



LEGAL EXPERT ADVISORY GROUP

Terms of Reference

The WADA Legal Expert Advisory Group (EAG) is a group of experts comprised to provide dedicated advice to WADA's Legal Affairs Department.

Purpose

To provide expert advice, recommendations, and guidance with respect the interpretation and implementation of the World Anti-Doping Code ("Code") and International Standards and on any other legal topic related to anti-doping.

Objectives

- 1) To provide legal advice in respect of documents issued by WADA, as requested by WADA Management, the WADA Executive Committee or Foundation Board, or WADA Standing Committees or other specific WADA Expert Groups
- 2) To provide advice and guidance on documents issued by WADA with regards to Results Management.
- 3) To provide advice, upon request from WADA Management, on doping-related legal matters as appropriate.

Reporting Structure

The Legal EAG reports to WADA Management.

Composition

The composition of the Legal EAG shall not exceed a maximum of 12 members.

The WADA Director General, following consultation with the WADA Director of Legal Affairs, the responsible Director in charge of the Legal EAG, will appoint members to the Legal EAG.

Members are selected on the basis of their relevant background and experience in legal matters, sport and anti-doping.

Each member (including the Chair) serves a two-year term¹, renewable but with a 12-year term limit, unless a business case is presented by the responsible WADA Director in charge justifying that a specific expertise is needed and that therefore the Chair or member is to be renewed otherwise the work of the group will be detrimentally affected. The WADA Director General must support the exception.

In 2021, the members of the working group are:

1. Julien Sieveking (SUI) - *Chair*
2. Jean-Pierre Morand (France)
3. Elizabeth Riley (UK)
4. Huw Roberts (UK)
5. Jonathan Taylor, QC (UK)
6. Mario Vigna (ITA)
7. Ross Wenzel, QC (UK)
8. Richard Young (USA)

Julien Sieveking, WADA's Director of Legal Affairs, will serve as Chair.

The EAG may seek assistance from outside experts from time to time on specific questions.

Chair/Rapporteur

The Legal EAG Chair shall act as the official reporter² who is responsible for ensuring appropriate coordination with the WADA Director General and other members of WADA's Management, and for providing accurate and timely information on all relevant issues.

WADA Liaison

The WADA Legal Affairs Department, and in particular the Director of Legal Affairs will serve as the primary liaison with the Legal EAG.

Given the Director of Legal Affairs will function as the Chair of the EAG, they will directly contribute expertise to the work of the EAG and will have a voting position when required. Additional WADA Legal Affairs staff may also participate in Legal EAG meetings as WADA experts on particular subject matters and to provide general support to the group where required.

Meetings and Working Norms

The Legal EAG will meet in person, or virtually via video or teleconference (as determined by WADA), traditionally once per year.

¹ A rotation will be implemented at the outset (of the effective date of this ToR, i.e. 1 January 2021) so as to avoid all terms ending at the same time. For example, half the Legal EAG would have an initial one-year term, whereas the other half would have a two-year term. Thereafter, all terms will be for two years.

² The Chairperson/Rapporteur is responsible for producing a brief annual report to assess the extent to which the Legal EAG fulfilled its tasks over the preceding year.

The Legal EAG normally operates on the basis of consensus and maintains as informal a manner as is possible or appropriate for the conduct of business.

Consensus will be sought whenever possible. In the event of divergence of opinion or disagreement concerning recommendations, the absolute majority (determined by vote by hand) will rule. In the event of a tie, the Chair has the casting vote. There is presently no formal practice concerning a quorum. The Chair has the responsibility to determine if a quorum is present. Meeting notes will record any dissenting opinion on request.

The Chair may limit discussion of resurfacing issues by referring to previous recommendations or conclusions of previous discussions.

Meeting notes of the Legal EAG meetings, reports and correspondence relative to the group's work shall be open, recorded and retained at the WADA Headquarters.

Conflict of Interest

Legal EAG members will be bound by the Conflict of Interest policy adopted by the WADA Foundation Board in November 2019³, and will be required to annually complete and sign a Statement of Absence of Conflict of Interest in accordance with the policy.

Confidentiality

All group members are required to sign a Confidentiality Agreement upon appointment (and again at the start of each year if their appointment is renewed). This ensures all members reflect on the confidential nature of their WADA work and confirm their adherence to such confidentiality rules. Signing this document each year is a new process as of 2020 (as a result of the governance changes mentioned above); previously members were only required to sign once

Communications and Media

All Legal EAG members must read and comply with WADA's Media Relations policy. If a member should receive a request for an interview in relation to their role in WADA or WADA's work they should first consult with the WADA Media Relations Senior Manager or (if absent), with the WADA Communications Director.

Financial Support

WADA shall provide the necessary administrative and operational resources for meetings. WADA will meet all travel and accommodation costs, as well as most meals onsite. A daily indemnity is provided to cover incidental costs during travel to and from the meeting.

Where meetings are held virtually and meet certain rules such as a minimum duration, a daily indemnity for virtual attendance is disbursed.

³ WADA's Foundation Board approved a set of governance reforms in November 2018 at its meeting in Baku, Azerbaijan. In 2019, WADA's Statutes were modified to reflect these reforms, and a new set of bylaws and operational regulations were created to supplement the formal Statutes. They were approved by WADA's Foundation Board in November 2019 in Katowice, Poland.

It is acknowledged that some experts go above and beyond, including providing extensive advice throughout the year, outside of annual meetings. WADA offers a further daily indemnity to experts for such work carried out. The specific indemnity details are outlined in the full “Overview of WADA Expert Advisory Groups” document provided to Members on appointment.

Effective Date and Future Review of ToR

These ToR come in effect on 1 January 2021.

Whilst the ToR for all WADA EAGs are reviewed annually, the procedures for creating/supporting/managing the EAGs will be reviewed at least every three years to ensure they remain appropriate and applicable.

These ToR are published on the WADA website.