

*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 WADA Executive Committee meeting, 11 September 2025, Prague, Czech Republic**

The meeting began at 9.00 a.m. GMT+2

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

THE CHAIRMAN welcomed the participants and thanked the hosts for the warm welcome and generosity in hosting that meeting. He was sure everybody would agree that the hospitality the previous night had been great. He also extended his sincerest appreciation to the colleagues from the Czech Anti-Doping Committee and the National Olympic Committee, as well as the National Sport Agency of the Czech Republic. Before beginning, he invited the President of the National Sport Agency, Mr Ondřej Šebek, to take the floor.

MR ŠEBEK greeted the members of the WADA Executive Committee. It was a great honour to welcome them on behalf of the National Sport Agency of the Czech Republic. It had been a pleasure to meet them at the dinner the previous night and he hoped that they had enjoyed it. For him, it had been a very pleasant time and an inspiring discussion. Once again, he expressed his pride in having the opportunity to host the meeting of the WADA Executive Committee there in Prague. He truly appreciated the trust that WADA had put in his country and institutions. He thanked the Czech Olympic Committee and Czech Anti-Doping Committee and their representatives and employers for organizing that event. He wished to convey the full support of the Czech Republic and whole Czech sport community for WADA and its mission. His country stood behind WADA's efforts and continued commitment to promote a clean, fair and transparent sporting environment. He believed that the fight for fair play and integrity in sport was more important than ever. The National Sport Agency did not only support sport financially, but had also initiated a clean sport platform, which connected the anti-doping agenda represented by the Czech Anti-Doping Committee and National Sports Arbitration Court, which was an independent institution and solved potential doping cases. The National Sport Agency also covered other areas connected with clean and sustainable sport, such as safeguarding the Code of Ethics for the athletes and coaches, and gender equality. For example, there was a special programme to support women's team sports whose goal was to qualify for the Olympic Games. He would do his best to attend the World Anti-Doping Conference in South Korea in December, the preparation of which was the main task of that day's meeting. He understood how important it was for the future of the global anti-doping policy. He reiterated his thanks to WADA for holding the meeting in Prague and hoped that it would be productive and successful.

THE CHAIRMAN thanked Mr Šebek and was very grateful for the invitation to be there in the lovely city of Prague. He informed the participants that 14 members of the Executive Committee were present in person that day, which was extremely pleasing. One member, Mr Nenad Lalovic, was attending virtually, as he had been unable to attend in person, and there was an empty seat from the Americas. A new CADE representative had not yet been provided for the necessary Foundation Board approval. Four of the committee chairs would be joining during the meeting, either in person or online, to provide some updates and, of course, some WADA management team members would also be present at times. The meeting would be conducted with the support of Mr Pisani, the WADA Events Manager, who would manage the members or speakers participating virtually.

He circulated the physical roll call around the table and asked the attendees to sign it and pass it on. The meeting was scheduled to last for around eight hours with a morning break, a lunch break and an afternoon break, concluding as close to 5 p.m. as possible.

The following members attended the meeting, either in person or virtually: Mr Witold Bańka, President and Chairman of WADA; Ms Yang Yang, Vice-President of WADA; Mr Jiří Kejval, President, National Olympic Committee, Czech Republic, IOC Member; Mr Nenad Lalovic, Executive Board Member, ASOIF, UWW President, IOC Member; Mr Ingmar De Vos, President, ASOIF, IOC Member, FEI President; Ms Dagmawit Girmay Berhane, Board Member, Ethiopian National Olympic Committee, IOC Member; Mr Humphrey Kayange Emonyi, IOC Member, IOC Athletes' Commission Member; Ms Amma Twum-Amoah, Commissioner for Health, Humanitarian Affairs and Social Development, African Union, Ghana; Dr Koji Murofushi, Commissioner, Japan Sports Agency, Japan; Mr Matvii Bidnyi, Minister of Youth and Sports, Ukraine; Mr McCann, representing Ms Annika Wells, Minister for Sport, Australia; Ms Gabriella Battaini-Dragoni, Independent Member, Italy; Ms

Venetia Bennett, Independent Member, Australia; Dr Patricia Sangenis, Independent Member, Argentina; and Mr Ryan Pini, Papua New Guinea.

The following permanent special committee and standing committee chairpersons attended the meeting, either in person or virtually: Mr Ryan Pini, Chair of the WADA Athlete Council (also a member of the Executive Committee); Mr Henry Gourdji, Chair of the WADA Compliance Review Committee; Ms Kady Kanouté Tounkara, Chair of the WADA Education Committee; Professor Lars Engebretsen, Chair of the WADA Health, Medical and Research Committee; and Ms Diane Smith-Gander, Chair of the WADA Nominations Committee.

The following WADA management representatives attended the meeting, either in person or virtually: Mr Olivier Niggli, Director General; Dr Osquel Barroso, Associate Director, Laboratories; Mr Sébastien Gillot, European Office and Sport Movement Relations Director; Mr Kevin Haynes, Compliance, Rules and Standards Director; Ms Karine Henrie, Head of Athlete Engagement; Ms Amanda Hudson, Education Director; Mr Stuart Kemp, Chief Operating Officer; Mr David Healy, Head, Medical; Mr Marc-André Matton, Chief Technology Officer; Mr Tom May, Engagement & Development Director; Mr Darren Mullaly, Government Relations Director; Ms Chaya Ndiaye, Head of Digital Insights; Mr Rafal Piechota, Director, Office of the President; Professor Olivier Rabin, Science and Medicine Director; Mr Tim Ricketts, Director, Testing; Mr Julien Sieveking, Legal Affairs Director; Ms Audrey Taillefer, Finance and Strategy Acting Director; Mr Ross Wenzel, General Counsel; Ms Shannan Withers, Chief of Staff; and Mr Gunter Younger, Intelligence and Investigations Director.

The following observers joined the meeting, either in person or virtually: Jane Thornton, Hannah Grossenbacher, Martin Čížek, Terezie Dvorackova, Jan Stejskal, Jan Exner, Natalia Radchuk, Sergii Popyk, Satoshi Ogawa, James Carr, Michael Vesper, Yumiko Nakajima, Shin Asakawa, Keikjo Momii, Devante Duncan, Justine Crawford, Jamie Brown, Snezana Samardžić-Marković, Gaby Ahrens, Kerry Knowler and James Moller.

### **1.1 Disclosures of conflicts of interest**

THE CHAIRMAN asked if any members wished to disclose any conflicts of interest. He saw no requests for the floor.

## **2. Minutes of the previous meeting on 27 March 2025**

THE CHAIRMAN noted that the draft minutes from the March meeting had been circulated to the members as part of the meeting document set. No member comments had been received on those minutes in advance of the meeting. If there were none that day, he would proceed to approve them. He asked if there were any comments or questions regarding the minutes. The minutes were approved.

### DECISION

Minutes of the WADA Executive Committee meeting on 27 March 2025 approved and duly signed.

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

THE DIRECTOR GENERAL thanked the Chairman and greeted the members. He would start by thanking the hosts, in particular their friend Mr Kejval, but also the Government of the Czech Republic, the Czech National Anti-Doping Agency and the Czech NOC for their wonderful hospitality. It was a real pleasure to be there. As the agenda was very heavy, he would try not to prolong it too much by going into the details of his report. Of course, he would be happy to take any questions at the end. He did, however, wish to give an update on a few matters that had occurred since the report had been written.

The first was an update on the current situation in the USA. First of all, as a follow-up to a message the members had received some weeks previously, he wanted to confirm that WADA was being sued by the Enhanced Games, which had started litigation against World Aquatics, USA Swimming and WADA in the USA, linked to the recent bylaw that had been adopted by World Aquatics in June and which provided for the potential exclusion from World Aquatics events of persons who participated in events that embraced the use of prohibited substances. The lawsuit came partially under antitrust law and the allegation was that WADA had conspired with World Aquatics to block the Enhanced Games. He would be very clear on that point. WADA had had nothing to do with the elaboration or the adoption of the World Aquatics bylaw. However, as was always the case in such situations, and in particular in the USA, WADA of course had to defend itself. It was in the preliminary phases. Of course, lawyers had been instructed in the USA and he would keep the members posted as the case proceeded. However, even if it could be resolved early in the process, it was likely to generate a cost for WADA.

The second point was also related to the USA and had just been mentioned by the Chairman. It was certainly regrettable that the Americas seat around the Executive Committee table was empty. That did not just concern the USA, but also meant that the entire region was not represented that day. He thought that was not positive news. He hoped that the region could come together and provide a representative for the next meeting. That was the second meeting in a row in that situation. To be clear, in July, a letter had been sent to the USA asking it to provide a replacement on the Executive Committee with a deadline of 14 August so that the vote could be held by the Foundation Board to appoint that person. No news had been received until 22 August, when a proposal had been submitted to nominate Panama to be the representative for just one meeting. He would not enter into details there, but WADA had immediately informed the USA that Panama had not paid its contribution since 2024 and was therefore not eligible in the same way as the USA was not. No reply to that e-mail had been received until the Friday preceding the Executive Committee meeting, when suddenly an e-mail had been received from the USA claiming that WADA had rejected Panama. To be blunt, Panama had not been rejected by WADA. It was fallacious to say that; it was the responsibility of the USA, which had nominated a country, of all the countries from the region, that was not eligible. That information on payment from the region was publicly available on the WADA website. It was no secret. That was why, unfortunately, the seat was empty that day.

Another topic he wanted to give a brief update on was efforts in trying to collect private funding. He recalled that that was something WADA was trying to foster and, earlier in the year, it had reached an agreement with the state of Qatar for 1.5 million US dollars to fund scientific research in particular. WADA was very grateful to Qatar for that. Following that announcement, the Finance and Administration Committee had discussed the suggestion that WADA should call on all public authorities to do the same and provide, if they were willing, extra funding for research. Therefore, letters had been sent to all public authorities asking them if they would be willing to do that, and that was ongoing, with the hope it would continue. WADA was also continuing to look at private funding from private companies, and at that time was looking at finding a new provider for the distribution of clothes. He recalled the agreement with Anta, a Chinese company, which would come to an end at the end of that year and would not be renewed. A similar deal was being sought, in kind only, but it was very important because the clothing was distributed mainly to athletes during the athlete engagement programme events and so on. Discussions were being held with another provider, (...),<sup>1</sup> that was potentially interested in doing that. He thought that it would be interesting for WADA to work with that company and the due diligence on that had been completed just the day before, which was why he was mentioning it that day. He was quite confident that it could be a good option and he would ask the General Counsel, Mr Wenzel, to give more details on the due diligence and status of discussions.

MR WENZEL reiterated that it was a value in kind deal similar to the current one with Anta which would come to an end at the end of that year. It would be a deal for five years until the end of 2030, and the new provider would have the same title as Anta had at that time, which was the WADA apparel partner. During the due diligence, adverse reports relating to manufacturing practices had been found from several years previously which had been firmly denied by the provider at the time. Since then, from 2023, the provider had been a member of a UN programme relating to sustainable manufacturing practices called the UN Global Compact. It was a programme that involved more than 20,000 companies from 170 countries approximately, and it provided protocols and standards in areas of sustainable manufacturing, human rights, anti-corruption and other areas. The programme required that the companies that were part of it provide updates to the programme in order to maintain their membership. If companies were on a UN sanctions list, they were ineligible to be a part of that programme. Following further due diligence, it appeared that the provider was not on any sanctions list or any regulatory or restricted list. Again, the company had been a member of that UN Global Compact programme for a number of years. Given the above and given the commitment of the provider to sustainable practices through that UN programme, he believed that the WADA management was comfortable with moving forward with that deal. It was in a very advanced stage of negotiation, but it had been deemed important to raise the matter with the Executive Committee for reasons of transparency before signing the deal. There was a certain degree of urgency, in the sense that the first use of the clothing and apparel that would be received under that deal would be within the context of the Milan Cortina Olympic Games. Obviously, items needed to be manufactured in advance, so there was a certain degree of urgency.

THE DIRECTOR GENERAL thanked Mr Wenzel and could reassure colleagues from the sport movement that, if the deal were to move forward, the provider, (...) had already accepted that it would not put any labels or anything on gear for the Olympic Games, so there would be no conflict with any Olympic sponsors.

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<sup>1</sup> The identity of the provider is redacted for the purposes of these public minutes but was communicated to the ExCo

The final point regarding his report was to remind members that the deadline to apply for the various standing committees was 19 September. He would be happy to take any questions.

THE CHAIRMAN thanked the Director General and opened the floor for comments or questions.

MR DE VOS said that, first of all, on behalf of the Olympic Movement, he wanted to express his gratitude to the National Olympic Committee of the Czech Republic and the National Anti-Doping Agency for their warm hospitality.

With regard to the Director General's report, he first thanked the Director General for the report, which was a very complete document with a lot of topics that it would take a lot of time to discuss. However, as many of them would be addressed later on, he would refer to them when they were addressed. With regard to the situation with the USA and the Americas, he regretted that the seat was empty and that not only the USA, but also the region, was not represented. He was deeply concerned that no progress had been made for some time. The USA and the Americas should be part of that family. WADA was, according to its title, a world organization. The absence of such a big region was an important issue. It was not only about the non-payment of the contribution. Although some called it a voluntary contribution, he wanted to clarify that it was not a voluntary contribution. It was a clear engagement that had been made when WADA had been established. However, it was not only about the money, but also about the integration of that region and of the USA in that organization. That was key. Some very important events were approaching in the region, not least the forthcoming 2028 Olympic Games in the USA. Hence, there was more and more urgency on that matter. To give one example, the fact that WADA staff members were not travelling to the USA endangered the situation with regard to the laboratory that would have to operate during the Los Angeles Olympic Games. There was a lot of other impact and fallout and he urged the public authorities to support WADA in that regard. He also urged WADA to establish a good relationship with the US Office of National Drug Control Policy (ONDCP), especially when the new director was confirmed. On behalf of the Olympic Movement, he was prepared to help and support WADA in re-establishing that relationship where possible given the importance of the matter for the Olympic Movement and sport in general and the international anti-doping system.

With regard to the Enhanced Games, he reiterated his support for WADA to defend the interests of the sport movement and fair sport to provide a level playing field. He hoped, however, that it would not, given the financial situation, cost a lot of money again, and hoped that there was insurance to protect WADA legally so that it would not be another financial catastrophe for the organization.

With regard to UNESCO, he was happy to read that the dialogue had resumed and wondered if there were any items that were of particular interest for WADA as the conference of parties approached.

DR MUROFUSHI introduced himself as Koji Murofushi from the public authorities side and noted that he was the Chairman of One Voice that year. He thanked the President, the Director General and the Vice-President for their strong leadership and tireless support and effort. On behalf of the public authorities, he thanked the Director General for the comprehensive report and wished to address a couple of matters.

Regarding the Enhanced Games, One Voice stood in full support of WADA's position. One Voice expressed its opposition to the Enhanced Games and noted that the concept threatened the health of athletes and undermined the fundamental value of sport. The governments remained a strong advocate for clean and healthy sport at all levels. They also upheld the principle of the World Anti-Doping Code, which explicitly prohibited the use of performance-enhancing substances and methods.

Regarding the USA, the strained relationship between WADA and the USA was a great loss for global sport. It was vital to ensure that financial stability and institutional autonomy were not undermined. The US contribution issue posed serious challenges to WADA. On behalf of the public authorities, he sincerely thanked the WADA President and Director General, along with the WADA team, for their tireless efforts to maintain dialogue with the US side. He strongly encouraged continuation and a constructive discussion to find a suitable solution. The previous day, a One Voice meeting had been held and he had conveyed to the US representative once again that the USA would host both the Summer and Winter Olympic Games and it was vital to reach an early resolution of that matter together with WADA. The US contribution issue required careful handling, especially as a country that was hosting the Olympic Games. He believed that WADA had already made contact with the anti-doping authority, but thus far dialogue had been limited to the first level and second level. Given the scale of the risk, it was possibly necessary to move to another level. The host city contracts with LA28 and Salt Lake 2034 had been signed under the federal guarantees explicitly requiring compliance with the WADA Code, which showed that, institutionally, the US Government was directly tied to anti-doping obligations, so there was also direct engagement with the highest political level. During the Tokyo 2020 Olympic Games, he had been the sport director, but the critical decision as to whether the Olympic Games could be held during the Covid-19 pandemic and the extraordinary one-year postponement had been made directly between Prime Minister Abe



and President Bach. That postponement had had an enormous financial consequence, but the dialogue between leaders had made it possible. In the same way as the IOC president had a standing in engaging at the level of head of state, on the US contribution issue, he believed such direct engagement might be also necessary. His opinion was that the matter should be treated as a national responsibility. He would like to know the opinion of his friend Mr De Vos on that.

Regarding sharing meeting documents, he recalled that several documents had been leaked, causing a problematic situation. One Voice acknowledged and appreciated the steps that WADA had taken to ensure confidentiality. However, the public authorities remained concerned that those measures could result in restricted access to those documents and therefore the capacity of members to communicate with each other. He called for a balanced solution to that matter and believed Europe had an additional comment on that.

MS BERTHANE joined her colleague Mr De Vos in thanking the gracious hosts for their hospitality thus far, and also thanked the Director General for the exhaustive report. WADA had done a tremendous job of providing detailed and exhaustive documents so that members could be acquainted with the information required. She complimented the way the report had been structured and the way the information flowed continuously in terms of membership engagement. Also, as a new member, she wished to take that opportunity to acknowledge the recent induction programme she had received at the Montreal office, because she believed it was very important for those joining as new members in different capacities to understand how the day-to-day operations of WADA ran and to do justice to processing the information received as responsible Executive Committee members. She sincerely thanked the whole team in Montreal, especially Mr Kemp, Ms Lefebvre-Rangeon and Ms Withers for the wonderful professional time she had had in the office and for the time they had taken to walk her through the whole induction process.

Coming to the report, she had two important points to raise on communication. The sport movement understood that WADA needed to conduct its communications in a way that was focused on promoting clean sport. It was clear that public communications maintained a neutral tone in a way that reflected institutional independence and an unbiased perception of the advocacy role. She requested an update at the following Executive Committee meeting on WADA's communication strategy, on how it had embodied the athletes' communications into the global strategy. She believed that was important because there had been a recent development and it would be beneficial to have an in-depth walk-through of that update, particularly with a view to the Athlete Council being more engaged in becoming the face of WADA in terms of protecting clean sport.

Furthermore, she appreciated and understood that some meetings could be staggered and could become virtual, in terms of the Executive Committee; but, in terms of the information flow, could WADA's management and leadership benefit by providing more timely updates in between meetings that were of relevance to the members? She reiterated that WADA's management did not fall short of providing information. Plenty of information was provided on a timely basis for the meetings, but perhaps in between those meetings, there were important updates that it would be beneficial to share with the members. She knew that the process of reviewing stakeholder engagement while protecting data was under way, but at the same time a balance of smooth information flow had to be struck. Perhaps, as part of that review, the possibility of providing updates in between those WADA meetings could be considered.

On behalf of Europe, MR BIDNYI thanked the Director General for his comprehensive report, which provided detailed information on WADA's activities and demonstrated the organization's continuous efforts to ensure transparency, efficiency and high standards in the fight against doping. Coming back to confidentiality, he considered it essential to find an appropriate balance between confidentiality and the possibility of effective interaction and oversight at the regional level. Only in that way could proper coordination among states and regional representatives be ensured in order to perform the functions at the highest level.

MS BENNETT thanked the President and the Director General for his comprehensive report. As always, she added her support to the comments already made about the concern regarding the relationship with the USA. It was exceptionally disappointing that those concerns had not yet been resolved and, in fact, the relationship seemed to have deteriorated, particularly to the extent that it was currently affecting representation of the Americas region on the Executive Committee. Whilst registering her disappointment, she wanted to be clear that she did not place responsibility for the current status at WADA's feet. She had been pleased to see more recently a more conciliatory tone in communications had been provided to the Executive Committee and reiterated previous comments suggesting that WADA adapt. There she echoed the comments of Ms Berhane regarding a measured and unemotional media and communication strategy with respect to responses to developments from the USA and USADA in the manner befitting a regulator.

Staying on the USA, it was with some bleak irony that, at the same time, WADA found itself embroiled in US-based legal proceedings commenced by the Enhanced Games, where its interests were likely to be aligned

with USA Swimming and, one would hope, USADA, even though USADA was not a party to the proceedings. Irrespective of the merits of that legal claim, defending the proceedings would be a costly distraction for WADA over an undefined period of time and would distract WADA from its core operations. Moreover, given the reported state of the US justice system at that time, the proceedings posed a very significant litigation risk for WADA. She supported WADA's engagement of US legal counsel to strongly defend itself against what appeared to be a largely performative claim. Of course, the inevitable cost associated with the claim would have a further impact and relate to the contribution that was not being paid by the USA.

She had been similarly pleased to read in both the Director General's report and the UNESCO evaluation report published recently of a mutual willingness between WADA and UNESCO to form closer and more collaborative working relationships. She thanked WADA for hearing and acting on the Executive Committee's discussions in previous years to improve interactions between WADA and UNESCO.

The only question that she would ask the Director General related to operational matters. His report referred to steps taken by WADA with respect to data and artificial intelligence. She was interested to know how WADA had gone about considering the operational innovations that it might be able to advance using AI, and asked whether it would be possible to provide the Executive Committee with information about what opportunities were presented for WADA by AI, not necessarily at that meeting, of course, but in the future.

MS TWUM-AMOA expressed her gratitude for the warm welcome she had received, and thanked the hosts for the very warm reception. She thanked the Director General for his very detailed report. Africa aligned with the previous remarks and wished to add that, with regard to the documentation, and to ensure that it was possible to effectively have consultation with members, she would request that documents be shared early. Also, with regard to protecting those documents, she thought that it would be possible to find a way to do that whilst at the same time ensuring that the documents were shared early enough for effective consultation.

MR DE VOS noted that he had been invited by Dr Murofushi to make a comment with regard to the situation in the USA. As he had said, the Olympic Movement was prepared to support finding a solution but he thought it was also important to note that the United States Olympic and Paralympic Committee was very involved in that and had offered to facilitate and establish that dialogue. It was important to know that but also necessary to be very clever in how it was tackled. The more support garnered from the different parties, the better.

He supported Dr Murofushi's comment with regard to document sharing. It was of course a very sad situation that documents were leaked and he understood that WADA needed to undertake action. With reference to the documents for that meeting, his colleague next to him had printed them all, comprising more than 3,000 pages. It was really important to have the opportunity and the possibility to consult with experts about the technical matters. There were only five members from each group: five public authorities representatives and five Olympic Movement representatives. He admitted that half of what was in the documents was beyond his knowledge. Support from technicians to consult and to advise on the way forward was needed. Therefore, it was important that, if that system were established, it still provide the opportunity to share, of course on a confidential basis, those documents with the experts to have a well-informed opinion and contribution to the meetings.

THE CHAIRMAN asked if there were any other comments or questions. Regarding the number of documents, he apologized for that and understood the concerns, but could assure the members that it would become even more challenging under the new transparent policy. As many documents would be provided as possible. That was the new strategy for the forthcoming three years. He agreed that a balance had to be struck for the members to be more informed and to have time to analyse all of the documents.

THE DIRECTOR GENERAL thanked the members for their comments. He would address most of them and then would ask Mr Mullaly to talk about UNESCO.

Starting with the USA, he thought that everybody was disappointed with the current situation. He stressed that WADA had been in constant contact with the ONDCP and had written to the office a number of times, including since the start of the new administration. However, it still had not confirmed the new head of the ONDCP. Apparently, that would happen in the coming weeks, but had not yet. He and Mr Mullaly had even had a conference call with the office in July and it was important to note that the problem was not rocket science. The principle was that the WADA contributions were unconditional. If every country started putting conditions on how and when they should pay, it would not work. That was the starting point and WADA had been very clear with the USA on that. Indeed, the MOU that the USA had sent in January had already been signed. As such, the USA was aware that its contribution could not be tied to conditions. However, one of the concerns had been about an audit, which he would not go into detail about there, but which had been generated for the wrong reason in relation to the Chinese case. Notwithstanding, if the USA paid, it would be sitting around that table. He recalled that WADA had a new internal auditor and a Risk and Audit Committee and, in December, the new internal auditor would present a full programme for the following two years on how he would be conducting the

audits of the various WADA departments. The USA would be very welcome to discuss, influence and question whatever happened. The governance principle was in place and, frankly, to pretend that that was the reason why the WADA contribution could not be paid was a false excuse. WADA was willing to welcome the US payment, but it could not deviate from the principle that it could not be conditional. Otherwise, every country might have their own conditions on paying the contribution. He hoped that could be resolved.

Nobody had mentioned his next point but he thought it was important to address the elephant in the room, which was that the US Anti-Doping Agency had pushed for a law that was currently being drafted in the USA which in some way basically made the US presence on the Executive Committee and a number of WADA committees a mandatory condition for payment. In other words, it would be a condition for payment that the USA had a certain representation in those forums. Again, that did not align with WADA's governance. If that legislation were passed, it would only complicate the matter for everybody, including the US authorities. WADA was totally open to continuing that discussion and would reach out to the USA again. However, it would not deviate from the principle that he had just mentioned.

On the Enhanced Games, WADA would see how it went and defend itself. The management was in touch with the insurers. There was a lot of small print in the policy, but time would tell. A response had not yet been received.

He understood the concern expressed by the public authorities on the sharing of documents and noted that it had not been implemented that year because it would certainly require some changes in practice. He was also aware of the need to have support staff accessing the documents, but it had to be limited and controlled. That was the aim of the implementation because, at that time, it was not possible to identify who received the documents at all. The aim was therefore to secure a means of knowing who was opening the documents and seeing them. The Executive Committee would be informed of that and given a few months in the beginning of the year to make sure that everybody understood how to work with the new system before the first meeting.

He thanked Ms Berhane for going to Montreal and spending time with the staff which had been highly appreciated, and he welcomed anybody else from the Executive Committee to undertake that exercise. It had been a good opportunity to show how the organization operated on a day-to-day basis. He was very grateful for the time devoted to that. As of the following year, a few hours would be devoted at every Executive Committee meeting to an onboarding programme for the Executive Committee members. Initially, it had been considered for that meeting; but, looking at the agenda, it would have entailed finishing at 11 p.m., so it would commence the following year.

Note had been taken of the remarks on communication. He thought that as much as possible was being done. In terms of information in between meetings, once a secure way of communicating was in place, it would also make it easier to share things continuously, but efforts were already being made to that end. Sometimes, the sensation was that the members were being bombarded with information, but the right balance would be sought. It was important and positive to keep the Executive Committee updated.

In answer to Ms Bennett's question on digital and artificial intelligence, a report would be presented from the Digital Insights impact area and that could certainly be put to the department. That new department had been created the previous year specially to deal with that kind of thing, to gather the possible tools or new technologies that would help to select what was useful, identify priorities and map out further development. That department would be able to inform better than he could on the current status, but artificial intelligence was certainly part of it and would be examined. In terms of regular operations, AI was already being used, for example, to take the minutes of various operational meetings and so on. It was working scarily well, he had to say, in some ways.

He would ask Mr Mullaly to say a few words about UNESCO and the expectations of the conference of parties scheduled for later in October. It was held every second year, so this year was a big year for that.

MR MULLALY thanked Mr De Vos for his question and saw two main issues for WADA at the upcoming COP10. The first was the regional funding formula and the second was the roles and responsibilities document or framework document that UNESCO was working on which had links to WADA's review of legislation and decisions on Code compliance as opposed to convention compliance. In terms of the regional funding formula, it would not be presented for a vote at the conference of parties. WADA and UNESCO had agreed to continue to work together in relation to that issue and how the regional symposia could be incorporated the following year to see if a consensus position on the formula could be reached. The intent from UNESCO's perspective was that the matter would then be finalized in two years' time at COP11. In relation to the roles and responsibilities, which was one of the big issues for WADA, it was also not intended that the matter be brought to the vote or a final decision at COP10, which he thought was good news. WADA was still waiting for the documents to be published by UNESCO, and had been informed that it would be by the end of that week. Regular meetings had

been held with the UNESCO secretariat team and the intent from UNESCO's perspective, which had been confirmed to him as late as Tuesday of that week, was that the roles and responsibilities document would be submitted for a global written consultation of at least three months and, importantly, that consultation would include specific dialogue with WADA. He thought that UNESCO's intent after that dialogue and consultation had occurred was to put the matter for a decision in approximately May of the following year.

THE CHAIRMAN saw no other requests for the floor and wished to make one comment regarding the US situation and in particular Dr Murofushi's remark that sometimes serious situations required serious reactions from the top, in the context of the Tokyo Olympic Games. He thought that the time was coming for a far more serious approach to that case, especially from the colleagues from the USOPC side. WADA was very open to regular dialogue with the public authorities, involving serious partners from the USA, and nothing had changed. It was very keen to have a dialogue and meetings. It had been sending letters and urging them to solve the issue, especially regarding representation. However, it was blocked by certain legal obstacles, as the Director General had mentioned. He thought it required a more serious approach from the USOPC side and direct dialogue by the USOPC with the US Government because the ball was in their court and WADA was not able to solve that legal obstacle. He urged the colleagues from the USOPC to have that serious dialogue with the US authorities and to address that issue, because lack of action from their side and no solutions would mean very serious consequences for the LA Olympic Games, among other events. It was high time to really engage more and find a solution on how WADA could be present and how to overcome those legal obstacles.

### DECISION

Director General's report noted.

#### - **3.1 Strategic key performance indicators (KPIs) update – final results**

MS TAILLEFER greeted the Executive Committee members and explained that her presentation would provide an update on the Agency's strategic key performance indicators. The goal was twofold: to share the insights emerging from that exercise and to invite members' feedback on how to continue to refine the performance and impact measurement framework. She would begin by setting the scene. The year 2025 marked the inaugural year of the new strategic plan, and it had begun with real momentum. While some indicators still reflected data from the 2024 fiscal year, metrics had been proactively updated wherever possible to reflect the most recent progress. Out of the 23 indicators presented in the September governance preparation document, a few had been selected that were particularly relevant for that year's priorities.

Starting with the global engagement for the Code and standards update, in total, following the three consultation phases that had concluded in May, 169 unique contributors from 54 countries had participated in the consultation phase, which was 66 more contributors and 11 more countries than the second phase and, more notably, 611 athletes from over 60 countries had engaged in the athlete-centred consultation, which was a specific consultation designed for athletes to participate in the process of the update. That had been an unprecedented level of involvement, so she was very happy with the results.

Regarding ADAMS satisfaction, ADAMS remained a cornerstone digital platform for anti-doping programme management and, while satisfaction remained a challenge, the 2025 data showed an 11% improvement in user perception from a positive perspective, which was based on a sample size that was more than twice that of 2024. Even though it remained a challenge, there was a trend going in the right direction.

To further contextualize the strategic progress, especially looking at the strategic plan, the nearly 50 active projects and programmes that were driving WADA's key initiatives had been mapped and most of them were currently in progress, as shown in the breakdown of strategic projects per pillar. An example of them was provided in the attachment for reference. She informed the members that the strategic plan was supported by specific initiatives that were ongoing.

As part of that September review, she took the opportunity to share the response that had been provided following the annual report publication where some stakeholders had shared questions particularly on the research impact and diversity and inclusion indicators. Looking at the research impact assessment for both scientific and social research, it was known that the impact, especially in research, unfolded over years from funding to deployment. WADA's contribution to research had been categorized into three areas. The first was breakthrough scientific contributions. She recalled that, over the years, there had been a development in long-term metabolite profiling for improved detection windows, the genetic markers distinguishing endogenous versus synthetic EPO, inclusion of tramadol and refined glucocorticoid methods in the Prohibited List, advancements in gene doping detection and dried blood spot technologies, as well as the launch of a year-round grant call to expand global collaboration with researchers. In addition, best practices had been integrated in policy and practice following research. That had been seen throughout the Code and International Standards



update process. Finally, on the social science side, there had been reform and the impact on education. It had reshaped the education models, supported athlete-centred tools and reframed the clean sport narrative.

In terms of framework, the question arose in particular because, over the past few years, the key performance indicators had been summarized in a number of publications. However, as the science and education colleagues would discuss later, there was a broader assessment framework that was being developed using bibliometrics and altmetrics, as well as the growth of the global researcher network and qualitative policy. The key message there was to say that work was still ongoing to develop and refine the way to be able to communicate the impact of the research that WADA was supporting.

Briefly, in response to another question received on diversity and inclusion targets, she reiterated that there were indeed targets for gender representation as well as specific targets to increase regional representation for specific groups. One example was that the representation of Asia on key governance bodies had risen to 7% in 2025, which was a 5% increase from 2024, and efforts were ongoing. In June 2025, a webinar had been held to encourage athlete candidates from Asia to join the Athlete Council. Once again, public authorities and the sport movement were encouraged to prioritize diversity in appointments to foster inclusive governance across the organization.

Looking ahead in terms of KPIs, which evolved over time to best represent where the priorities were going, with the focus for 2026 to 2028, the indicators would also include indicators related to compliance monitoring to ensure that a clear picture was provided on the activities being carried out on that front as well as the legal and case management or review performance and system improvements such as the ADAMS development and the research grant programme impact. For 2027, in two years' time, there would still be a plan to develop additional indicators such as employee engagement data, some updates on collaboration with the pharmaceutical industry, and the perception of Code signatories for the support framework of the 2027 Code revision. That measure would be introduced the following year as support was given to the community in preparing for the 2027 Code as well as performance and compliance outcomes for ADOs engaged in capacity-building programmes. In other words, the aim was to ensure that the capacity-building programmes were generating impact. As always, she welcomed the members' direct feedback. Their insight was essential to ensure that the indicators remained relevant, rigorous and reflective of the shared mission.

MR KEJVAL thanked Ms Taillefer for the presentation. He highly appreciated the figures from the ADAMS system in particular. Appreciation from the athletes was very positive. The only concern was to obtain the right feedback from the athletes because that was crucial for future work. The sport movement recognized that it was not easy to get the correct feedback from the athletes, especially through the current surveys, but he was concerned that the current way of measuring athlete engagement might be not very effective. He proposed that WADA should be able to track how well it was connecting with athletes, for example, by measuring how athletes interacted with its websites and communication campaigns. Also, the WADA Athlete Council network should play a role in helping to gather and using that information. He also wished to hear directly from the Chair of the WADA Athlete Council about any ideas on better ways to measure athletes' engagement and success, as it was crucial to improve work for the future.

MR LALOVIC thanked Ms Taillefer for her very precise and extensive report. He also wished to refer to the document and the consolidated dashboard, which showed the results of that project. He would say a few words about the 'grow impact' part with the aim of building the robust digital system known as ADAMS. He urged WADA to be more ambitious and to set a target with a satisfaction rate only. There was that neutral category and growth was evident, but there was also a slight rise in neutral feedback from 25% to 26%. He requested more granularity in the report in order to have the satisfaction rate only, to better understand the satisfaction rate from the athletes and the anti-doping organizations.

His second remark concerned the 'collaborate and unite' part. He sincerely welcomed the number of 100 joint operations between ADOs and law enforcement. However, only five were planned, so it was perhaps necessary to reconsider that target for the future. He would also welcome an update on the success rate of those joint investigations and reiterated his question of whether the target of five was realistic.

MS BERHANE also had feedback, but wished firstly to thank Ms Taillefer. She believed that combining the strategy and finance departments had been key and timely because it gave more clarity and direction, integrating the efforts of each department towards achieving the KPIs, as well as better tracking the financial resources that were currently an issue. She stressed that the update on the KPIs was timely and relevant.

In terms of feedback, it was a great success that the majority of the targets had been achieved. However, she had a concern regarding the perception of leadership, which had dropped to a 64% perception of WADA as a transparent organization. The sport movement wished to understand what measures were being undertaken to rebuild trust at that time.

Secondly, on the performance of WADA's research, it was clear that the current way of measuring focused merely on the average publication. Regarding WADA science and education, she believed that there was room for improvement in terms of targeting more relevant research to WADA's benefit, but she also believed that, in particular, for example, there was not an established way of tracking the prevalence of doping generally in terms of deciding to talk more about the science and the research aspect. She asked what were the preparations on measures that would have an impact on WADA's research strategies to improve reporting, but also WADA's work in securing additional funding. That went beyond merely measuring the research work by publication. Perhaps it was time to reconsider that, with a view to saving money and making sure that funding was targeted in a systematic manner.

MR KAYANGE EMONYI thanked Ms Taillefer for the update on the KPIs. Looking at the performance pillar in terms of cost-effectiveness, he noted that there were a number of AI projects referenced in the meeting documents that he believed were aimed at building efficiencies within the organization. Within what timeframe could WADA expect to see a tangible impact from those initiatives and how was success measured in the use and definition of AI? Secondly, in terms of innovation, which was a key priority in the strategic plan, and to be up to speed in terms of advancement detection from the analytical standpoint, how was success measured in that area of innovation and how did it translate into benefits for the organization and for athletes?

DR MUROFUSHI said that he had a point on ADAMS. He thanked Ms Taillefer for all the documents. It was stated that achievement was 75% and neutral, so satisfaction was still at 40%. Therefore, attention should be paid to that and there was room for improvement, although the survey was based only on athletes. He suggested that, in the future, the survey for other entities such as NADOs and others could be monitored. He hoped that would improve further. With regard to the Athlete Council, 88% of Athlete Council members felt that WADA cared about what was important for athletes. What had happened to the other 12%? Maybe there was a very important message there, too. He thought that figure should stand at 100%.

MS TAILLEFER thanked the members for the very good questions. She appreciated the level of care the members had taken in reading the KPIs and ensuring that they reflected the work being done. In answer to the question from Mr Kejval and the questions on ADAMS and the sample size of the feedback from athletes, it was correct that, for 2025, the focus had been on surveying the Athlete Council members because there had been challenges in sending the surveys through e-mails that were then forwarded to athletes, which had resulted in not really knowing which athletes were reached ultimately. That year, the sample size had been quite small, comprising 16 respondents. However, the plan for future years was to leverage the Athlete Council networks that the Athlete Council was developing with the help of the Athlete Engagement team. There was a plan to increase progressively the sample size of athletes year by year, notably by reaching out to other athlete representatives in athlete councils, athlete committees and so on. She noted that, looking at the level of engagement with athletes through communications, at that moment, the only technical challenge was not knowing who interacted with the social media. It would be necessary to identify them to know they were athletes, which would be looked into. She welcomed the suggestion.

Regarding the comments on ADAMS, the focus henceforth would be solely on the positive targets.

In response to Mr Lalovic's comment on more ambitious targets regarding ADAMS, she took note; having only the athletes' perspective was also a note that was being taken. Regarding the 'collaborate and unite' part, which was the impact of the Intelligence and Investigations Department's capability and capacity project, the question was on the targets, and the main reason why the targets were so low was that it was the first project and the project had multiple objectives. Knowing how the situation was starting from the discussion on the collaboration between law enforcement and NADOs, there had been no certainty as to whether there would be any joint operations created from that pilot project. As had been communicated since then, it had been tremendously successful, far surpassing expectations. She noted the feedback for the next project that was currently being deployed in Asia to look at what would be a more realistic target.

She thanked Ms Berhane for her comments. Specifically, looking at the perception towards transparency, two things were at play there. Sample size: once again, the reason there was a difference in satisfaction between what had been presented in March and in September was the inclusion of 30 responses from laboratories that had been added to the 115 responses from governance members. Hence, there was a 20% impact on the overall results. She noted that only to explain the variability between the two. However, note had been taken that transparency had for a number of years been an attribute on which further work was required. In answer to the question on the aims, the first was to better understand for each group of stakeholders what transparency meant and how it could be improved for them because the group of laboratories she had just mentioned, for example, might have a very different idea to the Executive Committee members. Thus, in the future, more qualitative questions would be asked to better understand how to really respond to the expectations.

Regarding performance, on WADA's research, she noted the feedback once again that it should go beyond the number of publications and she had also heard in that question a request to understand the impact for the anti-doping system on how the research had changed and improved the anti-doping system over the years. Work was being done with the science and education colleagues at looking at a portfolio of research and so by theme it would be possible to explain the progress over the years and the future direction. She also took note of the need to accelerate the current project on prevalence estimation.

In response to the question from Mr Kayange Emonyi regarding the timeframe for the success of AI applications, in recent times, the general rate of success in the world of AI applications had been very low, and the aim was to be very mindful of doing things the right way. The Director General had given the example of note-taker automatization that was being deployed. Many pilot projects were being examined, ensuring that the solutions performed well before going into full production. The estimated timeframe was 12 to 24 months to really assess and make sure that the AI solutions under consideration truly performed as desired and would generate the benefits expected.

The last question had been regarding the Athlete Council, and she would give the floor to Mr Pini to answer. The 12% came down to a simple size question and basically meant one person in the group.

MR PINI thanked Ms Taillefer for her report and thanked the sport movement representative for his comments regarding the relevance of the current metrics for the athletes. To go more specifically into the action plan, which was a guiding, living document that the Athlete Council had developed in line with and to support the WADA strategic plan, it included communication- and engagement-related objectives, which were ongoing. One of those objectives was to improve and strengthen communication with the athlete community and with established athlete commissions, councils and/or committees. The aim was to work together with stakeholders. An annual message was sent out every year regarding the activities that had been completed for the year which was posted on social media and measured. The Athlete Council participated in the IOC global calls with its athletes' commission. He thanked the IOC and the athletes' commission for the opportunity to engage with diverse athlete representation. It was a positive step. As an Athlete Council and with WADA, the Athlete Council had also participated in athlete forums and several engagement activities during major events. He also thanked the sport movement for that opportunity, because engaging in those face-to-face activities with athletes was not only very encouraging, but also supported the objectives.

The Athlete Council had also been proactive in taking positions on key matters. He recalled the statement on the Enhanced Games. One of its objectives was to take stands and to ensure that statements were made where suitable. Given the Code and International Standards updates, they had been presented in the slides and, from an engagement perspective, had been a major focus for that year. He was also extremely pleased to see the level of engagement in the athlete-centred consultation, and that was a very specific example of that. Over 600 athletes had participated.

More specifically, on the opportunities to measure success, it was challenging in some aspects to gauge those metrics, but there was something of a baseline, which was an expectation that could be built on, particularly coming from the Athlete Council to develop that further. The Athlete Council was exploring how it could continue to increase direct and proactive communication with the athlete networks and with the global athlete community which was looking at improved uses of technology. That would hopefully include a website further down the line to better gauge those activities. The ADEL platform was probably another tool to gauge athlete engagement in that area. That was being explored with WADA and the Athlete Engagement team, moving towards a revised action plan to further support the current one, ideally a two-year action plan. One of the challenges that the new Athlete Council had faced was the lack of a document to guide it. That had had to be developed, with a two-year timeline to be able to complete some challenging objectives, which he deemed had been achieved very successfully. At that time, the Athlete Council was looking forward to the next three years as it supported WADA's strategic plan until 2028.

THE CHAIRMAN believed that there was one important thing that was crucial in order to understand that exercise. First of all, WADA was an anti-doping global regulator and as such had prosecutorial and compliance responsibilities. If it did its job well, the bad actors would not like it. It was very important to understand that WADA was not a service provider. It was a regulator with clear responsibilities. Hence, he would prefer to spend more money on helping less developed regions and countries to do their job than on continually asking people whether they liked WADA. It was a necessary exercise from time to time to measure where WADA stood on many things. However, the focus in coming years should not be on doing permanent surveys asking whether or not WADA was liked by people. He would be very concerned if the statistics from some stakeholders indicated that WADA was doing a perfect job. For instance, if some NADOs were asked at that time whether they were happy with WADA sharing documents with the Executive Committee, he thought the statistics would be terrible.

That was the thing to understand, not focusing on service, because that was not WADA's main role. In the coming years, he thought that activity would be limited to focus on measuring only some necessary aspects of WADA's activities and spending money on really essential things.

MR DE VOS wished to return to the comment on the USOPC to state that he thought that WADA should be grateful that the USOPC wanted to engage because, in a sense, it did not have to because it was not in that ONDCP-WADA-USADA dialogue. He thought that WADA should be grateful that the USOPC wanted to facilitate that, because it had also an interest since it was involved in organizing the US Olympic Games and would hopefully participate with a big delegation.

With regard to the Chairman's previous point, he thought it worth differentiating between the popularity test and the survey on client satisfaction, which were not necessarily linked. He clarified that there was of course an understanding that WADA would never be a popular organization because, in the end, it created a framework to sanction people for wrongdoing. On the other hand, it should be open to assessing the satisfaction of the community which was not directly related to a popularity test.

THE CHAIRMAN responded that WADA would be very grateful to the people at the USOPC if their activity brought some solutions. Thus far, they had conducted a dialogue with no results, but WADA would be very grateful if they could overcome the legal obstacles. He reiterated that WADA was very open to regular dialogue with its friends from the USOPC and to helping them to understand that their main responsibility was to organize excellent Games in LA, at which WADA would be present.

DR MUROFUSHI thanked the Chairman for his point that unnecessary surveys should not be done which he agreed with. It was not a matter of likeability but usability, which involved how a service could be best used. Perhaps the same survey could be carried out, but the message could be different.

#### DECISION

Update on strategic key performance indicators noted.

#### - **3.2 ADAMS update**

MS NDIAYE said that she would provide an update on the ADAMS 2025 development roadmap, as well as some contextual information on the system architecture and how the development was performed. She would start by stating the obvious: ADAMS was a unique 30-module structure that had been designed from scratch with the purpose of serving the global anti-doping system with its diverse regulatory context and constantly evolving needs from users across the region and sports. Therefore, it did not have any comparable benchmark. As the first and only platform that unified every process across the global anti-doping world, it had established itself as the single source of truth for anti-doping organizations, ensuring consistent, secure and transparent data management that stakeholders around the world could rely on. The ADAMS ecosystem was uniquely demanding, as it had evolved in real time, making it necessary to maintain the existing functionalities while updating the specific modules to newer technologies and improved processes. The development was not a single procedure but rather an ongoing, resource-intensive process shaped by the WADA Code, the evolving digital experience expectations, the demand for integrations as well as from other systems, and the need to protect the data.

Since September 2023, through the IT partnership with the Sword Group, it had been possible to expand the development capacity by 25%, thereby accelerating the delivery pipeline without sacrificing any of the oversight when it came to management and taking control of the platform. WADA had also been able to refocus the internal teams on high-value priorities such as cybersecurity and architectural decisions. Furthermore, the paradigm had shifted from application maintenance to innovation.

Aligned with the new priorities, the 2025 ADAMS development roadmap was going well and meeting all the major milestones. She wished to specifically highlight one project: the ADAMS testing API [Application Program Interface]. The ADAMS testing application platform interface had been launched in June and various discussions had been held with the stakeholders because of questions regarding the pricing structure as well as the evolution of such APIs. She clarified that the testing API allowed for two systems to talk to each other. Hence, organizations with their own systems would be able to send testing information to ADAMS automatically, gaining in efficiency. That testing API was optional, so organizations that were currently doing manual data entry or using robots could continue to do so without any problems. An option was being added for the organizations that wanted to implement automation.

There were two other projects she wanted to address on that roadmap. The first was the Athlete Center, which was the redesign of the ADAMS application that was used by athletes to submit their whereabouts. It was



a development in which athletes had been involved from the beginning to gather their feedback, first on the current application, and to ascertain what they wanted the application to do and how they wanted it to function. They had also been involved in different testing phases to provide feedback on the process improvements that had been implemented. The new application would have an onboarding process that would explain to the athletes why they needed to submit their whereabouts and how to proceed. There would also be validation for the athlete pictures and time zone management (which went without saying), and an ADO compliance dashboard would be added.

The second project was the Result Management Center, which was an internal tool used by the Legal Affairs Department to follow up on compliance among anti-doping organizations when it came to result management processes. Ongoing improvements were being made to that internal platform. The recommendations from the Cottier report had been implemented and it continued to evolve. It would be one of the first systems that would benefit from the machine learning/AI projects. That project aimed to use AI to create concise summaries of the decisions received and to recommend a course of action based on the content. It went without saying that any outcome of that AI model would be reviewed by an actual legal counsel for validation.

The last slide provided the key takeaways of the presentation to highlight the fact that it had been possible to unlock capacity through the partnership with the Sword Group, because the team had been able to focus more on shifting the paradigm from feature delivery to an actual scalable system. There were currently seven applications that were independent, more robust, more flexible, easier to maintain and that performed better. It had also been possible to invest in preventive security testing and resilience and, most importantly, to focus on enhancing user satisfaction and building stronger relationships with stakeholders.

On behalf of Asia, DR MUROFUSHI wished to reiterate some of the points from previous Executive Committee meetings. While he appreciated all the efforts WADA had made to improve the functions of ADAMS to make it more athlete-centred, he requested that WADA also consider usability from the NADO perspective to enhance the system further.

MR LALOVIC thanked Ms Ndiaye for her update on ADAMS and noted that the sport movement would welcome feedback from the WADA Athlete Council as to whether the development plan for the Athlete Center was meeting athletes' expectations and whether there were areas that should be further explored by WADA. He also looked forward to hearing updates on the application platform interface project with anti-doping organizations and the return on experience.

MR BIDNYI shared Europe's position regarding the update of ADAMS and asked WADA to reconsider the financing model to include the application platform interface as a free service and to ensure that sufficient funding was allocated from the WADA operational budget to the maintenance of the API. Europe believed that the introduction of additional paid services might create a financial burden for NADOs which might have an impact on the efficiency and quality of anti-doping activities. It was also important to ensure that the existing digital system and data entry programme remained fully functional and accessible to all national bodies.

MR PINI thanked Ms Ndiaye for her presentation and Mr Lalovic for his comments from the sport movement. It was an incredibly important connection for the athletes and their anti-doping journey with respect to their interaction and that development and how the athletes had been incorporated into that. He had had the privilege of and the opportunity to meet with the Digital Insights colleagues with Ms Ndiaye and also the Sword Group, which had provided an update on the progress at the previous in-person meeting of the Council in March which had been incredibly insightful. He was very glad to see the progress that had been made along the way. He was also pleased that several athletes had been interviewed and that updates had been considered as direct feedback from the athletes. That was important for the Athlete Council. While he supposed it was a limited scope, that had been chosen intentionally so that that feedback could be considered more specifically. The athletes had participated there from different sports from the IOC and the IPC. A number of different countries had been involved also and a member of the Athlete Council had been involved to provide that direct feedback into the app. An update would be received as December approached and he looked forward to the whole Athlete Council being involved in the demo to provide feedback and to then invite other members. He knew that talks had been held with the members of the IOC athletes' commission on that and they were very intrigued, as many of them had been using the old app. He looked forward to incorporating more feedback from the athletes but was certainly pleased with the progress thus far.

MS NDIAYE appreciated the feedback. In response to what Dr Murofushi had said, various anti-doping organizations had been consulted regarding the Athlete Center to try to make the experience for the management of whereabouts more user-friendly. She encouraged the members to reach out if any of their NADOs wished to be involved, as consultations were held with various stakeholders and she was open to any type of feedback in an attempt to keep the communications open.

In terms of what Messrs Lalovic and Bidnyi had said, regarding the return on the API, as she had mentioned during the presentation, currently users had the option of performing manual data entry or of using robots, which basically mimicked the behaviour of a person using a computer. What the API was offering was an additional option. Users would still be able to use manual data entry and robots, and they would be able to use the API upon payment of a recovery fee. The fee was to ensure that development could continue and to maintain the focus of the team on the web version that was available at no cost, not to change the priorities of the already limited resources to develop something that was used by a few organizations. The main focus for the organization was keeping the web version free to use for all stakeholders, while the API that was used by a few anti-doping organizations would be made available to organizations that wanted to have automation for a specific fee. The fee for service was to cover a developer, to have support personnel for the infrastructure, and for cybersecurity; that is, to have a separate team managing it so that the web version was not affected at all by that new functionality. She showed the different scenarios available for pricing. In the fourth scenario, organizations that were contracting private sample agencies did not have to pay to use the API because the service was optional. She reiterated that any organization that would rather do manual data entry was free to do so.

#### DECISION

ADAMS update noted.

#### - **3.3 Intelligence and Investigations 2025 audit report**

THE DIRECTOR GENERAL said that he would be very brief. The independent auditor's report was in the binders. He would not comment on everything. From a management perspective, the Intelligence and Investigations Department was an independent department within the organization and the key takeaway from that audit report for him was that its independence was being respected and there was no sign of interference with its independence, which was key. The recommendations that stemmed from the previous year's audit had been implemented, which reassured everybody that it was operating under good practice. He had a few other remarks in the report related to the work of the Intelligence and Investigations Department. He was sure Mr Younger would address the question of investigative power for the Intelligence and Investigations Department later, which remained an issue in terms of the work that could be performed. That was a different question but it had been highlighted by the auditor. The report was there for formal approval and, once it had been approved, it would be made public.

THE CHAIRMAN asked for the record if the Executive Committee members were in agreement to approve the report of the 2025 annual audit conducted on the WADA Intelligence and Investigations Department.

#### DECISION

WADA Intelligence and Investigations 2025 audit report approved.

#### - **3.4 World Conference on Doping in Sport 2025 update**

THE DIRECTOR GENERAL recalled that the members had received an update the previous day and registration was ongoing. He urged any members who had not yet registered to do so as quickly as possible. The Foundation Board members would also be reminded and a further reminder would be sent to all stakeholders in the following days from WADA and the Korean authorities. The registration process was moving a little more slowly than expected. However, it was more or less in line with previous editions of the conference, so he was not too worried about that. The programme had been circulated. The excellent news for all of the members around that table was that they would be on stage during the afternoon of the first day for two sessions for the interventions and then again on the Friday morning for the resolution. It was a limited amount of time and they would not be exposed during the whole conference. The paper set down some of the social activities. For the conference declaration, he thanked Ms Bennett for accepting to chair the drafting group of the resolution which had already started working. As always, an initial draft would be prepared and during the conference that group would meet regularly to finalize a draft that would be adopted on the final day. The work was going to be ongoing and feedback from the participants would be incorporated into the resolution. He thanked Ms Bennett for her time and engagement. An Executive Committee meeting would be held on the morning prior to the opening ceremony on 2 December, followed by another meeting just before the final resolution to formally adopt the standards, which would be followed by the Foundation Board meeting, during which the Code would be adopted. In the afternoon of 5 December, there would be a Foundation Board meeting. The Koreans were doing a great job in preparing the conference and were very committed at all levels, including the government and anti-doping agency. He looked forward to welcoming the world in Busan.

THE CHAIRMAN echoed what the Director General had said. He had been in Busan two weeks previously and the Koreans were really very engaged. The venue was impressive, the hotels were beautiful and the weather should be okay, although it was wintertime, but one could not have everything. The Koreans were really very engaged and it should be a great event, so he urged the members to register.

MR DE VOS appreciated the update. Reading between the lines, he understood that there was still a little potential concern about the number of people attending. Perhaps that was also due to the registration process, because he had been a bit surprised by the time it had taken between applying for the registration and finally receiving confirmation. Katowice had been fantastic and Busan was a bit farther away, at least for him, and maybe not as easy to reach. He asked if there were any concerns about the number of people attending and, if lower than anticipated, it would have a financial impact on WADA.

THE DIRECTOR GENERAL reiterated that the process was going a little more slowly than expected, but not much more than the previous edition. Also, the conference would be held almost one month later than the Katowice conference, which had to be factored in. The reminders being sent had started a little late, which was one reason. After sending the reminder, the rate of registration would be considered and, of course, the registration period extended a little. The number of participants would not have any financial impact on WADA.

MS BENNETT thanked the President and the Director General for their trust in her and the honour of asking her to participate in the production of a conference declaration. She had seen the members of the group and it looked to be a very well qualified group, particularly with the assistance of Mr René Bouchard, who had experience to bring to that process. She looked forward to working with the members of the group to produce and develop a conference declaration that reflected the conference, which she was sure would be a fantastic success.

THE CHAIRMAN thanked Ms Bennett for accepting the proposal. She was going to write history because the declaration would be the main message for the community for the following six years. It was quite a big burden of responsibility on her shoulders.

#### DECISION

World Conference on Doping in Sport 2025  
update noted.

#### **4. Roadmap from Executive Committee Working Group on the Cottier report implementation update**

##### **- 4.1 General update**

MR KEMP said that he would try to be brief, as the members had the paper in their portfolio of 3,000 pages. He recalled that the following day would mark one year after the prosecutor Mr Cottier had tabled his report to the Executive Committee. Just under three months later, the full recommendations of the subsequent working group had been reported back to the Executive Committee. Much had been achieved in one year, he would argue. To summarize the paper provided, he noted that there were probably four affected areas where the recommendations had been taken on board and which the WADA management had endeavoured to try to implement. Within those four different areas, three were operational recommendations related to IT and ADAMS, intelligence and investigations and the legal processes. The fourth affected area was the most proactive, which was recommendations related to changes and enhancements that could be made to the Code and international standards, all of which were ongoing. There had been a call at the previous meeting for more information on the expenses related to all of the recommendations, and that information was detailed in the documentation. To summarize, however, it was quite clear that there was one upfront cost that was significant and one ongoing cost that was significant. The first one-off cost was related to enhancements in ADAMS to provide what was being called the 'alarm system' to raise a sort of red flag for similar cases in the future so that the process could be automated. That was a significant upfront cost that would not be replicated in subsequent years. The second ongoing significant expense was related to the recommendation in intelligence and investigations on the implementation of some form of triage and prioritization framework in which one or two physical human resources would be required to oversee the process.

That summarized the paper in terms of implementation and the current situation. He was pleased to say that very significant progress had been made and the remaining recommendations were on track. He would be happy to take any questions. Those that were more technical in nature would be fielded by the management in the Intelligence and Investigations Department, Legal Department and IT Department.

MR DE VOS conveyed his congratulations on the report and was pleased to see that, out of the 25 recommendations, 21 were already in motion or had been concluded. That demonstrated WADA's efforts to remain within the timeframe and do what was necessary. He particularly welcomed the updates with regard to

ADAMS and the new alarm systems to identify or detect delays with the anti-doping organizations in the follow-up on result management. He would like to, at the next or one of the next meetings, see an update on the real impact, because it would show for the first time what the real delays were overall. He would welcome some statistics and information on that. With regard to the independent review expert and the recommendations or proposals made by the World Anti-Doping Code Update Drafting Team, he asked if there was any specific feedback on those specific proposals from the stakeholders and how those concerns would be addressed, in addition to whether that could still be done in a timely way to be included in the Code review. In essence, the question was how WADA was dealing with the concerns shared by the stakeholders with regard to the specific proposals coming from the working group. If the report were approved that day, which he fully supported, he suggested publishing it to promote WADA's activities because, in the end, it was good news. It showed that WADA was doing the right thing and that WADA was prepared to invest. It was important to recall the financial impact of over 600,000 US dollars for the cost for the work and, on a regular recurrent basis every year, a further 250,000 US dollars. There were resources that WADA was investing in order to make all of that happen. He thought it should be promoted in general, but also maybe to specific targeted groups, not least the USA. It should be used as a tool to promote WADA and to show that WADA was doing the right thing. He reiterated his congratulations and approval.

## DECISION

Cottier report implementation general update noted.

### - **4.2 Working Group on Contaminations**

THE CHAIRMAN noted that Professor Engebretsen and Dr Sangenis of the working group would provide a joint update.

PROFESSOR ENGBRETSSEN said that he would give a brief update on the current situation since the work had begun in January. The mandate was a difficult one, entailing identifying and assessing the overall risks, defining recommendations and assessing the consequences. It was not an easy job, but the group was very good. The members were: Ms Béatrice Bourgeois from France; Dr Patricia Sangenis, who was also a member of the Executive Committee, from Buenos Aires; Mr Huw Roberts, the legal counsel to the Athletics Integrity Unit of World Athletics; Ms Sarah Benson from a NADO, Sport Integrity Australia; Mr Neil Robinson from the ITA; Mr Toby Cunliffe-Steel, as the athlete representative; and finally himself, a professor but actually a researcher and clinician (he had seen many patients and Olympians since 1984). Altogether, it was a pretty good group. Thus far, three meetings had been held and the next would be in October. They had been online meetings lasting for two hours. It was not the best way for a group like that to meet; but, as it was a financial matter, he thought it was reasonable. It had been a little difficult to work on that, and that could also be discussed during the coffee break if necessary.

Regarding the progress report to date, in May and June, the meetings had focused on what work would be done and what the priorities were, among other matters. The working group did not think that the Code needed to be changed because of its work, at least that was the current plan. The August meeting had focused on looking at the scale of the problem, how to reduce the incidence and how to manage the problem. The problem was much bigger than many thought. Almost every week, there was a new area where contamination was showing up all of a sudden. The areas of focus from that time until Christmas were shown on the right-hand side of the slide. He would hand over to Dr Sangenis to talk about the education side.

DR SANGENIS noted that unintentional doping due to contamination remained a major challenge in sport, with risks stemming from dietary supplements, medication, food sources, cosmetics and compounded pharmaceuticals, among others. To protect clean athletes and uphold fair play, an integrated strategy combining scientific rigour, education, regulation and institutional collaboration was essential. As Professor Engebretsen had said, it was not an easy task that lay ahead. She would highlight only two or three points. First of all, a clear and operational definition of contamination was needed to harmonize research, policy and education. The definition had to remain dynamic and evolve, acknowledging that new sources of contaminations might emerge.

The second point was very important. It was clear that the mandate received for the recommendations would be and should be based on data. Establishing global data collection systems to measure the prevalence of unintentional doping would help identify high-risk regions, substances and practice. She wanted to draw the attention of the members to how important it was for the working group to get the data it needed. The extraction of data had to be a priority for data management in WADA. Regarding education, that was a multitask objective. In the early stages of work of that working group, it had been deemed that education and awareness should be at the core of its work.



PROFESSOR ENGBRETSEN noted that the final slide in the presentation was on key challenges and next steps, which was a difficult area because there was not a full overview of prevalence. Most NADOs thought that, by looking into the WADA database, it would be possible to gain a good overview of that. However, he currently understood much more about AI. It was very dangerous to use AI for something like that, which made it very difficult. The IT group had devoted countless hours to helping the working group use AI in one way or another to be able to detect the prevalence. That was an area that the leadership had to think about and it needed to allocate sufficient resources to the IT group so that it would be able to do that in a reasonable time. To his mind, that was the most important part. The future roadmap was, in short, to be able to deliver a rule suggested by the working group for the decision of the Executive Committee by March of the following year that could be worked on further.

## DECISION

Working Group on Contaminations update noted.

### **- 4.3 Working Group on NADO Operational Independence**

MS BENNETT recalled that the Working Group on NADO Operational Independence had been formed in May of that year. Its creation was a measure that had been proposed by the Working Group on the Cottier Report Implementation. The working group was comprised of representatives of public authorities, the sport movement, athletes, the NADO Expert Advisory Group and the Strategic Testing Expert Advisory Group, as well as an independent chairperson. She wished to sincerely thank the members of the working group for their commitment and contribution to the working group. She had spent many moments during the course of the working group activities admiring the expertise and the depth of analysis that had been shared by her colleagues in the group and she was very lucky to ride on their coattails.

The working group's establishment had been triggered by recommendation number five in the World Aquatics report that consideration be given to conducting out-of-competition testing independent of an athlete's local NADO and laboratory when appropriate. The World Aquatics report referred to a perception amongst athletes of conflicts of interest where national entities were in charge of supervising their own athletes due to take part international competitions. Following a discussion that had actively engaged the working group's athlete representative, the working group had agreed that it would proceed on the assumption that the perception referred to in the World Aquatics report was in fact a general perception amongst athletes without investigating the veracity of that statement. Although there had been a degree of scepticism that the reference perception was widely held and was not a more nuanced view, the working group had adopted the pragmatic approach that, irrespective of the veracity of the reported athlete perception, the terms of reference for the working group were clear: for the working group to conduct a holistic analysis of NADO operational independence, including the structure of NADOs and the impact of good governance. To guide its consideration of the issue, the working group had viewed its purpose to be to restore athletes' and other stakeholders' trust in the integrity of the anti-doping system and to strengthen the anti-doping system as a whole. The key issue underpinning the concept of operational independence was who was testing who and when. That was, if an international athlete was tested only by its NADO in the lead-up to an international event, that might give rise to a perceived risk that the athlete had been treated softly by their national entity. She wished to note very carefully that the working group was not suggesting that that was in fact a reality. There were protections under the anti-doping framework that were designed to ensure that international athletes were tested regularly by the various ADOs that had jurisdiction over them. But World Aquatics had identified in its report a perception amongst athletes to that effect that the working group had been formed to address. The working group had generally discussed the benefits and desirability of international-level athletes being subjected to tests by more than one testing authority as a means of strengthening the systems. That was to say, the ADOs could each use each other to increase each other's credibility and capability in the anti-doping space. The working group anticipated that that principle would underpin some of its recommendations at the conclusion of its mandate. But it had not yet, at that stage, developed any firm views on what might be suggested or recommended to the Executive Committee. In addition, in accordance with its terms of reference, the working group had considered the Cottier report and World Aquatics report as well as the 2018 Council of Europe recommendation on NADO operational independence. It had also received detailed background and operational information and analysis from WADA's Compliance and Testing teams with testing analysis prepared in conjunction with the ITA. The working group's focus to date had necessarily been on the provisions of the Code and International Standards that provided for or related to NADO operational independence, and that focus had obviously been driven by the timing restrictions in relation to the adoption of the Code and International Standards. The working group wished to acknowledge the responsiveness of the Code Update Drafting Team and particularly Mr Sieveking to comments provided by the working group on earlier revisions of the relevant Code and International Standards provisions. In its consideration of the draft Code, the working group had been conscious of balancing priorities, including

independent testing of athletes that was free from external influence as a key aspect of the anti-doping framework; the desirability of international-level athletes being tested by more than one testing authority before major international events; the different structures for NADOs across jurisdictions, including that some NADOs were run by National Olympic Committees and were therefore inevitably tied with sport; the varying levels of resources that were available to NADOs; the cost of independent testing; funding resources for NADOs and national laboratories; different understandings of good governance and conflicts of interest across jurisdictions; the fact that more prescriptive and objective rules enabled clearer assessment of compliance versus non-compliance, balanced against the need for some discretion; and the role of ADOs in undertaking tests and the desire for operational independence in all ADO anti-doping activities where possible. The focus of the Code definition of NADO operational independence in the current draft of the Code therefore required that NADOs prevent influence, interference or involvement in their operational activities, being decisions relating to staffing, budget allocation and the doping control process. That was to preserve the independence of the decision-making process.

For the balance of its existence, the working group proposed to focus its attention on WADA's guide for the operational independence of NADOs under the 2027 Code. The current iteration of the guide obviously applied to the 2021 Code as well as to any other potential improvements and best practices that it identified. In accordance with its terms of reference, the working group would prepare recommendations for consideration by the Executive Committee. Those recommendations would in part be based on its analysis of testing, sample collection and laboratory data that had been made available to it. It intended for any recommendations to take into account the various and often competing interests that she had described earlier and to be achievable for NADOs of all structures and sizes.

## DECISION

Working Group on NADO Operational Independence  
update noted.

### **4.3.1 Extension of mandate request**

MS BENNETT reported, as set out in the report provided for that item, that the current timeframe for the working group's mandate was until December 2025. However, the Executive Committee would have seen the short paper that requested an extension of the working group's mandate to March 2026. The rationale behind that request was to ensure that the working group's consideration of the guide and other matters relating to NADO operational independence took into account the final version of the Code and International Standards, as they would be adopted in December. If the Executive Committee approved the extension of the working group's mandate to March 2026, the intention would be to present its recommendations at the Executive Committee meeting scheduled for 17 March 2026.

DR MUROFUSHI supported the extension of the mandate for the Working Group on NADO Operational Independence aligning with its recommendation regarding the finalized 2027 Code to strengthen trust and consistency across the NADOs.

MR KEJVAL appreciated the excellent report and update. The sport movement also supported extending the mandate of the working group until March 2026.

Regarding the definition of NADO operational independence in the Code, he highly appreciated the clarification provided. However, he wished to better understand what that meant for the NOCs that were currently acting as NADOs, especially in terms of their responsibilities under the Code. In countries where NOCs still acted as NADOs, athletes and the sport movement often did not receive enough government support for clean sport. He therefore asked WADA to develop a clear engagement plan with those NOCs. The goal should be to help build their capacity and secure more support, especially by providing access to anti-doping education for athletes.

MR KAYANGE EMONYI thanked Ms Bennett and the working group for the important work of addressing issues that had been raised by athletes, including those highlighted in the recent World Aquatics report. The key issue she had mentioned was independent testing within national anti-doping programmes. It was really essential to recognize the importance of independence and whether it was real or perceived in how those programmes operated and how they could undermine athlete confidence, posing risks to the credibility of the system. He believed that, for the future, it was necessary to ensure that operational independence remained a priority and with clear standards and mechanisms to safeguard testing from undue influence.

MS BENNETT thanked the members and particularly the public authorities and sport movement for supporting the extension of the mandate. The working group would be grateful to have some more time to properly consider the new Code.

In relation to the matters raised by Messrs Kejval and Kayange Emonyi, she would feed those comments back to the working group, but would also respond in part to Mr Kejval's question. The working group was very aware that there was a significant number of NADOs that were NOCs acting as NADOs (she understood that the number was around 59). That presented a more challenging circumstance for ensuring operational independence, obviously. The Code Update Drafting Team and the working group had been aware of that issue of NOCs acting as NADOs in preparing the current draft of the Code. The focus, therefore, in the definition of NADO operational independence was on the operational functions and decision-making within the NADO. The Code currently required NADOs to develop a framework for decision-making that was free from influence without the Code mandating or providing for a specific structure within its terms as to what would be required from NADOs, and that was different to a concept of institutional independence. There was recognition that, when NOCs were acting as NADOs, it was impossible to have true independence; but, if there could be operational independence within its functions, that would be appropriate. But there was also a comment within the definition of NADO operational independence which specifically addressed NOCs acting as NADOs. If a NADO could not ensure that it attained NADO operational independence within the definition of the Code, it was suggested that a NADO should, and she stressed the use of the word 'should' as opposed to 'must' or 'shall', delegate its doping control activities to a third party for implementation, which meant another ADO for a RADO or another NADO, international federation or commercial third party. She would defer to WADA in relation to the second part of the question as to the engagement and support for capacity-building, because she believed that that was not within the remit of the working group.

THE CHAIRMAN gave the floor to Mr Kemp to answer the question.

MR KEMP said that he would endeavour to answer the question. As it related to the development work, especially pertaining to NOCs that would be acting in the capacity of a NADO, as had been mentioned, there was a modest number, but perhaps it was still too large. It was smaller than it had been in the past, partly because of WADA's efforts to ensure that there was a strategy to move NOCs away from activities related to anti-doping and to have an appropriate independent NADO in place. One of the more recent steps taken had been the introduction of what was called internally the Engagement and Development impact area. In much the same way as Ms Ndiaye was leading the development efforts on IT, there was a bespoke department that was strategically looking at anti-doping activity worldwide and trying to come up with strategies related to how to advance efforts in each country. Part of those efforts was educational in terms of training. There was the Global Learning and Development Framework, for example, to help train personnel. But in terms of ensuring independence, what was more important was that there was a robust RADO network in place around the world to ensure that the NOCs could delegate to third parties. The RADOs were the most logical and cost-effective ones to do so, but ultimately also working with public authorities to help them understand the value of ensuring that there were NADOs in place rather than NOCs. That was what the Engagement and Development team was hard at work doing.

THE CHAIRMAN asked if the Executive Committee members agreed with approving an extension of the mandate of the WADA Working Group on NADO Operational Independence to March 2026 from December 2025.

## DECISION

Proposed extension of the mandate of the WADA Working Group on NADO Operational Independence to March 2026 approved.

### **5. Intelligence and Investigations – various updates**

MR YOUNGER wished to highlight a few key points from his report. Firstly, the good news was that the department was currently involved in 14 operations, which included its own operations or investigations. It supported several law enforcement activities and, of course, the intelligence and investigations project operations. Also, in recent months it had led and/or had played a role in securing another 12 charges against athletes and athlete support personnel for ADRVs in the past month. Thus, since the creation of the department, close to 500 charges had been brought. Considering the size of the department, which had evolved over the past nine years, he considered that to be quite impressive. He was very proud of his team in that respect.

Despite the ongoing challenge with USADA and despite the fact that confidential intelligence and investigations communications had been disclosed to the media by USADA, the department cooperated operationally where possible with the agency. In the latest case, the department had provided Speak Up intelligence to USADA which had led to a positive test. That was good because, ultimately, the aim was to work

for clean athletes. As Mr Kemp had said, progress was good with the triage and prioritization framework and he therefore would not elaborate on it further.

He informed the Executive Committee that relevant departments had already started sending cases, including the Legal Affairs Department, which had referred several cases that required further resources from the Intelligence and Investigations Department to assess and to triage. At that stage, it would be too premature to provide more details as the internal process and appropriate steps were being discussed. However, given the sensitivity related to USADA, the General Counsel would provide further details after his intervention. The Intelligence and Investigations Department Capability and Capacity Building Project was also progressing well and he highlighted the support of Sport Integrity Australia and the Sport Integrity Commission New Zealand. Alongside Europol and Interpol, four of six workshops had been delivered already. The next one would be held the following week, and the final conference would be on 26 April 2026.

Operationally, there were several operations ongoing, which was good news. A very high-profile PED trafficker had been targeted from Asia trafficking to Europe, but also to the next region, the Americas.

In terms of the latest success stories, members might have seen the news on the crackdown led in 2025 by the colleagues from the Australian law enforcement authorities and Sport Integrity Australia. Some of them had attended the workshop in Australia and, during the workshop, WADA's Intelligence and Investigations Department and the colleagues from the Science Department had supported the operation with background intelligence. Seventeen people had been arrested and more than 1.5 million US dollars' worth of PEDs, drugs and related assets had been seized. He congratulated the colleagues from Australia on that impactful success.

He was also pleased to announce that, for the Americas, four hosts were expected to be confirmed: Peru and Ecuador with Brazil and Jamaica pending. A positive signal had been received and the preparations with the support of the Education Department and the regional office had started. He in particular highlighted the colleagues from the regional office who had been instrumental in those positive developments. That said, he also noted a limiting factor due to the ongoing investigation by the FBI. The operational collaboration in that specific context remained significantly restricted. That was unfortunate particularly considering that a substantial volume, if not the majority of trafficked PEDs, appeared to be directed towards the US market. He hoped a solution to that would be found.

Finally, he wished to respond to a comment made by the auditor and by the Director General regarding the lack of investigative authority within the Intelligence and Investigations Department. As members were aware, the Executive Committee had declined the proposal to enhance its investigative powers. One of the reasons was that law enforcement could become involved, which, as evident in all of the above success stories, occurred on a regular basis and where necessary. However, in serious compliance cases, WADA remained the only organizational body with the authority to conduct thorough investigations. In one recent instance, over one year had been spent negotiating with a concerned entity to access relevant data, which had been hampered by the lack of formal powers beyond that of the general obligation to cooperate, which was a broad and vague concept open to wide interpretation. As a result, the department had been forced to make numerous compromises that fell well short of best investigative practices. That clearly highlighted the limitations currently faced. In fact, there was a significant gap between what the department expected to investigate and deliver in complex compliance matters and the tools currently available to it. That concern had been one of the auditor's main topics in his most recent report, reinforcing the urgent need to address those structural shortcomings. He would be happy to answer any questions but would first hand over to Mr Wenzel for further details on the USADA cases.

MR WENZEL wanted to stress that the two USADA matters addressed in the note sent to the members in mid-June were extremely serious. He personally had learnt from the discussion on the Chinese swimmers case that if he or others, in particular from the Legal Affairs Department, saw issues that were serious and presented a potential risk to the system, they should certainly consider bringing those to the attention of this committee and also referring them to the Intelligence and Investigations Department. With respect to those two issues, he had done both of those things. He would also touch on a third matter that day involving USADA from just the previous week which reinforced his concern that there was perhaps a pattern of breaching the rules in a manner that was secret or at least not disclosed to WADA and indeed circumvented WADA's rights of approval under the Code and related documents.

He was sure that all of the members would have read the note circulated in mid-June; but, to summarize the two matters, the first related to a TUE matter of an athlete who, shortly before the world championships in their sport, had had an adverse analytical finding. The athlete had had a TUE for that substance that had expired months before the positive test. The athlete had even applied to USADA for a retroactive TUE. There was a proper process for that under the rules, with specific mechanisms. The athlete had invoked the only mechanism



that there was available to them under the rules, which was to seek a retroactive TUE for reasons of fairness. Pursuant to article 4.3 of the International Standard for Therapeutic Use Exemptions, that required approval from WADA which was entirely discretionary and could not be challenged. The prior TUE had been, in fact, an international federation TUE, and USADA had been handling the TUE matters by delegation from the international federation. It had originally approached the international federation to ask whether the federation would be willing to simply extend, after the fact, the duration of the already expired TUE and the international federation concerned had written back unambiguously stating that it was not possible under the rules. The athlete, about eight days before the start of the world championships, had already lodged a proper application for a TUE involving WADA's approval. Against that background and despite the clear instruction from the international federation on the eve of the athlete's participation in the world championships, USADA had decided to extend the duration of the previously expired TUE, notwithstanding that the international federation had told it that it was not possible under the rules. So the TUE had effectively been granted. That had circumvented WADA's right of approval under the relevant provision and the athlete, as mentioned in the note sent in mid-June, had gone on to win the gold medal in those world championships. The effect of that improper granting or extension of the previously expired TUE had been to expunge or get rid of an adverse analytical finding. That had not been done in accordance with the rules and was therefore a serious matter, in particular in light of the allegations that had been made regarding the Chinese swimmers.

The second element that the June note had dealt with was an update on the undercover informant scheme that USADA had operated between approximately 2011 and 2021. That was a scheme whereby athletes who had admitted or had positive findings of serious doping, such as use of steroids and EPO, had not been prosecuted by USADA and had been allowed to continue for years, many years in some cases, to compete, without their doping being made public, against unsuspecting competitors and in front of unsuspecting crowds. That was a serious matter. He wanted to update the Executive Committee on two elements with respect to that. The first was that, when those allegations had surfaced, and they had appeared in the media (before WADA had made any public statement) around the time of the Paris Olympic Games, one of USADA's reactions had been to state that WADA had been aware of and somehow approved the operation of that scheme, specifically asserting that WADA's former Director General David Howman had been aware of and approved of that undercover informant scheme. Given those allegations of knowledge or complicity by the most senior WADA executive at the time, the matter had of course to be examined. He had personally gone through all of the files, many of which had been archived, given how old they were. There was absolutely no evidence of David Howman having any knowledge of that scheme whatsoever. But he had gone further and had written to David Howman to ask him whether he had had any knowledge of that scheme, when operated. His response had been that he had absolutely no recollection of it at all. It had been an unambiguous response. WADA had not been complicit in that undercover informant scheme at all. The second element that had emerged when he had reviewed the old files on that matter and that he had found particularly concerning was that, in one of the cases where there had actually been an adverse analytical finding – other cases involved admissions of doping and evidence of doping from biological passports – the adverse analytical finding had been for steroids and, in that case, the athlete had been provisionally suspended. The provisional suspension had been notified to WADA. Then, a month or so later, USADA had decided, apparently based on the agreement of that athlete to cooperate as an undercover informant, to lift the provisional suspension. There had been no basis for doing that in the Code or in any other of WADA's rules. Despite the fact that a decision to lift a provisional suspension was an appealable decision, and frankly an unusual and rare decision, for whatever reason, the decision to lift the provisional suspension had not been notified to WADA. Worse still, the following year, when the adverse analytical finding had been in place without a final reasoned decision at first instance, for a year or so, WADA, as it frequently did, had written to the stakeholder to enquire about the status of that case. USADA had sent to WADA a cooperation agreement, which stated, and the quotes were included in the paper he had sent in mid-June, that the athlete would accept a two-year period of ineligibility, subject to possible reduction or suspension of part of it in connection with substantial assistance. It had very much implied, if not stated, that the case had been resolved with a two-year sanction. Indeed, WADA's Legal Affairs Director, Mr Sieveking, had replied to USADA stating that if it had told WADA of that earlier, WADA would have closed the case, clearly indicating that WADA's belief based on that document was that the case had been dealt with. Even at that point, USADA had not deigned to inform WADA that in fact the athlete's provisional suspension had been lifted and that he had not served or suffered any period of ineligibility but had continued to compete. Of course, if it were to transpire that the failure to notify the lifting of the provisional suspension and the responses that had been provided to WADA when WADA had followed up on the case comprised a deliberate dissimulation of the undercover informant scheme in operation at the time, it would be extremely serious.

He had mentioned at the beginning that another incident from just the previous week had caused him real concern. Under WADA's rules, it related to the International Standard for Results Management. Where an ADO, regardless of whether it was an international federation or a NADO, went before the CAS and WADA was not a

party to those proceedings, if the ADO wanted to settle those CAS proceedings, it was a strict requirement under the International Standard for Results Management to seek WADA's approval for that settlement. WADA had found out the previous week that, in a case that USADA had recently settled before the CAS, it had not sought WADA's approval. Of course, the matter was subject to a final CAS award so WADA had lost its ability to approve.

The TUE case, the lack of disclosure and the operation of the undercover informant scheme, and the most recent example of ignoring, deliberately or otherwise, but certainly failing to follow a clear requirement under WADA's rules to seek WADA approval comprised three examples of a failure by USADA to follow the rules, a failure to disclose those elements to WADA, and indeed in two or three of those matters, to circumvent WADA's explicit rights of approval under the Code. He thought it important, given the learnings from the Chinese case, that those matters be made known to the Executive Committee. As stated in the note, they had been referred to Mr Younger's Intelligence and Investigations Department and he understood that they were being reviewed by him. That was just an update, but he sincerely believed that the matters were serious enough for the Executive Committee to be apprised of them.

MR KAYANGE EMONYI thanked Mr Younger for his report. He had noted that WADA was seeking additional funds for capacity-building in the Americas and in Africa. He asked what the progress was on that and what the measures were translating into action intelligence exchanges within those two regions.

MR DE VOS asked, with regard to the undercover operations, if it meant that in reality athletes competing in, for instance, international competitions had been deprived of medals because of the covering-up of those positive cases.

MR WENZEL replied that there had certainly been high-level athletes amongst those whose doping had been hidden for years, and not merely two or three years. As mentioned in the note that he had circulated in mid-June, one of the athletes during the relevant period of cooperation with USADA had competed in an Olympic trial, for instance. The athletes had achieved successes. He would not go into the detail for reasons related to not wishing to disclose the identity of those athletes, but there were cases where there was admitted use of blood doping, EPO, and he had mentioned the adverse analytical finding case, which had involved a steroid. Those were serious doping cases where they had not been prosecuted. Provisional suspensions had either not been imposed or had been lifted, as in the example that he had given. For years, without any disclosure to WADA, those athletes had been allowed to continue to compete against unsuspecting competitors. Therefore, it had been serious enough already, but the reason that he had wanted to update the committee that day was because, when he had delved into the archived files in even more detail due to the allegations that WADA had been somehow complicit in that scheme, which was a serious accusation, it had occurred to him that there were at least indications that the lack of disclosure to WADA could have been deliberate.

MR YOUNGER thanked Mr Kayange Emonyi for his question. After the success with Europe, it had been decided to have a global initiative and it had been possible for the Americas to secure the funds for three workshops and one final conference which would probably be held in the year 2026 or 2027. As soon as they had been secured, the same process applied to the Americas would be used to identify sponsors for Africa to host. He thought for Africa there should be at least four workshops for the south, north, east and west and a final conference. At that time, the focus was on the Americas as that was the most pressing, as a follow-up on the Oceania project.

MR DE VOS said that he wanted to follow up fully on the comment made by Mr Wenzel. He fully understood that it was highly sensitive and that absolute discretion about the names and the references to the sport was necessary, but he had a more general question. Were there really cases where there was knowledge that the athlete concerned had tested positive at an international event, where that athlete had had a high classification or even a medal and, by covering up that, other athletes had been deprived of the medals or the classifications that they deserved? He was asking that more specifically regarding international events, not to disclose the names, the discipline or the sport, but in general terms. Also, had the testing been done by USADA as well? Or had USADA stopped testing them as a result of being in a cover-up or an undercover operation (he did not know which to call it).

MR WENZEL stated that, again, there had been high-level athletes involved in serious doping. He would have to fact check, but there was only one case that had involved an adverse analytical finding. Others had involved other evidence of doping, such as the Athlete Biological Passport or admissions of doping, and through the use of other intelligence tools. The case that had involved an adverse analytical finding was not an in-competition sample at an international event, he thought. He believed that the athletes had continued to be subject to testing throughout the period in which they were operating as undercover informants for USADA. But of course, athletes could not be tested every day and were not under permanent monitoring. He did not think

they had been immune from testing while operating as undercover informants. The issue was that, under the rules, there was an obligation to vigorously pursue all potential anti-doping rule violations. Those cases had not been prosecuted for, in some cases, seven or eight years.

THE CHAIRMAN concluded that it was a matter for analysis by the Intelligence and Investigations Department. The Executive Committee would be kept updated about the development of that matter.

MR KEJVAL was compelled to comment on the previous point because he had been left speechless after Mr Wenzel's presentation. It was shocking information and he hoped that there were real and trustworthy sources to support that. He also stressed that it should be a priority in terms of the investigation and thought it would be very good to inform the Executive Committee as soon as possible, because it was a very serious accusation.

THE CHAIRMAN reiterated that updates would be given about the development of the investigation, which was being analysed by the Intelligence and Investigations Department.

## DECISION

Intelligence and Investigations updates noted.

### **6. Legal**

#### **- 6.1 Voluntary withholding of contributions to WADA's budget by governments update**

MR WENZEL said that he would merely recall that the opinion from the Council of Europe Public International Law Committee, CAHDI, had been received recently and he believed that it had been shared with the working group. WADA was still reviewing that opinion and also discussing it with external experts in the area. Given that it had only been received more or less on the day when the working group would otherwise have met prior to that Executive Committee meeting, the meeting of the working group had been postponed. It was currently trying to identify dates after that meeting to meet to discuss it once WADA had heard back from its external experts in particular. That meeting would be held soon but, given that the feedback was yet to arrive, he did not propose entering into the substance of the matter, but would be happy to answer questions.

MS BERHANE emphasized on behalf of the sport movement that she was very concerned by the delay of the working group. Also on behalf of the sport movement, she wished to take that opportunity to encourage and ask the public authorities sitting on the Executive Committee of WADA and the Foundation Board to remind their colleagues from the public authorities that funding WADA was not done on a voluntary basis, but it was actually a duty and was reflected in the UNESCO convention. She wanted to reiterate that and sought reassurance from the public authorities that there would be a clear commitment. She also encouraged a reminder of that point at the upcoming COP and the upcoming conference in Busan. She could not emphasize enough that it was up to the colleagues representing the public authorities to remind their colleagues, making sure that they were aware that the concept of it being on a voluntary basis was the wrong concept, as it was in fact a duty. Reassurance was needed from the public authorities and she could not be more clear on that because she had raised that at previous meetings as well.

On behalf of the public authorities, DR MUROFUSHI wished to make a few points, including the fact that the CAHDI opinion was currently available and had been shared with the members of the discussion group. Regarding One Voice, work on the subject would continue while feedback was awaited from WADA and the sport movement. He asked the discussion group to return to One Voice with the feedback once it was available so that further input could be provided. He also requested that WADA share the outcomes of a public consultation with stakeholders.

THE CHAIRMAN reiterated that it was very embarrassing to hear that discussion, which he recalled had started five years previously and had been an item on the agenda at almost every Executive Committee meeting since, continued with almost no ready solutions. It was time to submit a final proposal for approval at one of the upcoming Executive Committee meetings. If there was no conclusion, then the working group would not be able to table a good proposal. That discussion could not continue forever, because it did not look good or serious.

DR MUROFUSHI thought that it was necessary to work together with the sport movement, because the sport movement had a great influence in the countries and WADA merely represented anti-doping. It was not an effort to evade the issue, but the public authorities were representing anti-doping in sport.

THE CHAIRMAN had to admit that, from the very beginning, when that discussion had started, the sport movement had fully supported the solutions and the idea of having consequences. He thought it was fairer to

say that the problem was more on the public authorities' side and not on the sport movement side. Of course, that was the working group on which the sport movement and the governments had a seat. But the fact that there was no ready solution and ready regulations on the table was not on the sport movement side.

MS BERHANE noted the plea on behalf of the sport movement, and believed that it was a joint venture. But she also recalled that, working together, the members also responded to the authorities of their countries and the reason for the composition was also, in a way, to ensure that collaboration. She recognized that collaboration was very important, but also that the sport authorities, as a sport movement, responded to their authorities. She recognized that it was a joint venture and would be happy to collaborate on that.

MR BIDNYI said that it would be necessary to see the CAHDI opinion provided to Europe before discussing. He stated that despite that difficult time for Ukraine, it had paid the WADA contribution. He understood the importance of that responsibility. He wondered with whom dialogue should be established on a government level and what the options were.

THE CHAIRMAN responded that he thought the discussion was more with the public authorities representatives on the working group, because the paper with the consequences had been drafted almost one year previously and had not been implemented. The discussions continued. He thought it was a matter of urging the representatives from the public authorities side on the working group to agree on certain consequences and to finalize the process. As he had said from the very beginning of that discussion, there had been full support from the sport movement side on the consequences. There were some discrepancies regarding concrete solutions; but, in general, the regulations were very close to being adopted, although the discussion seemed to be at a standstill. His appeal to the public authorities was to return to the previous solutions and do everything possible to adopt the regulations.

MR DE VOS believed that it was important to be unified in that effort. It was reasonable to refer to governments, but important not to forget that the decision about the rules that would be in place in the event of voluntary withdrawal of funding were decided there, not by the 210 nations that WADA was representing but with the representatives that were there. It was very difficult for the sport movement to start influencing more than 200 governments to take the right position. If it was of any help, the IOC, which was in the end the biggest contributor, did not consider the contribution to be a voluntary contribution. It took the matter very seriously and hoped that all could be aligned and work done together with the public authorities. That was the responsibility WADA had in view of the fair level playing field and the fight against doping, which should be its priority. It needed to commit and remain committed to what had been agreed many years previously when WADA had been created. He appreciated the efforts in advance and would be supportive if possible. But it was necessary to at least have a common opinion that was aligned.

THE CHAIRMAN thought that it was a good conclusion and, at the end of the day, the Executive Committee would finally decide about the regulations. Perhaps WADA would be able to soon end up proposing the rules and putting them to the Executive Committee to adopt them.

#### DECISION

Voluntary withholding of contributions to WADA's budget by governments update noted.

#### - **6.2 Report on decisions under NADO results management authority**

MR WENZEL said that he would not repeat what was in the paper but would try to explain why the paper had been sent and what the scope of that paper was. The reason the paper had been sent was because there were genuine concerns emanating from WADA's Legal Affairs Department, including from himself, that the quality of decisions under the authority of NADOs, in particular, had been on the slide. The number of non-compliant decisions received under the authority of NADOs was certainly on the increase. As shown in the paper, some of the main issues were: a failure to test explanations of the origin of prohibited substances; a failure to properly assess fault based on the case law and the definition; taking into account extraneous matters too easily finding that anti-doping rule violations for serious substances were not intentional; and, in certain jurisdictions, a repeated propensity of tribunals to reduce the sanctions in the Code based on proportionality, which had been rejected time and again by the CAS and the Swiss Federal Tribunal. To be clear there, he had referred carefully in his introduction to cases that were under NADO authority and he did that because there were different scenarios. It could be a NADO or the administration of a NADO that made a poor decision to agree on a set of consequences with the athlete. It could be that the NADO brought a case before a tribunal, but did not properly prosecute the case by not giving the tribunal the evidence, arguments and requests it needed in order to make the right decision. But it could also be, of course, decisions by tribunals, operationally and sometimes institutionally independent tribunals, that were just wrong. That might entail some level of



responsibility within the NADO, but also within the national tribunals that were set up within the national framework. As would have been clear from the letters that were annexed to the paper, that was an issue that affected NADOs of all shapes and sizes. But it was an issue. The reason that it had been raised as a NADO-related matter was because it was an issue that in his view affected national cases or decisions under NADO authority, not decisions under international federation authority or under MEO authority. He was not suggesting that there were no bad decisions under international federations or MEOs, but that was certainly not the concern. The possible reason, and that was speculative perhaps, why the same issues were not seen with the same frequency in an international context might be the access to international experts and resources. It might be the fact that many federations, including Olympic federations, used the CAS anti-doping division at first instance. There might be various reasons for that, but there was certainly not the same level of non-compliant decisions coming out of the international framework.

He reiterated that WADA could not appeal every decision that was not perfect. A practice that had been increased over the previous three or four years was that, in the case of decisions that for practical or pragmatic reasons the Legal Affairs Department did not appeal but deemed to err materially, the Legal Affairs Department had a practice of writing what were called compliance letters, to try to explain in detail why, in WADA's view, the decision was wrong. Those letters had a primarily educative function. WADA asked that those letters, as set out in some of the examples provided, be forwarded to the relevant tribunals if it had been a tribunal decision. The letters set forth detailed references to case law and the proper framework and model for deciding on cases in WADA's opinion. If those letters and guidance were ignored, or if the same mistakes were repeated after the letters had been sent, that was certainly one of the things taken into account when considering in the future whether or not to appeal. Indeed, some of those letters, perhaps most of them, made it clear that, if WADA saw those same mistakes being repeated in the future, it reserved the right to bring those matters to the attention of the Executive Committee and/or to refer the matters to the Compliance Task Force. However, in the case of a single wrong decision, in particular a decision by an independent tribunal, it was very difficult to bring a compliance case based on that case because, for one thing it was in the past, and for another, it might be a decision rendered by a tribunal. Where, however, the mistakes were repeated, in particular if the same mistakes were repeated, he thought it opened the door to targeted results management-focused compliance measures. There were not many examples of that. As the Executive Committee knew, a results management-focused audit had been done recently due to specific concerns about results management under the authority of the Dutch NADO. That process had already led to corrective actions that had been accomplished to make some significant improvements in protocols and practices. Hence, the letters had an educative function and a deterrent function to some extent, but it was clear that appeals were still, he thought, for reasons he did not need to spell out, a more effective deterrent. They probably led to correction more efficiently than sending letters. For that reason, he welcomed the commitment of the WADA President to dedicate more resources to appeals. He was not looking to distance WADA from that or say that WADA did not have a role to play, but he thought that the relevant national agencies and authorities needed to take that issue on board and do what they could properly to ensure that the tribunals and NADOs were populated by professional, experienced and competent persons who approached cases with independence and impartiality to avoid the situation continuing or even getting worse.

MS BENNETT thanked Mr Wenzel and WADA for bringing the matter of non-compliant decisions under NADO results management authorities to the attention of the Executive Committee and for taking the maybe unusual step of providing the example letters to the Executive Committee because they clearly demonstrated the issue at hand. In reading the materials, she had noted a very concerning lack almost of understanding in some NADOs and also panel imposition of sanctions. But a surprising aspect of the materials was that the issue did not appear to be confined to NADOs that one might expect to have more limited resources. It included NADOs that one would expect should know better. Thus, combined with the earlier Intelligence and Investigations Department update provided to the Executive Committee, it seemed to paint a picture of NADOs perhaps viewing compliance with the Code as optional rather than mandatory. In relation to those particular decisions and decisions of that nature, her concern was that there could be a risk that previous incorrect decisions would become precedential, albeit not in a formal sense, in the particular jurisdiction where the decisions had arisen. For that reason, she congratulated Mr Wenzel and WADA for having taken the time to write those letters. Some of the letters had been quite lengthy and detailed to the relevant NADOs in setting out the concerns and rationale for what would be a compliant and correct position. Aside from funding further appeals, and she understood the comments Mr Wenzel had made to the President in that respect, she asked what WADA proposed from a proactive perspective to address the alarming trend in decisions that were not compliant with the Code framework.

MR PINI thanked Mr Wenzel for his report. While it was certainly not pleasing to see, he welcomed reading some of those letters to better understand the issues. On behalf of the Athlete Council, he expressed concern

in reading about the rise in non-compliant anti-doping decisions. The athletes put their trust in the anti-doping decisions and they wanted the system to be fair, robust and consistent. When those fundamental errors occurred in those decisions by NADOs or the tribunals or whoever the anti-doping organization was, it eroded that trust, and building that trust with the athletes was a constant battle. Ultimately, it was the athletes who paid the price, whether through incorrect results, inconsistent sanctions or simply losing faith in the system that was meant to protect them. Athletes should not have to bear the consequences of procedural or legal missteps. He therefore encouraged WADA and NADOs to work to resolve and mitigate those issues. As had been discussed earlier, the importance of the new tools that WADA was integrating, including the use of AI, to create efficiencies and strengthen decision-making was well known. It was very much a positive step and he would like to see that expanded with clear policies and frameworks in the future to make sure that such tools were available to NADOs and tribunals globally. That would ensure that anti-doping organizations could benefit from those advances and to reduce errors, improve consistency and ultimately help protect the athletes to reinforce their trust in the system. He reiterated his appreciation for the work because he knew that those letters were extremely detailed and very educational.

On behalf of One Voice, DR MUROFUSHI strongly supported the transparency of WADA's compliance actions. First of all, he shared the concern regarding rising trends in non-compliance cases and recognized the increased burden that placed on the organization. He supported the view that sanctions could be important, but thought that the primary focus should be on preventative measures and education in order to ensure that NADOs were fully supported in their results management responsibilities. Other colleagues from public authorities would be also speaking on that item.

MR BIDNYI thanked Mr Wenzel for the broad explanation and detailed information about that alarming issue. He shared the concerns about the circulation of those letters under another results management compliance issue. He also underlined the critical importance of the principle of separation of powers between NADOs and independent disciplinary tribunals. In that context, it would be appropriate to consider WADA, together with other stakeholders, organizing mandatory training for members or disciplinary panels in order to ensure professionalism and objectivity in their decisions. The common position of One Voice was to support a balanced approach which both strengthened the accountability and independence of national organizations while at the same time improving cooperation between WADA and NADOs.

MS TWUM-AMOA thanked Mr Wenzel for his report. Africa shared the position taken by One Voice and was also concerned about the rising trend in non-compliant cases. That said, she wished to know what had caused that exponential rise in non-compliant cases. She thought that WADA might also want to provide data on the trends as well as any analysis that had been undertaken. She asked if there was any plan by WADA to work with NADOs to ensure that they carried out proper investigations in those cases.

MR MCCANN noted that Oceania welcomed the report, particularly the transparency and clarity it provided. He thought more broadly that the pack, although large that time around, also provided additional clarity and transparency for Executive Committee members. The paper itself included 14 example letters, which provided useful context for the matters. Given that there were hundreds of matters, though, it was not fully explained why those 14 had been selected. The risk was focusing too much on who rather than what the actual problems were. The high-level points were useful in the letter, but he thought there would be a benefit of further analysis over the broader subset of hundreds, as mentioned. That would provide the public authorities with better insights to bring WADA's concerns back to the NADOs and help to provide consistency and generate that alignment with the Code overall.

MR KAYANGE EMONYI aligned his comments with Mr Pini's comments from the athletes' perspective. In light of the challenges in results management not being limited only to under-resourced NADOs but rather also seen in well-resourced organizations, in terms of the WADA perspective of mitigation measures, he asked if anything could be done to strengthen compliance and consistency in result management, ensuring that both resource constraints and governance challenges were addressed in a proactive manner.

THE CHAIRMAN said that he was not sure whether he had understood correctly, but he had noted the comment from Europe and CAHAMA on the concern that WADA share its documents with the Executive Committee. He was very surprised, as it was well known that WADA shared its documents with the Executive Committee. It was quite interesting to be criticized by the public authorities regarding the transparency policy. But he understood that was a mandate that the minister had been obliged to express. He could assure the Executive Committee that many documents would be shared, because that was part of the transparency policy, whether or not some of the stakeholders from Europe were happy with those documents. He thought it was his and WADA's obligation to share those documents with the Executive Committee members when a real problem was identified, although he understood that some NADOs were not happy with that. However, transparency was very important and that approach would definitely continue.

MR WENZEL agreed with many of the comments that had been made. With regard to the question from Mr McCann about the selection of the 14 cases, a selection had had to be made otherwise it would have been necessary to provide hundreds of documents. To initiate a reflection about that issue, not a small selection but still a small subset of the total had been made. Rightly or wrongly, the selection was as follows: all of the letters that in 2024 and 2025 had dealt with more than one case had been sent. That was a way of limiting the number, a somewhat arbitrary one he accepted, but it had reduced it to a number that was manageable. There was more value in reading a single letter where it dealt with multiple cases and multiple issues. That was what had been done.

He shared some of the concerns raised by Ms Bennett, in particular the fact that non-compliant decisions could start to constitute precedents within the relevant countries and the relevant tribunals. That was why, if the same mistakes reoccurred, it was one of the factors that would be considered when deciding whether or not to appeal. For practical reasons, perhaps one mistake had been let go but, after the same mistake, perhaps the second or third time, the case had been taken to the CAS. Even that was not a guarantee of correction. But, ultimately, what could be done about that? It would not eradicate non-compliant decisions, which would always exist. But in terms of improving things, he thought letters played a role and were also a useful repository of documents for WADA because, when decisions were being examined, it was possible to identify where letters had been sent and where appeals had been made in the past. Letters played an educative role and a deterrent role. Appeals certainly played a deterrent role because of the financial consequences that were associated. One or two of the members had asked about the possibility for there to be some form of training. He thought that training of the tribunals in particular was an interesting suggestion. He did not think that training could be devised and administered solely by WADA as, ultimately, it was a party with a right of appeal in specific cases. If WADA was pleading its interpretation of the Code to tribunal members in seminars, it would raise issues of conflict of interest. Therefore, if training were to be explored, and it certainly would come at a cost as well, it would have to be some sort of collaborative effort involving a number of different parties and experts. But, logically, many if not most of those decisions were probably coming from lack of knowledge or expertise rather than any sort of bad faith or bias. Therefore, logically, educational training certainly had a role to play. The purpose of that paper had been to put that issue on the table for further discussion. Hence, he raised the possibility of considering in certain regions pooled tribunals where the countries were engaging in litigation in the same language in order to pool the expertise, which perhaps existed already through RADOs. He was sure it was not a solution on its own, but he thought the solution would have to be multifaceted. He was not the person to comment on the role of digital and AI to improve the situation, but it was certainly an interesting comment and might be part of the solution.

Ms Twum-Amoah had asked about whether there were any reasons as to why that trend had occurred and things were getting worse. It would be speculation, but he thought the Code had become increasingly complex. He thought everybody recognized the fact that there were reinforced requirements regarding independence of tribunal members. If they were entirely independent and came from outside of the system entirely, how familiar were they with the system? That took time to bed in, perhaps. He thought that the industry of athlete defence had become much more sophisticated with groups of experts and lawyers who increasingly knew how to do the best for their clients. But that could also lead to difficult decisions for NADOs and for tribunals to take. There was potentially a whole range of reasons, but it would be speculation for him to say that was an exhaustive list or that any of those were the cause.

In response to Dr Murofushi, he agreed that prevention was always better than healing or correction. Hence, some form of training effort could be deployed to try to limit the number of non-compliant decisions.

MR BIDNYI agreed with the President. He was fully aware of transparency and grateful for being sent those letters. He had merely wanted to explain and to inform the Executive Committee members about some concerns and the positions of some European NADOs.

THE CHAIRMAN appreciated the clarification. He fully understood that Mr Bidnyi had been obliged to present that mandate.

#### DECISION

Report on decisions under NADO results  
management authority noted.

## 7. Governance

### - 7.1 Executive Committee and Foundation Board memberships 2026

THE DIRECTOR GENERAL recalled that the deadlines were set out in the documents for the proposals of new Foundation Board members and new Executive Committee members. He urged the members to meet the end of October deadline so that planning could be carried out accordingly.

#### DECISION

Executive Committee and Foundation Board memberships 2026 update noted.

### - 7.2 Risk and Audit Committee – independent member appointment and Executive Committee member appointment

THE DIRECTOR GENERAL noted that there were two items in that paper. One was for decision, which was the reappointment of an independent member to the Risk and Audit Committee. The other thing was that he wanted to draw the members' attention to the fact that Mr Kejval would conclude his term on the WADA Executive Committee at the end of the year and therefore would cease to be a member of the Risk and Audit Committee. Hence, both constituencies needed to start a discussion to try to find his replacement on the Risk and Audit Committee from that body. In the meantime, the other independent member had to be elected.

THE CHAIRMAN asked for the record if there were any objections to reappointing Mr Kashif Farooq as the independent member of WADA's Risk and Audit Committee for a three-year term beginning on 22 September 2025.

#### DECISION

Proposal to reappoint independent member Mr Kashif Farooq to the WADA Risk and Audit Committee approved.

### - 7.3 Standing committee chair appointments – 2026-2028 terms

THE CHAIRMAN gave the floor to Ms Diane Smith-Gander, the Chair of the Nominations Committee.

MS SMITH-GANDER recalled that the matter in the paper had been before the Executive Committee and therefore the members would be relatively familiar with it. However, she noted that it had not been the usual practice of the Nominations Committee to seek exceptional term extension, and yet in that paper there were two such requests and in the following paper another one, making three in total. Respecting term limits was clearly a very important part of good governance and it was very much a key to WADA's governance reforms. However, she noted that the statutes and regulations that WADA had allowed those exceptional requests and the situation that had led to them had definitely been contemplated in the governance reforms. Thus, the drafters had granted the ability to do that.

Secondly, she observed that, in an organization like WADA, which had a blend of independent and nominee members across a number of committees, some of which were quite large and others small, balancing continuity and refresh required quite careful attention, particularly when it came to the role of the chair, in order to avoid a loss of momentum of committee work. That had the potential to create what she would regard as a very small bias towards long tenures in the chair roles. But any risk of that was really well mitigated because of the committee structure, in size, reputation and representation. Of course, the Nominations Committee had a process of interviewing, reference-checking and vetting candidates to ensure their continued independence and relevance to the process.

She would be happy to take any questions on paper 7.3.

MR DE VOS approved those two reappointments and the appointment of a new member. He thought it would come as no surprise that he strongly recommended Mr Karl Stoss, who was a very respected IOC member with a long track record in finance, and also in governance. He gave full support and thanked another important IOC member, Mr Ser Miang Ng, for the services he had delivered to the organization.

THE CHAIRMAN took the opportunity to again thank Mr Ng for his long service and great work as the chairman of the Finance and Administration Committee. For the record, he asked the members if they agreed with approving the Nominations Committee recommendations to make the following appointments as chairs of the WADA standing committees for a three-year term beginning on 1 January 2026: Ms Kady Kanouté Tounkara as Chair of the Education Committee (reappointment); Dr Karl Stoss as Chair of the Finance and Administration



Committee, and Professor Lars Engebretsen as Chair of the Health, Medical and Research Committee (reappointment).

#### DECISION

Proposed standing committee chair appointments (Ms Kady Kanouté Tounkara, Chair of the Education Committee (reappointment); Dr Karl Stoss, Chair of the Finance and Administration Committee and Professor Lars Engebretsen, Chair of the Health, Medical and Research Committee (reappointment) approved.

#### **- 7.4 Compliance Review Committee member appointments**

MS SMITH-GANDER wished to make one comment. The Compliance Review Committee was a special beast, and those were not her words, but the words of the Director General Mr Niggli when discussing that recently. The chair role of the Compliance Review Committee was a difficult and very busy role. There was a strongly held view in that committee, particularly by the current leadership of the committee, that the nature of the work of the Compliance Review Committee required internal succession. She recalled that recent appointments of independent members of the committee had been made with that in mind.

Unfortunately, that result had not been possible that time with a candidate from within the Compliance Review Committee ready to be chair. That had led to the recommendation to extend Mr Gourdji's term. She certainly had some empathy towards the committee's view on internal succession, but admitted that she was far more interested in considering whether, given the nature of that particular committee, it might lead to a revision of the regulations regarding candidates for that committee and perhaps requiring them to have gained experience of WADA on another relevant committee before being considered for that one. It was a time-honoured tradition of the Nominations Committee to make recommendations to the Executive Committee that it had not actually asked for, but it was seen as part of the mandate to be able to describe how the Nominations Committee thought things could improve. In item 5.3 of the report, it was stated that the committee did believe that the addition of another independent member to the Compliance Review Committee could help with creating optionality for the succession of chairs and also assist with balancing the workload for that very busy and important committee.

THE CHAIRMAN asked for the record if the members were in agreement to approve the reappointment of Mr Henry Gourdji as the independent chair of the Compliance Review Committee for an exceptional two-year term beginning on 1 January 2026 and the appointment of Dr Michael Petrou as the public authorities nominee on the Compliance Review Committee for a three-year term beginning on 1 January 2026.

#### DECISION

Proposed Compliance Review Committee appointments (Mr Henry Gourdji, Independent Chair, for a two-year term beginning on 1 January 2026 and Dr Michael Petrou, public authorities nominee, for a three-year term beginning on 1 January 2026) approved.

### **8. World Anti-Doping Programme**

#### **- 8.1 2027 World Anti-Doping Code update**

MR SIEVEKING recalled the President's reminder of that morning that WADA was firstly a regulatory body. The important exercise of the Code revision process was coming to an end after two years. Before giving the floor to Mr Richard Young, who would describe the most important changes made between the second and the third revised draft, he would like to start by thanking the stakeholders for their great support. As Ms Taillefer had said that morning, the global engagement in that revision process had been impressive. In the last phase, as for the first two phases of consultation, the participation of stakeholders had been impressive. Almost 600 comments had been received which had provided the Code team with clear guidance. Those comments were positive, for example, in terms of the changes made to Article 10.2 and the sanctions. They also showed where more work had to be done. In particular, for example, the definition of NADO operational independence that had clearly been rejected in the previous version. As in each phase, all comments had been duly received, reviewed, analysed and discussed by the Code team. Lots of comments meant lots of changes. Some 2,000 changes had been made in total between the two drafts. Changes had been made and then discussed. There had been some

15 consecutive working drafts, to give an idea of the work done by the Code team. He thanked the Code team, which had met for more than 180 hours since the beginning of that consultation phase. In parallel to its work, the Code team had met with different stakeholders and stakeholder groups to discuss specific topics in order to ensure a stronger and clearer World Anti-Doping Code that, above all, was supported by everyone. It had also maintained dialogue with several groups, including the WADA Athlete Council. Cooperation with the Athlete Council had been very good and athletes had actively been participating in that process, which was very positive. As Ms Bennett had mentioned that morning, there had also been continuous dialogue with the WADA Working Group on NADO Operational Independence. Hopefully the outcome would make everybody happy, in terms of that topic of NADO operational independence. There had also been close cooperation with all drafting teams to ensure consistency between the Code and the different International Standards. He noted that the latest draft had recently been presented to both the Health, Research and Medical Committee and to the List Expert Advisory Group, both of which had supported the changes made and had been happy with the changes with regard to all matters in the Code regarding science, medicine and research. Last but not least, he also underlined that the Code team was confident that the latest draft further strengthened athletes' rights under the Code and also duly implemented all the suggestions received from both of the human rights experts, with whom continuous discussion had been maintained during the revision process.

MR YOUNG reiterated that 2,000 changes had been made, which meant that somebody had come up with the idea that the Code could be improved for each of those. Some of them were very technical while others were substantive. To give an idea of the work that had entailed for those involved in the process, they read everything they received. They met with anybody who wanted to have a meeting. Sometimes, they proposed having a meeting. The make-up of the team was such that there were perspectives from every angle. Mr Ben Sandford was an athlete. Ms Liz Riley was general counsel of the IPC and therefore understood IF and MEO issues. Mr Wenzel brought with him the experience of WADA results management looking at 3,000 cases and figuring out what worked and what did not work and where the problems were. Interestingly, when Mr Wenzel had talked about where NADOs were falling short in their interpretation of the Code, changes had been made to the Code to make clear what those areas of shortcoming were. Mr Gillot was in daily contact with IFs and NADOs.

He pointed out that there were two paradoxes to be dealt with. Firstly, some requested that the Code be made shorter because it was too long. However, the Code needed to be clear to ensure harmonization, and clarity often meant providing examples, which made it longer. There were frequent references in the Code with wording such as, 'for the avoidance of doubt, XYZ'. The only reason that was included was because somebody had raised the issue because they had doubt as to what the Code meant, so it had had to be included. The second paradox was that the Code was too complex. Indeed, it was very complex. However, the flip side of that paradox was that it had to be harmonized and fair. Looking at sanctions, for example, it would be much less complex if there were a one-size-fits-all solution, but it would not be fair. Suggesting to a panel to do what it thought was right under the circumstances of a case would be simpler, but there would be no harmonization. That was why the Code existed in the first place. Therefore, both of those paradoxes had to be dealt with when trying to draft.

He would proceed to spend a few minutes talking about seven issues, which he would want to hear more about if he were a member of the Executive Committee. The members had received the red-line version of the 2001 Code against version 3, the red-line of version 2 versus version 3, and a summary of the major changes had been provided in the 3,000 pages of documents. He would focus on seven matters he believed important for the Executive Committee.

Firstly, human rights. WADA should be credited with reaching out to two very well-known human rights experts, Ms Snezana Samardžić-Marković and Mr Michael Beloff. All of their recommendations had been implemented in the Code. The drafting team had not considered itself in a position to judge the opinions of those experts regarding what was required by human rights. Some of Ms Samardžić-Marković's recommendations had been included in version 2. One change had been made to version 3, which was to include human rights as a value embedded in the anti-doping programme. Mr Beloff's recommendations had been largely similar in that they had not entailed any substantive major changes, with one exception. Unfortunately, his report on human rights had not been received until after the end of the consultation phase. At the end of the day, it had not really made a difference. His one recommendation that had caused difficulty was the opinion that, under the principle of equality of arms, if WADA had a right to a final appeal at the CAS, then all athletes and other persons must have the same right. WADA's right to appeal cases to the CAS was indispensable in that it was how WADA ensured harmonization. WADA might not appeal every case; but, when there was a real problem, it would appeal. The requirement that all athletes, and particularly national-level athletes, had a right to appeal to the CAS had been incorporated into version three. However, that had consequences for athletes, NADOs and WADA because it was expensive. At that time, for national-level athletes, the final level of appeal was at a

national-level appeal panel. They did not go to the CAS. Under the revised Code, they could go to the CAS, which meant their NADO having to defend at the CAS, which was expensive. It meant that WADA had to decide, if there was only one case at the CAS, whether or not it was going to join in the case. There were financial consequences for everybody. Mr Beloff's opinion went on to say that it did not merely refer to final decisions but that provisional suspension decisions also had to go to the CAS for all levels of athlete. That was brand new. It was potentially problematic for athletes because a choice had to be made. They could go through the ADO's decision to impose a provisional suspension. Many of them would have an article 8 hearing, and then the case on provisional suspension would go to the national appellate body, followed by the CAS. That would delay cases forever. There was enough of a problem already, and that would make it totally unacceptable. As a result, the drafting team proposed making direct appeals to the CAS on provisional suspensions. Again, there was a cost from the athlete's point of view, WADA's point of view and the NADO's point of view. It would be different to the procedure under version two, which was preferred. However, if that was what human rights required, that was what had to be done. The human rights issue was probably the biggest issue that had been confronted in that version of the drafting process.

The second of the seven issues was public disclosure in a case where there had been a finding of no violation or no fault. The team had flagged that issue at the very beginning of the process. It had asked for comments and received many comments, the summary of which was that anti-doping organizations generally, with some exceptions, voted in favour of total transparency. Athletes' groups and individual athletes generally, with some exceptions, voted in favour of protecting the reputational rights of athletes. The issue was not overly complex. If an athlete was named in an anti-doping case but found to have no fault, the association of the athlete's name with the anti-doping case could be a reputational disaster. The mere fact of being named in an anti-doping case was sufficient to be identified as a doper and deemed to have required a very smart lawyer to get off. On the other hand, having cases not reported was not good for transparency. A number of entities had changed their position after the Chinese swimmers situation from not being in favour of total transparency to being in favour. That was important to the integrity of the system. The outcome was that, in a no-fault case, the ADO had to obtain the athlete's consent to publish, except in situations (and that was very important) where results in a competition, medals, disqualifications and so forth needed to be explained. That exception allowed the ADO to make public consequences without the athlete's consent. The athlete could always give consent if the athlete thought it was in their interest that their whole case be public and their name be made public and the consequence and no-fault decision be made public. That had not been easy when it had first been raised and there was still not broad consensus, but that had been the result.

The next issue was the independent review expert, which Mr De Vos had raised earlier, and which had been included in the Code in response to the Cottier report. It was necessary, but would be seldom employed. It referred to the situation whereby an anti-doping organization stated that it was in possession of a positive test, but would not do anything about it because it thought for practical or other reasons that it had to go through the independent review expert process. There had not been any questions or feedback on how that process worked or why it was in place, but there were many questions on who the independent review expert was. How would they deal with that person's conflicts? What were the terms of reference? Who appointed them? Some had asked if they had to come up with their own independent review expert and how that would work. Hence, a definition of the independent review expert had been added to the Code which spelled out those criteria. Any stakeholder could recommend somebody to be an independent review expert. Any individual could say that they wished to be considered as an independent review expert. The recommendation came from the WADA Nominations Committee, and the Executive Committee decided. Since it would involve situations similar to that of the Chinese swimmers, the aim was to find somebody with worldwide credentials in both expertise and fairness.

There were four provisions in the Code which dealt with conflicts of interest, independence and decision-making. The general principle was that, in anti-doping, the fox should not be guarding the henhouse. The first two had to do with hearing panels and concerned institutional independence and operational independence. Point one was that the entity prosecuting the case should not have anything to do with the selection of the panel that was deciding the case. It would be nice as a prosecutor if the prosecutor got to appoint the judges, but that was not fair. To give credit to the Council of Europe, that had been a major Council of Europe point in the 2021 Code. It was necessary to have hearing panels that had more independence and integrity and no perceived conflict of interest.

The second had to do with who could choose the panels; not who could serve on panels, but rather who could choose the general pool. The opinion of the drafting team was obviously that if a NADO was bringing the case, it could not choose the pool or serve on the panel. When looking at who might be perceived to have a vested interest in the outcome of the case, that would include not only the NADO but also national governing bodies. Obviously, they cared about whether their athletes were allowed to compete, as well as national sport

organizations such as Olympic committees or umbrella organizations over them. That was expected to cause some issues in Scandinavian countries and it might take some time for such countries to amend their legislation to make that work. However, that was the feedback that had been received and it was important.

The second part of that was the NADO operational independence and the delegation issue. Ms Bennett had done a good job of describing the NADO operational independence process. The drafting team had worked closely with her group. That was the area that had entailed the most meetings, the longest meetings and the most feedback. Everybody agreed on the general principles that NADOs should not have a conflict of interest situation. The devil was in the detail. What did that mean? Did it mean that a person could not be on the NADO if they were also involved in the management and operational activities of certain bodies? With regard to which bodies they were, national federations seemed to be an obvious choice of perceived foxes, as did government departments responsible for sport. That had been scaled back. Previously, it had been any sport organization and any government relationship. Thus, questions had been received such as whether or not a nurse in a government hospital could be a doping control officer, and so on. Also, who could be on a TUE committee? Therefore, that had been scaled back. There was also a provision requesting parties to raise all of their detailed questions with WADA to be addressed in a guidance document so that people would know what worked and what did not. He thought there was a general level of, perhaps not happiness, but satisfaction with the proposed solution. On the latter point, he wished to anticipate a question that he had been asked many times: what was the reason for dealing only with NADOs and not with international federations on that conflict of interest separation? It was a very fair question. It was certainly easier to see a separation between NADOs, which were the guard dog rather than the fox, and sport than it was between sport and sport. Therefore, there was not a provision to apply all of those matters to international federations, but a comment had been included on the roles and responsibilities of international federations to encourage them, not to require them, to consider adopting a model where they had independent integrity units and those independent integrity units used independent third-party hearing providers, sport resolution, CAS ad hoc, etc.

On the article 10 consequences, again, the scheme of consequences was relatively complex, but it was fair. It made a difference to a sanction if the doping was intentional. It made a difference if it was a specified substance or a non-specified substance. It made a difference if there was contamination. It made a difference if the source of the substance could be proven, to address one of the issues that Mr Wenzel had brought up. In response to questions on version two, version three had been reorganized to make it very sequential. It could hence be followed down by looking at the facts and seeing which box they fitted in. Thus, there were no real substantive changes, but rather an organizational change to make it more clear from version two. Substantive changes included TUEs. That would be a very important issue for athletes. At that time, a TUE had to be obtained before using a prohibited substance. A TUE could be obtained retroactively if an athlete had a medical condition and was prescribed a drug by a doctor but the TUE was not obtained under the criteria that there was another available alternative that was not prohibited. The athlete could allege not having applied at the time because the doctor had not known it would be an issue and that drug was always prescribed for that condition. In that circumstance, where there was a legitimate medical issue and a doctor had prescribed a drug but the athlete had not done the paperwork at the beginning, the period of ineligibility had been changed to two months. He thought that would not help cheats but would be fairer to athletes. It also took a horrible burden off TUE committees, which were faced with a situation of an athlete losing a gold medal if the retroactive TUE was not granted. That was not a desirable situation for a TUE committee.

There were no changes to the periods of ineligibility from version 2 regarding substances of abuse. The one addition was a comment stating that, even for a first violation, ADOs were encouraged to encourage and facilitate rehabilitation treatment if appropriate, and to the extent of expertise and resources. The broad feedback from ADOs was that they were anti-doping organizations not medical organizations and hence did not have rehabilitation expertise. WADA understood that and was not forcing them into it. However, substances of abuse were a health problem. To the extent that an ADO had the resources and the expertise, encouraging rehabilitation or treatment was a good thing.

Another point on consequences was in article 14, which included a list of what could and could not be done when serving a period of ineligibility. Unfortunately, stakeholders had interpreted that in very different ways. Under the list of what could not be done, the obvious one was not participating or competing in an activity that was authorized, organized or funded by a signatory. That was still there, as was training. The next was providing sport-related services, which was still there. The next one had been changed. Previously, it had not been possible to be an employee of any signatory or a member of a signatory or a club of a signatory. That had been scaled back to being a board member, officer, director, senior executive, or in a position of doping control, which would save problems with legislation on employment and was probably fair in that not allowing somebody to work as an accountant because they had tested positive was not the right thing to be doing.



On retired athletes, there were a couple of provisions. It had always been the case that, if an international athlete had retired and wanted to go back to participating, they had to be subject to testing for six months. That was fine, but they also ought to be subject to the Code for those six months. Therefore, if they tested positive, they could have a period of ineligibility and assume the roles and responsibilities applicable to any other athlete. Secondly, if an athlete retired while serving a period of ineligibility, they had to serve out that period of ineligibility before returning. There had been some concern previously that only half of the period of ineligibility was being served whereas the full period of ineligibility should be served, according to the feedback received.

The last comment was a technical one but important, regarding athletes who had a pending case. In the event an athlete retired and tampered with the results management process after retiring, the results management process had to do with their positive test when they were still subject to the Code. The tampering still applied. If it was an ongoing results management process and it was tampered with, then it still applied and there was still a consequence for the athlete.

In terms of investigation and cooperation, since 2015, on the roles and responsibilities of athlete support personnel, the Code had said that one of their duties was to cooperate with investigations. He had two points on that. One, it was extraordinarily useful to the investigation process that that provision was included. Two, there were countries in the world that had state legislation that specifically mandated that. The flip side was that athletes could invoke their right to remain silent and not to incriminate themselves. The outcome, also suggested by Mr Beloff, was that the requirement to cooperate was okay under human rights legislation as long as there were procedural safeguards built in to advise a person of the right not to self-incriminate and to have a lawyer, etc. The problem had been solved by adding those procedural safeguards into the Code tied to the duty to cooperate.

Those were his top seven topics and he would be happy to answer questions on any of those, on any of the matters in the summary of major changes, or any other topic related to the Code.

MR KAYANGE EMONYI thanked Mr Young and his team for the update. He believed there had been written feedback and comments and the inclusion of a number of recommendations. As it related to the independent review expert, modifications to the Code and to the proposed working group, what had been the feedback from stakeholders or had there been any challenges identified which required particular attention?

Secondly, the athletes especially appreciated the safeguarding of any samples beyond the anti-doping purposes which required prior approval from the athlete. That strengthened the respect for athletes' rights. However, articles 5.1, 6.2, 6.3 and 23.2.2 had to operate in a coherent framework. Terms like 'legitimate anti-doping purposes' or 'other purposes' were not fully harmonized, which risked divergent interpretations by the signatories, as athletes just needed clarity and consistency. He urged the group to align on terminology, provide guidance on permissible uses and ensure strong safeguards to consent and privacy.

On behalf of One Voice, DR MUROFUSHI appreciated the consultation process and incorporation of the public authorities' comments into the latest draft. He welcomed WADA remaining open for further feedback and, to that end, One Voice asked what options were available for providing additional comments and would also like to negotiate a possible timeframe to allow more time for submissions. One Voice planned to submit all of its comments in coordinated manner.

MS BENNETT thanked Mr Young for outlining the key changes to that version of the Code. She acknowledged the extraordinary efforts of the WADA Code Update Drafting Team over the past two years to work through what sounded like a very significant number of stakeholder contributions and to then implement the human rights recommendations from not one but two human rights experts and then prepare an extensive third draft of the 2027 Code. She was very grateful for those efforts.

She had a number of comments that she would be happy to request feedback on separately. However, the one she wished to raise for discussion arose from one of the matters that Mr Young had discussed that day. She understood that the appeal of provisional suspensions and the fact that it was directed at that time to the CAS was in response to the human rights recommendation of Mr Beloff. However, she wondered whether it would have the reverse effect if athletes' options to appeal were effectively cut off if they were not financially able to appeal to the CAS and whether there might be a mid-way point, for example, if athletes had access to a well-qualified national tribunal or hearing panel that had an expedited procedure, whether that might then be available to athletes in the first instance so that the delay identified did not come to fruition, but their ability to appeal was not impeded by the CAS structure.

Also, and her next comment made reference to a point she had made at the start of the Code drafting process a couple of years previously, that she had found the Code complex when advising athletes, and athletes had found it almost inaccessible. The changes to Article 10.2 would do an extraordinary amount to reduce the

complexity, she thought, in understanding those provisions and how they would be applied. She commended the Code Update Drafting Team on implementing those changes. She thought they would make a significant difference and hopefully also make a significant difference in the issue that Mr Wenzel had identified in relation to non-compliant decisions arising from NADOs and hearing panels, because it was a much more structural approach to identifying the appropriate sanctions. She was very grateful to the Code Update Drafting Team on that point.

One issue that had not been identified in the matters that Mr Young had raised that day was in article 10.2.1.3 in relation to the use of analytical evidence being required in order to reach a determination that an anti-doping rule violation was not compatible with the intentional use of a prohibited substance. She wondered whether that was an unnecessarily high threshold, if a hearing panel might be in a position to assess the evidence before it, if the non-analytical evidence was at a level that was so compelling, why there would be a threshold of requiring analytical evidence where that might not in fact be the evidence that was available in the relevant circumstances.

She thanked Mr Young again for his work and would refer other comments back to him separately.

MS YANG thanked Mr Young for his very comprehensive work. She had one question related to the entourage consequences in the update of the new Code. Was there any update on that part for the new Code?

MR DE VOS commended the work of Mr Young and the group. He imagined it had been a very intensive process, when looking at all the statistics of the meetings and the hours spent. It was very much appreciated because it was of course the core business of the organization and was therefore very important. He thanked Mr Young and his team for all the work and for taking on board some of the recommendations provided, not only by the IOC but also the international federations and their stakeholders, who were very involved. Although it was a very complex and complicated matter, they of course would continue to feed into the process and would probably also have some additional comments and proposals to make.

With regard to athletes' privacy, first of all, he repeated the recommendation that the public disclosure of mandatory provisional suspensions should be compulsory and should take effect from the moment that such suspensions were imposed, especially of course when there were consequences like disqualification. In that case, he thought it was necessary to protect the athletes also, as there was an increased reputational risk if they were disqualified and it was not clear for what reason, because it could give rise to increased speculation about the real reasons and transparency was probably better. He raised the concern that the current proposals went somewhat in the opposite direction, although of course he continued to advocate for the improved protection of athletes' privacy, especially in areas of no fault or negligence and if there was no impact on the results. He requested further consideration of that matter. It was not easy to find a perfect balance between, on the one hand, disclosure and making public and, on the other hand, protecting the privacy of the athlete. However, it was important to avoid speculation, especially if the final results were known because there was a disqualification and sometimes even a reclassification of medals or important classifications of the relevant athlete.

MR KEJVAL was very grateful to Mr Young for his work. He wanted to raise a small but very important issue. On behalf of the NOCs and consequently even the national federations, articles 20.4.3 and 20.3.2 included the word 'ensure', which was deemed too strong and maybe unrealistic. It suggested that the NOCs and national federations were fully responsible for making something happen even though they often did not have the power to do so. That was deemed to put an unfair burden on NOCs and could lead to them being seen as non-compliant even when the issue was outside of their control. In most countries, the NOCs had a limited influence over their governments or public authorities, especially when it came to what a government decided to do with the national anti-doping organizations. It also very much reflected the point Mr Young had raised about conflict of interest. It felt like WADA was shifting responsibilities slightly to the NOCs on matters that should be handled by governments. That kind of approach could damage the trust between WADA and the sport movement. Instead, he suggested that WADA focus more on building partnerships, raising awareness and engaging with governments directly.

MR PINI warmly welcomed the report on the Code and thanked everyone in the drafting teams for the Code and the International Standards, as would be dealt with under item 8.2. He appreciated the close collaboration with the Athlete Council, ensuring that the athlete's voice was heard in that process and embedded. There had been a very good partnership between the athletes, WADA and the drafting experts. He also thanked the Athlete Council members who had taken the time to read through all those documents and provide their contributions. He was very encouraged to see how the athlete feedback had been listened to and reflected in the Code and International Standards. It not only improved the quality of documents but also strengthened the trust in the system. It also showed that the athletes' perspectives were not just heard but also acted upon. As it related to

the whole agenda, he also wanted to recognize the work led by Ms Samardžić-Marković in the human rights impact assessment, which captured a lot of real-world issues, and it was good to see that a lot of that was captured within the Code and the International Standards. It was a really important step to ensure alignment with clean sport and the fundamental protections that mattered deeply to athletes. He looked forward to reviewing the submissions that the Athlete Council had made and those provided in the athlete consultation to see directly where the athletes had made a genuine impact.

MS BERTHANE thanked Mr Young and his team for the work they had done. She wished to emphasize two points. The first was on article 24.1.4.8 related to the flag and the second was related to the exclusion of athletes' participation under article 24.1.4.10. With regard to the first article, the consequence was not really listed, which gave some leeway to make a stricter recommendation regarding the timeline and leaves an opportunity for a reduced period of time. Hence, she strongly recommended that the timeline for the consequence involving the flag apply only after the 12 months of non-compliance which could be found in section B.3.2. However, article B.3.2 referred to the 12 months and it also added such other period as WADA or the CAS 'may' specify, which left a window of opportunity. She strongly recommended leaving no reduced period at all and making it restrictive.

The second point was related to the restriction of participation. She did not support the complete exclusion of athletes from participation, but was in favour of restricting their participation in a neutral form, which meant not completely taking them out of participation, but actually making them participate neutrally. She requested corrections of those two points.

MS BENNETT stated that she would be interested in the Code Update Drafting Team's response to one further matter, which was a more strategic issue. In the definition or explanation of the spirit of sport, there was a section that identified the values that were embedded in anti-doping programmes. The second of those listed was the word 'compassion'. She wondered what the strategic reasoning was for having that identified as a value embedded in anti-doping programmes, and particularly for listing it as the second item. She wondered about the impact of that. Thinking about that from her own perspective of experience, in anti-doping hearings in the future, if panels were asked to apply compassion, she wondered whether that might be outside the strictures of the Code and the framework that they were asked to adopt. She wondered whether there might be perhaps a different word such as 'proportionality' that would pick up the same sense, unless it was a particular word that had been suggested. She also wondered, looking at the list of values, whether there was any particular reason why certain values were identified earlier in the list versus later in the list.

MR SIEVEKING said that he would start by answering Dr Murofushi's question or suggestion. The consultation was in phase three, which was almost the end of the process. The idea for the drafting team had been to receive the members' final comments and thoughts on the last draft that day and to address them with the Code team. Dr Murofushi had spoken about the timeline and additional comments. Could he elaborate further on his suggestion?

DR MUROFUSHI responded that his understanding was that there was still a chance to review because there were many countries, so it would at least be good to show the draft to everybody and then collect and hopefully provide the feedback later on. He had not known that the matter would be closed that day.

THE CHAIRMAN stated that it was not closed because theoretically adjustments could be made even in Busan, as had been the case in Katowice, but it was quite a comprehensive document.

MR SIEVEKING clarified that it was not closed in the sense that comments could still be accepted, but it was very close to the end.

DR MUROFUSHI said that all of the countries would need to be consulted.

MR YOUNG noted that the drafting team was always open to making the Code better.

MR SIEVEKING explained that the idea was to publish the final versions of the Code and standards and all of the documents prior to the World Conference on Doping in Sport in Busan. He thought the date that had been set was 5 or 6 November. Before being able to do that, there was a lot of formatting work to be done. He proposed speaking bilaterally with Dr Murofushi after the meeting to see how to organize that, but time was certainly of the essence.

MR WENZEL added that, as a practical matter, changes could have knock-on changes elsewhere in the document and could also have knock-on changes in all of the other International Standards that reflected what was in the Code. Hence, changes at that late stage were problematic. It was not closed; but, in view of the fact that there had been a long consultation period with two versions that had already been thoroughly consulted on, any suggestions at that stage through the Executive Committee should be as limited as possible.

MR YOUNG said that, in response to Mr Kayange Emonyi and his comments on privacy, there were a couple of very important issues there. There had been discussions on protecting the reputational interests of athletes. There was a pending case before the European Court of Justice on whether even the existing disclosure, mandatory disclosure, was violative. That was a somewhat open issue. Efforts had been made to come up with a system that worked, but it might transpire later that it had to be changed. He noted one provision of the Code that had previously been a comment and had been moved up into the text, under which, if a mandatory public disclosure was not made because it was prohibited by national legislation, that was not a compliance issue. It was an area that was somewhat fluid.

In response to Ms Bennett's questions, in reverse order, the whole fundamental rationale for the Code seemed to be changed every time around by either WADA ethics or WADA education. What order things were in was the least of the problems. An attempt had been made to make it clear, and quite frankly, Ms Bennett's thoughts on how compassion could be used in a case had never occurred to him and never been discussed. It would be very annoying if an arbitrator decided to avoid the Code because the fundamental rationale was compassion for the poor athlete who would be out for four years, even though he or she had intentionally doped with a steroid. That would be something the team could look at.

The requirement for reliable analytical evidence was tough. It did not mean that the athlete could not introduce whatever evidence they wanted, such as an affidavit from their mother stating that they would never cheat because she had not raised them that way. But there was a real problem, as Mr Wenzel had noted, of panels finding no fault, finding that the athlete had established the source when it was not right. For instance, because the athlete had said he had never doped or their mother had said it, or he had alleged his body had not changed or that he was a shooter and steroids would not help him. It was tough; however, it was an attempt to keep panels from being overly sympathetic.

He appreciated her comments on athletes' understanding of the sanctions scheme, which the drafting team had tried to improve. What was really important when it came to sanctions was that the ADOs understood them and the panels understood them. What he cared most about for the athletes was that they received the education that kept them from stepping in the pothole and testing positive, whether that entailed understanding the Prohibited List or understanding the kinds of contaminated product that they might encounter or the contaminated sources. What bothered him most in that whole business was athletes who tried hard and were innocent ending up committing anti-doping rule violations. It might sound funny coming from a lawyer, but education was really important, specifically in that area.

The provisional suspension appeal to the CAS had been very problematic, particularly regarding cases of recreational athletes who were provisionally suspended having to pay an appellant fee to the CAS, even if it was a sole arbitrator. WADA could try to negotiate with the CAS to make it expedited and less expensive, but it could not guarantee that. It was possible to present the facts to the NADO to prove innocence, but that took some time. The next step was often a hearing panel, then an appeal to the national body, and that had been deemed absolutely fine for national-level athletes and recreational athletes, but Mr Beloff had said, no, they had to be able to go to the CAS, which really did take a long time. If it were possible to figure out a way for that not to delay the ultimate resolution of the case, that would be great. But many stakeholders had stated that the whole process was far too long. For an athlete to wait four years for a decision, particularly when dealing with provisional suspensions, was awful. That could mean the end of a career on a provisional suspension. That was a concern and was problematic, but it had been necessary to play with the cards that had been dealt. It was tough that Mr Beloff had said that anybody could take provisional suspensions to the CAS.

In response to Ms Yang's question on the entourage, throughout version two and somewhat in version three, there had been an increased emphasis on the responsibility of the entourage to not let their athletes dope. There were increased sanctions for the entourage when they did dope athletes. There were specific requirements at that time that the entourage had to be knowledgeable and receive anti-doping education and so forth. There were a number of things that could be done by individual stakeholders, for instance, if the IOC wanted to require that any credentialed member of the entourage go through anti-doping education in advance, it could do so. He had been involved with some sports in which the entourage was tracked to reveal, for instance, a coach who had had a positive test in Thailand and then had a positive test in Indonesia, and then it turned out he had had two positive tests in his athletes in Uzbekistan. The Code did not mandate it, but it would be very valuable at the sport level for persons in the entourage moving between places. There were certain things that were not mandated in the Code that could be done.

He understood Mr De Vos's concern about the publication of mandatory provisional suspensions. He thought that would not fly by itself in a naked state with privacy concerns, because the time of a mandatory provisional suspension was when the athlete received notice. They had not had a chance to provide a defence. It could very well be a no-fault case. It was inconsistent with the concern about no-fault cases, but he totally



understood Mr De Vos's point. He thought that was found in the exception to requiring athlete consent, which was that, if the ADO needed to make it public to explain some decision they had made, such as taking away a medal or disqualification, they could do it. He was not concerned about the point that it would only be fair to the athlete if it were disclosed, because athletes could always disclose. They could either give their consent to the anti-doping organization to say 'publish it' or they could publish it themselves. The athletes were therefore protected. It was only when their consent was required that there was a problem for the ADO. It was not a problem for the athlete because they could always give their consent or they could go on television and tell their whole story. Where there was a problem was for the ADO when it was necessary to disclose why an athlete was not in lane number two in a competition. He thought that was the exception and was permitted.

With regard to the concern expressed by Mr Kejval about the term 'ensure', his first reaction to that was that the national Olympic committee was the boss of the national federations. It could tell them what to do. The international federation was the boss of the national federations. It could tell them what to do. He wondered what would happen if the government somehow came in and started saying that the national federations ought to be able to test and they did not have to give something to the NADO. There was no way the Olympic committee or anybody else could 'ensure' that. The right term was probably not 'ensure', but 'best endeavour', or similar.

He thanked Mr Pini for the cooperation of the athletes. At the end of the day, everybody was there for clean athletes and their input had been very valuable. He had gone through the Code and had come up with a list of his 12 favourite things that were athlete-friendly in the new Code, on top of the fact that having clear, clean rules that caught cheats was the most important thing to athletes in all of that.

On the flag and exclusion issue, regarding the flag issue, taking Annex B as an example, it stated 12 months, but it could be shorter. The consequences imposed could be shorter or longer. On the exclusion, with no exclusion, just neutral athletes. Both of those might be right in the normal case but, in exceptional cases, they might not be right. He was not sure in the Russian situation, when state-directed doping had been found on a wide scale before, during and after the Olympic Games in Sochi, that it would have been right to wait 12 months on the flag. That was really quite exceptional. The exclusion was even more substantive. Nobody wanted to exclude an athlete for what their country had done. However, to give a hypothetical example using North Korea, if it had not been possible to test anybody in North Korea and its weightlifters went to the Asian Games and set a whole bunch of records and won a whole bunch of events and none of them had been tested, if he were an athlete ranked behind them, he was not sure he would be happy and satisfied that, if he had finished second or third, the winners were wearing white instead of their national colours. In the extreme situation where there was no level of confidence that an athlete was clean before they went to an event, perhaps not through their own fault but because nobody had been able to test them, he was not sure it was fair to the other athletes to let them compete. That was hard because it was an exclusion that was not that athlete's fault. However, he would wager that, if the athletes of the world were polled, they would say that it might be a political issue to take away the uniform and the flag but they did not want to lose to somebody in a white suit any more than they wanted to lose to somebody in a uniform. He totally understood the point, but thought it was a matter that could be discussed further.

## DECISION

2027 World Anti-Doping Code update noted.

### - **8.2 2027 international standards update**

MR HAYNES said that he would be very quick on the introduction to that section. Before the floor was opened to the members for their questions on the standards, he did want to provide some brief comments on the project overall. To complement what Mr Sieveking had said, he recalled that the project was heading into the final stretch before the World Conference on Doping in Sport, and had to continue to be in line with the timeframes that had been communicated to the stakeholders previously and at the outset of the project, as well to the Executive Committee as the steering body. He greatly appreciated the members taking the time to read the summary of major changes, as well as the red-line versions of the documents. He appreciated that his team had probably contributed to over 2,000 of the 3,000 pages that had been put to the Executive Committee members, but the questions and comments were invaluable in the approach to those final versions. He was happy to say that the relevant WADA drafting leads were available online to answer any questions from the members.

DR MUROFUSHI said that he planned to submit all of the comments collected from his colleagues, if possible.

MR DE VOS noted that he had a question with regard to article 7 on therapeutic use exemptions. He fully supported automatic recognition in different jurisdictions and countries, but believed that international federations should retain the ability to challenge them or refer them to WADA in the event of problematic cases. Mr Wenzel had noted some situations that had occurred with the provisions under article 6.18. Furthermore, since international federations would no longer have the possibility to review national therapeutic use exemptions, it should be stated that WADA would be responsible for monitoring their quality because the international federations would no longer be aware. He requested confirmation of that.

MR LALOVIC said that he had a question related to the International Standard on Intelligence and Investigations. From a proportionality perspective, would there be support provided to anti-doping organizations to ensure policies were adopted and guidance provided to ensure investments in intelligence and investigations were proportional to the level of risk for the anti-doping organizations? He asked that also because the growing cost of anti-doping was still a big challenge for international federations in particular, which needed to prioritize investments within their own risk metrics.

MS BERHANE stated that she had a question regarding the laboratories and made a simple request that the provision be reworded in stricter language. The reason was that many laboratories were trying to be set up just before the Olympic Games, which was compromising and did not allow enough time, leading to further complications that they would face when they did things close to the start of the Olympic Games. The idea was more to reword the provisions so that there was enough time to prepare before the Olympic Games in terms of stricter deadlines to establish the laboratory and do the job far ahead of time. She therefore requested a stricter rewording of article 4.3.1(c).

MR KAYANGE EMONYI had a comment with regard to testing and the International Standard on Testing with the revised definition of the whereabouts pool exclusively to RTPs and testing pools. He thought another tier of pools had been mentioned. From an athlete's perspective, he thought it important to consider the concept and ensure that there was a balanced, fair and fit-for-purpose testing process for those other lower-level pools.

MR DE VOS said that he had forgotten to ask, with regard to the International Standard on Results Management, that the whereabouts system for major event organizers be reviewed as it posed a number of practical challenges, especially during long, multi-sport games where it was very difficult to apply that for the organizer and for the athletes from a practical point of view.

MR HAYNES said that he would answer the questions in the order that they had been raised. Mr David Healy was online to cover the question on the International Standard for TUEs.

MR HEALY confirmed that international federations retained avenues to raise concerns with WADA regarding problematic TUE cases consistent with the existing framework. If an international federation elected to operate under the automatic recognition system but subsequently disagreed with a NADO-granted TUE, it could notify the matter to WADA. In accordance with Code Article 4.4.6 and ISTUE article 8, WADA had the discretionary authority to convene its own TUE committee to review any TUE decision. It was also important to emphasize that, under the new ISTUE article 7.1(a), international federations and major event organizers could opt out of automatic recognition. That allowed them to establish their own TUE committee and conduct a full recognition review of NADO TUE decisions, either systemically or for specific categories of substances. In practice, that ensured flexibility for international federations that preferred direct oversight of certain cases. At the same time, WADA already conducted systematic screening and monitoring of TUEs, which provided a further safeguard. Combined with the fact that international federations could always draw WADA's attention to any TUE, those measures collectively guarded against abuse of the system.

MR YOUNGER thanked Mr Lalovic for sharing his concerns. There had been many comments on that specific topic, in particular on the limited resources for smaller ADOs and the fact that further guidance would be needed. In that respect, from the outset of developing the ISII, the drafting team had worked very hard to ensure that, as a first standard, the ISII provided what he considered to be balanced support for ADOs while remaining aspirational. The main objective for the drafting team had been, in the first standard, to design an international standard to bring everybody on board, but then grow and evolve alongside stakeholders in the years ahead. He thought the right balance had been found to provide enough guidance with guidelines in the future to strengthen intelligence and investigations for all stakeholders.

PROFESSOR RABIN agreed that it was a real issue that some of the laboratories were already very late in the process, leading to headaches for WADA and the colleagues at the ITA and the IOC. It was also necessary to be aware of what it took to develop an anti-doping laboratory that could be ready for major events without necessarily receiving samples. That could be very challenging in terms of the competence of the scientists and the economic viability of the laboratories. For example, when satellite laboratories had been established for major events such as the Pan American Games, having the laboratories ready for a long period of time and not

receiving samples had been not only an economic but also a technical issue. The suggestion made to colleagues in charge of the development of laboratories had been to insert that early enough in the requirements of the major event to make sure that the laboratory was ready and being built progressively over time and not just at the last minute. That was deemed to be an efficient way of addressing the issue and causing fewer headaches for those in the technical area supporting the development of anti-doping laboratories.

MR RICKETTS thanked Mr Kayange Emonyi for his comment on article 4.10.14 regarding the removal of other pools from the whereabouts section of the IST which ultimately permitted ADOs to create additional testing pools of athletes with diminished whereabouts requirements compared to the registered testing pool or testing pool to enable out-of-competition testing. The IST drafting team had received comments from two stakeholders on that article during the full consultation process. One NADO had supported the removal of the other pools article and the comments from another stakeholder were being discussed that day. To provide some context, the other pools were outside the structure of the registered testing pool or testing pool and had no mandatory requirements on athletes or anti-doping organizations as to how they were implemented. Therefore, anti-doping organizations could ask athletes to provide whereabouts for the purpose of out-of-competition testing, but there were no requirements to educate the athletes on their responsibilities for providing such whereabouts. There were no consequences for athletes for not providing such whereabouts, which essentially meant that the athlete did not have to comply with the request to provide whereabouts in those other testing pools. Finally, the whereabouts information being submitted was not provided in ADAMS, which meant that WADA had no oversight as to which ADOs were using those other pools, which level of athletes were in them, and which level of whereabouts was being requested. There was also a risk that those pools could contain athletes who should be in a higher whereabouts pool, such as a registered testing pool or testing pool. There was also the risk of athletes being asked to provide whereabouts and not being tested at all, which was not in line with the principles of proportionality. That was the main reason for the drafting team moving away from the other pools. That being said, the new article did not prevent anti-doping organizations from testing athletes out-of-competition who did not meet the criteria for entry into a registered testing pool or testing pool. However, the main change was that athletes would not be required to provide any whereabouts to enable that to happen. Thus, if an ADO wanted to test athletes outside a registered testing pool or testing pool, they needed to source any information they might need to test those athletes to assist in locating them via other means and not from the athlete. To give a quick example of what that meant, an ADO might have an up-and-coming group of young athletes whom it wanted to test out-of-competition. Those athletes did not meet the criteria to go into a registered testing pool or testing pool. The ADO could contact the national federation and ask for some information about where those athletes might be training and whether they were coming together for a training camp, and then target those athletes out-of-competition in that way. He hoped that provided some clarity as to the drafting team's position on those changes. He reiterated that it did not limit the ability to test lower-level athletes out-of-competition under that article.

MR WENZEL confessed that he was not sure exactly which requirement Mr De Vos had been referring to but suspected it might have been the change to the jurisdiction for administering or doing the results management for a whereabouts failure, which under the current Code was always with the organization with which the athlete filed whereabouts, either an international federation or a NADO. Under the revised Code, at least with respect to whereabouts failures that arose from testing, such as missed tests, it would be with the organization, which could be an MEO that had initiated the test. That was a change. However, in the latest draft, it had been built in as not a rigid rule. The relevant anti-doping organizations could agree between themselves that in fact it would make more sense, for instance, for the international federation rather than the MEO to deal with the whereabouts failure. If there was a dispute between the ADOs, then it could be referred to WADA to determine that dispute. There was built-in flexibility. He thought that the rationale for that change was that, where an ADO, whatever they were, IF, MEO or NADO, had initiated a test, it was typically a sample collection agency or a doping control officer under contract with that body. They had the information, they had the documentation and they were probably best placed to consider whatever objections might be raised by the athlete. For instance, that the doping control officer had not made reasonable efforts to locate the athlete, etc. That was the rationale. There was flexibility built into the provision and, if the ADOs could not agree amongst themselves, it would be taken to WADA to determine it.

In response to Professor Rabin's point, MS BERHANE wanted to make it clear from the IOC perspective that it was clear about the applicable requirements when it came to the laboratories. However, she sought clarity on the timeline of WADA's mandatory visits. It would be important to make sure that there was clarity in the wording of the timing of WADA's mandatory visits.

PROFESSOR RABIN said that he understood the theory but in practice it varied greatly depending on the level of preparation of a laboratory. In the case of an existing laboratory that was already accredited by WADA for major events, it was just a matter of scaling up most of the time, but it could sometimes be as bad as finding

a new building or completely rebuilding a new laboratory. The timelines were not the same. Similarly, when it came to other major events, not necessarily the Olympic Games, but he had mentioned the Pan American Games, and there was a satellite laboratory, it was very complicated to give timelines in the standard because, again, it varied very much depending on the level of preparation of a laboratory. Therefore, it was key to make sure that, for every single situation, the plan could be adjusted. If it was known that audits had to be carried out and where, the timeline could be adjusted according to the level of preparation of the laboratory.

## DECISION

2027 International Standards update noted.

### - 8.3 Human rights and anti-doping framework

MS SAMARDŽIĆ-MARKOVIĆ apologized for not being able to join in person. She recalled that the full text of the final draft of the initial human rights impact assessment was in the files. Before presenting the report, she would give a reminder of the timeline and the method behind the process. She had been mandated by the Executive Committee in November 2022, which was when she had started preparations. In 2023, she had focused on the research and consultations, while in 2024, she had done a lot of writing and submitted the version one draft to WADA for comments because it was only normal to receive feedback and to do the factual check, etc. She had engaged with the Code Update Drafting Team. That had not been a given because she was the one who evaluated, so it could look like a conflict of interest if she also engaged and evaluated. However, since that had been a unique opportunity, she had engaged and did not regret it. She took that opportunity to thank Messrs Sieveking and Young, as well as Mr Ricketts, and all the colleagues from the International Standards drafting teams for the excellent cooperation. In 2025, she had done fine-tuning with the Code Update Drafting Team and the colleagues from WADA, etc. She had then finalized the initial human rights impact assessment and submitted the first draft to the Executive Committee for the meeting that day.

Regarding the methodology, she had reviewed WADA documents, case law and relevant scientific research. She had had open interviews with very many stakeholders, athletes of course, but also other stakeholders. She had had exchanges with the Athlete Council and had regularly updated the Executive Committee and the Foundation Board and participated in annual symposiums also for the purpose of transparency, so that the broader public would be aware of the process.

With regard to the content of the report, the first chapter was about existing WADA acquis on human rights. She had been very glad to see the evolution of the Code towards human rights. Every iteration had been stronger in that direction, as with the international standards. But she had also mentioned strategic examples of good practice, including the WADA governance reforms, but also the WADA Athletes' Anti-Doping Rights Act and the excellent example of the Athletes' Anti-Doping Ombuds project.

The second chapter was about the context because it was very important to understand. Athletes had challenged the anti-doping rules and decisions and did so in many tribunals, both national and international. She had presented that in the second chapter along with the newest initiatives from public authorities and the sport movement with regard to human rights in sport. It was important to understand the context because it was a very complex and diverse landscape and it defied easy categorization. Therefore, she hoped that the context would explain why she had not tackled certain issues. For example, some had already been tackled by international courts, such as the human rights perspective on whereabouts and some other issues.

She had wanted to present the third chapter also from a human rights perspective on the understanding of WADA's role. Indeed, WADA enjoyed international reach. It enjoyed the influence of two kinds of legal heritage and processes, such as the public authorities, which had participated in the revision of the Code, and sport legislation. Hence, it had a very rich influence. She thought that WADA was a rather successful broker when it came to finding the best compromise standards, etc. But it lacked supranational prerogatives and it had to rely on other stakeholders when it came to the implementation of its standards, including the human rights impact within that. Therefore, she had explained those because, although the Executive Committee was familiar with some concepts, other stakeholders were perhaps not and could worry about certain concepts such as strict liability, deterrence strategy and other things. She would conclude on the third chapter that the main message behind it was, of course, that WADA was not a human rights watchdog. It had been created to protect clean sport first and foremost. On the other hand, respect for human rights strengthened the system and increased its legitimacy.

The fourth chapter addressed the challenges that were probably most interesting to the Executive Committee. In her discussions with many athletes and other stakeholders, she had noticed that fear represented a risk, both for the system and for the human rights of individual athletes. She recalled the preamble of the Universal Declaration of Human Rights, which stated that 'human beings shall enjoy freedom from fear'. More



importantly, that accumulated fear throughout the process also had an impact on the ability of athletes to enjoy their already existing rights and undermined trust in the system. The next challenge was access to justice. The debate that she had just listened to also showed that. There were still many concerns when it came to athletes' access to justice. The next risk was inadvertent doping, which of course very much affected or even violated athletes' rights. It was a salient risk for both individual athletes and the system. The case of the Chinese swimmers, which was one among many, had shown how much of an influence that had on trust in the system, so it was a very important risk.

On education, she thought education had a very strong impact on the entire anti-doping system and it also had a legal aspect because the athletes, according to the Code, were expected to comply with all applicable rules. That meant they had to learn quite a lot. Therefore, there was the legal element of education, as well as many others. That was one important risk on which she had made many recommendations.

She thought that meaningful engagement was a very important topic, both for human rights and general trust in the system. She hoped there would be many important changes and she would come back to that when it came to improvements regarding athletes' meaningful engagement.

Regarding minors, that was a very important group because it was important for the future of sport in general and therefore clean sport in particular. In addition, minors could be at heightened risk of becoming vulnerable, so they needed a strategic approach. There had been provisions in the Code that related to minors, but there was a need for a more strategic view. When it came to Paralympic athletes, there was a notable higher volume from them of TUE applications. They had issues with the Prohibited List, the accessibility of ADAMS, disparities when it came to testing at national level, and so forth.

The fifth and probably most important chapter of her report set down her recommendations, which she had put into three groups according to timing. The first one was recommendations for immediate action. One of them was of course 'know and show', and the other was 'involve and understand'. The third was 'embed', but it was important that it did not look like a mystification. That was the language of the UN Guiding Principles on Business and Human Rights. The recommendation behind 'know and show' was to strengthen the position of human rights in the Code or in the strategy, etc. 'Involve and understand' referred to involving more athletes in the feedback when it came to the Code revision or update. The next group was for mid-term action. That was the biggest group of recommendations. One was to avoid infringing on human rights, but it was not enough to avoid. It was important to address an adverse human rights impact and it was not enough to avoid and address, but it was important to seek to prevent or mitigate an adverse human rights impact. Among them were recommendations for more meaningful athlete engagement, access to justice, minors' anti-doping and inadvertent doping. Finally, the third group was long-term recommendations, including professionalization, which she thought had to happen in the long run. Anti-doping could be a multifaceted profession, more than a group of many professions, but professionalization was definitely needed and she thought that the ITA gave a good example of how a professional approach to that could be efficient. There were other examples, but that was a good example. The use of artificial intelligence was among the long-term recommendations. Also, a non-judicial operational grievance mechanism could be established and there should be regular reporting on human rights, among other recommendations.

She also wanted to take the opportunity that day to say that implementing recommendations was already going on. Ever since she had submitted the first draft to WADA, they had been working together. She was very happy to say that, out of 24 recommendations for action, 12 had already been largely implemented and many changes to the Code and international standards had been made. Those changes were either inspired by or related to the initial human rights impact assessment and its recommendations, not only what she had recommended, as there had been many suggestions and recommendations. A number of policy measures had been undertaken by WADA when it came to implementing recommendations. Finally, implementation was still in progress on seven recommendations and, on the remaining five, mostly long-term recommendations, implementation had not yet started and it remained to be seen when and how would that be possible.

What could be concluded from that implementation? In brief, the utility of recommendations. She had tried from the very beginning to make implementable recommendations that were more pragmatic than dogmatic, so to speak. But, more importantly, WADA had made massive efforts and in particular the Code Update Drafting Team had been devoted to improvements in the global system. She was very happy to see that type of drive for improvements.

The next conclusion was that the initial human rights impact assessment process had been beneficial because the improvements had been brought about by many stakeholders, such as the Athlete Council, which had independently given recommendations related to her report, as well as the Cottier report and the Executive Committee. Establishing different working groups to solve certain issues had also been very important and

contributed to the improvements independently, but related to the initial human rights impact assessment. For her, that was one of the most important points. However, there was another and maybe the absolutely most important point, and that was that the new draft Code looked far more athlete-centred than previous ones, without losing any of its regulatory vigour and power.

With regard to the next steps, firstly she would prepare an illustrative overview of implemented recommendations for the Executive Committee and Foundation Board meetings in Busan in December 2025 as an annex to the initial human rights impact assessment. Secondly, she would present the initial human rights impact assessment at the World Conference on Doping in Busan in December 2025. After that, the next step, if endorsed by the Executive Committee and Foundation Board, was that the initial human rights impact assessment could be published on the WADA website together with the annex and the overview of implemented recommendations.

To conclude her presentation, the draft Code and International Standards represented real improvements from the human rights perspective, so she invited the Executive Committee to support those improvements. She had heard the debate; but, in general, she invited the Executive Committee to give its support. She wanted to thank the Athlete Council and, as that was the next item on the agenda, she thought that the Athletes' Anti-Doping Rights Act had evolved into an additional example of human rights good practice. She thanked the Code and the international standard drafting teams for their creative cooperation. She wanted to thank WADA's leadership and colleagues for their continuous support while respecting her autonomy and independence. She also thanked the Executive Committee for its invaluable interest and encouragement throughout the process and for generally driving those improvements that she had mentioned. The implementation of recommendations was ongoing but, of course, should continue and there was no space for complacency because attention to the human rights of athletes did not weaken the system, as she had said. Rather, it strengthened it as a proactive, not a reactive approach. Therefore, she thought that attention to the human rights of athletes should continue beyond that initial human rights impact assessment. She would be happy to answer any questions.

MS BATTAINI-DRAGONI said that she would make three comments. First of all, the report that Ms Samardžić-Marković had presented was helpful for further understanding of how regulation, policies and programmes might impact the human rights of athletes. Secondly, it ensured an athlete-centred approach by examining not only norms and policy, but also how anti-doping policy was being applied. Thirdly, the whole process of the initial human rights impact assessment exhibited a commitment from WADA and the Executive Committee to athletes and their human rights. It was important because it communicated to athletes worldwide that they were valued. She asked Ms Samardžić-Marković if she could say whether she had had the possibility to fulfil her wish of implementing all the items that she had mentioned. In addition, was she afraid that there would not be enough money available when things had to be implemented at the disposal of her work and if it would be accepted at the end?

MS BERHANE reiterated that the sport movement truly appreciated the work that had been done with clear recommendations and also a follow-up of progress. The analysis had been followed up to the end of 2023, if she was not mistaken. Was there any particular reason why it did not go beyond that? Was it a practicality issue? She also warmly congratulated WADA for already implementing 50% of the recommendations, which had not been easy. The IOC always tried to look into the institutional remit, as it was very important. The fact that the independent observer had made the recommendations practical and implementable was very helpful because recommendations could always be superficial and ideal, with WADA struggling to align them to its remit. On the other hand, she also noted that the fast tracking and follow-up would not be possible without being open-minded and accepting, which she very much encouraged in terms of being able to coordinate and already following up on the next steps of the recommendations.

On behalf of public authorities, DR MUROFUSHI expressed his sincere gratitude to Ms Samardžić-Marković for her valuable contribution to the completion of that report and its set of recommendations.

On behalf of Europe, MR BIDNYI congratulated Ms Samardžić-Marković for the completion of the work on the initial human rights impact assessment. Europe asked WADA to include gender-specific milestones in the forthcoming human rights roadmap.

MS SAMARDŽIĆ-MARKOVIĆ appreciated the members' support and all of the questions and would answer them in chronological order. In response to Ms Battaini-Dragoni, when it came to the budget, it was a very good question, but she could say that a number of recommendations had already been implemented. She would not say they had been budget neutral; but, as part of the Code update process, it had been very helpful for the tool to remain not a separate cost to implement some of her recommendations. Also, when the WADA colleagues had established the athlete-centred platform for consultations, in a way that was part of implementing her recommendations and had fed into the process and had been budget neutral. When it came to the future, as

Mr Young had said, it did not only concern her recommendations, but certain human rights issues might demand additional resources. Perhaps Mr Kemp or Mr Sieveking could add something on that point.

Another very good question had come from the sport movement about the analysis up to 2023. She had acknowledged that there had been certain developments and had started to rewrite her report to go into those new activities and try to explain how much they contributed. However, because there had been so many activities and real improvements, as she had said, she had realized that, by trying to rewrite it, if there was no testimony to what the initial situation had been, there would be no baseline to compare with and no way to clearly establish how many real improvements had been made by WADA and its stakeholders. Perhaps the report would have looked better and more updated, but she had wanted to clearly demonstrate all of those massive efforts towards improvements. Thus, she had come up with the idea of an annex providing an overview of implemented recommendations and she reiterated that it should be published so that everybody could compare and, in the future, if somebody wanted to look at the human rights issues in WADA again, they would not have to go through the Code and compare every version, which was what she had had to do. There would be at least a document giving a snapshot of the situation, showing how it had been before and the improvements that had been made. Therefore, the reasons were transparency and to some extent pedagogy. There was also another reason, namely that it was an impact assessment. To be sure of the impact that previous legislation, activities and measures had had, she had spoken with many people about that. Regarding new activities, new provisions and new measures, she genuinely saw them as improvements and she had the firm intention to communicate her positive evaluation insofar as possible. However, she could not yet know what their impact would be. That would be known only once the full implementation of the recommendations stemming from the Executive Committee, the Cottier report, the report on the new provisions of the Code, and so forth, had started. That was the logic behind that. It was not an omission but rather her choice. She was open to any suggestions for further additions nonetheless.

She thanked Dr Murofushi for the support he had conveyed. In response to Mr Bidnyi's remark on gender equality, she noted that very important work of the Council of Europe which she was aware of and knew was in the pipeline, had been included in her report, albeit in a modest way because the work had not been completed yet. However, she would fully support the suggestion that gender equality be in the forthcoming human rights roadmap of WADA and she was looking forward to that type of work because it was very important.

## DECISION

Human rights and anti-doping framework update noted.

### **9. Athletes**

MR PINI said that he would present his update in two parts. The first was the Athlete Council chair's report, which the members would have read, so he would briefly comment on three different parts. The meetings continued the rhythm of structured engagements including the virtual meeting in May at which the council had discussed input into the 2027 Code as well as the Athletes' Anti-Doping Rights Act, the timeline and the submission necessary to accomplish. Amongst many other items, there was to be an upcoming virtual meeting in two weeks and a meeting in Busan prior to the Executive Committee meeting. He would provide further updates. The action plan continued to be the cornerstone for the work of the Athlete Council and provided a clear framework that helped to prioritize, measure, progress and maintain accountability to the athlete community and the council. The details were set forth in the report. That work would aim at extending that through to the 2026-2028 period to align with the WADA strategic plan which would demonstrate not only continuity but also the long-term commitment in embedding the athlete perspective across all areas of anti-doping.

Lastly, on governance, the athlete involvement in governance remained very strong. All council members were engaged in some level in athlete engagement, but also the standing committees, working groups and appointment panels, and that helped to ensure that the athlete's voice was consistently present in all critical decisions. He would be happy to take any questions or comments before moving on to the next agenda item.

MR KEJVAL appreciated the report and had only one point, because he had already mentioned that under item three, regarding the communication effort. As the NOCs knew very well, it was very hard to deliver any message to the athletes and vice versa, and even harder to obtain any kind of feedback from them, so it was necessary to adjust the communication and to provide services. He asked when dedicated communication platforms or a webpage would be created by the WADA Athlete Council to better connect with athletes. Having such a platform would also be important for measuring how well WADA was doing on its goal to be truly athlete-centred.

On behalf of the public authorities, DR MUROFUSHI wished to express his sincere gratitude to Mr Pini and his team on the Athlete Council for their valuable contribution to the revised act, especially the activity of listening to and incorporating the voice of athletes in the process. The council's initiatives were crucial to the successful implementation of the athlete-centred programme.

MR KAYANGE EMONYI considered the collaboration of the WADA Athlete Council with the IOC Athletes Commission very important and thanked Mr Pini for the active contribution and participation and using the existing frameworks to reach out to athletes in that interesting complex topic of anti-doping. Such collaboration was key in terms of ensuring that more athletes were engaged.

MR PINI appreciated the feedback and acknowledged the efforts and success stories regarding several communication activities. The goal was to continue those efforts. Establishing a new Athlete Council and having to effectively build that had been challenging but certainly rewarding. Much progress had been made and he looked forward to continuing to be proactive and simplifying very complex topics. As under the previous agenda item, it was not easy, but the work was done in collaboration with WADA. The aim was to build on that as an Athlete Council with the support of the Athlete Engagement team, by exploring opportunities and looking for a specific plan. There were several options. Improving web-based solutions could be one of them, along with other channels based on athlete feedback, which was important to understand what athletes were using and how those services could best be utilized, building directly on input from the athletes and the forums. The Athlete Engagement team was also leading on a new strategic project on the athlete anti-doping experience that was starting at that time. It sought to know and understand how the athlete experience in anti-doping could be optimized. While looking at that in areas such as education, testing and others, it would also include communications. He would continue to update on that and looked forward to being able to do that in December when there would be more of a framework as to the next steps in the future.

He thanked Dr Murofushi and appreciated the conversations held. In response to Mr Kayange Emonyi, he thought the relationship with the IOC Athletes Commission was extremely strong, as the liaison role offered to the chairman of the Athlete Council was an olive branch that had worked extremely well and he appreciated any opportunity to work together, whether with the IOC Athletes Commission itself, with the forums or at major events like the Olympic Games. It was a platform for the Athlete Council that was very strong.

#### - **9.1 Athletes' Anti-Doping Rights Act**

MR PINI trusted that the members had taken the time to read through that important document. There were two documents that had been presented aside from the red-line and the clean version. The first document provided some insight into the methods and exploration, as well as the rationale behind the additions to the rights act. The second was, of course, the rights act itself.

The Athletes' Anti-Doping Rights Act was a companion document to the Code and the International Standards and made rights clear, accessible and consistent across the anti-doping system. That document offered a reference point for athletes, NADOs, international federations and all stakeholders as a quick and easy reference to identify some of those rights. The review had been led by the Athlete Council with input from legal and human rights experts, the Athletes' Anti-Doping Ombuds and WADA staff. It had been developed in parallel with the 2027 Code and International Standards process with the aim of ensuring consistency and alignment. Importantly, that had been developed with significant athlete input, either by the athlete-centred consultation or the athlete engagement opportunities through face-to-face feedback from athletes at major events. That had allowed significant progress and, for the first time, the athlete feedback had not only shaped the Code and International Standards, but had also provided a structured way to express broader priorities, such as the access to ombuds services, legal aid, mental health and others.

He recalled that part one reflected the rights that were already anchored in the Code and International Standards. While not all rights could be listed, there were many. They had been identified as a priority with athletes. In that revision, work had been done in close coordination with the drafting teams to ensure that any changes to the Code and International Standards were mirrored in the act, with the additional aim of providing an educational document. He reiterated that the anti-doping experience was rather difficult, so it was an opportunity to make it a bit clearer for athletes to read and understand.

Part two captured the rights that athletes saw as essential. The content had been directly informed by the athlete voices through the athlete-centred consultation, including from athlete forums, continental forums, etc. Taken together, the Athletes' Anti-Doping Rights Act strengthened trust by showing that anti-doping was not only about obligations, but also about rights. It ensured that the system evolved with athlete input at its core, and demonstrated WADA's commitment to being athlete-centred in practice. Part two was not about enforceable rules, but rather aspirations. By capturing those rights in the act, there was acknowledgement that the athletes believed that trust, fairness and well-being mattered most, and it ensured that priorities were not lost. It aimed



to guide the future evolution of anti-doping further down the line, but was a reminder to all that a truly credible system was one that grew in step with the athletes it served. He would be happy to take questions and any feedback the members might have.

MR DE VOS noted that the sport movement had already submitted its comments on the document, but he thought it was important to state that the act, as mentioned by Mr Pini, had been initially adopted as an educational document. He wished to reconfirm that the approval, especially of part two, not of part one, which was the rights that had already been confirmed, but especially of part two signified the endorsement only and did not create, modify or overrule any other rights or obligations. It did not amend the Code or the International Standards and did not give additional rights. It was necessary to be clear about that. Further, the document was entitled 'Athletes' Rights', which could be misinterpreted. He wanted to underline and clarify that. Also, without wanting to challenge the concerns raised by the athletes, in the context of part two, the way they were referenced raised a number of risks both for WADA and the anti-doping organizations. First of all, for many of those aspirational rights, he believed there was a lack of capacity and expertise across the anti-doping organizations, especially related to areas that did not necessarily have a direct link with the operational role of a NADO or a sport organization. He asked how the expectations of the athletes would be managed in that regard. Secondly, in some areas, there were overlaps with activities that were conducted already by sport organizations and public policies, such as mental health ombuds, etc. It was necessary to look at that and examine if that worked together or not. Thirdly, with regard to the athletes' representation, for WADA, it was clear that WADA only had authority within the anti-doping context. Hence, it was recommended to limit the requirements to NADOs.

He had proposed rewording the preamble in part 2 to clarify again that those rights were not binding. He would not read the whole text but requested that it be reviewed.

The sport movement recommended that the WADA Athlete Council work with the IOC athletes' committee and the IOC athletes' declaration steering committee to build a bridge. He thought there was very good cooperation between the two bodies, so that should be straightforward.

Last but not least, he reiterated the request not only to include the rights, but also to add a part on obligations, so that it was not only rights but also obligations, which would probably balance the document better.

MR PINI thanked Mr De Vos for his comments, which had been taken on board, and confirmed receipt of the document he had mentioned with the tracked changes. His aim was to take it back to the subgroup and to reflect on that. He truly appreciated the opportunity to have insight from the sport movement on how it could be improved and looked forward to responding to that document.

He thought that Mr De Vos's first point was correct and invited Mr Sieveking to contribute to that discussion from a legal standpoint on part two. The approval signified endorsement only and did not create or modify any rights or obligations. It did not amend the Code or International Standards and it did not confer any sort of entitlements. The educational point in that was about utilizing clearer wording and making it more readable. He reiterated that the Code was quite complex. On the second point, it was aspirational; there were no obligations or requirements. He liked to refer to that as a gold standard, but understood that different anti-doping organizations had different capacities and resources, and certainly understood the financial implications of some of that. Nonetheless, the Athlete Council and the athletes had identified that it was important to mention those as the goals and it provided the opportunity to explore what could be done to provide examples and best practices or to identify organizations that could work together. That already existed and the opportunity was to see how it worked in practice and to provide a template if an organization wanted to become a gold medalist, as all did.

Ultimately, the recommendations reflected what athletes had consistently identified as important, which was trust and fairness. The task of the Athlete Council was to guide that conversation responsibly. It also needed to acknowledge capacity limits, while ensuring that the athlete priorities remained visible and steadily built into the system over time. He understood that it was not possible to make anti-doping organizations do that in any iteration.

Regarding the other two points, as a starting point, there was an objective to conduct some mapping exercises, more particularly regarding the ombuds service and athlete representation and any other services within, such as mental health. Once it was clear what services existed, proposals could be devised in terms of next steps. There was nothing concrete, but there was a mandate to try to map out what was already available. He emphasized that the goal was not to duplicate but rather to make connections, reinforce and, where needed or possible, he recognized that different countries might have different models for athlete representation. For example, his involvement in anti-doping came from an NOC athletes commission and he had been appointed to the NADO, which had enabled his involvement in that platform. That was an example of a working product that could be highlighted and worked on with the IOC. Once it was clear what those were, they could be shared

with others as a learning practice. The aim was to work in partnership with the bodies, including the IOC, IPC, IOC athletes' commission and international federations.

In terms of collaboration and the invitation to work with those existing IOC committees, he completely agreed. The Athlete Council already had a strong relationship with the IOC athletes' commission. Two or three members already sat on that steering committee. He would like the opportunity to engage with the athletes' rights and responsibilities declaration steering committee and to offer some insight into the approach and ask the members for comments. He could liaise with some of the members a little more.

Regarding the inclusion of the athletes' obligations and responsibilities, that had been a long debate with the council members. It had been suggested and included, with some input from the human rights perspective, ombuds services and the athletes. It had been discussed at the Athlete Council and the subgroup and, at that stage, it had been decided not to include it in the act with the idea of focusing on the act as the rights. There was awareness that the Code and International Standards were full of responsibilities for athletes and there was an opportunity to highlight the rights so as not to make them too complicated and set down different objectives within that. He was happy to take that back to the council for review to provide some additional feedback.

## DECISION

Athletes' Anti-Doping Rights Act noted.

### **10. Compliance**

THE CHAIRMAN asked Mr Gourdji, the Chair of the Compliance Review Committee, to deal with items 10.1 on non-compliance cases and 10.1.1 on the reinstatement of non-compliant signatories together to facilitate the necessary questions for the record regarding what to put on the non-compliance watchlist and reinstatement.

MR GOURDJI said that he would start with the committee update. The Compliance Review Committee continued to be fairly busy with interactions with WADA providing independent advice and guidance on compliance matters. Since the previous March, it had continuously kept abreast of WADA's monitoring activities and the support it provided to signatories. The activities performed related to compliance cases were also reflected in the Director General's report. However, to summarize, during that period the Compliance Review Committee had reviewed a number of compliance cases presented by WADA management which included a recommendation approved by the Executive Committee to reinstate the Cameroon NADO and the closing of the watchlist cases of the Iran and Spain NADOs. In addition, the compliance cases of the NADOs of Nigeria, Pakistan and Uganda, which challenged the alleged non-compliance before the CAS under Article 9.3.1 of the International Standard on Code Compliance by Signatories, had been reviewed following implementation of the relevant critical corrective actions. In each case, the corrective actions had been completed before the CAS proceedings had formally commenced.

The Compliance Review Committee had held two meetings since last reporting to the Executive Committee. One had been an on-site meeting the previous June, and the other a virtual meeting the previous August. At both meetings, there had been updates on the watchlist cases, non-compliance cases and cases before the CAS. The main meeting had focused on proposed changes to the standards that had an impact on compliance and provided input for WADA's consideration. The Compliance Review Committee had provided guidance and oversight of the WADA compliance programme, including discussions on the need to review WADA's future methodology for its compliance monitoring activities, which should evolve based on the monitoring programme maturity as well as the maturity of all the signatories with respect to their monitoring activities. It had carefully reviewed WADA's compliance risk register, reviewing the identified risks and WADA's mitigating measures in place or planned to be put in place. The same was done for the Compliance Review Committee's own risk register, which was also shared with WADA in order to make sure that all the known risks that related to compliance were identified, assessed and mitigated as appropriate.

At the virtual meeting of the Committee held on 5 August, five cases had been discussed and recommendations made to the Executive Committee which were detailed under item 10.1 on non-compliance cases and which he would introduce next.

- **10.1 Non-compliance cases – various**
- **10.1.1 Reinstatement of non-compliant signatory – International Federation of Basque Pelota**

MR GOURDJI informed the members that the report submitted to the Executive Committee had been revised and the latest version was dated 9 September, just two days previously. The update to the document was for the purpose of changing one of the recommendations of non-compliance with immediate effect to put it

on the watchlist, which was for the Côte d'Ivoire NADO, and to close the compliance procedure altogether based on the corrective measures taken by the Liberia NOC acting as a NADO. That was based on updates provided to WADA and then to the Compliance Review Committee to review. Some of those updates had been made over the past weekend and even on the previous Monday. That was always good to see. It reflected that the mechanisms WADA had put in place to actively engage and work with its signatories continuously were working well. It also reflected that the signatories had been very active up to the point of that meeting.

He showed a one-page slide that would guide the Executive Committee through those cases. The new non-compliance cases could be categorized into three groups. In the anti-doping rules legislation case, the Korea Anti-Doping Agency (the Korea NADO) would be recommended for the watchlist and automatic non-compliance after four months if the non-conformity remained unresolved. Under the Code Compliance Questionnaire case, the Côte d'Ivoire's NOC (Comité national de lutte antidopage) would be recommended for the watchlist and automatic non-compliance would be alleged after four months if the non-conformity remained unresolved. In the audit programme-related cases, there was one case for the watchlist with an allegation of automatic non-compliance after four months if the non-conformity remained unresolved to be applied to the International Powerlifting Federation (IPF), and there was with immediate effect a formal notice of non-compliance to the Anti-Doping Agency of Kenya.

He would start with the rules-related case. In the document submitted to the Executive Committee, section A on pages 5 to 7 addressed the new case related to the implementation of the Code in the legal system of the Korea NADO. The detail of that case was set down in section A1. Essentially, that NADO had made good progress and draft amendments had been presented to WADA in line with the Code, along with a calendar for adoption within the four months from the Executive Committee. Therefore, the Compliance Review Committee recommended that the Executive Committee watchlist the Korea NADO with consequences and conditions of reinstatement as reflected in section A, found on pages 6 and 7, to be applied at the expiration of the four-month deadline if the non-conformity was still pending. He recalled that the recommendation for the watchlist in that case was a consistent approach, as in 14 previous cases, as outlined in the precedence-related cases found in the Annex 1 tier document.

To summarize the Code Compliance Questionnaire case for the Côte d'Ivoire NADO, the details for that case could be found in section B starting on page 8 of that report. That case had been discussed at the meeting in August and at that time there had been five critical corrective actions not implemented, primarily in the areas of testing and the TDSSA (Technical Document for Sport Specific Analysis). However, as he had mentioned earlier, there had been some recent good progress reported and the NADO had managed to submit a TDP (Test Distribution Plan) acceptable to WADA and to secure an increase in funding to implement the TDP. Therefore, the Compliance Review Committee recommended that the Executive Committee watchlist the Côte d'Ivoire NADO with the consequences and conditions of reinstatement as reflected in pages 9 to 11 to be applied at the expiration of the four-month deadline if the non-conformity was still pending. Additional consequences would also be applied if, for any reason, the non-conformity was still not resolved 12 months after the signatory consequences set out above had been imposed.

Regarding the audit programme-related cases, the details of those two cases could be found in section C starting on page 11 of the report. Section C1 on page 11 addressed the International Powerlifting Federation (IPF). By the time that case had come before the Compliance Review Committee, the IPF had not implemented five remaining critical corrective actions in the area of testing. However, it was deemed that the IPF met the watchlist criteria. Therefore, the Compliance Review Committee recommended that the Executive Committee watchlist the IPF with the consequences and conditions of reinstatement as reflected on pages 12 and 13 to be applied at the expiration of the four-month deadline if the non-conformities were still pending. Additional consequences would also be applied if, for any reason, the non-conformity was still not resolved 12 months after the signatory consequences set out above had been imposed.

The next case set down in section C2 started on page 12 and concerned the Kenya NADO. By the time that case had come before the Compliance Review Committee, the Kenya NADO had not implemented eight critical corrective actions, mainly in the areas of testing and human financial resources to implement its programmes. The Compliance Review Committee had discussed that case and decided to recommend to the Executive Committee that it approve sending a notice to the Kenya NADO alleging it was non-compliant with the Code and proposing the consequences and conditions of reinstatement as listed on pages 14 to 16. To summarize, the decisions for the Executive Committee for that batch were summarized in section 1 of the report in paragraphs A, B and C of the paper which were on pages 1 and 2.

As the Chairman had requested, he would move on to item 10.1.1 and report on the reinstatement of the non-compliant signatory, the International Federation of Basque Pelota (FIPV). That reinstatement matter was reflected under agenda item 10.1.1 and was for decision. He noted that paragraph 2 of that paper reflected the

updates on the FIPV's fulfilment of its reinstatement conditions. The FIPV had had to correct the one outstanding critical non-conformity related to testing and investigations. The FIPV had worked on its corrective action with the support of WADA and, on 13 August, had established a necessary corrective action to the satisfaction of the WADA management. The Compliance Review Committee had reviewed the case and agreed with the WADA management that the relevant critical corrective action had been implemented. Therefore, the Compliance Review Committee recommended to the Executive Committee that the FIPV be reinstated. The decision for that case for the Executive Committee was summarized in paragraph one.

THE CHAIRMAN saw no requests for the floor to comment on the report.

He recalled that a letter had been received from the Ministry of Sport of the Republic of Korea that had been shared with the Executive Committee the previous week. It stated that the Government of Korea fully supported the adoption of WADA Code-compliant legislation and remained committed to completing the necessary amendments within the timeframe. He also recalled that the political situation in Korea had been unstable for some time, including the introduction of martial law. For a time, neither the government nor parliament had been in place, which had certainly affected Korea's efforts to adopt Code-compliant legislation. He invited comments on that issue and the letter from the Korean Government.

DR MUROFUSHI on behalf of One Voice supported the recommendations of the Compliance Review Committee with the exception of the Korea NADO case. In light of the additional information received from the Korean authorities, One Voice requested that the Executive Committee refer the matter back to the Compliance Review Committee for examination.

MR DE VOS added that, if that was the wish of One Voice, and given the content of the letter, he would not oppose that proposal.

THE CHAIRMAN informed the members that he would proceed to ask the opinion of the Executive Committee case by case and signatory by signatory.

In relation to the implementation of the Code into the legal framework, he asked if the Executive Committee agreed with the decision to refer the case of the Korean Anti-Doping Agency back to the Compliance Review Committee for its reconsideration.

In relation to the implementation of the anti-doping programmes monitored through the Code compliance questionnaire, he asked if the Executive Committee agreed with the decision to instruct the WADA management to provide a four-month watchlist starting from 11 September 2025 to correct the outstanding non-conformities, failing which WADA would automatically send the following signatory formal notice alleging non-compliance and proposing the consequences and the reinstatement conditions recommended by the Compliance Review Committee detailed in the Executive Committee paper: Côte d'Ivoire NADO.

In relation to the implementation of the anti-doping programmes monitored through the audit programme, he asked if the Executive Committee agreed with the decision to instruct the WADA management to provide a four-month watchlist starting from 11 September 2025 to correct the outstanding non-conformities, failing which WADA would automatically send the following signatory formal notice alleging non-compliance and proposing the consequences and the reinstatement conditions recommended by the Compliance Review Committee detailed in the Executive Committee paper: International Powerlifting Federation.

He asked if the Executive Committee agreed to approve the recommendation of the CRC for WADA management to send a formal notice alleging non-compliance with the Code and/or the international standards to the following signatory and imposing the consequences and conditions of reinstatement detailed in the Executive Committee paper: Anti-Doping Agency of Kenya.

He asked if the Executive Committee agreed to approve the Compliance Review Committee recommendation to reinstate the International Federation of Basque Pelota.

#### DECISION

Compliance and reinstatement proposals regarding the Korean Anti-Doping Agency, the Côte d'Ivoire NADO, the International Powerlifting Federation, the Anti-Doping Agency of Kenya and the International Federation of Basque Pelota approved.



## - 10.2 Compliance audit summaries

MR HAYNES informed the members that he would give a brief update. In line with the stakeholders' requests for WADA to be more transparent in its operations and activities and in line with the strategic vision for the coming three years and beyond, a summary of the outcomes of the compliance audits on signatories was being published on the WADA website. In the previous few days, eight such summaries had been published. Six were mentioned in the updated paper submitted to the Executive Committee two days previously and another two, one for the International Paralympic Committee and one for the World Badminton Federation, had been published the day before. Those summaries covered compliance audits conducted in 2024 and earlier that year where the corrective actions had yet to be completed. Those summaries would remain on the website until at least those actions had been signed off by the relevant audit teams. In the future, the publication of a summary would become systematic and publication would follow a few weeks after a corrective action report had been sent to a signatory following an audit. The summaries themselves were very factual. They were representations of the findings that were discovered and gave the reader an idea of the issues identified through the compliance audit programme. The principle of that approach was therefore to increase the transparency and accountability of signatories and to reinforce athlete and public confidence in WADA's compliance monitoring programme. He would be happy to answer any questions.

THE CHAIRMAN said that he was convinced that the project would contribute to the perception of transparency among WADA's stakeholders. WADA was following some good practices from some leading auditing institutions by making executive summaries of the audits public and he thanked Mr Haynes.

### DECISION

Compliance audit summaries update noted.

## 11. Finance and Administration

THE CHAIRMAN noted that Mr Ng had been unable to attend the meeting and therefore formally introduced Ms Taillefer as the WADA Acting Director for Strategy and Finance who would provide updates on behalf of the Chair of the Finance and Administration Committee on the subsequent finance items.

MS TAILLEFER conveyed Mr Ng's apologies for being unable to attend that day's meeting. The summary notes from the Finance and Administration Committee's recent meeting were included in the document set. The committee had reviewed updates on the 2025 government contributions and accounts and endorsed the second scenario for contribution increases: a 5% rise in 2026, followed by 3% increases in both 2027 and 2028. Additionally, the committee had approved the revised 2025 budget and recommended the 2026 draft budget for the Executive Committee's consideration. She wished to take the opportunity to thank Mr Ng, who had completed his last meeting with the Finance and Administration Committee this year, for his years of dedicated services to the committee.

### - 11.1 Government/IOC contributions

MS TAILLEFER stated that, as of 30 August, which was the latest version that the Executive Committee had received on contributions, the contributions had reached 73% of the 2025 invoiced amounts, which was an improvement on the 69% that had been received at the same point in 2024. Since the paper had been distributed, as of 18 August, six additional contributions had been received. The key highlights, comparing 2025 to 2024, were that for the Africa region the 2025 contributions were slightly lower at 27%, down from 34% in 2024 at the same period. The Americas stood at 33%, down from 43% compared to the previous year. The Asia and Europe regions both had strong contribution performance, reaching respectively 90% and 89%, up from 86% and 76% the previous year. Oceania maintained full compliance with 100% of contributions made. She thanked all countries for their continued support and commitment to fulfilling their annual contributions to WADA. Their partnership was vital to advancing clean sport worldwide.

### DECISION

Government/IOC contributions noted.

### - 11.2 2025 quarterly accounts (quarters 1 and 2)

MS TAILLEFER noted that the quarterly accounts were for the first two quarters of the year. The financial results for the first half of the year reflected expected trends, which was the key message. Revenue had reached 35.44 million US dollars while expenditures totalled 22.4 million US dollars, remaining below the reworked budget of 49.1 million US dollars. Again, as a key message, WADA was trending towards a healthy budget for 2025 compared to its plan. In the previous year, the austerity measures that had been adopted had been activated, especially regarding travel. As had been heard throughout that day, from time to time, meetings had

been held virtually instead of with travel for budget considerations. She wished to report that, for the first two quarters of the year, that had resulted in 900,000 US dollars in savings compared to 2024 with the targeted reduction in travel-related expenditure.

#### DECISION

2025 quarterly accounts noted.

#### - **11.3 2025 revised budget**

MS TAILLEFER remarked that, following the initial round of reductions in Q1 2025 which had lowered operating expenses by 1.2 million US dollars, that mid-year revision introduced only minor adjustments. Departments had been asked to reassess the relevance and feasibility of planned activities within their allocation for the year. The key revisions included, for the Legal Affairs Department, an increase of 800,000 US dollars to align with the increased number of case appeals and other litigation-related activities. A second revision was a travel savings line item from the previous year that was a negative budget line capturing all of the savings made in all departments. Since that saving had been materialized through the 900,000 US dollars savings that she had presented in the prior item, that line was being removed from the budget to better reflect the reality of the budget for the rest of the year. To summarize the revision, the projected income for 2025 in the revised budget included 5.4 million US dollars more in income than in the reworked budget from the beginning of the year. That was notably for prior contributions that had been received from previous years and the recognition of public authority contributions for the partial matching of the IOC contributions. Thus, with the changes in operating expenses and the revenue as set down in the governance documents, there was currently a net projected surplus of 1.7 million US dollars and a projected cash replenishment of 1 million US dollars.

On behalf of One Voice, MR BIDNYI wished to express appreciation to WADA in its efforts to make further savings.

MS TAILLEFER thanked Mr Bidnyi for his comment.

#### DECISION

2025 revised budget noted.

#### - **11.4 2026-2028 contribution increase**

THE CHAIRMAN noted that the item was for recommendation to the Foundation Board, which would discuss it and make a decision at its December meeting.

MS TAILLEFER stated that the proposal being presented that day aligned with the strategic direction that had been outlined in the 2024 Cottier report and the President's re-election address. Over the coming three years, WADA would focus on three core pillars that had been mentioned several times throughout that meeting under various agenda items and which included elevating the athlete experience, strengthening the global anti-doping system and expanding the impact of WADA's science, education and intelligence work. To present the contribution increase proposal that year, she wanted to show that, of those three priorities, the key initiatives had been identified that would best deliver on those priorities, and present the estimated investment required to deliver on those initiatives. Pursuant to the preparation document, for each of the priorities, first and foremost, the link with the strategic plan priorities was presented on the left-hand side along with the different key initiatives that had been identified to deliver on each of the priorities and, at the very end, the estimated investment that those initiatives represented. For the first priority, while athletes understood the importance of anti-doping compliance, the process itself for athletes might not be very enjoyable. To address that, WADA was investing in initiatives that enhanced the athlete experience, which included the redesign of Athlete Central, the website and mobile application for many initiatives or tasks, including the submission of whereabouts, the continuation of the WADA Ombuds office service, which was linked with the strategic plan, as well as the athlete anti-doping experience mapping exercise, which Mr Pini had mentioned earlier. Those three initiatives would entail an investment of between 500,000 and 1.4 million US dollars in 2026, 2027 and 2028. She would continue with the other priorities to give the overall picture of the investments.

The second priority was strengthening the global anti-doping system, building on years of dialogue with stakeholders, responding to calls for greater accountability and transparency. Once again, they were themes that had been heard that day and WADA was making strategic investments to reinforce the integrity of the system, including increasing the compliance audit programme, enhancing decision reviews and increasing appeals when necessary, investing in data analytics, AI and cybersecurity to improve efficiency in high impact areas, as well as key activities such as compliance monitoring, and the implementation of the recommendations from the Cottier report, which had also been addressed under a prior agenda item.

The third priority focused on amplifying the reach and effectiveness of WADA's scientific, educational and intelligence efforts. That included the education solutions that enabled access for athletes and athlete support personnel to receive education on the topic of anti-doping, ensuring that laboratory accreditation remained strong and ever-evolving in the ability to develop new methodologies of analysis, the research grant programme that had been discussed earlier that day, and finally the intelligence and investigation capacity and capability project that had also been discussed that day. Looking at those three priorities and the related key initiatives, it was possible to see the total estimated investments for the coming three years, which included ongoing and new investments. To make it easier to understand what it meant for contribution increases, it had also been broken down into what it meant in terms of total additional expenses. The percentage, when compared to 2025, was 8-9%. As set down in the proposal and the paper, it was not the proposal of WADA to request the contribution increase to fully close the gap between the resources needed and the resources currently available. Therefore, different scenarios were being proposed with a very balanced approach to close that gap.

The three scenarios presented included in scenario one a 3% increase for each year; in scenario two a 5% increase in 2026 to accelerate the development of infrastructure necessary to deliver on the different priorities, followed by 3% and 3%; and finally 5% per year in scenario three. The slide on the screen showed the estimated cash depletion and cumulative cash depletion in each of those scenarios. Through dialogue held with different stakeholders, WADA had wanted to make sure that the estimated cash depletion did not account for the two other approaches that were being proposed with that contribution increase, which was for WADA to further reduce operating expenses by 1 million US dollars and to seek an additional 1.5 million US dollars in additional funding from partnerships or private funders. It had been deemed helpful to also show what it would mean in terms of cash depletion if those two other levers were fully implemented with those scenarios. The proposal that had been put forward and endorsed by the Finance and Administration Committee was the second scenario at 5% for 2026 and then 3% for 2027 and 2028, which represented an additional 1.3 million US dollars in funding from both the public authorities and the sport movement. In parallel to that contribution increase, the agency would aim to identify 1 million US dollars in further expense reduction and secure at least 1.5 million US dollars through partnerships and private funding. Although the members of the Executive Committee were well aware of what was in the pipeline, she thought it would be useful to see what lay ahead for the following three years, including two editions of the Olympic Games in 2026 and 2028.

DR MUROFUSHI stated that One Voice was grateful to WADA for optimizing expenditures and reducing unnecessary costs, in addition to its ongoing work on seeking private partnerships and sponsorships to support WADA's operations. That approach would help reduce the financial burden on states and ensure the stable functioning of the anti-doping programme. That said, he noted that any increases in contributions, particularly in the challenging current circumstances, should be limited to 3%. His colleagues would make additional comments.

MR BIDNYI thanked the Chairman and his team for their efforts and success in ensuring the stability and sustainability of the institutions. As a member of the Ukrainian Government, he understood how important it was for the institutions to be well funded for sustainability and resilience, especially when faced with those significant challenges that had been discussed that day. Furthermore, despite the war and the critical situation in Ukraine's budget, his country always paid on time and in full because it understood how important it was. However, as a representative of Europe, he had to extend the European position on the planned increase of contributions for 2026 to 2028, which was based on the current budgetary realities faced by many member states. Europe recommended that the Foundation Board limit the increase in contribution for 2026 to no more than 3%, to offset expected inflation and to reassess the situation at the end of 2026 regarding the contributions for 2027 and 2028. It was important to recall that any increase in public contributions directly affected national budgets allocated to anti-doping activities and might have consequences for NADOs.

On behalf of the sport movement, MS BERHANE also confirmed alignment with the proposal of the public authorities. In her personal capacity, as a member of the finance team and also generally as a recipient of that report, she acknowledged and recognized the prudent approach that WADA had taken to stabilize the financial difficulties that it faced. Instead of waiting for the unexpected, it had taken a very prudent approach to respond in order to stabilize the organization in the short term. The sport movement wished to recognize that and aligned with the proposal made by the public authorities.

Based on the comments received from the members, THE CHAIRMAN asked for the record if the Executive Committee agreed to recommend a 3% increase per annum in the 2026-2028 contributions to the WADA Foundation Board for its approval in December.

## DECISION

2026-2028 contribution increase of 3% per annum to be proposed to the Foundation Board for approval in December 2025.

### - **11.5 2026 draft budget**

THE CHAIRMAN noted that the item was for recommendation to the Foundation Board.

MS TAILLEFER explained that the 2026 draft budget reflected a transitional phase guided by the 2024 Cottier report recommendations and WADA's 2026-2028 strategic vision. It realigned income sources and reallocated resources to support priority initiatives. With the recommendation that had been made under item 11.4, the financial results had been prepared for both scenarios. If a 3% alternative scenario were considered, the income proposed would be at 52.6 or 52.7 million US dollars, resulting in an operating surplus of 700,000 US dollars and a net deficit of 2.8 million US dollars. She suggested coming back to the December meeting with a clean draft budget for 2026 based on the 3% contribution increase, since a full budget scenario with a 5% contribution increase had been presented to the members that day.

MR KEJVAL wished to say a few things about the budget because it was important and he was a member of the Risk and Audit Committee. First of all, the discussion had been about the reworked budget, but it was important to be aware that it had been reworked twice. The first time had been due to Russia not paying its contributions. There was also the US case. He believed he was not the only one to opine that there was no room for further cost-cutting, if WADA was to continue delivering on the strategic plan with all the priorities mentioned such as science, education and intelligence. It was always possible to make small cutbacks; but, in general, he thought that WADA was not in such a position to cut further. He thanked Ms Taillefer and her team for setting up the budget. The Risk and Audit Committee thought that was the only way to draw up the budget, but he reiterated that the lack of reserves called for caution.

DR MUROFUSHI noted, regarding the proposed increase for 2026, that One Voice supported the alternative plan for a 3% increase. That option was thought to provide a more balanced and sustainable approach, particularly given the current global economic circumstances.

MS BERHANE added that the sport movement also supported putting the proposed 3% budget increase to the Foundation Board at its meeting in December.

THE CHAIRMAN confirmed his understanding that the Executive Committee agreed to recommend the draft budget of 3% increase to the Foundation Board for its approval in December.

## DECISION

2026 draft budget to be recommended to the Foundation Board for approval in December 2025.

## **12. Health, Medical and Research**

PROFESSOR ENGBRETSSEN said that he would discuss one matter before Professor Rabin presented the Prohibited List and monitoring programme for that year. The only issue he would present that day was that he wanted to thank WADA for its recent initiative to call on public authorities to provide additional resources for scientific research. As he would explain later, the money allocated to research was well invested and was essential to prepare the future of anti-doping.

THE CHAIRMAN noted that there were several items for decision.

### - **12.1 2026 Prohibited List and Monitoring Program**

PROFESSOR RABIN said that he would commence with the draft 2026 Prohibited List, which was for the approval of the Executive Committee. One of the first modifications was in section S1.1, where the addition of esters for some of the anabolic steroids had been added for the sake of clarity. There were more and more esters being developed for different anabolic steroids. They were long-term release steroids, so to speak, so the aim was to bring that clarification to the Prohibited List for the sake of accuracy.

The family of erythropoietin-stimulating agents continued growing over the years. He had the pleasure of introducing the new baby, pegmolesatide, which was a substance in clinical development. It was particularly interesting because the structure was very different from the usual recombinant erythropoietin. That family of completely synthetic ESAs was starting to come onto the market.



Work continued on the beta-2 agonist section. Initially, there had been a kind of dogma, in that inhaled beta-2 agonists would not be performance-enhancing, which remained globally valid. However, the scientists had realized through some of the experiments conducted that, if the whole dose was inhaled in one shot, it could enhance performance, which was not completely surprising for substances that had adrenergic effects. The research had therefore looked at keeping the same global dose, but splitting it with a certain number of hours between two doses. That exercise continued in particular for salmeterol on the 2026 Prohibited List.

He would proceed to introduce a few examples of very interesting substances that were not legal substances per se. They were illegal substances that were added to dietary supplements. They did not really exist as medicines or anything of that sort, but they were introduced as somewhat performance-enhancing substances. They were some aromatase inhibitors, of which two new examples had been listed and, in section S4.4, metabolic modulators, there was a new substance by the name of BAM15. That illustrated that the dietary supplement industry was unfortunately constantly bringing new substances onto the market.

Some of the key changes that had been introduced that year on the Prohibited List were in section M1, on manipulation of blood and blood components, where it had been clarified, based upon several stakeholders' requests, that blood and blood components were still prohibited but there were currently clearer conditions for the exceptions, which were granted when there was a medical need, medical tests with analytical purposes, when that was a doping control, as it was possible to imagine, that was very logical, or for donation purposes. It had been stated in the past that donations could be very important and even life-saving, and athletes should not be prevented from donating blood or blood components. Thus, that exception had been clearly identified that year to make it even clearer than in the past.

One new subsection had been added which was M1.4, where carbon monoxide had been added to the Prohibited List under certain conditions. Carbon monoxide was a very useful method to measure the haemoglobin mass. Usually, the method that was used for research or for diagnostic purposes was only one exposure to measure the haemoglobin mass. It had transpired, and there had been a publication by the group of Schmidt in 2010 which showed that, if there were multiple exposures during the same day, it was usually not known exactly how many, but the paper went up to five exposures per day, production could be increased because it created a hypoxic condition. Hence, the production of erythropoietin could be increased and the production of red blood cells boosted. That was not the intended use and clearly there was a distinction between the two. The aim was obviously to prohibit that approach, but also to maintain the possibility of diagnostic use of carbon monoxide. He noted that everybody breathed carbon monoxide as they spoke. However, at the same time, that was something that did exist at a natural level.

For gene doping, there had been a modification that year. Mitochondrial transplant did exist, mitochondria being the little units in the blood, originally bacteria that infested human cells or the cells that were still in the body. There was a methodology that day that was mainly used for infertility situations utilizing mitochondrial transplant. Mitochondria were energy units, the small nuclear power in the cells, so to speak. The possibility of transplanting mitochondria could of course create a performance-enhancing situation. Hence, the Gene and Cell Doping Expert Advisory Group members had stated that mitochondria and, of course, a few other organelles needed to be prohibited and so the wording had been modified to reflect that.

A few examples had also been added to the stimulants. He would also describe them as illegal in the sense that they had not been developed for legal medical purposes or therapeutic purposes. There were two new substances that had been found in dietary supplements that it had been necessary to add. Again, that was for the information of the athletes because it was known, unfortunately, that dietary supplements still contained some of those substances and there was a very creative industry to include some of those unofficial/illegal substances on the market, simply because they worked. Two examples had been added.

Finally, the index, which was very useful, had also been updated to reflect all of those changes to the draft Prohibited List.

PROFESSOR ENGBRETSSEN had one question about a new medication, which was very popular among people who wanted to lose weight and had also become popular with boxers, wrestlers and cyclists, and it was a new diabetes medication. The problem was that it led to very quick weight loss, but 40% of that loss was in muscles. Hence, there were new medications that athletes had to take in addition to prevent losing muscle mass. It was not known how many athletes were using it. A questionnaire had been done on it during the Paris Olympic Games which had shown that there were athletes using it and that use was probably increasing because it was so efficient. At that stage, provided it was used for only a few months, it did not really have any side effects until it was used for more than a year.

PROFESSOR RABIN responded that the big change was a change in paradigm with those new GLP1 receptor agonists, as they had been named. In the past, for real weight control, it had been necessary to reduce

calorie intake and follow a very stringent diet. It was very useful in many sports, either for obvious weight category reasons or aesthetic reasons. With those GLP1 receptor agonists, the big change was that it was not necessary to change one's diet. A person could eat normally, inject the GLP1 receptor agonist and lose weight, sometimes quite considerably. Very fit people could easily lose 1.4 kg and that could easily go up to more than 20 kg in some people, albeit not athletes. Hence, there was certainly a change in paradigm and that was being examined at the List Expert Advisory Group level.

PROFESSOR RABIN wished to clearly noted for the benefit of members, that the category of GLP1 receptor agonists was being monitored, including the most popular substance, the well-known semaglutide also known as Ozempic. It was important to be extremely accurate in that, in the laboratories, the Monitoring Program monitored two biomarkers of GLP1 receptor agonists which were common to semaglutide and another one which was Tirzepatide. For the sake of clarity and accuracy, a minor change had been made to the Monitoring Program. It did not change the fact that the Monitoring Program included monitoring the risk of abuse or patterns of abuse of those GLP1 receptor agonists.

THE CHAIRMAN asked if the Executive Committee approved the 2026 International Standard for the Prohibited List, including the 2026 Monitoring Program.

### DECISION

2026 Prohibited List and Monitoring Program  
approved.

#### - **12.2 2025 scientific research projects (cycle 2)**

PROFESSOR ENGBRETSSEN clarified that the proposal that he would explain was for decision. There was a new grant application system under which applications could be made not once a year but three times a year. Researchers from around the world could send in applications to be considered and they would then be invited to send in full applications if the criteria were fulfilled. Since the new grant programme had been launched in 2024, there had been 81 new applicants and 40 new institutions, which was very important because efforts had always been made to get more academic institutions interested in anti-doping. It seemed like that had been achieved and they were currently far more active than before. Also, it was not only the USA, but institutions from around the world, as the percentages showed. At that stage, it therefore looked quite good. The research project at that time was to send in expressions of interest, which two external experts and one member of the WADA Science and Medicine Department looked at and made a decision on. About half of the applications proceeded to submit a full application. He would provide the figures and show which research projects would be proposed for grants. After the second cycle, 28 had been invited to submit full applications. The amount of requested money from the applicants was about 4 million US dollars. Of those, 17 projects were being recommended for funding of approximately 2.2 million US dollars. Two projects aimed to improve anabolic agent detection. Some new anabolic agents were emerging so it was vital to improve analysis. There was one project on muscle memory, which meant that, if an athlete doped with anabolic steroids and was caught and suspended for two or even four years, when they returned after five years, they would still be stronger because of the anabolic steroids they had taken. That had probably been established at that time, but more so in animals than in very good human studies. New studies were emerging and showing the same thing and that might result in changes in the way those athletes were dealt with so that was a very important one. There were six projects on peptides and modulators.

PROFESSOR RABIN thought it was always a consolidation of the ability to detect some of the peptides and hormones that were potentially problematic. Work continued on EPO, the human growth hormone. There were some very strong projects, which related to his previous point. There were new compounds in those categories coming onto the market all the time so it was vital to maintain the ability to detect those substances, including more sensitive methods that would make it possible to expand the window of detection of those substances.

PROFESSOR ENGBRETSSEN noted that it would be reasonable to think that EPO would have been eliminated by that time because the detection rate was very high. The problem was that lots of athletes were still using EPO in microdoses. If they were not tested on the same day or even just a couple of hours after they had competed, they would not be caught; it was therefore still a problem.

There were two new products for the Athlete Biological Passport, which was linked directly to the Prohibited List. There was one project on new prohibited substances, and one project on cannabinoids. That was a big problem because it was legal in some countries in the world and illegal in most countries. It was still being used and was prohibited in-competition, so it was important continue to examine because there were many types, but mainly two types, of that medication because it was actually a medication used for pain reduction. Many people with MS, for example, used it and it was very effective for cancer pain and so forth. Athletes were using

it for other reasons, of course, probably mostly out-of-competition, but some people also used it in-competition, such as freestyle skiers.

Dried blood spot was still very important, and increasingly so because more medication could at that time be detected during blood spot testing. For gene doping, there was just one new project, partly because it was so expensive to do research in that field. A new person, Professor Sundberg from the Karolinska Institute in Stockholm, was leading that group and had said as recently as in early September that there would be an explosion in that field. That was a problem because it was so expensive to detect and to do analysis and research on it.

The following were the targeted projects that WADA had said were necessary, as those areas were a problem and required investment. That was why those projects were being funded or proposed to be funded. There was one on cannabinoids, one on glucocorticoids and one on growth hormone.

Finally, as discussed earlier that day, contaminants were still a big and increasing problem. The total amount committed for the six targeted projects was just over 500,000 US dollars. Before making a decision on whether to support the proposal, he noted that, in 2025, the total budget stood at 4.5 million US dollars. The research projects approved in cycle one had amounted to about 500,000 US dollars and the targeted projects to 683,700 US dollars. Reviewers also had to be paid because the projects were becoming more complicated. It took longer for a reviewer to go through a project and score it, so their fee had had to be increased slightly. The total amount committed to date that year was 3.4 million US dollars and about 1 million US dollars remained for the third cycle, which would commence at the end of November and be dealt with at the meeting in December. The amount requested for the second cycle was 2,164,401.40 US dollars.

MS TWUM-AMOA replied that Africa supported investing more in research, as that was the only way that WADA could stay ahead of emerging threats, inform smarter policy and protect clean athletes. Ultimately, scientific research was the backbone of clean sport. Sadly, of the 49 new expressions of interest submitted for the second cycle of 2025, only one had emanated from Africa. Admittedly, more work needed to be done in getting African research institutions to submit proposals and she would advocate for that.

PROFESSOR ENGBRETSSEN said that he knew that very few African institutions were doing research in that field. For the first time, the IOC that year had something called an advanced team physician course around the world, and it would be held in Africa that year. The IOC was funding two people from each NOC to come to the advanced team physician course. The reason was to try to push research efforts in Africa. He hoped that would play a part and increase the number of people involved. He thanked Ms Twum-Amoah for her comment.

THE CHAIRMAN asked if the Executive Committee approved the funding recommendations for the cycle 2 research proposals.

#### DECISION

Proposed 2025 scientific research projects approved.

#### **- 12.3 Laboratories**

##### **12.3.1 Casablanca laboratory (Morocco)**

MR BARROSO said that he would present three different slides for the items on the agenda but all related to new laboratories for ABP analysis in Africa, in particular. He recalled first that, unfortunately, the only accredited laboratory in Africa had been lost. The Bloemfontein laboratory had had its accreditation revoked. Therefore, an effort had been made by several countries in Africa to increase the testing for the haematological module of the ABP. The first laboratory was located in Casablanca, Morocco. That laboratory had already been approved as a candidate laboratory around a year previously. As a consequence, an assessment had been performed in line with the ISL to determine the level of preparedness to carry out that analysis which had concluded that the laboratory had satisfactorily addressed all findings and therefore completed all the technical and administrative requirements for the ABP approval. That had been assessed by the Laboratory Expert Advisory Group, which recommended granting ABP laboratory status to the Laboratoire Mohammed VI antidoping in Casablanca.

THE CHAIRMAN asked for the record if the Executive Committee approved the granting of Athlete Biological Passport-approved laboratory status to the Casablanca laboratory.

## DECISION

Proposal to grant Athlete Biological Passport-approved laboratory status to the Casablanca laboratory approved.

### **12.3.2 Algiers laboratory (Algeria)**

MR BARROSO noted that the following two laboratories were not yet candidate ABP laboratories but that was the proposal today. The Laboratory Expert Group was requesting or proposing their approval as ABP candidate laboratories, which was the first stage before they could be approved to perform the analysis. The first stage was to fully evaluate the technical capabilities of the laboratory, perform an on-site assessment and determine whether it would be ready to perform the analysis. The first laboratory for which approval as an ABP candidate laboratory was sought was the National Doping Testing Laboratory in Algiers, Algeria.

THE CHAIRMAN asked for the record if the Executive Committee agreed to accept the National Doping Testing Laboratory located in Algeria as an Athlete Biological Passport candidate laboratory.

## DECISION

Proposal to grant Athlete Biological Passport candidate laboratory status to the Algiers laboratory approved.

### **12.3.3 Addis Ababa laboratory (Ethiopia)**

MR BARROSO stated that that was a similar situation to the Algiers laboratory. It was also a candidate laboratory for ABP analysis from the Ethiopian Public Health Institute in Addis Ababa, which was a very important area of the world as Ethiopian athletes, especially in track and field, were renowned. Hence, increasing the capacity of doing ABP analysis there would be very useful and important.

THE CHAIRMAN asked for the record if the Executive Committee agreed to accept the Ethiopian Public Health Institute Laboratory in Ethiopia as a candidate ABP laboratory.

## DECISION

Proposal to grant Athlete Biological Passport candidate laboratory status to the Addis Ababa laboratory approved.

## **- 12.4 Technical documents and letters**

### **12.4.1 Revised TD2026DBS**

THE CHAIRMAN recalled that the first item was for decision.

MR BARROSO explained that the first document presented was a revised technical document for the application of testing on dried blood spot. An effective document had been approved in 2023 and that reviewed version was proposed to become effective on 1 January 2026, which was around three months from that time. The main modifications in that technical document related to Article 2.1, which was on DBS collection devices, requirements, and referred, in particular, to a minimum volume of spots on the devices or pebbles that would allow the performance of analytical testing procedures, as well as what kind of support material was allowed on the devices. In that case, it was only untreated cellulose or synthetic polymer. Those requirements had been established for several reasons, not only for the laboratories to have the capacity to perform the procedures, but also to somehow limit the number of possible devices that the laboratories would have to validate. There were many different ones on the market and not all were fit for purpose. The document did not define exactly the device, but defined the characteristics that those devices had to meet to be used in anti-doping.

Article 4, on the selection and validation of analytical testing procedures, provided important guidance to the laboratories about which methods should be applied for the analysis of non-threshold substances without minimum reporting levels. That was the first step in the application of DBS testing. At that time, WADA was addressing only the analysis of those kinds of substances, while those with the minimum reporting levels or threshold substances would come at a later stage. There was an appendix that specified the relevant analytical testing procedures and the target analysis, as well as the applicable minimum required performance levels for four main menus: one for steroid esters; one for a multi-class category of substances – small molecules from the List categories S1 to S5; another for the analysis of EPO and its analogues in DBS samples; and the fourth for the analysis of small peptides. Furthermore, there were some modifications regarding article 5 on sample analysis, which clarified that the spot or pebble that was used for the initial testing procedure could not be used



for the A confirmation procedure, so a new spot would have to be extracted for the confirmation. Finally, article 6 extended the minimum period of storage of DBS samples from three months to six months to allow the ADOs more opportunities to perform further testing or target testing using DBS samples.

MR DE VOS appreciated the clarification and the presentation. He supported the approval of TD2026DBS and welcomed the extension of the time of storage from three to six months. He wished to know why anti-doping organizations were not using dried blood spot testing methodology more. He understood that it was much more cost-efficient from a storage perspective also and would appreciate any insight into that.

MR BARROSO replied that the number of DBS samples analysed had increased significantly over the past few years. One of the main limitations was the definition of devices as well as the minimum menus that could be applied. The revised document provided more clarification to the ADOs on what could be used. DBS was not going to replace urine testing. There were several benefits to using DBS, and Mr De Vos had rightly referred to the fact that transportation and storage were easier. The stability of analysing DBS was also better than urine. However, DBS also had some limitations, primarily the very small sample volume, which significantly restricted the number of analyses that could be done as well as the number of analyses that could be tested for. That was work in progress. He believed that, after that document had been published and became effective, the collection and analysis of DBS samples would continue to progress.

THE CHAIRMAN asked the Executive Committee if it approved the revised TD2026DBS to come into effect on 1 January 2026.

#### DECISION

Revised TD2026DBS approved.

#### **12.4.2 New TD2026HBT**

MR BARROSO noted that that was a new technical document that was long overdue and that aimed at harmonizing the analysis of homologous blood transfusion, which was when blood was transfused from one individual to another. Basically, the technical document set forth all of the analytical and reporting requirements for that method, which was based on the detection of differences in the expression of some minor molecules on the surface of red blood cells by a technique called flow cytometry, which had been developed together with the WADA Working Group on Homologous Blood Transfusion. He thought it would be very useful because unfortunately that was not a new thing. However, there had recently been some positive cases of homologous blood transfusion, most prominently at the Tokyo Olympic Games, where there had been two positive findings involving the application of that technique.

THE CHAIRMAN asked the Executive Committee if it approved the new TD2026HBT to come into effect on 1 January 2026.

#### DECISION

New TD2026HBT approved.

#### **12.4.3 New TL2026 Clomifene**

MR BARROSO explained that his slide concerned an effort to continue tackling the issues of potential contaminations, in that case involving clomifene, which were similar to issues with growth promoters used in cattle. Clomifene could be used for hens and therefore findings in urine might be potentially related to the consumption of contaminated poultry meat or eggs. Therefore, in order to avoid that, a minimum reporting level had been established for clomifene at 2 nanograms per millilitre, which was applicable only to the parent substances, not to its metabolites. Again, that technical letter presented for approval could be short-lived because work was being done on the development of a specific technical document on minimum reporting levels. It would be separated from the TDMRPL, and all of those issues might be included in that new technical document, all the issues of potential contaminations and what minimum reporting levels were used. However, that new technical document was going to be for 2027 and it had been considered that the modification had to be made earlier.

THE CHAIRMAN asked the Executive Committee if it approved the technical letter TL26 Clomifene to come into effect on 1 January 2026.

#### DECISION

New TL2026 Clomifene approved.

### 13. Education

MS TOUNKARA thanked the President, Vice-President, the WADA management and all of the esteemed members of the WADA Executive Committee for the opportunity to give back to sport by continuing to serve clean sport education for a new term. It was a great honour to continue leading that great team of experts that was dedicated to supporting the very productive WADA Education Department managed by Ms Hudson, who was also present online. She was pleased to share the key highlights of the report, which the members had received.

The most recent Education Committee meeting had been held virtually on 15 July. That meeting had marked the first virtual gathering since the in-person meeting in January. As always, the Director of Education had shared the progress made in updating the spirit of sport definition, especially focusing on Code articles 18 and 19, and she had been pleased to hear about the strong support from athletes regarding the updated spirit of sport definition, which better resonated with the athlete community after 25 years. She thanked the athlete representative on the committee, Ms Dora Hegyi, who had taken part in the process; Professor Thierry Zintz, who was the Chairman of the Social Science Research Advisory Group; and Professor McNamee, who was an expert in ethics. All had been very helpful with their contributions in that process. The primary focus during that meeting had been a presentation by Ms Karri Dawson, who chaired the International Standard for Education Update Drafting Team, and she had shared the feedback received during the final stakeholder consultation phase. The positive feedback from athletes regarding key changes such as the inclusion of athlete support personnel and minors in the education pool, and the addition of unintentional doping to the mandatory education topics had been particularly encouraging.

With regard to the research and policy update, the committee had learned about the progress of the clean sports academy project and the outcomes of the Unintentional Doping Task Force meeting, as she had mentioned earlier. The significant response from the community with regard to the unintentional doping process with over 2,000 individuals providing input had been really impressive.

ADO capability was also one key highlight from the meeting, especially looking at the Global Learning and Development Framework (GLDF) and the importance of in-person training for French-speaking Africa in particular. The positive impact of the GLDF had also been discussed. It was hoped that the programme would continue, especially with the ongoing work with the World Academy of Sport.

In the digital learning update, the process of the digital learning strategy and the use of ADEL had been reviewed. The committee had addressed recent issues with the ADEL platform and she acknowledged the support provided by Ms Juliana Soares in testing the accessibility for Paralympic courses that were new on ADEL.

Another topic discussed was the postponement of the Olympic Esports Games, which was also something that the committee had started reflecting on and had even received some experts to start looking at what might be expected from an education perspective in that space, but also at the upcoming World Conference on Doping in Sport and what the committee would do there and how it would intervene.

Finally, the next Global Education Conference that should take place in 2027 had also been discussed, and work was being done on launching a request for proposals to fund potential hosts. She invited the Executive Committee members to be part of that process and give their support.

The forthcoming virtual meetings were scheduled for 23 October and 11 December 2025. She was also excited to report that the social science research strategy that the Executive Committee had approved previously had been released the previous day on all of WADA's platforms. She concluded by reiterating her appreciation for the members' involvement and support, which were crucial in advancing the collective efforts in education on anti-doping.

THE CHAIRMAN thanked Ms Tounkara for her brief report and enthusiasm, and congratulated her on her reappointment. He was looking forward to continuing that great collaboration.

#### DECISION

Education Committee update noted.

#### - **13.1 Social science research impact update**

THE CHAIRMAN remarked that item 13.1 on the social science research impact update would be deferred to the December meeting in Busan.

#### 14. Other business/future meetings

Before concluding that day's meeting and updating the members about the future meetings, THE CHAIRMAN asked if there was any other business. There were no requests for the floor.

The next Executive Committee meeting would be held on 2 December in Busan, the day prior to the sixth World Conference on Doping in Sport. He looked forward to seeing everybody there for that important moment. He also noted that in Busan on the last morning of the Conference, namely 5 December, the Executive Committee would adopt the final versions of the International Standards that would become effective in 2027. This special Executive Committee meeting would be followed by a Foundation Board meeting, where the 2027 World Anti-Doping Code would be submitted for approval. The Board would conclude the week in Busan, with their annual meeting on the afternoon of 5 December.

The first Executive Committee meeting for 2026 would be in Baku, Azerbaijan, on 17 March 2026. That meeting would be followed by the 2026 European Regional Symposium. He extended his sincerest thanks to the Azerbaijani colleagues who had kindly offered to host those two important events. Later in the year, there would be a meeting on 10 September 2026 in Buenos Aires, Argentina, and on 25 November 2026 in Manama, Bahrain. In March 2027, the Executive Committee would meet in Lausanne and locations for later meetings in 2027 were being explored.

He thanked the fantastic hosts and his friend Mr Kejval for their kind hospitality, as well as the colleagues from the Czech Anti-Doping Commission and, of course, the National Sports Agency for their contribution to hosting that meeting in their hometown. It had been perfectly organized and with great hospitality. He regretted that it was Mr Kejval's last year with WADA, although his collaboration would continue in other areas and he would participate in Busan. He thanked Mr Kejval for his great contribution. He thanked the various Czech and WADA staff for planning and supporting that day's meeting, as well as the volunteers and the interpreters for their hard work. It had been the longest Executive Committee meeting since his term of office had begun and he thanked the members for their patience, contribution and really great exchanges and looked forward to meeting again in early December.

#### DECISION

World Conference on Doping in Sport – 3-5 December 2025,  
Busan, Republic of Korea;  
Executive Committee – 2 December 2025, Busan, Republic of  
Korea;  
Foundation Board – 5 December 2025, Busan, Republic of  
Korea;  
Executive Committee – 17 March 2026, Baku, Azerbaijan;  
WADA Europe Regional Symposium – 18-19 March 2026,  
Baku, Azerbaijan;  
Executive Committee – 10 September 2026, Buenos Aires,  
Argentina;  
Executive Committee – 25 November 2026, Manama, Bahrain;  
Foundation Board – 26 November 2026, Manama, Bahrain.

The meeting adjourned at 6.05 p.m. GMT+2

#### FOR APPROVAL

MR WITOLD BAŃKA  
PRESIDENT AND CHAIRMAN OF WADA

MR OLIVIER NIGGLI  
DIRECTOR GENERAL AND RECORDING SECRETARY