it possible to guarantee transparency and equal treatment. Africa fully respected the agency. It was also necessary to guarantee the integrity of sport, which was a priority for all and for WADA. It was very important to improve things further. Everything could always be improved upon and obviously certain principles needed to be respected, such as the presumption of innocence, which was an important principle. She eagerly awaited Mr Cottier's final report, which would make it possible to put an end to that situation, which penalized WADA. It was important to reach a final conclusion as soon as possible to bring an end to that major issue that had hit the headlines, which was not good for WADA's image or the members of the organization. It was important to close the file and she encouraged Mr Cottier to move quickly towards providing recommendations in his final report, so as to look at the matter and conclude the case once and for all. She was sorry she had been unable to follow the meeting from the very beginning. She had wanted to note the position of her continent and wished to thank all of the participants and the President for providing the opportunity to get together and to take the floor.

MS YANG thanked Mr Cottier for his very comprehensive report in such a short time which had helped the members to understand more. She was named in the report and in the cover-up story, and that was why she wished to thank Mr Cottier for the clarification, which was very helpful for WADA's future work. She had no questions but merely wished to thank Mr Cottier for his hard work.

MS BENNETT thanked the Director General and Chairman for engaging Mr Cottier on WADA's behalf, and thanked Mr Cottier for the detailed overview of the investigation presented at that meeting, as well as for the conclusions set out in his interim report. She also thanked him for his efforts to produce an interim report quickly and in advance of the Paris Olympic Games. She noted that the chronology of WADA's actions set out in the annexure to the report provided in particular to her a level of detail that was very helpful to know. The actions set out underscored the conclusions reached in the report and seemed to indicate a healthy scepticism on the part of WADA. She asked Mr Cottier if his final report would contain a similar level of detail as that set out in the annexure already provided and whether his final report would be confined to the questions put to him in the terms of reference or whether he intended to make recommendations in relation to matters that had arisen during the course of his investigation that fell outside those two questions.

MR COTTIER responded firstly to the second question: as he had been conducting his work, he had found himself faced with questions that had led him to believe that recommendations might be useful for the good functioning of WADA. As the members would have seen, he had noted that WADA had done its work well and in a comprehensive manner but it had been difficult for him to obtain the right level of information necessary. In fact, as his interlocutors at WADA knew, there was no summary document setting out the work that had been carried out. The work had been done very well but he thought that it was important to set that out formally. Some of the members had raised questions of transparency which showed the importance of being able to demonstrate what had been done. He thought that, given the difficulty of his work, improvements could undoubtedly be made, not because the investigations carried out had not been relevant, but because it had been complicated to gain access to all of the information, which he deemed unfortunate. One of his recommendations would indeed focus on that matter. He had also seen that WADA was an agency in constant movement, and that it constantly asked itself questions about what it was doing, possible progress and changes that might be necessary. It was a living agency. He had noted that there were a lot of working groups that were asking themselves questions that had also occurred to him during his work. His task was not to draw up a huge list of recommendations, but he would endeavour to focus on a couple of points in order to help with processes already under way, such as the

drafting of the Code, which would be a useful by-product of his work. He asked Ms Bennett to repeat her first question.

MS BENNETT asked Mr Cotter if he intended his final report to contain a similar level of detail as that set out in the annexure to the interim report.

MR COTTIER responded that his current intention was of course to do so. He had the names of all of the swimmers concerned in the case and had asked himself many questions about the protection of their personality. He knew it was a burning issue for everybody. He wished to be comprehensive and did not want people to criticize him and say that he had hidden something, as that would call into question the investigator, which would not be good for the investigation. He was concerned about data protection, and he would go into detail but he knew that he had to be careful, not because he wanted to hide anything, but to ensure data protection.

MS BENNETT confirmed that she had not been suggesting that the names of the swimmers ought to be disclosed in a public report. That had not been the purpose of her question.

MR KEJVAL had a question or observation that was slightly different to the others, relating to the procedure itself. WADA had received information that the USA had activated the so-called Rodchenkov Act, which was a very new situation for everybody. If the anti-doping movement continued following the path being set by the USA, whereby individual countries made decisions on foreign athletes, parliaments handled disciplinary cases and athletes feared police interrogation at international competitions instead of uniting through sport, was it really worth investing time and resources? He wished to make a strong call to the colleagues from the public authorities to respond on whether that was how the anti-doping movement wanted to continue in the future or whether all efforts should be put into supporting WADA restoring international cooperation with the anti-doping movement.

THE CHAIRMAN asked that questions at that moment be related to Mr Cottier's report. General questions could be asked afterwards in the discussion.

MS BATTAINI-DRAGONI noted the quality of the presentation given by the independent expert. She wished to tell him that the initiative of preparing the report opened up possibilities that WADA might not have considered initially which constituted one of the strengths of the report. She knew that the report would be further improved upon but thought that it would help the members to reflect, which was very interesting, and lead them to seek to progress further, explore avenues and do more. A situation such as that discovered in 2021, with everything that the members currently knew and which was included in the report, needed to be looked at in greater detail and she appreciated the legal dimension included in the report. That was a breath of fresh air and would help WADA to move forward. She had been interested and pleased to read the report and looked forward to the final report. She believed that there were standards and principles referred to in the report that were extremely important to avoid the pitfalls of politicization, which would not help in any way and would lead only to confusion. She greatly appreciated the report.

MR COTTIER said very briefly that he wished to thank everybody for their attention to what he had said and written. He also thanked the members for their questions, which illustrated their interest. He thought that they had identified the importance of everything he had been able to learn from the case, which was of great concern to them. He looked forward to finishing his final report and hoped that it would live up to their expectations and open up new possibilities for the future and also help the agency to prove that it had done its work properly. It was important to be able to demonstrate that one had done one's job. He thanked the members and wished them a good meeting.

THE CHAIRMAN thanked Mr Cottier for his hard work, time and availability. He thanked all of the members for their comments and questions. He felt it was important at that stage to stress one key thing. There were still plenty of details to come on the case. However, it had since been established by a respected and independent prosecutor that there was no evidence of any impropriety by WADA in how it

had dealt with the case. WADA had shown no bias towards China and the agency's decision not to appeal the cases to the CAS had been reasonable.

Since the members had the interim report available, he asked the individuals who had made the damaging accusations against WADA, mainly in the USA, to recognize those facts. The allegation that WADA had participated in a cover-up was a violation of the good name of the agency and the entire anti-doping system. WADA had acted in line with the rules. It was important to remind people that it was not the WADA Code, it was the World Anti-Doping Code. Those were rules that had been created by and accepted by the entire global anti-doping community. Instead of holding a substantive discussion about procedures based on the applicable rules, what had been heard was conspiracy theories presented without any evidence. Some people had attempted to create the impression that what had been a normal relationship between WADA and China over the years was somehow suspicious. They had tried to suggest that the fact that WADA had people from China in its governance bodies, including the WADA Vice-President, was somehow evidence of wrongdoing. The false and defamatory statements that had been made against WADA could not go unanswered. With the clear and unequivocal finding from the independent prosecutor, WADA could proceed with all avenues of redress, including legal ones, against those who continued to attack WADA with lies and slander. If they chose to continue their defamatory campaign against WADA despite all the facts presented in the report, he would be forced to defend the agency even more vigorously. He also wanted to mention that, given the potential litigation and given the ongoing investigation taking place by the United States Department of Justice and the leaking of information in the USA, WADA would have to reconsider to what extent the working relationship with USADA could continue, especially given that it had shown repeatedly that it was not a trustworthy partner.

Before he opened the discussion on next steps and the decision on the publication of the report, he wished to mention briefly the update that had been provided the previous day concerning the situation in the USA. He invited Mr Wenzel to outline the current state of affairs in the USA.

MR WENZEL said that, after the information had become public about the US Department of Justice/FBI investigation into the Chinese swimmers case the previous week, and World Aquatics had confirmed through an Associated Press (AP) article towards the back end of the previous week that its executive director had been served by the FBI with a subpoena to testify within that context, he had deemed it important to provide to the Executive Committee members a little bit of background on the various inquiries that had taken place over the past few months in the USA. He would not repeat everything; the members had seen the paper and annexes and in particular WADA's detailed letters in response to the various authorities. He would draw attention in particular to the letter sent by the US Congress Select Committee on the Chinese Communist Party to the FBI and Department of Justice on 21 May 2024 just over a month after the stories had broken in The New York Times and ARD, requesting that those agencies, which were part of the US Government, investigate and provide a briefing to that Select Committee on the Chinese Communist Party. As he had mentioned at the beginning, WADA had discovered more recently that that investigation had apparently been initiated and measures had already been taken in respect of it. In addition to the criminal side of things, the request from the US Congress Select Committee on the Chinese Communist Party and then the subsequent investigation, there had been two letters from either a group of senators or a committee of the US Senate, and there were further details in the paper. WADA had already responded in detail to one of those letters through its US counsel, Covington and Burling, which was assisting WADA with those matters, and with respect to a more recent letter, which had been received on 21 June from a different committee of senators, WADA was again in the process of responding, through Covington and Burling, and he would expect that response to be sent out shortly and certainly that week. The last thing he wished to mention was that there had been a congressional hearing of the House Committee on Energy and Commerce on 25 June, a couple of weeks previously. WADA had been invited to send a representative and to advise which representative it wanted to send, and, whereas WADA had declined to do that for a number of reasons, it had sent the relevant committee a detailed letter similar to the one that had been sent to the first group of senators who had raised questions with respect to that matter.

THE CHAIRMAN asked if there were any comments or questions on the publication of the report.

MR DE VOS said on behalf of the sport movement that it was very important that the report be published as soon as possible, as it was absolutely necessary to clarify the situation to the athletes and that other controversial discussions be clarified so that the athletes could go to the Olympic Games certain that they were going to be participating in clean and fair Olympic Games. It was also important that WADA and its Executive Committee stand unified behind the report and the message, because it was necessary to recognize that WADA was under threat and in a crisis situation as a result of the allegations that had been made, and it was important to have a very clear and strong answer. He referred not only to the interim report received that day which was very clear but also all of the governance reforms done over the past few years, with the sport movement and public authorities working hard together to ensure the good governance of WADA which should also guarantee the strength and efficiency of the organization, because it was necessary to rebuild trust in WADA from the broader athlete community. A strong position and a strong immediate message were absolutely necessary. Regarding the documents, he had some comments and questions. He needed to mention on behalf of the IOC that it had never received the letter received from the US Congress. The IOC had not received that letter as far as he was aware and it was important to mention that. He had also been very surprised to learn, and reference was made there to the AP article, that there was the US investigation and subpoena to the World Aquatics executive director. That raised a lot of questions, especially given the letter that had been received from Mr Wenzel and the lawyer at Covington and Burling. He was a bit worried and it would be good to have some clarification on that letter. How should the members interpret that? Was there a threat and should he be careful? Was there a problem for the WADA members and staff? What was the purpose of the letter? He was much more concerned, reading in the AP interview the comment from the USADA chief executive where he said that an ongoing federal investigation could make sport officials travelling to the USA fearful that they might have to answer questions about their activities from the FBI. He had never seen anything like that in all his life. In view of the 2028 Olympic Games in Los Angeles, and as a member of the coordination commission for the Los Angeles Olympic Games with visits to be taking place shortly, he wondered what he would have to do with the letter and statements by the USADA chief executive. It was a problematic situation and he had heard the President saying that WADA would probably need to look into USADA, which was part of the system, but he had read for weeks and months only criticism and bashing of WADA that discredited the organization. He did not understand why, with the interim report that clarified the situation and made it crystal clear to avoid any doubt, on the eve of that day's meeting, the members were receiving those declarations from a NADO chief executive. What was WADA going to do with that NADO? Was it still part of the system and what consequences should there be? In general, he was very worried about the situation but also comforted by the fact that WADA had done everything necessary, from the governance reforms to the crystal-clear interim report, so he did not think that it could be said that WADA had not done what was necessary. He thought that everybody needed to stand united with WADA and send a very clear message to the outside world. He counted on the President to keep the organization together with all the National Olympic Committees moving in the right direction. The most urgent thing at that time was to publish that report.

THE CHAIRMAN thanked Mr De Vos for his comments.

MR WENZEL stated that the letter had certainly not been intended to cause any panic. He assumed that Mr De Vos was talking about the letter on travel to or through the USA. It was a precautionary measure and WADA was obviously taking advice from the US counsel on that. The message was simply that if the members of the Executive Committee or indeed the Foundation Board were scheduled to travel to or through the USA, it would make sense to reach out to him and/or the US counsel.

He would provide a high-level reaction and would speak in very general terms. The use of criminal investigations on an extraterritorial basis for a case that had not arisen in the USA, had not involved US athletes, to seek to reopen and reinvestigate and pore over the detail of disciplinary cases that had been finally decided, obviously raised some questions for the system. Sport justice was aimed at speed and finality, and once it was possible for there to be a very long tail after the final disciplinary system within the

sports arbitral and disciplinary world, for those cases to be reopened, reinvestigated, that obviously raised very serious issues. To give an easy example, in the USA over the past few weeks, there had been several cases decided as no-fault cases, made public by USADA. These cases included an athlete found to have been contaminated with a serious doping substance by borrowing a support strap from another athlete using that substance, an athlete found to have been contaminated with trenbolone by meat contamination, where USADA had argued that it was not plausible, and most recently an artistic swimmer found to have been contaminated with dorzolamide by lying on her father's bed and exposure through pillows. If those athletes (two from track and field and one from artistic swimming) competed in the Olympic Games and other countries - be it China, Russia, Germany or England - had criminal acts with purported extraterritorial scope that allowed those countries to investigate and reopen those cases, it undermined or at least had the potential to undermine the certainty and finality of the process, even leaving aside the various measures that individuals from all of the organizations might be exposed to as part of that investigation. So again, speaking in very general terms, he allowed himself to say that it clearly raised issues with respect to the operation of the system and was something that WADA would have to reflect on. He had noted in the Associated Press (AP) article, at least in the second version of it, a quote attributed to Mr Travis Tygart, the CEO of USADA, to the effect that the Rodchenkov Act had been necessary because WADA could not do its job fairly and reliably. It seemed to be a clear message to say that the Rodchenkov Act had been introduced precisely to supplant the role of WADA which, again, was concerning in and of itself.

DR GUPTA wished to make a couple of observations. Firstly, he had listened closely to all the comments and concerns and really appreciated the comments from the public authority colleagues which were very thoughtful and intended for the same purpose of strengthening the role of WADA across the globe. Also, it was necessary to recognize, as that conversation had been about various parts of the US Government, and perhaps the public authority colleagues would understand and appreciate that more than others, that it was important to understand that the US Government did have three independent, separate but equal parts: the US Congress, which made laws, the court system and the executive branch. It was very important to understand that because otherwise it would be harmful to getting a better understanding of how the system worked. Obviously, when the US Congress passed a law, the executive branch had to enforce that law. He also wished to mention that the President of the United States of America and the White House agencies like ONDCP (Office of National Drug Control Policy) played no role whatsoever in initiating civil or criminal investigations of wrongdoing. Law enforcement agencies in the USA independently decided whether or not to conduct an investigation on the basis of facts and evidence, not because they were directed to do so by executive branch officials. He understood that that might be news to some, but those were the facts. He would also say that he was not aware of any investigation at that time, since there had been several references to the AP article, and he would not have a role in any potential investigation if one moved forward. It was really important to understand how support could be continued for the work WADA was doing, and part of the work was to show up when one was called to present a case, so he would strongly advocate and recommend that those in WADA who were asked to show up to have a conversation by the US Congress or others to please consider doing so because part of it was also about sharing the wonderful and important work that WADA did with stakeholders, not only USADA or athletes but also members of the US Congress and others across the globe, who might at that time legitimately or not have questions about what was going on. He would therefore strongly recommend that, if there was an opportunity to engage with colleagues and partners and stakeholders, WADA consider it as an obligation rather than a choice to engage at all levels possible. It would help to calm the waters, cool the temperature and have better communication. Communication was key to making sure that everyone was working and moving in the same direction. Lastly, he wished to mention the issue of the press release. He sincerely appreciated the opportunity to review the draft press release statement, but one of the concerns of the USA was that the draft press release was jointly being issued by the Executive Committee but there was no consensus on the interim report. He recommended modifying the release so as not to attribute consensus by the Executive Committee and pre-judging the conclusions stated in the interim report without the final report being available and without more analysis presented via the final report.

MS MARACINEANU wished to respond to Dr Gupta. Having participated in organizing the Olympic Games in France, she understood the desire four years prior to staging the Olympic Games in one's country to highlight the work being done in the fight against doping in sport, but there were different ways of highlighting the work that was being done before the parliament or national bodies and asserting that the fight against doping in sport had to be significant and highlighted when organizing the Olympic Games in one's country. Dr Gupta seemed to be saying that WADA should go and respond to independent national bodies in the USA, but it was important not to confuse matters. Those bodies were holding WADA representatives accountable and making accusations, not asking them to go and highlight the work that was being done, and she hoped that WADA would be willing to go and highlight all of the work it did which was funded by the governments and the sport movement, and to highlight the work being done by representatives and individuals within WADA. She would be very happy for anyone to do that kind of publicity for WADA outside of the sporting arena, as had been mentioned in the future strategy of WADA in connection with health, education and the fight against addiction, but that was not really the case there: she did not think that WADA was being called upon to go and highlight the extraordinary work it was doing.

She also wished to respond to Mr Kejval, who was representing the sport movement and who had said earlier that it was important for the sport movement and governments to be united. Of course that was necessary, but they should also be free to ask questions, not necessarily in the presence of an independent prosecutor, but among themselves. They had to be clear and ask questions related to that investigation and future investigations. She still had not been given an answer to her earlier question and she hoped it would be provided in the discussions and perhaps in a future report. What leverage did WADA have at that time? Could it still appeal to the CAS in the event of a NADO or a national federation that did not comply with the Code? Was the only tool that of declaring non-compliance and how long did that take, particularly with a major event about to take place? What could WADA do when a NADO or an international federation did not apply the Code as had happened between 15 March and 15 June 2021? What room for manoeuvre did WADA have? She had understood that there would be recommendations made in the final report in August, and wondered how they would be implemented. It would be useful to have an answer in the forthcoming report or a subsequent one.

THE DIRECTOR GENERAL replied to Ms Maracineanu that everyone had agreed to have a discussion regarding the procedural aspects pertaining to the case when the full report was available. He did not think that an independent prosecutor was necessary for that. WADA knew exactly what had happened and all the details had already been provided and made public. WADA would be able to answer the questions in the discussion on whether the rules were sufficient, clear or needed to be modified. In response to Ms Maracineanu's question, there would be a discussion once the full report was available and there were recommendations on what to do to make everything clear for everyone and to prevent any further such incidents.

DR SANGENIS stated that, as she had been part of WADA since the very beginning as a member of the IOC medical commission in 1999, she regretted what the current authorities and staff of WADA were going through, not only regarding their integrity but also all the questioning and demeaning comments about the current authorities. Those were very surprising and she wondered what was behind all the comments, letters and questioning. As a physician, she also knew that science and legal procedures took much longer than headlines in the press. Physicians had to carry out lengthy investigations to demonstrate something that might reach the whole world in just two sentences or paragraphs in the press. She wished to thank the President for everything that the authorities and staff had done to clarify and listen to Mr Cottier's conclusions, at least at a preliminary stage. She congratulated the President, Vice-President, Director General and all the staff who she imagined had worked so hard to reach that preliminary stage in such a short time. As Mr De Vos had said, it was very important that the information also reach the press and be made public as soon as possible. She wished to ask her Executive Committee colleagues to protect WADA from politicization, because that had to be stopped. She thought that WADA needed to become stronger after all the questioning and demeaning comments and letters. She added that the arguments, science and legal aspects behind the answers were very clear. The questioning was very tough and also

personal. She thanked the current leadership of WADA for taking that so seriously because WADA had been put at risk at that stage.

MR LALOVIC wished to reiterate previous comments, saying that he found the independent prosecutor's report to be extremely convincing, logical and containing the facts of what had happened. It showed that WADA had acted correctly. It was good that the Executive Committee had reached consensus on the prosecutor and the questions to be asked. It was important then to accept the result or say exactly what was missing. The final report would certainly contain additional information without changing the fundamental outcome. However, with the US investigation under the Rodchenkov Act, there was the severe danger of heading into a parallel world, which he considered to be extremely threatening for the global anti-doping fight. It could not be that the government, regardless of unanimously initiating the investigation, initiated its own investigation separately. That raised the question of why, of the real motivation for that approach. Mr Wenzel had just said that there were some other recent cases of contamination in the USA. Would a higher prosecutor be hired every time to check those or would WADA work with confidence with its stakeholders? As Dr Sangenis had said, WADA had been founded 25 years previously by the governments of the world and the world sport movement to lead the global fight against fraud and doping. The anniversary had been celebrated recently with a reaffirmation of the joint commitment. If each individual government were to be allowed to believe that it had the right to disregard the WADA statutes and to act as a supreme authority or government that reprimanded other countries and their citizens, it would be an eminent danger. It could lead to the end of the global anti-doping fight in accordance with the jointly agreed rules in the WADA statutes and the international standards. That could not be desirable. All possible existing doubts and questions should and could be clarified within the WADA system. He therefore appealed to all governments to support WADA in resisting that and not to damage WADA's authority. They must not jeopardize that unique institution, which had worked successfully for 25 years on the basis of consensus between the two stakeholders, the public authorities and sport movement. They had to support the work of WADA by every means because they had confidence in WADA. Lastly, he wished to say that the interim report should, for many reasons, as stated previously, be published as soon as possible. There was a big event approaching, but the report should be published not because of that event, but rather because it was the right thing to do.

MS YANG stated that she had one concern. She would not elaborate further on how politicized that case was, but wanted to raise a major concern, which was that she had received hundreds of messages that day about the message released by Travis Tygart concerning the threat to athletes as well as their friends and families. Such a message was terrible for the athletes and their families, so could something be done? All the questions were very technical, and even her family was worried about her travelling. How could WADA help those people who had questions and concerns over the coming few days, especially when the Olympic Games were about to start and people were about to start travelling?

MS BENNETT thanked the President for allowing a second intervention, which was intended to answer the questions raised regarding the publication of Mr Cottier's interim report and the media release circulated in draft format among the members of the Executive Committee. It was her view that the interim report ought to be published, primarily for the benefit of the athletes. It had been a concern of hers reading the various reports flying around over the issue over the past month that there had been a significant level of misinformation published, which inevitably had undermined confidence in the anti-doping system, and that report went some way towards reassuring athletes of WADA's role in the system and its integrity in performing that role. There was some importance in doing so in advance of the Olympic Games in Paris.

Regarding the draft media report and without meaning to descend to any details, she was also inclined to issue a media release regarding that Executive Committee meeting. Her view was that the media release should be faithful to the conclusions typed by Mr Cottier in his report. She noted that the expression of the key conclusions drawn by Mr Cottier was a paraphrase of his conclusions rather than true to the wording but her inclination would be, certainly regarding the second question posed to Mr Cottier, that his conclusion be replicated as stated. She accepted that there might be some merging of the three conclusions drawn in response to the first question, but the wording ought to be reflective of Mr Cottier's

report so that no adverse comment could be made about WADA changing the wording of Mr Cottier for its own benefit. That was perhaps a matter for the WADA Communications Department, but she would be inclined to refer to the healthy scepticism, using the phrase used earlier by the President, but that had been indicated in the annexure and in the detail of the actions taken by WADA following receipt of the report from CHINADA, and it was important to note in that communication, whilst noting of course that WADA had made that comment previously; but, in the context of the conclusions drawn by Mr Cottier, it might be worth reiterating in that media release. She had no other questions and would be happy to hear other views, but thought it was worthwhile contributing to the detail of the media report in view of the conversations that evening and Mr Cottier's interim report.

MR PINI wished to confirm that he would like the report published. As mentioned in his first intervention, he thought that the athletes had been quite confused about some of the media reports, and the clarity provided in the webinar but also the information provided through the WADA resources had been greatly appreciated, so that was a good step in terms of clarifying a lot of the issues. Regarding the media release, he would love a little bit of the athlete perception, as it was being done for the athletes, so he would be happy to provide some comments there.

MS CESSOUMA stated that Africa also supported the publication of the report because that would dispel any confusion. She supported the publication of a press release in addition to the interim report.

THE CHAIRMAN said that there were things that WADA should not underestimate, and it was a very difficult situation looking at the geopolitical perspective and the future of anti-doping. It seemed that one country wanted to create a parallel anti-doping system, to be able to review and investigate cases, which was completely contrary to the principle of harmonization and the history of anti-doping. That was something that the members would have to discuss: their response to such attitude. It was very concerning from his perspective. He had heard the members' comments and he could assure them that as long as he was the WADA President, he would defend all of the achievements made and would never let anybody politicize anti-doping and destroy all of the harmonization achievements and the anti-doping history of WADA. That was something that the members needed to bear in mind and strongly address and defend.

DR GUPTA thought that the President was right. He was surprised and shocked by the level of misperception, misinformation and disinformation within and outside. He thought that the Executive Committee and the President might consider a number of points. The members had just heard information about the Rodchenkov Act that might not be factually correct. Perhaps the Executive Committee should consider having a US expert present in September so that the Executive Committee members could get their questions answered by an appropriate expert. He himself was not an expert. It was really important before starting to get scared and worried, and it was very easy to get worried, as had been seen, so he would recommend that the Executive Committee consider having an expert from the USA on the Rodchenkov Act to go through it with the members and answer questions as to what it was and the possible impact on athletes, its intention, etc. There was a lot of detail about which he was not aware but it might be worth having some education regarding the matter.

THE CHAIRMAN responded that WADA was always open to discussing how to strengthen the anti-doping system, procedures and rules that had to be changed or improved, but the fact was that there was an investigation being conducted by the US Government. One of the officials from an international sport federation had been subpoenaed by the USA and that was a fact. It was very concerning, and the Executive Committee colleagues had said that that was not something to be underestimated. It was a fact.

Regarding the publication of the report and annex, he was seeking confirmation by the Executive Committee. His proposal was that WADA publish the entire report, together with the annex. Were the members in agreement with his proposal?

PROFESSOR ERDENER stated that the sport movement fully approved the proposal.

DR MUROFUSHI said that, from the summary report, it was about contamination not capable of improving athlete performance. That was an interim report so it was fine, but for a final report, he asked

for a medical or scientific team, because TMZ was not a threshold substance, so it did not matter what the dose was. He wanted to know if that was the right way of saying it. TMZ was not a stimulant. If used for doping, more in the early stages, there could be little mistake, so he wished to hear from Professor Rabin about the case.

PROFESSOR RABIN said that there had been no performance improvement during the competition, as had been clearly stated from the beginning, because the urinary concentration of TMZ for all 23 athletes had been way too low, so that was a certainty that had been confirmed by the independent pharmacologist contacted by the independent prosecutor. The way TMZ worked was to improve heart metabolism, in particular under limited oxygen supply to the heart, and of course it could be used outside of competition, but there would be limited benefit in competition unless the physiology of the athletes were really pushed to the extreme. It was difficult to say that TMZ, if used out of competition, would have no benefit, but it would certainly have limited benefit for athletes in competition. That was why he was comfortable with the statement as it currently was. It was a short statement and might require more information, but he saw no particular issue with the wording as it stood.

MS MARACINEANU wished to support the publication of the interim report with the annexes as proposed, along with the press release as submitted in draft form. The draft press release said that the decision to appoint Mr Cottier had been taken by the Executive Committee on 25 April. That was slightly incorrect since the proposal had been submitted to the Executive Committee, which had approved it. She was not calling that into question, but wanted to note that the Executive Committee had approved the proposal made to it.

THE CHAIRMAN noted that some amendments would be made to make sure that the press release reflected the present discussion and atmosphere but generally there was agreement that WADA had to publish the interim report together with the annex. He asked if he was right.

DECISION

Publication of the independent prosecutor's interim report together with its annex approved.

To conclude that day's meeting, as mentioned earlier, once WADA received the next report from Mr Cottier, he would be back in touch with the Executive Committee members concerning how to address it with them as well as with the broader community.

He thanked everyone for attending, for the very comprehensive discussion and all their comments and remarks and for making themselves available at relatively short notice.

The meeting adjourned at 9.25 a.m. GMT -4.

FOR APPROVAL

MR WITOLD BAŃKA
PRESIDENT AND CHAIRMAN OF WADA

MR OLIVIER NIGGLI
DIRECTOR GENERAL AND RECORDING SECRETARY