

**Minutes of the WADA Executive Committee Meeting  
11 May 2016, Montreal, Canada**

An in-camera session was convened between 9.00-9.20am.

The meeting began at 9.25a.m.

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

THE CHAIRMAN welcomed the members to the Executive Committee meeting. The agenda was full and interesting.

Dr Stofile was absent; he had taken on the chancellorship of a university in South Africa, and Mr Kaloko, the Commissioner for Social Affairs in the African Union, was also absent.

The following members attended the meeting: Sir Craig Reddie, President and Chairman of WADA; Ms Valérie Fourneyron, Health, Medical and Research Committee Chairperson, Member of Parliament, National Assembly, France; Ms Beckie Scott, Athlete Committee Chairperson; Mr Gian Franco Kasper, IOC Member and President of the FIS; Mr Francesco Ricci Bitti, Chair of ASOIF; Professor Ugur Erdener, IOC Member, President of World Archery; Professor Eduardo Henrique de Rose, President, PASO Medical Commission; Mr Tony Estanguet, IOC Member and Member of the IOC Athletes' Commission; Ms Thorhild Widvey, Representative of the Norwegian Government, Norway; Mr Marcos Díaz, CADE President, Dominican Republic; Mr Kimura, representing Mr Tsutomu Tomioka, State Minister of Education, Culture, Sports, Science and Technology, Japan; Mr Godkin, representing Ms Sussan Ley, Minister for Sport, Australia; Mr Edwin Moses, Education Committee Chairman, Board of Directors, USADA, USA; Mr David Howman, WADA Director General; Mr Olivier Niggli, Chief Operating Officer and General Counsel, WADA; Mr Tim Ricketts, Standards and Harmonisation Director, WADA; Mr Rob Koehler, Deputy Director General, WADA; Ms Catherine MacLean, Communications Director, WADA; Dr Olivier Rabin, Science Director, WADA; Dr Alan Vernec, Medical Director, WADA; and Mr Frédéric Donzé, Director of the European Regional Office and IF Relations, WADA.

The following observers signed the roll call: Eva Bruusgaard; Warwick Gendall; Rune Andersen; Shin Asawaka; Sergey Khrychikov; Ayako Ito; Tatsuya Sugai; Rafal Piechota; Andrew Ryan; Adam Pengilly; Jugo Imaizumi; Christian Thill; Richard Budgett; Matteo Vallini; and René Bouchard.

– **1.1 Disclosures of conflicts of interest**

THE CHAIRMAN asked the members if they had any potential conflicts of interest.

MR GODKIN noted for the record that the Australian Parliament had been dissolved, with an election called for 2 July; caretaker conventions had therefore commenced, and he would be observing those conventions at the meeting.

**2. Minutes of the previous meeting on 17 November 2015 in Colorado Springs**

THE CHAIRMAN drew the members' attention to the minutes of the previous Executive Committee meeting, held in Colorado Springs on 17 November 2015. The members had had an exciting journey to and from Colorado Springs. The minutes were very full; they had been circulated, and he was not aware of any written observations that had been brought to the attention of the WADA management. If nobody had comments on them, he assumed that they could be accepted as a true record of the meeting.

DECISION

Minutes of the meeting of the Executive Committee on 17 November 2015 approved and duly signed.

### 3. Director General's report

THE DIRECTOR GENERAL informed the members that he would approach his report in the normal way, but he also wished to raise a couple of extra issues orally. He wanted to complete his report before he dealt with meldonium, which was a separate topic that would raise separate issues.

The first issue in his report related to UNESCO. There was a memorandum of understanding with UNESCO, which he attached to his report for information. It was being implemented in a practical way, including attendance at bureau meetings, voluntary fund meetings, and exchange of communications, which had helped the relationship that WADA had with UNESCO. There were two countries in the pipeline for ratification: Sierra Leone, which had not yet provided the hard copy of the documentation required by the UNESCO lawyers in Paris, but had given a soft copy, so WADA had seen the document; it had just not turned up in Paris. The second country in process was Laos, and again the soft copy had been seen but not the hard copy. Letters had been sent by the director general of UNESCO to countries deemed to be non-compliant under the convention by UNESCO the previous year. The issue or substance of the correspondence was such that those deemed to be in that category had been given until February 2017 to undertake remedial action and become compliant. The last issue relating to UNESCO was the way in which it went about accepting and adopting changes to the Prohibited List and the TUE standard. Both were processes in place; WADA had no problem with them, but they did require governments to respond or not respond within 45 days. WADA wanted to make sure that the governments were aware of the process.

Regarding Interpol, the WADA President and Interpol officials had met with relevant people in Lyons earlier that year and, as a result, had been able to develop the way in which WADA went about its memorandum of understanding with Interpol. It was a very fruitful relationship and one that would lead to more helpful operations and practicalities.

In the same vein, WADA was about to have a person seconded from the French government to the World Customs Organization (WCO), and he looked forward to that happening in the coming weeks and having an effective relationship with that body, as promised several years previously. He was very grateful to France and looked forward to the practicalities that would eventuate.

He had briefly mentioned two countries that had come up over the years in his report: Brazil and Kenya, and he had to say that both of the countries were dealt with elsewhere in the papers, and from then on they would be under Mr Koehler's report on NADOs. To ensure that the countries were at the forefront of the members' minds, he noted that, in Brazil, the promised presidential decree had in fact been delivered prior to 18 March. It had to be approved by the parliament, as it had three months from the issue of such decree to ensure that it became law. The other aspect of the legislation in Brazil related to the formation of a tribunal to deal with anti-doping rule violations, and that was also the subject of some form of regulation or legislation. In terms of issues taking place on the ground leading up to the Olympic Games in Rio, the task force set up by the IOC had met at the end of April, and Mr Koehler would deal with that issue later in the day.

Kenya had really been taken over by the Compliance Review Committee, and it was better for him to make no further comment but to allow Mr Bouchard to talk about it when he presented the Compliance Review Committee report later.

Turning to the aspect of management, it was incumbent upon him to inform members of the extra amount of work that the WADA management had had to undertake as a result of non-compliance decisions. Primarily, that had to do with human resources, but there were also some significant financial costs that had been borne. In the corporate world, compliance programmes often operated on the basis that those investigated met the cost of such investigation, and that was an incentive for those being investigated to cooperate to reduce the cost that they might eventually have to cover. That might be an issue that WADA could consider as it went forward. Also, the concept of monetary penalties or costs on non-compliant signatories had to be considered. That had been put forward as a recommendation by the Compliance Review Committee, and he looked forward to it being discussed later in the day.

In his report, he referred to priority issues for 2016. There were no surprises there. If anybody wished to ask him about what the management was doing about each of those, he would welcome questions at the end of the report.

Regarding the Special Research Fund, WADA had had until 31 March that year to receive contributions from governments, and he was pleased to advise members that WADA had received 5,839,255 (US) dollars by the end of March. The IOC had matched all of that but for 285,810

dollars, which WADA would be receiving by 20 May that year, so WADA was complete with the Special Research Fund. In addition to the more than 11.5 million dollars, there were 4.5 million dollars within the Partnership for Clean Competition (PCC), also designated for innovative research, and WADA was part of their decision-making process to ensure that there was no duplication with WADA projects. Further, the IOC had left in its pot of 10 million dollars, 4.1 million dollars which was being spent in addition on innovative research. WADA therefore had nearly 20 million dollars, which it had not had two years previously, and that was testament to the commitment by governments and sport. He thanked everybody for that commitment.

In November, the WADA President had challenged governments to put money towards a special investigation fund, and he was pleased to note that, to date, WADA had monies totalling 443,314 dollars in relation to that fund, and there were some extra potential contributions from countries WADA would be meeting over the coming weeks. In his report, there were a couple of countries mentioned. He added Denmark, which had provided 100,000 dollars, and Japan, which had provided 20 million yen, which came to 186,614 dollars. He thanked all those who had contributed and looked forward to extra contributions. He understood that the President had raised the issue of matching contributions with the IOC, and might add to his comments.

WADA had made some progress with the major leagues. WADA had met with all of the major leagues except for basketball in February. Baseball was conducting new talks with its players' association, and was hopeful that progress shown towards getting closer to the Code would continue. There had been a positive response from the NHL, which was looking at using the Code entirely for the hockey world cup, to take place later that year in Toronto. He was hopeful that that sort of progress would continue and show itself in the other leagues.

The partnerships and cooperation projects were listed in his report. He made special mention of the NADO project in which some of the more experienced NADOs were partnering with those that were less experienced and needed help. There were nine NADOs engaged in that work and WADA was looking forward to engaging six more. That was a very healthy progress report. There were 15 IFs involved in the project that WADA was running to increase the quality, efficiency and capacity of the IF programmes, and WADA was thankful to those who had cooperated with WADA on that project.

He noted the IF-NADO ad hoc group, which had met a couple of times, and had produced guidelines as to how NADOs could work effectively with IFs and vice versa.

There was a specific item in his report on National Federation (NF) compliance, something he had raised over the past 12 months. WADA did not monitor NFs. It could not possibly include NFs as signatories and conduct its compliance programme in relation to them, so it relied very heavily on IFs to assist WADA in monitoring their own members. As an example, there was the Russian athletics federation, which had been suspended by its international parent, the IAAF. That was a way in which IFs could assist WADA. He was not suggesting that WADA should take on a bigger role, but was suggesting that WADA should work more closely with the IFs to ensure that, when problems arose, it could liaise with the IFs to deal with them. Most of the problems related to legal cases conducted at a national level by what he would describe as autonomous NFs.

In relation to raw materials in China, WADA was very grateful for the cooperation provided by the Chinese Government. There had been two meetings in China. The Chinese Government was pursuing laws that could be effective in the country. WADA and the Chinese Government were working with Interpol to ensure that there could be an effective exchange of information, and he thought that was a very good step in the right direction.

Finally, regarding the issue of food contamination, WADA had discussed it relating to Mexico and China in the past. In Mexico, the problem was continuing and, at a meeting of the Americas governments, he had been informed by the laboratory director that 106 clenbuterol cases had not been pursued in Mexico because the laboratory director had said that there was a high likelihood of food contamination in relation to those samples. WADA was conducting a research project in Mexico, and it was concerned that the problem had gone from Mexico to Guatemala, so it was not something that was going to go away. In China, there was a similar problem. Result management authorities had adopted a different approach in China, and any athlete who had returned a positive sample relating to clenbuterol had been warned, so there was an effective first violation strike against that athlete. WADA continued with the research and had some ideas in relation to better harmony in respect of result management, and there would be a report to the Executive Committee at the September meeting.

That concluded his report. He would talk about meldonium after comments and questions.

PROFESSOR ERDENER thanked the Director General for his very comprehensive report. He had two comments in relation to two different topics, the first of which was related to Brazil. The Olympic Movement welcomed all the efforts made by Brazil. The NADO had been declared compliant, and that was important, but effectiveness was important, and additional efforts were required. As mentioned, there was an IOC-WADA task force working very hard on the subject, and he expected no major problems.

The second point related to the testing authority. During discussions, an independent testing authority under the leadership of WADA had been referred to, and he was a little confused as to the current use of the term single testing authority. The Olympic Movement fully supported the new body, as it was necessary. Also, there was reference to team sports and representatives of team sports; however, sport was sport, so why were team sports referred to?

MS WIDVEY said that, in Europe's opinion, the independent investigation had facilitated the fight against doping in sport and it regarded such investigation as a useful additional working method. However, more information was needed on the anticipated costs, the investigations needed and how the new working method related to WADA's regular programme of activities. Europe proposed a general debate on present and new working methods, and which tools and means were considered appropriate in various scenarios when it came to monitoring compliance.

MR ESTANGUET congratulated the Director General on his report, and underlined the athletes' concerns regarding Brazil and Kenya. He encouraged WADA to make sure that there would be a more effective situation in those two countries, as WADA could not afford a new drama in Brazil during the Olympic Games, and he fully agreed with what Professor Erdener had just said about effectiveness beyond compliance. WADA should try to make sure that anti-doping activity would be very effective during the Olympic Games, and he would like more information on the conclusions of the task force.

He also welcomed cooperation from different NADOs in relation to Kenya, and that would be a topic that would be discussed later, but stronger consequences for non-compliance on the part of NADOs, as WADA could not afford to have that topic always on the agenda, and had to make sure that there would be negative consequences if countries were non-compliant. That was his final comment on how WADA could deal with stronger consequences for non-compliance.

MR RICCI BITTI thanked the Director General. On a personal note, he had enjoyed listening to the Director General's reports for more than 10 years. He commented on the cost related to non-compliance and investigations. His position was very precise. Trying to recover costs related to non-compliance was a very good aim, although it was very difficult to implement with many signatories, so he advised the Director General not to be too optimistic.

Regarding the intervention made by Ms Widvey on investigations, he believed strongly that a body on non-compliance should have internal investigation capacity and should not be obliged to appoint, for special cases, investigations that were very expensive. He would come back to the fact that WADA needed more money in his finance report, but he strongly recommended having inside investigation capacity because, for a non-compliance body, investigation was a key activity when it came to good compliance activities. That was his position. WADA should encourage the development of investigation capacity within WADA as a permanent activity, and that obviously required some consideration of the costs, and no more should be incurred with independent commissions that attracted a great deal of media attention but were very expensive.

MR KIMURA said that, in response to the request of the President for contributions to the investigations fund, Japan had expressed its intention to contribute 20 million Japanese yen, equivalent to 180,000 US dollars, through the Asian anti-doping foundation. Japan was highly interested in international cooperation, in particular looking to Tokyo 2020, which should be doping-free. Regarding the financial contribution, Japan was willing to consider the possibility of cooperation, so he asked WADA for the prompt and continued provision of information to the members in that regard, especially because Japan would like to be consulted as to how the fund would be used in the future.

THE DIRECTOR GENERAL thanked Professor Erdener for his comments. He certainly agreed about the efforts yet to be made in relation to Brazil, and the task force was dealing with the practical issues. The programme for the Olympic Games would be fine. The issue was really the effectiveness of the NADO both before the Olympic Games and after. That was still on the table and needed to be resolved. The second point that Professor Erdener had raised related to item 3.2 on the agenda, and he would leave that for Mr Niggli to respond to when he produced his comments shortly.

He thanked Ms Widvey for the comment. Her suggestion about a general debate sounded like a very useful topic for the think tank that was being planned for the following year. The idea was to have a general debate about issues that required more consideration and scrutiny than could be given during the meetings. That would be a topic that Mr Niggli would put down on the list of things that could be talked about at that event.

He heard Mr Estanguet's concern and agreed with it and noted that WADA must work to support the athletes. That was a good example of it. The compliance programme to date had mostly looked at the rules. That was not the end of it. WADA was developing a really good programme to look at the effectiveness of the practice of those rules. The members would hear about how that was developing. That would be implemented further the following year with those WADA felt were not conducting the practice properly and, if there were specific instances that came to WADA's attention, they would be dealt with immediately through the independent committee.

The consequences of non-compliance would be dealt with later in the day, and he looked forward to the discussion and debate on that, since it was a very important issue. Mr Ricci Bitti, as Chairman of the Finance and Administration Committee, agreed.

He thanked Mr Ricci Bitti for his personal comments. He had been friends with Mr Ricci Bitti for a long time and he looked forward to that friendship continuing, even though he would not be in Montreal. Mr Ricci Bitti was right: there were different ways of conducting investigations. WADA was preparing a detailed paper to explain that. WADA could conduct an investigation in a number of ways. It could be done through WADA's investigators. WADA was looking for a new chief investigative officer; such position would be filled in the coming months, and that person would be able to conduct the programme in a more effective way. The officer would need additional investigators, employed by WADA, but more importantly, more investigators around the world who could be commissioned. WADA did not necessarily need a full-fledged independent commission, but could look at other ways in a sensible fashion to ensure that the costs did not get out of control.

He thanked his colleague from Japan for the comment and for the contribution made by Japan once again as an additional contribution to WADA's work. He should have mentioned in his report the other countries that had contributed: Romania had donated 2,000 dollars, New Zealand, 20,000 dollars, and Canada, 175,000 Canadian dollars, so there had been significant contributions from governments. The way in which the fund would be used would be developed, following discussions that the President was having with the IOC. There were some very detailed protocols that had been introduced in Copenhagen the previous year in terms of when and how WADA would do investigations, but there was a very important concept that everybody should be aware of: investigations were most effective when nobody knew they were being investigated. As soon as there was an open public policy or programme in place, people shut up. Therefore, WADA would be conducting its work in a sensible fashion, and undertaking work that was required through its investigators. Some of the work would be done to ensure compliance. That was the most effective way to do it. WADA would conduct that work without making it public. That was a very important issue that should be tabled.

THE CHAIRMAN asked the Director General to draw a breath and deal with the new word in the dictionary: meldonium.

THE DIRECTOR GENERAL stated that the management team had thought that it ought to deal with meldonium earlier rather than wait for the legal report at the end of the day. He knew full well that it had been a topic of much conjecture and discussion over the first months of that year. He was raising it to give everybody an opportunity to ask questions as to what had occurred but, once he had finished his intervention, he would ask Ms Fournayron to give her intervention on behalf of the Health, Medical and Research Committee, as he knew that she had a very good paper that she wished to present. Meldonium was a non-specific substance that had been placed on the monitoring list in 2015, which had been a decision of the Executive Committee in September 2014. It had consequently been put on the Prohibited List for 2016 following the Executive Committee decision taken the previous September in Copenhagen. It was a topic of a long period and process of consideration by the WADA Prohibited List group, and it had commenced as early as 2011, so it was not something acted upon in a sudden fashion. As a result of the positive cases received in early 2016, WADA had sought further research on the issue of excretion. WADA's management had, as a result of those efforts, issued a notice to all ADOs in early April that year. It spoke for itself, but he explained what it meant. The result management of all cases would continue if the athlete had admitted to taking the substance after 1 January. The issue related to those who had taken it prior to 1 January and had tested positive after 1 January. If there was evidence showing that the sample collected before 1 March had a concentration of between one and 15 µg/mL, WADA would await extra excretion studies, which Ms Fournayron would explain. If it was below one and

the sample had been collected before 1 March, it would be in the category of result management being stayed, and the provisional suspension, if imposed, could be lifted or continued at the discretion of the result management tribunal. Therefore, the issues WADA really needed to look at were those in which proceedings had been stayed and those in which the level was below one and the sample had been collected before 1 March. That could be compatible with intake prior to 1 January. If the ADO result management tribunal found (and it had to be a finding) that the athlete could not have reasonably known or suspected that the substance would still be present in their body after 1 January, a finding of no fault or negligence would be made. There had to be that finding, and WADA would not appeal that. That was the issue. There was therefore a category of cases that remained in the zone of being stayed and required further information, and he relied on Ms Fourneyron to explain the process of the excretion studies that would lead to those being resolved. His understanding was that the research would be complete before the end of June, and therefore those cases could be dealt with shortly after the end of June. He left it to Ms Fourneyron to explain the scientific approach.

MS FOURNEYRON stated that her view was that it was important for WADA to remain unbiased in areas in which medical practice was controversial whilst at the same time ensuring that its own actions were guided by robust clinical and scientific evidence. The meldonium case had shown that WADA's revisions to the Prohibited List could draw considerable and sometimes unexpected consequences and attention. As public scrutiny of the decisions intensified, WADA remained most credible when its anti-doping efforts were balanced and responsive to the most significant threats to clean sport. That was exactly what had been done in the meldonium case. In 2015, meldonium had been put on the monitoring list for good reason. The performance-enhancing factor had been duly documented, as had the fact that the product was used for reasons that violated the spirit of sport and ethics. The monitoring programme had provided further evidence that the product was widely used by some athletes with no medical reason with the intention of enhancing performance. Therefore, in September 2015, the Executive Committee had approved the Health, Medical and Research Committee proposal to add meldonium to the Prohibited List. The process to put meldonium on the Prohibited List had been neat, sound and clean. There had been and was still no doubt about the fact that meldonium had to be on the Prohibited List. However, afterwards, after certain highly visible cases, it had appeared that WADA had insufficient knowledge about the product elimination period; in other words, it was not possible to say how long the product stayed in the body and could be detected by anti-doping tests. WADA lacked robust excretion studies about meldonium. That had been recognised by the List Expert Group at its latest meeting on 21 and 22 April. The good news was that such studies should be made available over the coming weeks and they would be communicated to NADOs and relevant stakeholders as soon as possible. WADA's credibility stood only on its absolute scientific rigour and impartiality. Its credibility was on the rise. That had not always been the case. Science was the only thing that WADA should take into consideration to make its decisions credible. Not the political Code context, the sport context or the specific environment of a famous athlete, not the access mode to the molecule, not its availability over the counter or not, not political opportunity or concerns expressed by such and such a country. Only science. She could not say, however, that there were no lessons to be drawn from the situation through which WADA was going. Her personal conviction was that it could be helpful to improve process on a few points. When placing a product on the monitoring list, WADA needed to anticipate on the scientific level all the issues that could arise. WADA needed to ask whether it needed to collect more scientific data before making a decision. Excretion studies formed part of such data. Though excretion should not in any way become the fourth criterion to enter the Prohibited List, WADA needed to be more careful in the future. Excretion studies should not become compulsory criteria for the inclusion of a product on the Prohibited List; otherwise, WADA would diminish the capacity of the anti-doping community to react to new substances, which were increasingly difficult to detect. The good news was that, for the most common products, excretion studies were done by the manufacturers. That had not been the case for meldonium, manufactured by a laboratory with which WADA had not been able to cooperate. For the more exotic substances, therefore, WADA needed to be able to anticipate, and she thought that WADA should launch its own studies as soon as a product was considered for inclusion on the Prohibited List. That could be done through the WADA reactive research programme. The situation also called for continued efforts to strengthen WADA's cooperation with the pharmaceutical industry. She knew that information-sharing processes with the athletes about the changes to the Prohibited List could probably be improved. WADA needed to be able to better explain how a product got on to the Prohibited List, and she suggested increased cooperation with the Athlete Committee and the Communications Department to better anticipate similar issues in the future. She thanked all the departments of WADA, because a lot of work had been done during the past few weeks and months, and it was not yet finished.

THE CHAIRMAN noted that the Director General had given a factual statement on the process in which WADA had been involved, and Ms Fourneyron had given a very clear statement on things that WADA could learn and the scientific issues involved going forward. That was a good time to take questions.

MR RICCI BITTI fully supported what Ms Fourneyron had said from the point of view of the sport community. He thought that it had been a very good lesson for WADA; for instance, the clarification that WADA had issued had been a clarification, and the result of a big job had not been perceived or had been perceived as a step back by many in the community. He fully supported what Ms Fourneyron had said. WADA needed to think about the timing, about doing something before and not after inclusion in the Prohibited List, all the time if possible. It was a good lesson. He could only support what Ms Fourneyron had said and was ready to support any measure that WADA and the staff proposed for the future.

DR RABIN indicated that the List Expert Group had conducted retrospective and introspective work at its latest meeting three weeks previously and, as Ms Fourneyron had said, there were certainly some lessons to be drawn, but the members should bear in mind the fact that, at the time the decision had been taken, there had been no information available about the urinary excretion of meldonium, and WADA, with its network of scientists, had been very reactive in terms of providing research resources to support preliminary excretion studies and then excretion studies. He wanted everybody to bear that in mind, because what had been portrayed in the press was not exactly how things had happened, although that should come as no surprise to anybody.

THE CHAIRMAN asked if the report the following day would be given in the same fashion. It seemed to him that, if there was general support for the statement that Ms Fourneyron had made (he had had the advantage of seeing a copy of it), WADA should be very clear about how it should present that the following day and should have it available, because there would be much media interest in what WADA was going to do about that. The information about the time limit on scientific studies and the information on the lessons drawn from the process should be quite clear, and the Communications Director was undoubtedly thinking about how to deal with that, because that was one of the areas in which he thought there would be much interest. He supported the comments made by Ms Fourneyron to thank the staff at WADA who, faced with a very unusual situation, had worked long and hard to come up with what appeared to be a very reasonable method of moving the issue forward.

#### DECISION

Director General's report noted.

### **– 3.1 Independent Commission – part 2**

THE DIRECTOR GENERAL said that he had indicated to the members in November that the management would supply them with the progress made on the recommendations made by the Independent Commission. The members had before them the responses to the many recommendations that had been made. He would not say any more about that, but he would say that WADA had asked the IAAF for its responses to the second report provided by the Independent Commission in January, and he had on his desk its response. There were one or two issues in it that were confidential, as they related to ongoing cases, so he could not distribute it, but he could say that the IAAF had responded to every one of the recommendations; many had been completed and some were in progress and, following a discussion he would have with the secretary general of the IAAF, he would see whether he could distribute the document to the members, but it would certainly have to exclude the confidential information. If there were any queries or questions, he would be happy to receive them.

THE CHAIRMAN observed that it was a very comprehensive document, and nobody could say that WADA had taken the recommendations lightly; it was, in fact, trying to implement them as best it could.

#### DECISION

Independent Commission report noted.

### **– 3.2 Single testing authority**

MR NIGGLI stated that he would answer the two questions asked by Professor Erdener. Starting with the name, there was no copyright, and that was how it had been presented, but he would be happy to call it whatever name the members wanted to give it. It could be 'testing authority' without the word 'single'. He did not care; it was basically how it had been framed initially. The purpose of the discussion was to talk not about substance but about process. There had been an

initial meeting following the request made at the November meeting to study further what had been decided and what the IOC was proposing. The meeting had taken place on 21 January and he thanked all those who had participated in it, as it had been a fruitful long day of discussions. The members had the meeting notes in their files. There had been some conclusions, the first being that WADA needed to get more financial assessment of what that would all mean before pursuing the discussion further, and it had been agreed that WADA would go back to the IOC with a request that it potentially fund some consultants to look into that. That had been done; the IOC had agreed to fund a project with PricewaterhouseCoopers (PwC), because PwC was already involved with ASOIF in a survey being conducted with its members, and had good knowledge of some of the issues. That was something that was going to happen; it had actually started, and PwC was going to do a preliminary study on the financial implications of such a project.

WADA was proposing to operate at two different levels. One was to continue at the technical level. Obviously, there was a need for a discussion on what that meant, and how things could be done, which was a continuation of the discussion that had been held in January, and WADA was proposing to keep the core of the group but enlarge its membership, and that would answer Professor Erdener's second question. Currently, there was a group with two individual sports, one team sport, a representative from ASOIF, an IOC representative and WADA, and the proposal was to have two individual and two team sports and add two NADOs to the group, because they had knowledge from the coalface of how the programmes operated. He suggested that there be one from Europe, and Norway had agreed to partake in the work, and another, probably from Asia, to try to have some diversity, and that was currently being discussed. WADA also proposed to invite the SportAccord Doping Free Sport Unit, which was probably the closest model in terms of what was trying to be achieved, so it would be good to get its input. That technical discussion would take place after WADA received the report from PricewaterhouseCoopers, in order to frame something. Then there were obviously other questions that were more political in nature, and WADA proposed that they be addressed by a different group, a steering group of a more political nature, which would be chaired by Ms Fourneyron and for which each side, sport and government, would nominate five members. The proposed deadline would be one month. PwC had given mid-July as a date for its report. The technical discussion would be held after the Olympic Games, when WADA would be able to have attention again, probably in September at some point, and there would not be another Foundation Board meeting until November, so it would probably be useful to have the political group ready to start doing some work after the technical work had been completed. Something could be set up immediately but would start only once the technical discussion had concluded. That was the proposal on the way forward, and it was on the table for the following day. He would be happy to take questions.

MR RICCI BITTI said that he thought everything was supported. It was a challenge; the IOC obviously supported the investigation and feasibility of all the better processes of testing. He supported the working group continuing in a formal way instead of an informal way. There should be a very clear and precise composition in terms of members. He also supported the proposal regarding the steering committee, as well as having Ms Fourneyron as the chairperson, but he needed to know the aims. That meant that the steering committee should tackle the matter of how to cooperate between the NADOs and the new unit, as it was still a very blurred area, and it had to be dealt with, as it continued to be a problem in relation to WADA in general: the effectiveness of the system and cooperation between the two sides, so he hoped that the steering committee would resolve such problems. He sought clarification about the aims of the committee.

PROFESSOR ERDENER thanked Mr Niggli for his very detailed explanation. There would be two representatives from ASOIF and the winter sports on the steering committee. They could easily represent all Olympic sports. There would be no need for individual or team sport representatives. That was his personal view.

MS WIDVEY said that, in principle, Europe also supported the idea about establishing such a group – a single authority for international sporting organisations; however, the creation of such an authority must not compromise the role of WADA as a unique international regulator in the anti-doping field which took full responsibility for standard-setting and monitoring activities. She found it necessary to underline that on behalf of the European countries. The establishment of such a single testing authority could not be done under the authority of WADA, as that would compromise the independent role of WADA, meaning that WADA would not be able to monitor itself and its own testing activities if the senior testing authority were under the jurisdiction and direction of WADA. She also had some comments about the political group, because there had been a discussion among the European governments and also that morning at the informal meeting, and Europe had been somewhat sceptical about establishing the political group, although she did think that it was mostly the hurry to find names. She suggested that the names for the group members be given by

1 September and not by 15 June as suggested initially, and she could support the group. She also had another comment, that there would be no preliminary report presented at the Executive Committee in September, but probably in November 2016. There were also some more terms of reference she wished to propose. First, to develop the concept of a single testing authority and make recommendations on its institutional obligations, links to WADA, the IOC, the IFs and the governments. Second, to assess possible alternative models of independent testing; and third, to examine the implications of the creation of the authority for WADA, the NOCs and IFs. If that could be added, she thought that Europe would also be able to go for it.

MR KIMURA appreciated the proposal based on the detailed and useful discussion held by the working group to date. Japan supported the proposal to further consider a single testing authority in the informal working group and the steering group, with Ms Fourneyron as the chairperson, since Japan deemed it important to consider the way to ensure the independence, transparency and accountability of anti-doping testing, and was also interested in further discussions on the mandate of the steering group as suggested by the minister of Norway. Japan was keen on being directly involved in the discussions in the proposed steering committee as host country of the Olympic Games in 2020 and the Rugby World Cup in 2019, and therefore intended to nominate an official from the Japanese Government as a candidate for membership of the steering committee after consultation with the Asian members of the Foundation Board.

MR ESTANGUET added a short comment regarding the single testing authority to make sure that the athletes would also be well informed about the process. He did not know if it was a good idea or not to have an athlete representative on the steering committee, but he wanted to make sure that there would be a link with the WADA Athlete Committee. Also, regarding an earlier comment made by his colleague about the concern from the athlete community, and from what Mr Ricci Bitti had said in relation to investigations, he liked the principle of WADA having permanent investigations but also the ability to test within WADA; he thought it would strengthen credibility vis-à-vis the athlete community. He knew it was not the first role of WADA, but he liked the idea of strengthening the agency in that way and making sure that WADA would investigate and test more. It was a good way to work on those objectives.

THE CHAIRMAN noted that a good range of comments had been made.

MR NIGGLI started by responding to Mr Ricci Bitti's comment. At the moment, skiing was present as a single sport, and it had a dual role, as it represented skiing and the winter federations. Tennis was an individual sport; ASOIF was represented by its director, and FIBA was represented as a team sport. He proposed adding another team sport, and would be happy to receive suggestions from ASOIF after discussion with the IOC, and then include two other NADOs and the SportAccord DFSU to ensure expertise around the table.

He also answered Professor Erdener's question. ASOIF was in the technical working group; not the steering group, but the working group. It was important to have people who had experience from the coalface. WADA wanted people who were actually organising anti-doping programmes within IFs to be able to address the real practical challenges, so the presence of both would be quite helpful.

To answer the minister and to try to be helpful, WADA was trying to facilitate the process more than anything else, so he thought it would not be a problem to delay the nominations until September. As he had said, the timing was such that WADA would be involved in the technical, not the political, work at that stage.

The terms of reference came from the discussion on 21 January. They were obviously not set in stone and, if governments had other points to make, there could be a final discussion in September at the Executive Committee to agree on the terms of reference and then finalise them at that stage. The points in there at that time were those that had been obvious following the January discussion, and that would also answer the question asked by the Japanese member in terms of agreeing on the role. There were obviously important questions of principle to be discussed.

To answer Mr Estanguet, the way in which WADA proposed the steering group gave the possibility for each of the constituents to mirror the Executive Committee, which could include an athlete if the sport movement so wished.

THE CHAIRMAN said that he was actually very encouraged by that discussion, because WADA was actually asking the kinds of questions that needed to be worked on in great detail. There was a whole range of options, which might not be apparent immediately, but that represented a fairly major change in the anti-doping world and, if WADA was going to do it, it had better get it right. If WADA was going to drive it and have somebody else do it, it had better get it right. All of those questions were out there, and it seemed to him that many of them had been asked in some way by

the comments made around that table. WADA would press on on that basis, and he thanked the members for their consideration. As they would know, it was a project that was very close to the heart of the IOC president and, at the Olympic summit, he had been asked whether WADA would undertake the discussions about it. He had said yes, and the IOC was actually funding quite a lot of the discussions and, in particular, the work that was necessary by PricewaterhouseCoopers to tell WADA crudely what that would cost, so there was a great deal of interest and approval as WADA moved forward.

#### DECISION

Recommendation on the single testing authority approved.

#### – **3.3 Ethics panel**

THE DIRECTOR GENERAL provided the members with the report from the ethics panel that had met earlier that year, so that the members were aware that WADA had effectively recommenced work with a new panel. The members would see the CVs of the members: a group of very bright people who had addressed a number of issues at their meeting and were planning to have telephone meetings regularly over the year. WADA would provide further reports from them during 2016. He thought the report and the minutes from the meeting spoke for themselves.

THE CHAIRMAN asked for comments or questions. The panel was a very distinguished group of people and he thought that WADA was lucky to have them.

MR RICCI BITTI said that the IOC had asked for the most recent version of the Olympic Movement medical code to be considered to avoid misalignment.

THE CHAIRMAN responded that he thought that they might be working on one that was slightly out of date, in which case they should certainly have the up-to-date one before beginning deliberations.

THE DIRECTOR GENERAL said that he was aware of that and would pass the most recent model on to the committee so that it was not working off a previous one.

#### DECISION

Ethics panel update noted.

### **4. Operations/management**

#### – **4.1 2019 World Conference on Doping in Sport**

THE CHAIRMAN noted that, almost by tradition, WADA held a world conference once every six years, so 2019 looked as if it might be the year.

THE DIRECTOR GENERAL informed the members that the management had had discussions with the President and it seemed that it would be a very good idea if WADA had a World Conference on Doping in Sport in 2019, not for the same purpose as in the past because, in Madrid and Johannesburg, changes to the Code and the standards had been discussed. He did not believe WADA ought to be doing that then or in 2019. He thought that the current Code needed to be settled, and there were certainly good indications that it was working well. There was, however, a good opportunity to hold a World Conference on Doping in Sport at the time when the presidents changed, to express gratitude to the outgoing president and to welcome the incoming president. Around that, he thought that WADA would be able to organise a conference with healthy discussion and debate on topics that would be of interest to the anti-doping community in general. His proposal was to ask the Executive Committee to recommend to the Foundation Board that WADA do that, so that the management could get on with seeking expressions of interest for a host city. The members would see in their papers that the management hoped to present a list of those who might be considered as host cities or countries at the May meeting the following year. If the Executive Committee members had any questions, he would be happy to answer them, although he would appreciate it if the members would recommend to the Foundation Board that it follow that process.

MR RICCI BITTI noted that the sport movement obviously supported that there be a World Conference on Doping in Sport, and also supported what the Director General had just said. To be very clear, he did not want to talk about the Code, as he believed that it was currently very good; the issue was the implementation of the Code, and he believed that the single testing authority could be an item, but those were the kinds of matters to be dealt with at the World Conference on Doping in Sport.

THE CHAIRMAN countered that he was not entirely sure that the testing unit would be on the agenda in 2019, but he was not going to get drawn into a discussion on that at that time. Were the members happy to go ahead with the proposal? As they could gather, it was a big event, with up to 1,500 and 2,000 people. As a big event, it had to be well organised, and it should be very attractive to a number of cities, as the economic impact would be considerable. The Executive Committee would recommend the proposal to the Foundation Board the following day.

#### DECISION

Executive Committee to recommend to  
Foundation Board proposal regarding 2019  
World Conference on Doping in Sport.

#### – **4.2 Endorsement of Foundation Board composition for Swiss authorities**

THE DIRECTOR GENERAL said that the members had a paper before them indicating the endorsement of the composition of the Foundation Board the following year and, more importantly and more usefully, a modification to the register of commerce, which would allow Mr Niggli to replace him as director general and have signing capacity for WADA documents and so on. He suggested that the Executive Committee recommend that the Foundation Board accept the composition of the Foundation Board as presented. Having said that, there was a vacancy on the Foundation Board: the position not filled by the European governments when Russia had been removed from the Foundation Board the previous year. That was something he hoped would be remedied before the Executive Committee met again.

THE CHAIRMAN said that he agreed with that and would leave the European governments to consider that.

#### DECISION

Executive Committee to recommend to the  
Foundation Board that it approve the  
composition for the Swiss authorities.

#### – **4.3 Modification to Swiss Register of Commerce**

THE DIRECTOR GENERAL informed the members that the item concerned a modification to the register of commerce, which would allow Mr Niggli to replace him as director general and have signing capacity for WADA documents and so on.

#### DECISION

Proposed modification to Swiss  
Register of Commerce approved.

### **5. Athletes**

#### – **5.1 Athlete Committee Chair report**

THE CHAIRMAN welcomed Ms Scott to the meeting. He was afraid that the athlete report was behind a few other items that day.

MS SCOTT informed the members that her report came after an Athlete Committee meeting that had taken place in March over two days in her home town of Canmore in Alberta, and she would talk about outreach activity before coming to the outcomes. On the second day of meetings, the committee had met with a local emerging group of skiers, ski racers and their coach, and had had an opportunity to take in a world cup ski race, get some ski lessons and actually do a little race in conjunction with the FIS Snowkidz programme and supported by them. It had been a very enjoyable activity, with a lot of fun and laughter. In hindsight, it had been very important, as she had been contacted by the coach following that to let her know that she had been very inspired by the meeting, and was going to the website and downloading resources for the children, and the children were asking a lot of questions about anti-doping and integrity in sport. She had been booked to go back and speak to the children again in September. All of which was to say that the impact and power of outreach were often not appreciated, but she had witnessed it first-hand and thought it very important and effective for that particular group in Canmore. She had been very pleased about the outcome of that.

In terms of the outcome of the meeting, in what she would call an extraordinary measure, there had been only one significant outcome, which was an open letter renewing the call to expand the investigation into Russian doping, following the release of the report of the Independent

Commission into Russian athletics the previous autumn, and also to announce the Athlete Committee's public support for the whistleblowers Vitaly and Yuliya Stepanov. That had been posted on the website and could still be found there. The members might recall that the Athlete Committee had originally put out the call in November the previous year, almost immediately following the report, and had been disappointed with what it perceived to be a lack of decisive action and follow-up in the wake of a 300-page report detailing one of the most comprehensive and organised systems of doping and cheating in international sport that had ever been brought to light. It was a report in which the authors described 'a culture of cheating' and stated on several occasions the implausibility of the system being in place to service only track and field athletes. That the curtain had been pulled back to expose such widespread corruption and doping and prolific abuse of the rules and laws of ethical sport and only one small percentage of the athletes taking part in it would be facing consequences was almost incomprehensible, and indeed the lack of action and follow-up combined with the growing sentiment among the athlete community that there were many leaders in sport who just wanted that to go away had led to a barrage of letters to the Athlete Committee from athletes around the world asking it, as the voice of clean athletes, to do more, to ask for more and to please stand up for the rights and protection of the clean athletes. WADA had received communications from athletes from all sports from all over the world, including but not limited to the FIS, the IBU, the IBSF, the US NOCAC, the German NOCAC, the Canadian NOCAC, the British NOCAC, curling, swimming, etc. She could go on, but would stop there because what she really wanted to do was highlight the fact that nationality and sport did not seem to be as significant a factor in that movement as the emotional and growing call from athletes for leaders of sport to stand up for the protection of clean, legitimate athletes and for sport with integrity. Buy-in from the athletes was a fundamental and crucial part of the anti-doping landscape. When that was lost, the movement really suffered. The Athlete Committee continued to ask for more to be done, and maintained its position that the protection of clean athletes and fair sport should be at the heart and forefront of all decisions. The Athlete Committee proposed that WADA have the authority to impose swift and decisive sanctions in extraordinary circumstances such as the ones from Russia that had come to light and stood by its encouragement for WADA to continue to drive investigations, probe further and look into ways and means of information-gathering to bring back the confidence, trust and faith of clean athletes.

THE CHAIRMAN thanked Ms Scott and asked for observations.

MR ESTANGUET thanked Ms Scott for her report and noted that he wished to support the main proposals that came from the Athlete Committee report. He also wanted to echo the concern felt among athletes. There was a challenge to take up in relation to the athletes' trust and confidence in the anti-doping system and the organisations dealing with anti-doping. That was why what Ms Scott had proposed was fundamental. WADA had to expand all investigations and needed to set up a permanent investigation committee within WADA, even if WADA did not always have all the information that appeared necessary to launch an investigation. However, if WADA were to take a strong stand and have a permanent unit internally, it would be a very efficient deterrent that would reinforce the fight against doping in sport. In relation to sanctions, he could only echo what Ms Scott had said. WADA's Executive Committee and Foundation Board had to really think about a good and efficient deterrent, go further and find all possible leverage. He referred to the athlete entourage, accreditation during the Olympic Games and other possible measures. WADA needed to go much further when it came to sanctions, especially for non-compliant stakeholders, and withdraw them from certain competitions and events. There should be a strong strategy in terms of sanctions, and then the athletes would be true stakeholders. There should be greater transparency, because one suspected the ADOs. Then there was talk about independence and efficiency on a day-to-day basis, and what happened with the different laboratories. There were certain parts of the world in which there were no laboratories, and that was also something that should be dealt with. Finally, the athletes always mentioned education, prevention and how WADA could simplify matters and teach or help athletes to find out more so that the anti-doping aspect was more readily understood. There should be more positive communication. WADA was regularly attacked by the media. WADA should go out there and positively communicate to the world about anti-doping activities.

MR NIGGLI said that, from the management's point of view, it was fully committed to doing what was right for the clean athletes. It was preparing a comprehensive response to their call, so that WADA could efficiently deal with the situation, including obviously beefing up the investigation department. Also, as could be seen from the website, WADA was in the process of recruiting a new director, and the logic was that, once that person was in place, he or she would be responsible for ensuring that he or she would have an efficient team around them. That was clearly a priority. WADA was developing a whistleblower programme, which was work in progress. WADA wanted the person recruited to be involved with that, but that was ongoing. WADA had already updated its

website on that. The management was requesting that doping control forms and TUEs be entered into ADAMS, as WADA was being told that the steroid passport was a minefield of information that would help WADA target investigations in the right place; however, in order to do that, WADA had to have the right information, so WADA was pushing for that to happen. WADA was beefing up the compliance programme, and investigation and compliance would be linked together. WADA would do everything possible to put things together and would obviously conduct investigations when necessary. WADA had worked with FINA to make sure that it would investigate some of the allegations, and it had agreed to do so and was working with an independent investigator. WADA had already requested some information following the 60 Minutes programme so as to handle that matter. From a management perspective, WADA was fully committed and would do everything it could.

THE CHAIRMAN added that, as WADA discussed improvements to the compliance programme, the issue arose as to whether WADA would be given power to turn round and say that France was not compliant. That was a big ask. From the athletes' point of view, he was sure that that was exactly what they would want to happen, but that was a debate that needed to take place. He hoped that the athletes were happy with WADA's immediate response to the things that had appeared on CBS that week. WADA would look at that and would need that evidence.

MR MOSES agreed with what Ms Scott and Mr Estanguet had said about how involved the athletes were, and he appreciated what Mr Niggli had said about how WADA was trying to put the proper pieces in place. However, from the athletes' point of view (although he was no longer an athlete), it was an Olympic year, and everything was at stake for them over the next few months; so, when the athletes were looking at what was going on in Russia, for example, it was only logical for them to think that athletes were not being tested. They were not getting any information and, as far as the athletes were concerned, it was not transparent, as they did not know what was going on over there. All the information was contained within WADA and the working groups. That was the Olympic year; for summer track and field athletes, it was their whole life, and he did not believe that the satisfaction and confidence of the athletes was where it should be. So, from an emotional point of view, WADA had to understand that the athletes were putting it all on the line. Based on the 60 Minutes programme and the allegations, they did not think that they were going to be participating on a level playing field and, although WADA was doing its best, his perception if he were an athlete would be that it was not enough. The rubber was hitting the road; it had hit the road in Sochi, and there were huge allegations about that, so WADA had to do something, along with the IOC and all the relevant people, to ensure the athletes' confidence, as it was not currently there. That was the only year that mattered for athletes worldwide, so WADA's explanation that it was doing everything it could really did not make any difference, and it really undermined the confidence going forward that the athletes were going to be able to compete on an even playing field at the Olympic Games. It was kind of late that year to gain the confidence of the athletes but, in the following year or two, with the concept of a single testing unit, WADA would need to give serious consideration to what the athletes were going to feel and whether the athletes were going to throw their hands up and say that testing at the Olympic Games and national championships was a joke, testing in Russia and other countries was a joke, and move on. That, to him, was a real danger in that whole situation. How long did WADA expect the athletes to be able to hang on and hope for a level playing field when everything they saw and read was to the contrary? The Executive Committee could meet and talk about how it was going to solve the problems and put things into effect but, at the end of the day, the confidence of the athletes was eroding to the point that WADA might not be able to do anything about it and might never be able to recover from what had been reported in the press over the past five years.

THE CHAIRMAN concluded that the members would receive a factual report on what was happening in Russia. WADA had spent a lot of time with the IOC and people working on Rio, and had worked hard to produce a top-class laboratory in Rio in the hope that, when the athletes went to Rio, the system would work in the way it should. He really hoped that the expression that everybody had lost confidence would be proven wrong, and he suspected that the members would be happy too, as much work was going into that. The situation in Russia would be described by Mr Koehler later.

#### DECISION

Athlete Committee Chair report noted.

## 6. Finance

### – 6.1 Government/IOC contributions update

MR RICCI BITTI informed the members that he would take them through the finance papers as fast as he could. He would be available to answer any questions, together with the members of staff. He reminded the members of the Executive Committee that they had the duty to review and submit the recommendation for the 2015 year-end accounts to the Foundation Board the following day. The Foundation Board would be asked to review and approve what the Executive Committee recommended, and to hear the auditor's report.

A total of 81.22% of the budget of public authority contributions had been received to date. There was a split by region: in Europe, 1.7 million dollars were missing, with three major contributors (Italy, Spain and Turkey) still to pay. From Asia, the significant contributions missing were from Qatar, UAE and Bahrain. The situation was worrying in South America, because Brazil, Argentina and Venezuela had not yet paid. In Africa, South Africa, Ivory Coast and Morocco had yet to pay. Overall, WADA was okay, even better than the previous year. He had to mention that additional contributions had been received (237,000 dollars), and he had to thank Japan and Kuwait for those. Such contributions were welcome because they were very focused on certain activities. WADA had decided the previous year to reject the Russian contribution; it was not wise to accept money in certain circumstances, even if that meant making a sacrifice.

### DECISION

Government/IOC contributions update noted.

### – 6.2 2015 year-end accounts

MR RICCI BITTI informed the members that the year-end accounts were important. WADA had attained 99% of budget contributions from the public authorities, which was the same level as the previous year, and had received 716,000 dollars in additional contributions, from more or less the same people, including Russia, and he thanked the countries for their contributions. The members had received the breakdown of what he called voluntary contributions. It had not been a good year in terms of outside figures, because WADA had reported an excess of expenses and a loss against the profits budgeted. The major reason was the exchange rate, which was in the range of two million dollars, and also the excess in expenses of the investigation commission, which was a little bit higher, unfortunately, so that brought a final result of 1.166 million dollars negative before capital investment and so on, instead of the budgeted profit of 1.113 million dollars, so there was a gap of more than 2.2 million dollars. The exchange losses were unrealised losses, so did not affect the cash or reserves. The accounts had to be presented with that loss. He believed that a loss of more than 5% deserved some special attention. The IOC had also asked WADA to look at that. The Finance and Administration Committee had decided to minimise the exchange rate impact in the future by adopting a new financial strategy: not buying Canadian dollars when needed but only hedging, establishing what WADA needed month by month, to avoid that, which was an unrealised loss, but it did not look very good. It was too big, and it was the second year in a row that WADA had gone over 5% of its turnover. It did not look good, even though it was a matter of accounting rules that had to be respected. Although it was not real money (it was unrealised loss), he thought that something had to be done, and the Finance and Administration Committee had decided to do something starting from that year, with the month-by-month currency option. Capital expenditure had been 3.457 million against the budget, so 534,000 dollars less than budgeted. It was important to note that all the capital budgets had been completed in 2015; he had to mention two projects that had not been completed, meaning that there would be a carry-over the following year: online education and the compliance quiz. They would be noted in the following year's budget. The members had all the details, but could see that, in spite of the exchange loss, WADA needed only 270,000 dollars of cash reserves, so WADA was under the rule that it had imposed to be under the 500,000. To anticipate what he would say for the budget, that was already a balanced budget. WADA was an organisation that needed capital investment every year. WADA was a compliance body, so capital expenditure was part of the budget, and one could not stop at the profit and loss line. It sometimes looked as if it was not balanced, but it was more than balanced. He wanted to make a general comment that the overall financial position of WADA was stable; however, as mentioned many times already that morning, WADA needed more activities and, in his opinion, it had become imperative to increase funding. He believed that WADA needed to improve cash reserves and funding over the coming year.

His final important comment was that the report of the auditors was better than ever. There had been no negative comment on procedure and process, and he thanked the Finance

Department and in particular Ms Pisani, the Director of Finance. WADA was completely clean, even on paper, so the report was very positive. He asked the Chairman to ask the Executive Committee to agree to submit the recommendation if there were no any questions.

THE CHAIRMAN asked if the Executive Committee was happy to propose to the Foundation Board that the 2015 year-end accounts be accepted.

#### DECISION

Executive Committee to recommend to the Foundation Board that the 2015 year-end accounts be approved.

#### – **6.3 2016 quarterly accounts (quarter 1)**

MR RICCI BITTI informed the members that WADA received the majority of its money in the first part of the year and spent it throughout the year, so there was a theoretical profit of 11 million dollars, but only because WADA received the majority of its money in the first part of the year. The ADO symposium had been very successful and was on budget, and the ethical review working group panel and Independent Commission were coming in at high numbers, but he believed that the review of the 2016 budget would be undertaken at the special Finance and Administration Committee meeting that was always held in July and the committee would address the variances and would inform the members at the September meeting. Also, the cash available was in good shape; it was in the range of 16 at that time, and it was encouraging to note that WADA was not at risk. The members had all the figures and could see what had been going on over the three to four months in question.

#### DECISION

2016 quarterly accounts noted.

#### – **6.4 2017 budget – preliminary planning**

MR RICCI BITTI said that the members would see in their papers some budget options, which would undoubtedly be enriched by the Finance and Administration Committee in July and presented again. He had analysed the options in depth with the Finance department the previous day, and he believed that the 5% option would have to be added. The beginning of the process to prepare the 2017 draft budget had been undertaken by the Finance department and would be considered in depth by the Finance and Administration Committee in July, as he had said. The opinion of the management and himself was that there should be an absolute minimum increase of between 4% and 5% (his proposal would be 5%) including the 2% covering expenses, as the idea was to go back to WADA covering travel costs, which amounted to more or less 2%. With that in mind, he had to say that 4% was not enough, because the 4% option already prepared in the documents meant a depletion of 662,000 dollars of the cash reserve, which was higher than the 500,000 dollars established as a maximum. In terms of reserves, the Finance and Administration Committee had previously recommended building up reserves, because a two-month reserve was really not enough for an organisation such as WADA. The sport side knew what kinds of reserve the organisations took into consideration, from six months to one or two years' activity; he did not want to say that WADA had to put money aside or make an investment portfolio, but two months of activity was really not enough. More money would be needed to build up a reserve. His personal view, and he informed the members as a colleague and friend, was that 5% was the minimum that had to be considered for the following year; otherwise, it would be necessary to cut activities. Everybody asked WADA to do more things, and WADA was required to do a very high quality job, so it needed professional people with a lot of skills to cope with such requirements. When the Finance and Administration Committee meet in July to consider all the factors, and he hoped some factors would be favourable, the 5% option would be explored. He wished to respond to a letter from the CAHAMA: that meant a balanced budget, because WADA could not avoid considering the capital reserve. The 5% increase was a balanced budget. He concluded his report with that announcement. He would refer the members to the next report in September after the Finance and Administration Committee meeting. The 5% included the return of travel costs and allowances of the Executive Committee and Foundation Board members to the WADA budget. The IOC's request (made for a number of reasons) would be included in that 5%.

MS WIDVEY informed the members that Europe approved the 2015 end-of-year accounts, so she had no question about those. When it came to the 2017 budget, she had a few comments to make. First, Europe urged WADA to continue to propose a balanced budget for 2017. Europe would like to see several scenarios. She understood that the Finance and Administration Committee would probably end up proposing a 5% increase; nevertheless, she encouraged the Finance and

Administration Committee to come up with several scenarios, including a 0% budget, because there could be a situation in which WADA faced new challenges that might require additional funding in 2017 and beyond. Europe asked WADA to provide sufficient justification for the priorities to which the resources would be allocated and how that would help promote the fight for clean sport. There could be a situation whereby WADA would not be able to continue with its activities and did not have enough money in the budget, so the members would need to know where to cut costs. She understood that there was a discussion by the Finance and Administration Committee about finance going forward. Would it be possible to get a three- to five-year plan or something like that? Would the Finance and Administration Committee like to come up with a plan for the Executive Committee? It would be interesting to see how much money the Finance and Administration Committee expected for the future, so as to be able to see the priorities and work out where the money needed to be allocated in the future. She asked her colleagues around the table if it was the right priority to spend almost 3% on reimbursing the travel costs. Or, if the members decided that it was right to increase the budget, would it be right to use that amount in a different way?

PROFESSOR ERDENER said that, on behalf of the Olympic Movement, he fully supported the proposal made by Mr Ricci Bitti.

MR RICCI BITTI responded to the comments made by Ms Widvey. In theory, everything that she had said was completely right. In practical terms, the Finance and Administration Committee made priorities every year. The only way to go where she wanted would be to cut activities, because WADA had to maintain its activities and improve the activities currently being done. The answer was very simple. It depended on what one wanted to cut. He was somewhat amazed about the rather contradictory position of the European members. The European government stakeholders were very demanding and asked for many things, but wanted a 0% budget increase. It was difficult for him, as a former businessman, to understand. Having said that, he believed that the management was making priorities every day. The solution to the money problem was simple: activities would have to be cut.

As to the issue of the travel costs, in his opinion, it was a matter of principle. The money would be spent anyhow. It was a formal matter. The IOC believed very strongly that, in a body such as WADA, it was right to have the people reimbursed by the body itself and to reduce theoretical accountability to the body from which the members came. He believed that those around the table had to be WADA representatives rather than government or sport representatives. It was not a matter of money. There was a choice, but he believed that, in principle, it was right for WADA to pay for the expenses of the Executive Committee and Foundation Board members. That was a matter of principle. In relation to the activities, it was up to the Executive Committee to decide what to cut. The general feeling was that WADA was required to do more things, as opposed to fewer. He was one of the longest standing people around the table, together with Mr Reddie. In Italian there was an expression: 'fare le nozze coi ficchi secchi' (to do something on a shoestring). WADA had done miracles with the money available.

THE CHAIRMAN said that he looked forward to the debate in the Finance and Administration Committee. It was worth pointing out the following day, with a large media contingent, the difficulty that any organisation had when there were currency swings such as those experienced over the past 12 months, due entirely to the Canadian dollar, but that was another issue. WADA should move on as best it could.

## DECISION

2017 budget update noted.

## **7. Education**

### **– 7.1 Education Committee Chair report**

MR MOSES informed the members that a meeting had been held at the end of March in that very room. It had been very productive. There was an increased amount of focus placed on the issues of doping in sport, and the clean athletes were at the point whereby they wanted to get answers and have more focus on anti-doping, and the direction taken by the Education Committee was values-based education; in other words, trying to pinpoint the psychology of the entourage and the different influences on athletes, and use that influence to move more towards prevention and convince athletes not to do it by having them understand what was important. The representative from the Athlete Committee, Andreeanne Morin, had been present at the meeting, and had given an update on the Athlete Committee meeting and the outcomes, and had given the athletes' perspective on anti-doping to the Education Committee. The Education Committee

comprised a very diverse set of people who represented education, research, science, sport bodies and so forth, so various points of view were heard and were very interesting when it came to putting all of that into perspective. The Education Committee would always like to make sure that the WADA Athlete Committee and the Education Committee stayed closely in step and in tune and exchanged information, because that was the most important contact within WADA. The team led by Mr Koehler had done an outstanding job when it came to education.

The extra research money from the Foundation Board the previous year had enabled the Education Committee to do forward-thinking research. Going forward, he thought that more people and more staff were needed to hone in on the issue. The research that was being looked at and recommended was very specific, and in line with the times of the day in terms of how to prevent athletes from wanting to take drugs, not because it was cheating and wrong, but because there was a moral meaning about fair play and sport and doing the right thing. It was going to be one of the most important things, and it was felt that that was how WADA was going to be able to keep athletes from wanting to use drugs and put them in a situation whereby they could say no to those trying to push them in the other direction.

When it came to the type of research being done and education programmes that were being recommended, strict principles had to be applied when measuring education compliance, because there were many issues there as well. He believed that there were things that could be done between governments and sports that were compatible with values-based thinking, that were very important for young children in terms of issues of ethics and sportsmanship. All that could be used at the government as well, and the Education Committee had identified ways in which governments could tap into resources at WADA and around the world to facilitate and use those templates. In terms of partnerships, the Education Committee thought that all ADOs should establish an athlete committee, and it was clear that many had been set up in a lot of different organisations, but there were some places in which athletes were not really involved, so he wanted to get more athlete committees involved with respect to education from the IFs, NFs and so forth. Of course, the Education Committee could always use more money, resources and staff.

Overall, testing was probably for the athletes the most important aspect after competition. They thought about it before, during and after, and the Education Committee thought that education ought to be done in a way that was accountable and somebody should be taking responsibility for it; in other words, testing and education ought to be mandatory. So, the Education Committee was trying to find ways to make sure education was just as important as being in a testing pool and being selected for a test all over the world.

In relation to prevention, on the forensic, biochemistry and testing side, he thought that Dr Rabin and Dr Vernece were probably familiar with Dr Bowers' perceptive deterrence model, looking at biochemistry, the amount of testing, who was going to be in the testing pool and all the different statistics, and what was being done in the Education Committee really ran parallel to that, in that the Education Committee was looking at the psychological, social and emotional reasons and the risk versus reward reasons, and so the two tracks were really running parallel. One was looking at statistics to predict how many athletes might be susceptible to doping based on how much risk they perceived, what would happen if they were caught and what the rewards might be and, on the education and testing side, both of those things were happening in parallel. Those things happened quite separately, but it had become apparent to him that, by being on the Education Committee and seeing the research being done, and also at USADA, at which Dr Bowers had developed the statistical analysis of the probabilities of an athlete using drugs, getting caught, weighing up the risks and so forth, the two things were happening in parallel and were really coming together. That was very important, to really try to get to the bottom of why athletes doped, why they ought not to and really just generally observe the risks and document that. That was where the research was going.

The Education Committee was also going to expand anti-doping research surveys in a few more countries in Africa and Asia, and he was looking forward to getting different types of data from athletes who perhaps did not have access to education materials, where there was nobody in their region responsible for giving them educational materials and no accountability. There was a new type of data to get from athletes to put into the bucket and further analyse.

THE CHAIRMAN asked if anybody wished to ask questions. He assumed that WADA had access to Dr Bowers' research.

MR MOSES said that there had been a meeting the previous week and, since Dr Bowers had started, there had been a lot of statistical analysis, but it been honed down and fine-tuned, and one could predict how many positives there would be and how many athletes might be susceptible.

It was very interesting and, when he had seen the slides, he had realised that the two sides (forensic and psychological) really ran parallel to one another.

THE CHAIRMAN saw that Mr Koehler was nodding his head, so he assumed that WADA had seen the research.

MR ESTANGUET thanked Mr Moses for his report and congratulated the Education Committee on all the programmes and tools it had developed. Regarding the link with the athletes' network he noted that, within the IOC athlete commission, there had been an attempt to strengthen the network by linking up with NOC athlete committees and IF athlete committees, and WADA should try to see how it could work better between the Education Committee and the IOC athlete commission. An athletes' hub had been launched in an attempt to centralise all the information for athletes, and he would be very interested in having more information from the Education Committee to push information via that hub to make sure that it targeted more athletes worldwide, so he would be happy to link up with the Education Committee.

MR MOSES responded by noting that the Education Committee had a tool that it could provide to IFs and NFs so that they could tap in and see the information. Anecdotally, he had spoken to a lot of athletes and could imagine, even with all the technology available (for example, most athletes in North America and Western Europe had phones with Internet access, they could log on to WADA and the USOC and provide their whereabouts on phones), there was a huge gap in many countries in that some athletes just did not have those tools. He had travelled to a lot of NOC headquarters over the years and some just did not have the resources to develop educational tools or have a person or somebody with a Master's degree who was capable of carrying out research. In his mind, he was always thinking that it took a lot to put a programme like that together, but he would like to see, for every athlete, world-class or not, who was responsible for delivering educational products, because it was easy to pass the buck (who would do it at a regional championship, for example? The organiser, the team leaders, the IFs or the NFs?), so there had to be a way to really make sure that somebody was accountable for providing that information to the athletes. He did not know how that would be done, but it would have to be looked at, so as to avoid an athlete, in the case of a hearing, claiming that they did not know and nobody ever told them. There had to be a way to minimise that kind of thing.

THE CHAIRMAN noted that WADA had received a generous grant from Olympic Solidarity of 200,000 dollars, which had been allocated to education and RADOs, which he hoped had helped. Even he got the messages from the athletes' hub, and he looked at them on his telephone. He resisted the temptation to go to the USOC website, but he at least saw the information from the athletes' hub, and he thought that Mr Estanguet had made a good suggestion. Content was important, and it seemed to him that WADA should be able to link up to the IOC, which would be interested in that kind of material.

MR KOEHLER noted that WADA was already in discussion with the IOC to put some resources on the athletes' hub. Anything that Mr Estanguet could do to encourage it would be very beneficial.

## DECISION

Education Committee Chair report noted.

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

#### **– 8.1 Health, Medical and Research Committee Chair report**

MS FOURNEYRON informed the members that the first few months of 2016 had been remarkably busy for the members of the Health, Medical and Research Committee and the Health, Medical and Research Committee expert groups. A number of decisions and projects undertaken by WADA had required the involvement of the scientific experts from the different expert groups, especially the List Expert Group and the Laboratory Expert Group. The specific projects had been handled directly by the WADA Science Department in liaison with the expert groups, without the formal involvement of the Health, Medical and Research Committee, which convened only once a year at the end of August. She would try to summarise the main activities of the busy period in her verbal report and provide a brief overview of what had been achieved.

The reports from the Science Department and the Medical Department, to be presented at the Foundation Board meeting, were quite exhaustive, so she would highlight only a few points.

The revision process for the updating of the 2017 Prohibited List, which would have to be approved at the September meeting, had started. The List Expert Group had already met twice since the beginning of the year, in January and April, and a number of proposals had already emerged, as experts were reviewing some substances and methods for possible inclusion on the

Prohibited List. The draft Prohibited List had been distributed on 5 May to all stakeholders for comments. Comments would have to be received by 20 July. As every year, all of the comments would be reviewed by the List Expert Group at its summer session and then by the Health, Medical and Research Committee before approval at the Executive Committee meeting in September. As the issue would be on the table in September, she would not go into details at that stage. She stressed one particular issue: glucocorticoids. At the September Executive Committee meeting, she had announced that members of the List Expert Group had been mandated to create an ad hoc expert group on glucocorticoids. The task assigned to the group had been to review the status of different routes of administration of glucocorticoids and establish a threshold to distinguish between prohibited and permitted routes. The issue was that, at the current state of scientific knowledge, it was impossible to establish when the presence of glucocorticoids in urine tests followed administration through a prohibited route or a permitted route. Clarification and simplification were required. To achieve that, several meetings of the ad hoc group had occurred over the past few months. The latest meeting had made it possible to formulate proposals for revision of the Prohibited List. From then on, all injections of glucocorticoids were to be prohibited during competition. Injections should not be received within 72 hours prior to the in-competition period. If athletes required injections during the 72 hours prior to competition, a TUE would be systematically required. The TUE Expert Group had been consulted on that proposal and had formulated some fair and valid comments about issues that might arise if all injections of glucocorticoids were prohibited. Discussions on that complex issue were not yet over, and a final proposal would need to be formulated at the Health, Medical and Research Committee meeting in August for the Executive Committee to approve at the September meeting. The proposal of the ad hoc expert group on glucocorticoids would need to be a balanced one, given the complex history of the prohibited status of the systematic use of glucocorticoids in sport which was a poor but commonly accepted medical practice. The outcome of the ad hoc expert group on glucocorticoids might affect the feasibility of the Unique List, which was a very important topic, especially for the athletes.

Glucocorticoids were not the only issue in relation to the Unique List; there were, in fact, a number of issues and debates on that front were very lively within the working group in charge of the question. The discussion went back and forth and did not progress as smoothly as some would like. She could give absolutely no guarantee that it would be possible to find a consensus on the issue of the Unique List. It had already been considered thoroughly at the time of the revision process of the Code, and there had not been success at that time. The issue was that the Unique List could lead to an explosion of TUEs, and that was something that could not be ignored.

The other point was the research projects. A call for research projects focused on autologous blood transfusion had been launched under the Special Research Fund the previous October. As some of the members might recall, the request for proposals had been the expression of the discussion held at the Executive Committee meeting the previous September in Copenhagen about being more innovative and proactive in relation to the use of the Special Research Fund, so that WADA would be in a position to address its top priorities in terms of research. Autologous blood transfusion absolutely fell within the category, as it had been a challenge in terms of detection for the past decade or so. The deadline to submit applications in response to the request for proposals on autologous blood transfusion had been 31 January, and 16 projects had been received. Three independent external reviewers who were haematology experts and had knowledge about the haematological module of the Athlete Biological Passport had reviewed the projects and provided evaluations. In parallel, the Project Review Panel had been consulted. The Project Review Panel had been provided with a summary and access to the grants and the external review evaluations. Following that process, the Project Review Panel had discussed the grants and evaluations by teleconference and three grants had been recommended for funding to the Health, Medical and Research Committee. Dr Rabin would present the outcomes of the review, as well as the full proposals of the grants recommended and the budgets for formal approval. The external reviewers, the Project Review Panel and WADA scientific staff had done a wonderful job of analysing the complex proposals, and she supported the funding recommendations made by them. She also needed to acknowledge the importance of the Special Research Fund to maintain the capacity of WADA to invest in innovative anti-doping research such as autologous blood transfusion. She was very grateful to the governments, which had contributed up to 5.8 million dollars to the research fund, and to the IOC, which had matched the funds as promised. In total, it meant an additional 11.6 million dollars for research and was an excellent result and very good news in those times of budgetary constraints and after years and years during which the WADA research budget had been constantly decreasing. She was confident that results would follow. Other calls for research projects were about to be launched in relation to the prevalence of doping in sport and the biological markers in support of the Athlete Biological Passport.

In relation to laboratories, the WADA Laboratory Expert Group had been quite busy with the accreditation process of the accredited laboratories and the revision of several technical documents, which had been conducted to reflect the latest advances in anti-doping science and to provide guidance to the laboratories. The technical documents were submitted for approval and Dr Rabin would talk about them in detail in a few minutes.

She wished to take a few minutes to discuss laboratory accreditation issues. Various laboratories had undergone disciplinary reviews in recent weeks and months that had led to the suspension or revocation of accreditation, namely Moscow, Beijing, Bloemfontein and Lisbon. Like her, the members would have received the media releases from the WADA Communications Department about those decisions. The report of the Legal and Investigations Department and Mr Niggli would provide the members with the latest information on the status of the laboratories later that day. She warmly thanked the President, who had made a very useful public statement the previous week to remind everybody about the rationale and process behind the suspensions; but, because the pace of the revocations and suspensions of the laboratory accreditation was to her knowledge unprecedented, she wanted an opportunity to explain once again how the accreditation review process was conducted and how the Laboratory Expert Group intervened on that matter for the sake of transparency and understanding. Under the ISL, WADA had a duty to control the analytical performance of laboratories to deliver accreditations or maintain accreditations. That monitoring process included blind or double-blind aptitude tests, site visits by WADA experts and occasional complaints by ADOs. The monitoring process had been threatened over the past few months and the latest suspensions were a direct result of the policy. Most of the time, the monitoring process revealed minor technical or organisational issues that could be easily fixed by the laboratories, but it also happened that more serious issues were revealed that were blatant breaches of the ISL rules. The most serious issues were reviewed thoroughly by the Laboratory Expert Group. The most concerning cases were then transferred to the WADA Disciplinary Committee, which included two legal experts and one scientist. The Disciplinary Committee decided whether or not to recommend that the WADA President sanction the laboratory. In most cases, the sanction was a suspension of its accreditation for an adapted period. The maximum period of suspension was six months, during which time the laboratory could fix the issues. The process was pretty solid, but she thought that WADA could probably improve it in two ways. First, it was necessary to think about a way of shortening the delay between site inspections and sanctions. It was currently too long and created some puzzlement sometimes for observers. Second, WADA needed to reinforce efforts to strengthen the independence of the laboratories from the NADOs. The process had been created to provide clean athletes with full confidence in the anti-doping sample analysis procedures. It was of increasing importance as WADA moved closer to major sporting events such as the Olympic Games and Paralympic Games in Rio. On that front, she was happy to announce that the Brazilian anti-doping laboratory in Rio had undergone its first site visit in November 2015 since regaining WADA accreditation in conjunction with the IOC. It had continued to make good progress and she was confident that it would be ready on time. The final visit was planned shortly before the start of the Olympic Games. That concluded her report. There were many other activities related to health, medical and research that she could discuss, but she believed that the members had a lot of written information in the very comprehensive medical and science reports, so she would stop and invite the members to consult those reports, and would be happy to answer any questions with the assistance of Dr Rabin and Dr Vernec.

THE CHAIRMAN asked the members if they had any questions.

MR GODKIN noted that the issue of glucocorticoids was a very complex one, and he knew that some members of the committee did really appreciate the ongoing discussions and cooperation to resolve that issue.

MS FOURNEYRON agreed with the comment. It was a very complex issue.

THE CHAIRMAN said that it seemed to him pretty important to let the athletes in particular know that the system still worked, even though two or three laboratories were out of action. Despite that, one media publication had simply blamed WADA, and he had actually instructed the Communications Department to draft a response to that publication to actually set out what the system was, how it worked, and why it was absolutely vital that it work properly, as the worst of all possible situations was to take a sample from an athlete, send it to a laboratory and the laboratory get it wrong. That really would be very serious; but, in the current climate, with everything that was going on in anti-doping, it was very easy for the media to criticise authority, and WADA would try to rectify that.

## DECISION

Health, Medical and Research Committee Chair  
report noted.

### – **8.2 Special Research Fund – autologous blood transfusion project(s)**

DR RABIN emphasised that it was thanks to the Special Research Fund that WADA had been able to launch for the first time a request for proposals based specifically on autologous blood transfusion. WADA had advertised in the three main blood journals (medical and scientific journals) around the world, so that was the first time WADA had been in a position to do that. He apologised for the short time the members had had to review the documents, but that reflected the very intense dynamic behind the process, which had involved extra experts, including blood experts, experts in the Athlete Biological Passport, and the Project Review Panel. He thanked in particular the experts who had participated, as well as the members in the department who had been very active in maintaining the pressure, and also the Health, Medical and Research Committee, guided by Ms Fourneyron, which had enabled the members to respond very quickly to the proposals. That day, the members had before them the proposals from the Health, Medical and Research Committee. It was very important to benefit from the Special Research Fund; otherwise, WADA would not have been able to conduct the request for proposals for the first time and would have had limited resources. By way of information, it was important to highlight the fact that 69% (more than two-thirds) of the lead applicants in the projects were people from outside the anti-doping laboratories. He knew that sometimes the people working at the anti-doping laboratories were very involved, and indeed they were; but, when calling for proposals, WADA also reached beyond the traditional experts involved daily in the fight against doping in sport. Then, as Ms Fourneyron had explained, the usual process had been followed, involving extra requirements on all the external experts, the Health, Medical and Research Committee experts and the WADA staff. It had been very important to have a very thorough and very well established process, to be able to say to the researchers when their projects were approved or rejected that there was a strong scientific basis and process in support of the decision. The Project Review Panel had met only a few days previously and the Health, Medical and Research Committee had been consulted at the very beginning of the week, with the latest feedback received on Monday. The committee was very careful about conflicts of interest. Because of the nature of what was being done and the expertise of some of the people involved, some conflicts of interest arose, and WADA addressed them appropriately by asking the person in question not to participate in discussions or in the approval process.

The members were presented that day with the conclusions and recommendations of the Health, Medical and Research Committee regarding the proposals or grants, and three had been retained in the process, meaning an almost 20% success rate, which might appear low but was currently considered almost normal. That was an internal benchmark for WADA. Of the three projects approved, one had been subject to a budget reduction, because some of the items requested by the team were not necessarily considered to be the main core of the activity expected and were certainly not as focused on research as expected. The first project was a project by José Pascual, who worked in Barcelona at the IMIM. He was a researcher who had been involved in anti-doping for many years. His approach was based on the concept whereby, when one stored red blood cells, those cells were damaged, which could be expected because, when stored in cold conditions or even sometimes frozen, the surface of the red blood cells could be altered. There was a panel of antibodies with which he had worked, and he had selected some antibodies that could reveal the damage on the surface of the red blood cells. The benefit of the technology was that it was an immuno-approach, which was very sensitive, and he had been able to demonstrate in vitro that the signal could be picked up at a very low level. The benefit ultimately would be to use some of the technologies already available at anti-doping laboratories, so WADA would be killing two birds with one stone, allowing for the technology, if it worked, to be applied almost immediately in many of the anti-doping laboratories. The other benefit was that there was some preliminary data, and it needed to be seen that it could be done in vivo in humans, because WADA had seen in the past that a lot could be seen in vitro, or in tubes; however, the minute one moved to humans, the red blood cells that were damaged were so quickly removed from the body that the signal could be lost in three to four hours, so that was something that the approach would also aim at: validating a much longer window of detection.

The second project came from Jen-Tsan Chi from Emory University in the USA, and was also based on an approach whereby, when one stored red blood cells, one created some metabolic modifications. He was not talking about structural changes to red blood cells (as in the previous project) but more about metabolic changes to the red blood cells and, even if there was limited machinery within the red blood cells, some of them did express some ribonucleic acids (RNAs) that

were modified, and it was hoped that some of them could be specific to the fact that the cells had been stored in cold conditions. The project would aim to look into that.

The final project was a follow-up project already started a couple of years previously, coming from Christer Malm in Sweden, and he was working at a different level, still on metabolic changes in the red blood cells, looking at how the proteins or the content of the red blood cells when stored could be modified and how to look at the proteins and derive signatures or discriminatory algorithms to be able to distinguish between those cells stored and those cells not stored. In a preliminary project, he had demonstrated very elegantly that, based on that approach and an algorithm he had developed with a team of researchers, he could distinguish between red blood cells that had been stored and re-injected and red blood cells that had never been stored as part of a blood transfusion process. That looked very promising, and there had been a unanimous view on the part of the Project Review Panel and the Health, Medical and Research Committee members that the three projects would be the best for selection, totalling just over 700,000 dollars. That appeared to be a reasonable investment for WADA, and hopefully one or more would deliver what WADA had been expecting for years, which was a method or some methods to detect autologous blood transfusion with high sensitivity.

THE CHAIRMAN asked for comments or questions in relation to the recommendation. He had liked Dr Rabin's comment that, with a bit of luck, one or two of the projects would be successful, but he had got used to dealing with scientists over the years! That was really what the Special Research Fund was all about. WADA had said that it would spend money under that heading. Having gone through the process, three scientific projects had been selected. Were the members happy to approve the proposal?

#### DECISION

Special Research Fund proposals approved.

### – **8.3 Scientific technical documents**

#### **8.3.1 TD2016-19NA**

DR RABIN said that the previous document dated back to 2014, and really needed updating, and he would explain why shortly, as he thought it really reflected the dynamic of what was currently being faced and what the experts working on anti-doping with WADA faced on a regular basis. The issue came mainly from the fact that WADA had recently been seeing 19-norandrosterone cases that did not quite fit into what had been seen previously, and WADA had strongly suspected the existence of pharmaceutical preparations or illegal preparations with isotopic signatures that were very similar to endogenous signatures. WADA had seen in particular over the past few months a few cases in which it really suspected that the formulation of norandrosterone with a similar isotopic signature to the endogenous one, in particular for people living in Europe, was being used by some athletes. Some of the cases reviewed had been put on ice, and WADA had told the ADO that they should be put on ice until there was final proof that such a preparation existed. That proof had been obtained not so long ago, when it had been possible to identify a pharmaceutical preparation that was exactly what had been suspected for some time. In the 2014 19-norandrosterone technical document, two criteria had been applied: the isotopic signature of norandrosterone was very negative, below -27/mL and also another criterion whereby the difference between the endogenous reference compound and the 19-NA measured by IRMS was above 3/mL, so those two criteria had been technical but really something that the people in the laboratories had been using to report or not report positive cases for 19-NA with IRMS. As mentioned, very recently, WADA had become aware of the nandrolone preparation with an isotopic signature very close to the endogenous one, which had forced WADA to completely review the approach, and in particular remove the -27 delta for the 19-NA, as the criterion was no longer fulfilled by the preparation. WADA had kept the delta delta above 3 per mil, and had inserted two new criteria based on the 19-NA over 19-noretiocholonalol ratio, which were indicated there. There had been a shift to address the issue of the very specific preparation, and WADA was currently testing other preparations of norandrosterone, which might have the same technical features as the endogenous signature. The department was being very vigilant, and there were discussions with the legal colleagues about reopening some of the cases that had been put on ice over the past few weeks and months based on those criteria.

There were a few other changes, one of which was not included in the document in the files. It was only a small element. The idea was to add some examples to the list of the other steroids on page 1, to take into account one of the recent cases that had been faced. Another change was that the definition of the quality control samples that were used for IRMS would be tightened up, for the confirmation of the B sample to be reanalysed with a repetition of the IRMS test, which was done

in the A sample analysis, and clarification for the calculation of specific gravity. Those were only minor technical elements, but would certainly help in the overall reporting of 19-NA. He really insisted on the fact that there were currently preparations out there (as had been seen in the past with testosterone) that were really mimicking the endogenous signature of 19-norandrosterone, and they really had to be taken into account in the technical documents for reporting purposes.

He knew that it was a bit technical, but he would be pleased to respond to any questions.

THE CHAIRMAN noted that that was part of the ongoing regular and complicated work done by the Science Department to make sure that WADA was as up to date as it could be. Were the members happy to approve the technical document as presented?

DECISION

TD2016-19NA approved.

**8.3.2 TD2017-BAR**

Item dealt with under item 9.

DECISION

TD2017-BAR approved.

– **8.4 WADA-approved laboratory – Antidoping Centre Moscow**

Item dealt with under item 9.

DECISION

Proposal in relation to WADA-approved laboratory – Antidoping Centre Moscow, approved.

**9. Athlete Biological Passport**

DR VERNEC informed the members that he would provide a more complete summary of the Athlete Biological Passport report the following day; on the agenda that day was a request for approval from the Executive Committee of a number of modifications on Athlete Biological Passport-related documents. There had been quite some movement of documents, and he did not really want to spend time on that, but wished to inform the members so that they knew what they were voting on. There were a number of technical documents, result management requirements, issues in relation to sample collection and sample transport, all of which were associated with the Athlete Biological Passport but had never been part of a standard. They had been moved to the ISTI. The TDBAR (blood analytical) was still associated with the ISL. And, of course, there would still be an Athlete Biological Passport operating guideline, which was in the process of being updated. There were two main areas he would talk about, one being the changes to the result management requirements. There had been a meeting in Qatar in November the previous year, involving many different stakeholders and players in the Athlete Biological Passport, including strong representation from the legal field, and that had resulted in changes in the RMR. There was more emphasis on the role and responsibilities of the APMUs, for example. Some samples had been invalidated and the question was, who was responsible for following up on that? WADA had made it clear that it was the APMUs' role to do that, so that everybody was not just passing the buck. WADA also wanted the APMUs to write reports in ADAMS. Again, for WADA monitoring, that was critical, because atypical passport findings were seen but then WADA was not sure if anything was happening. If there were reports, at least WADA would be able to fulfil its monitoring role and see where there might be some issues. There were some other smaller areas, including timeframes, speaking to that same issue, in which things might not have been moving ahead. There were some more specific cases in which there might not be an atypical passport finding, but the experts would decide that they wanted to open up a case, so there were some changes to the legal framework and burden of proof in those situations, clarified with in-house counsel and also some external legal counsel. The TDAS had been revised the previous year, with a number of new ratios put in, and that had required further refinements.

The second big area had been in sample collection and sample transport. The documents had been merged and were part of the ISTI as annex K. All of the changes in the sample collection transport and the TDBAR were all due to the new blood stability score, and he would explain briefly what that was. Those paying attention might have inferred from Dr Rabin's comments about autologous blood that red blood cells had a shelf life and degraded over time. Because one could

not freeze Athlete Biological Passport blood samples, they had 36 hours from the time of collection to get to a laboratory, and there were another 12 hours in which analysis could be done. As one might imagine, this could be problematic in many countries, including those situated far from laboratories, or those in which people worked less on weekends. That was something WADA had been looking at, but it was necessary to make sure that, if a sample was analysed, it was done in a scientifically valid fashion. There had been a significant literature search and a working group put together with WADA had come up with an innovative method to assess the integrity of blood samples, and he was happy to say that there had been an increase from 36 to 60 hours for transport, with another 12 hours before analysis took place. That was very good news for the Athlete Biological Passport blood module, allowed for more flexibility and decreased costs, as people could do more samples at different times, and would allow for more strategic testing. He had combined all those together, and believed that the documents were under 8.3.2 and 10.5 in the members' files. He asked the Chairman to request that the Executive Committee approve the modifications, unless there were any questions.

THE CHAIRMAN asked the Executive Committee to grant the approval that Dr Verneec sought.

DR RABIN referred to what Dr Verneec had been saying. The time from collection to analysis of blood samples was critical and, as the members were aware, the Moscow laboratory had been suspended in November 2015 following the report of the Independent Commission and then its accreditation had been revoked by the Executive Committee on 15 April. Of course, the suspension and then the revocation had created some issues for the analysis of blood samples in support of the Athlete Biological Passport because, with such a short time to transport blood samples to a WADA-accredited laboratory and with Russia being such a big territory (and the members knew very well that some of the athletes in Russia were training in remote places), that had created a substantial issue for UKAD, which had taken over sample collection and was the lead for the anti-doping programme in Russia, and also federations such as the IAAF, which, in the lead-up to the Olympic Games in Rio, was trying to intensify its anti-doping programme and the collection of samples in support of the Athlete Biological Passport for track and field athletes. The Science Department had wondered whether it would be possible to visit the laboratory as quickly as possible and see whether it might be possible to reinstate the blood analysis in support of the Athlete Biological Passport and specifically the analytical approach in the laboratory, not the complete reaccreditation phase, which was a different dynamic. He had visited the laboratory with his colleagues on 18 and 19 April, and was pleased to say that the laboratory had continued its process under the quality system, so WADA had been able to monitor the quality of the analysis by the laboratory during the suspension period. The laboratory was well established with competent people, and WADA had come away from the visit agreeing that everything was in place for the laboratory to resume its activities in support of the Athlete Biological Passport. He put the recommendation to the Executive Committee to approve the laboratory, not for the reaccreditation of the laboratory, only for the analysis of blood samples in support of the Athlete Biological Passport.

THE CHAIRMAN asked if there were any questions. He had to say that it made good sense.

#### DECISION

Proposed Athlete Biological Passport  
modifications approved.

### **10. World Anti-Doping Code**

#### **– 10.1 Compliance Review Committee Chair report**

MR BOUCHARD thanked the members of the Executive Committee for giving him the opportunity to report on the work of the Compliance Review Committee. Since the briefing at the Foundation Board meeting on 18 November, the Compliance Review Committee had met three times: in December in Lausanne, in April in Montreal and via teleconference on 3 May. A number of topics had been discussed, all of which were reported in the documentation under 10.1, 10.2, 10.3 and 10.4. He would go over the highlights in his report and point the members to the appropriate document.

First, on the Code compliance survey, the documentation was in the members' files, and major progress had been made. The members had copies of the survey and could take a look and would see that, although lengthy, the questionnaire was key for a good and sound monitoring programme. Over the past few months, a number of changes had been made to simplify the

questionnaire as much as possible. Those efforts would continue, as that was a draft. Overall, the Compliance Review Committee was pleased with progress made to date.

On the ISO accreditation process, the Compliance Review Committee had been informed that ISO accreditation had been granted to the compliance monitoring programme on 11 April. The Compliance Review Committee acknowledged the achievement within the prescribed time and also congratulated the WADA staff.

On the use of ADAMS, included under item 10.4 in the members' files, the issue had been brought to the attention of the Compliance Review Committee at its April meeting. After discussing the issue, the Compliance Review Committee fully supported the mandatory entry of doping control forms and TUEs in ADAMS. It had discussed the matter at length and the committee members were of the view that, if WADA's role was to monitor the anti-doping system, it had to have access to relevant information such as doping control forms and TUEs. While other systems could be used, the Compliance Review Committee members were of the view that the information had to be in ADAMS, so the Compliance Review Committee fully supported that approach.

The ISL, under item 10.1 in the members' files, was the subject of a recommendation by the Compliance Review Committee, and he would explain why the committee was making that recommendation. Under article 4.4 of the ISL, for a laboratory to maintain its accreditation status, the NADO and/or the NOC had to be Code-compliant. The Compliance Review Committee acknowledged the importance of the article as being a significant incentive for signatories to be Code-compliant, as experience had clearly shown. On the other hand, the Compliance Review Committee acknowledged that certain laboratories were truly independent from their NADOs, were not directly funded by governments and were serving international clients. As the rule currently stood, its implementation might have a negative impact on those laboratories and potentially on the fight against doping in sport by having an impact on ADOs other than local NADOs that made use of them. The Compliance Review Committee was of the view that an exception could be brought to article 4.4 of the ISL, to avoid the suspension of certain categories of laboratories without compromising the main objective. The objective of the amendment was to avoid taking away the accreditation of laboratories significantly serving ADOs other than the NADO declared non-compliant. The laboratories mainly servicing a local NADO declared non-compliant would continue to be subject to losing their accreditation. The Compliance Review Committee was of the view that the proposed amendments provided the required nuance in the application of the current rule.

Focusing on the procedure of reinstatement when non-compliant signatories successfully resolved outstanding issues, and also insisting on the financial consequences of non-compliance, the Compliance Review Committee members had discussed the procedure of reinstatement and the financial consequences of non-compliance when the committee had met in December and May. It had been clear that it was important for members that the process be transparent and documented. The Compliance Review Committee would be taking steps in that direction, and would also make recommendations to the Foundation Board that would help achieve the objective. The first step suggested was that the Compliance Review Committee be more specific on the reason for a recommendation of non-compliance. The objective was to provide more guidance to WADA and the signatories on the requirements for reinstatement. The second step recommended was that the procedure of reinstatement by the Foundation Board should not take more than two months from the time the signatory had addressed the required corrective measures. That was to avoid potential delays, and he was insisting on the word 'potential', as no delays had been experienced to date. The recommendation was to ensure that delays would not occur in the future. The Compliance Review Committee members were also of the view that approving the recommendation would also help clarify the reinstatement process for non-compliant signatories. The third step being recommended was that the Compliance Review Committee favourably considered the signature of an agreement between WADA and the non-compliant signatory to help outline a common understanding of the requirement to be met before being reinstated. The Compliance Review Committee members had also agreed to have a cost recovery clause included in the agreement. The Compliance Review Committee members were of the view that an agreement would help provide answers to the first question asked by signatories declared non-compliant: what do I need to do to regain compliance? The signature of an agreement would also clarify the financial matters and could contribute to removing any ambiguity regarding the financial responsibilities. The Compliance Review Committee found it appropriate that some costs incurred by WADA in a reinstatement process should be recouped from a non-compliant signatory. Experience had shown that the reinstatement of non-compliant signatories had the potential to generate significant expenses for WADA. It could constitute excessive costs of doing business for an organisation with limited financial capacity. In addition, the Compliance Review Committee members were of the

opinion that having some costs of reinstatement borne by the non-compliant signatory would also serve as an effective incentive to be compliant with the Code in the first place. Thus, the Compliance Review Committee endorsed the proposed agreement included in the files as a template that could be customised on a case-by-case basis. The committee fully supported the approach of the proposed agreement.

Focusing on specific cases of non-compliance, the Compliance Review Committee was pleased to see that some progress was being made on many fronts. Since the Foundation Board meeting on 18 November, a number of signatories had been removed from the list of non-compliant signatories, including Israel, Argentina, Ukraine and Bolivia. Other signatories had been on the watch list (they would have been declared non-compliant on 18 March if they had not taken the required steps to become compliant). Some of the signatories had taken the steps, including the Brussels Joint Communities Region of Belgium, the German-speaking Community of Belgium, Brazil, Greece and France. In the case of Brazil, Greece and France, although they had met the requirements to be reinstated as compliant signatories, there was still some work to do to remain compliant and the Compliance Review Committee would continue to monitor the situation. There were unfortunately other signatories on the watch list that had not yet taken all the required steps to become compliant. As of 19 March 2016, those signatories had been moved from the watch list to the list of non-compliant signatories. Those signatories were Mexico and Spain. In both cases, progress was being made. In the case of Spain, WADA recognised the unfortunate situation that it was facing and hoped that, after the elections in June, a government would be established and the problem would be solved.

The Compliance Review Committee was making some recommendations to the Foundation Board and the Executive Committee, and the recommendations would have an impact on the Prohibited List if approved. He would be specific on each case, as they were important, and would be a little more specific as to why the Compliance Review Committee was recommending that certain signatories be removed or added to the list of non-compliant signatories. The Compliance Review Committee recommended that the Andorran ADO be removed from the list of non-compliant signatories. The committee was pleased that the recently adopted anti-doping legislation and rules by Andorra were currently in line with the Code, so essentially the organisation should be removed from the list.

The Compliance Review Committee recommended that the Foundation Board declare the ADO of Kenya non-compliant with immediate effect. Whilst the Compliance Review Committee acknowledged that the three required legal instruments, including the legislation, policy and anti-doping rules, had been adopted by the Kenyan authorities, the Compliance Review Committee could not ignore a number of facts. In many regards, the legislation was not in line with the Code, and that was the result of changes made to a draft that WADA had approved; changes that had been made in the context of the parliamentary process. The Compliance Review Committee could not ignore the fact that it was not clear how many articles of the new legislation would be interpreted, because they had not been written as they should be. A third important element was that the Compliance Review Committee saw inconsistencies between the legislation and the policy and anti-doping rules. The policy and anti-doping rules, not the legislation, were in line with the Code. There were other aggravating factors that supported the Compliance Review Committee's recommendation. One was that, on several occasions, WADA and the Compliance Review Committee had communicated the importance of having the Kenyan legal instruments aligned with the Code by 2 May and the importance of consulting WADA in the event of any amendments during the adoption process. Those were aggravating factors that justified a recommendation of a declaration of non-compliance with immediate effect.

The Compliance Review Committee recommended that the Polish Commission against Doping in Sport become automatically non-compliant on 12 August 2016 should some outstanding issues not be resolved by that date. In other words, the Polish Commission against Doping in Sport should be on the watch list. The Compliance Review Committee understood that the Polish authorities were taking the matter very seriously (there was a representative present in Montreal) and had made some significant progress on the matter. The Compliance Review Committee therefore hoped that Poland would meet the deadline knowing that the ball was in their court. The reasons for the Compliance Review Committee's position on Poland were explained in the members' files and information regarding those issues had been shared with the Compliance Review Committee at its April meeting. It was on the basis of those issues that the Compliance Review Committee had drafted its recommendation to the Foundation Board. Some of the issues that would need to be addressed by Poland were related to the appeal process, article 13 of the Code, and more specifically to things such as the non-recognition of the CAS as the last instance jurisdiction for all anti-doping cases. The timelines to appeal set forth in the Code were not complied with and the

right to appeal had not been granted to entities with such a right in the Code. There were other aggravating factors that further supported the Compliance Review Committee's recommendation, and they had been shared with the Compliance Review Committee members at its meeting on 3 May but were not part of the documentation in the members' files, so he would speak to those. Under the new legislation, the Polish NADO did not have the legal authority to automatically impose its jurisdiction on NFs. If NFs did not recognise the Polish NADO and/or its rules, that left the door open for them to use their own rules, disciplinary panel and so on. WADA had already experienced a number of issues of cases being dealt with by NFs, in terms of unreasonable length of proceedings, constant lack of reasoning in the decision, notification issues and NF rules not being in line with the Code. There were numerous NFs that had not recognised the authority of the NADO rules and he felt that, based on the explanation he had just given, opening the door to that would make it extremely difficult for WADA to enforce the rules. The good news was that the Polish Government had acknowledged the problem and informed WADA that it would start working on a piece of legislation to address the issues. The Compliance Review Committee appreciated that commitment to act but was of the view that this was an extremely unfortunate situation, in which the Polish legal system, which had previously been deemed in line with the Code, had been modified and was thus no longer in line with the Code. That sent a very negative signal in the fight against doping in sport, and that was why the Compliance Review Committee was of the view that the issues should be dealt with by the Polish authorities by 12 August. If not, a status of non-compliance should be the consequence.

In relation to Russia, the Compliance Review Committee had been informed by WADA staff on the progress made and would reassess the compliance issue when requested to do so by WADA. A full report was in the members' files and would undoubtedly be discussed.

THE CHAIRMAN observed that the Compliance Review Committee had developed its work extremely well. It had been one of the major recommendations of the Independent Commission that WADA take compliance much more seriously, and that was underlined by practically everything Mr Bouchard had said that day. At the end of the day, he would be seeking the members' approval that the recommendations go to the Foundation Board the following day, as it was the Foundation Board's legal responsibility and not the Executive Committee's responsibility.

MR DÍAZ thanked the Compliance Review Committee for the information and details. He brought up an issue on behalf of the countries from the Americas region, since the general assembly of public authorities had taken place the previous month in Guatemala and there had been a proposal to discuss the matter of non-compliance sanctions that included preventing any NADO from doing educational work. He believed in stronger sanctions, but sanctions that caused positive actions, not sanctions that would have a negative effect on athletes and society. Everybody agreed that education was the basis for prevention, so how could a country or a NADO be sanctioned and told not to do educational activities? He raised the matter in relation to the sanction and the non-compliance of Spain. Spain ran an excellent education programme that gave support to Latin American countries. Over the past two years, those programmes had provided Latin America with translation of documents into Spanish, workshops, webinars and an incredible online platform that was helping the countries do their job; therefore, preventing that body or any other organisation from doing educational work was a contradiction, and he believed that it had to be set aside and the countries should be allowed to maintain their educational activities. Hopefully, the Executive Committee would support him, because 20 countries were suffering from the negative impact of Spain not being able to provide continuous educational programmes. Hopefully, a recommendation would be made to the Foundation Board that education should not be part of the sanctions for a non-compliant NADO, RADO or other organisation.

MR GODKIN referred to the modification of the ISL. He supported the recommendation, but also wondered if that was not an opportunity to further consider the decoupling of the compliance arrangements between the NADOs and the laboratories given the independence of the laboratories that was actually built into the ISL. Had WADA gone far enough in that modification?

The second issue was in relation to 10.4. It was important that the committee recognise the potential profound implications of the recommendation there, of the requirement for ADOs to use ADAMS, bearing in mind (and that was a conversation that had been had in 2013 and 2014) the investment in the development of other systems used by some key NADOs and the fact that some of those NADOs were still transitioning to ADAMS but had not yet completed the process. The recommendation as it stood did have some profound implications, and there had been some other conversations, but he thought that it was a very important point to be considered by the committee.

MS WIDVEY wished to make a number of comments. First, she agreed with the proposal in relation to the ISL. Europe supported the proposed modification, but invited WADA to make the wording more precise.

When it came to 10.2, the compliance update, Europe wanted some information on how and on what legal basis the monetary penalties would be applied for ADOs, and also how the IF would be followed up in that context.

In relation to non-compliance, the issue of Code compliance was of the utmost importance, and everything should be done to promote it worldwide. Europe also accepted the decision on the non-compliance of Poland, but requested that WADA take into consideration the efforts already made by the Polish Government to address the outstanding issues and recognise Poland's proactive and constructive approach. It was very important to underline that.

She also supported what had been said on ADAMS and supported the proposed decision in principle, which should improve the coordination of information; however, WADA should take into account the consequences for those countries not using ADAMS and try to find some solutions.

MR ESTANGUET spoke on behalf of the Olympic Movement in relation to 10.4 to say that he also agreed with the proposal to make it mandatory for all ADOs to use ADAMS. It was a big step towards making the athlete profiles more precise, would improve the use of the Athlete Biological Passport and would have very positive consequences, but he also agreed that WADA should perhaps be stronger in terms of the consequences for those who were declared non-compliant and did not use ADAMS. With regard to the different non-compliant NADOs, he asked the Executive Committee what the consequences would be. WADA could not remain in that situation, declaring organisations non-compliant, and had to be stronger on sanctions. He meant financial sanctions and sport sanctions. It was necessary for the athletes to know the next step after declaring somebody non-compliant, and he would be really interested in hearing from the committee about that point.

MR MOSES weighed in to say that the Education Committee agreed with what Mr Díaz had said, and had spoken at length about the need to continue the educational aspects of WADA if there was an issue of compliance. USADA had been in discussions for quite a few years about managing the nuances between SIMON and ADAMS, and had some support from the Canadian Centre for Ethics in Sport, which used pieces of it, as well as Norway and a couple of other NADOs, and had begun discussions a couple of years ago to find an interface to make sure that all the data was in. USADA was interested in making sure that all the data was there as well for the blood passport and profiles and so forth, and it would be a shame to have some of the major NADOs such as USADA, New Zealand and Norway not compliant because of something WADA could have solved, so he was not in agreement with the recommendation to use only ADAMS because he thought that the contingencies had been discussed and the problem could have been solved in a different way.

MR BOUCHARD said that he would go over some of the points. ADAMS had been a problem that had been ongoing for a number of years, and the latest global developments regarding anti-doping reinforced the need to at least have a database that allowed WADA to have access to all the information that allowed it to conduct its operations.

Education was a very important issue and the proposal would be considered by the Executive Committee and the Foundation Board. His initial reaction was that the proposal reinforced the need for signatories to be compliant with the Code. In cases in which they were not, he was certainly prepared to look at it. He was not sure if a blanket approach would be appropriate; perhaps it should be done on a case-by-case basis.

On ISL support and the decoupling between the laboratories and the NADOs, as a point of information, the committee had talked about that but, as the members would see in the text and information provided, the Compliance Review Committee had tried to keep the incentive for the NADO to remain compliant, and had felt that, if there were decoupling between the laboratory and the NADO, that incentive might be lost. The Compliance Review Committee had thought that bringing in nuances that would make it possible to treat the laboratories differently would allow for a sound approach, which was why the Compliance Review Committee was moving forward with that approach.

On the penalty and legal basis, he would not give a legal opinion, but the committee's understanding was that, when there was an agreement with a party that had been declared non-compliant and one could include in the agreement and on a common understanding what the financial consequences would be, there were grounds to have that understanding, have that agreement and have the transfer of funds from one organisation to another.

On the issue of non-compliance and the consequences, the members might recall that, the previous spring, the Compliance Review Committee had provided a number of recommendations on the consequences of being declared non-compliant that had been approved by the Executive Committee. There had also been reference to other organisations with measures in their own charters that they could implement the moment that a signatory was declared non-compliant. He referred to that part of the text delivered the previous year, although the committee could always look at new ways, but it was the privilege of the Executive Committee and the Foundation Board to tell the Compliance Review Committee what to do on that. He thought that he had covered most of the points and apologised if he had not answered all the questions, turning to Mr Niggli to comment on ADAMS.

MR NIGGLI made a few remarks on the proposal that the doping control form and TUE be entered into ADAMS. It was important to note that the use of ADAMS was not being made mandatory; rather, the idea was to incorporate two very precise elements in ADAMS. This was because, first of all, it had been a clear recommendation from the Independent Commission and WADA was following the recommendations. Secondly, there was a clear request from the athletes that WADA do more and investigate more and find solutions where things were not working. With ADAMS, and in particular with the steroid passport, which did not cost anything more than what there was already, as it was done on the basis of urine tests collected as part of a regular programme, WADA had a gold mine of information, but that information was useful only if the doping control form was available for analysis in order to be able to draw conclusions. Currently, 56% of doping control forms were in the system, so it was not only a SIMON issue; it was also an issue of making sure that all users did what they had to do, which was to enter doping control forms into the system, and it was extremely important that everybody realise that that was already an obligation under the Code that had to be fully implemented if WADA were to have that monitoring role. At a time when everybody was expected to step up and do more for clean sport, everybody would have to make an effort. It might mean some ADOs making human resources available to enter the data. That was the reality. A few years down the line, WADA might have all the interfaces in the world, but it would not wait until all the IT projects were completed to do such things. The sense of urgency had been made clear that morning, and that was what WADA was trying to deal with. The same went for the TUEs, because they represented a very easy loophole in the entire anti-doping system and, unless WADA could oversee what was going on as far as TUEs were concerned, the whole anti-doping process could become moot because, in the event of a positive test, a TUE could suddenly appear. The recommendation was to recognise the fact that it might not be easy for every organisation, but it was very important and it was the recommendation that had been received from the Independent Commission.

THE CHAIRMAN told Ms Widvey that he had recently received a letter from the minister in Poland, and had spoken to the representative of the Polish Government, who was present at the meeting. He had assured the representative that he understood Poland's position and he thought that the Compliance Review Committee had recognised that, and the Polish authorities were confident that they could make the deadline, and he thought that was fine.

As far as education was concerned, there had been meetings with the Spanish ministers recently, and they had assured him that the first thing the new government in Spain (which should be, with a bit of luck, around 7 or 8 June) would do would be to ensure that that legislation would be passed. On that basis, with such a short period, he did not think that WADA needed to change its rules on the sanctions. The good educational material out there could be used; there would not be massive changes over a short period. In all honesty, if Spain had only done what it should have done one year previously, it would not be in the position in which it currently found itself. He did not want to react to a situation that would be resolved extremely quickly.

MR DÍAZ noted that he simply asked that the situation of Spain be taken into account and placed in context, as it could happen again with some other country.

THE CHAIRMAN responded that he understood the theory but, in practice, WADA was in the business of getting everybody to become compliant and, having listened to the athletes, what Mr Niggli said in terms of the doping control form was really important. On that basis, were Messrs Bouchard and Niggli happy for the report to be formally presented the following day and that the Foundation Board would be asked to vote on the recommendations made?

MR NIGGLI pointed out that the ISL modification would have to be dealt with.

#### DECISION

Compliance Review Committee Chair report noted.

### **10.1.1 International Standard for Laboratories – modifications**

THE CHAIRMAN noted that the ISL was the responsibility of the Executive Committee.

MR NIGGLI said that the explanation had already been provided by Mr Bouchard and the recommendation was on the table.

THE CHAIRMAN said that, if WADA went down the compliance route and struggled to get everybody compliant, the next struggle would be to get everybody practically compliant and doing it properly and, if WADA fell between two stools, it would be rightly criticised, so he was grateful to the members for approving the recommendation.

#### DECISION

Proposed modifications to the International Standard for Laboratories approved.

#### **– 10.2 Compliance update**

Item dealt with under 10.1.

#### DECISION

Compliance update noted.

#### **– 10.3 Non-compliance**

MR KOEHLER informed the members that he would provide them with an update on how far WADA had come since 18 November, when the WADA Foundation Board had declared RUSADA non-compliant, and provide milestones on actions that had been taken, provide an update on what had been done in Russia and look at what had to be done on the way forward. On 18 November, RUSADA had been declared non-compliant. Immediately after the declaration of non-compliance on 26 November, a WADA delegation led by the Director General had met the Russian minister of sport to outline the way forward and what needed to be done. One of those areas had been to ensure that testing was happening in Russia during the non-compliance period. Following that, from 1 to 5 December, key RUSADA staff (five top management members of staff) had resigned from their positions and, on 9 to 11 December, recognising that it was necessary to fill the gap, WADA had engaged the UK ADO (UKAD) to see if they would be interested or willing to carry out testing in Russia. An initial meeting had taken place on 9 and 11 December in Moscow with RUSADA, UKAD and WADA to discuss the principles to be adhered to. WADA had also had a meeting with the minister of sport and his delegation to talk about the way forward. During that time, the director general of RUSADA had resigned and, on 18 December, following those meetings and after discussion with UKAD, UKAD had decided that they should do anything they could to help WADA and had accepted the mandate to do testing in Russia during the non-compliance period. Once agreed, a contract had been drafted to outline the roles and responsibilities of all the parties involved. That contract had been drafted just before the Christmas holidays on 22 December. During that time, WADA had been going back and forth with RUSADA to finalise an agreement. Finally, on 20 January, all the principles and roles and responsibilities had been agreed to between WADA, RUSADA and UKAD, and an agreement had been signed. The agreement also covered the expenses for UKAD to carry out the work. The agreement also covered WADA expenses; when WADA representatives had to travel to Russia, the Russian anti-doping agency was expected to pay for travel. On 3 and 4 February, there had been another joint meeting between RUSADA, UKAD and WADA to talk about planning testing and how practical measures would occur in Russia. At the same time, WADA had recognised the Independent Commission recommendations that international people were needed in RUSADA to work in parallel and watch over the development of the agency. In February, WADA had secured the first international expert, Mr Peter Nicholson and, in March, WADA had secured the second one, Ms Ieva Lukosiute-Stanikuniene, to be in Russia for a two-year period. On 9 March, there had been an overall project plan developed separately to talk about RUSADA. It was a different plan to that developed by UKAD. It was a plan for RUSADA to fulfil certain obligations to work its way back to compliance. Between March and April, there had been further delays. There had been an agreement that RUSADA would pay for the services of international experts. WADA had spent a month and a half trying to get that agreement, and had then engaged international experts when the agreement had been signed with RUSADA. On 27 and 28 April, there had been another project team meeting between UKAD, WADA, RUSADA and the international experts, to talk about current testing happening with UKAD and the international experts' remit when it came to working with RUSADA towards compliance. The first international expert had started his work in Russia on 26 April. WADA received weekly reports on progress and status, and the second international expert would start on 9 May.

When it came to responsibilities, to make it clear to everybody what role the different organisations were playing, the UKAD role was an interim measure, to fill the gaps given that RUSADA did not have the ability to test. UKAD had allocated staff to work alongside RUSADA staff, engaged an intelligence officer, a testing coordinator, a manager and a Russian-speaking expert to assist with translation. UKAD had to review the risk assessment for testing, the test distribution plan and the registered testing plan criteria to guide the testing in Russia. They were also responsible for managing testing on Russian athletes through the use of private sample collection agencies. It was not UKAD staff or doping control officers doing the testing; it was private sample collection companies such as IDTM carrying out sample collection under their jurisdiction. UKAD was also responsible for ensuring the coordination of the transport of samples to WADA-accredited laboratories. Three separate laboratories were currently being used. UKAD was responsible for reviewing and accepting all TUEs from Russia, and would assess and retrain RUSADA doping control officers when the time came. UKAD was in the initial phases of doping control officer reaccreditation. There was work being done to develop the current capacity of staff in RUSADA. There had been a mass exodus of staff from the agency, and there was a small skeleton staff remaining. RUSADA's main responsibility was to fully cooperate with UKAD and WADA. Whatever requests sent in the interest of clean athletes, RUSADA was expected to respond to those. RUSADA was expected to share test plans done in the past or planned at the time of non-compliance. RUSADA had to share information on testing in Russia in an internal database and provide full and unrestricted access to UKAD in relation to all Russian athletes in ADAMS. RUSADA also had to ensure that protocols were in place to guarantee the export of samples from Russia without being interfered with and work directly with the ministry to allow that to happen. WADA had oversight of the entire project, in terms of what UKAD was doing to fill the testing gap and what the international experts were doing when it came to the overall rebuilding of RUSADA. WADA was there to attend meetings with UKAD and RUSADA and work with the international experts to assess and see the way forward for RUSADA's compliance.

From WADA's perspective, it had been a huge strain on resources. A lot of time had been spent on the matter, a lot of staff had been dedicated, and it had not been easy. WADA had been constantly following up with RUSADA on issues of non-payment, constantly following up with the ministry of sport, and there had been countless correspondence. It was a daily activity of WADA to ensure that RUSADA and the ministry of sport were adhering to the agreed guidelines. As part of the other recommendations made and additional responsibilities, it had been agreed that the Council of Europe would appoint a person to sit on the governing board of RUSADA. He had mentioned the two international experts. It had been agreed, given that RUSADA had an external result management panel, that RUSADA would review and be responsible for result management with the close oversight of WADA, which had the right to appeal and reviewed all recent decisions. Finally, RUSADA had been given permission to carry out education initiatives throughout Russia.

Some of the limitations faced during that time included capacity. Looking at the capacity of the private sample collection companies in Russia, the agreement had started off with one company: IDTM. IDTM had a maximum of 10 doping control officers working in such a huge country. Since then, other organisations such as Clearidium (Denmark) and PWC GmbH (Germany) had been engaged to provide additional resources. As he had mentioned, there had been delayed payments from RUSADA to WADA, UKAD and the private sample collection companies, which at one point had stopped accepting mission orders from UKAD due to lack of payment by RUSADA. WADA had intervened and resolved the matter, and currently RUSADA was back on track when it came to paying the agencies in a timely manner. The delayed agreement on getting the experts in place had been a limitation. WADA had wanted them in earlier, but there had been negotiations on costs and signing an agreement. The experts were currently in place.

It was also important to raise the issue of closed cities in Russia. Russia had seven (known) closed military cities in which some athletes were known to train and reside. Currently, 30 days' notice was required to gain access to those cities. The issue was the ability to gain immediate access with no notice. There was presently an agreement to provide an open, unrestricted, six-month access to doping control officers in Russia; however, at a recent mission that had occurred the previous Friday, two doping control officers had been on a mission to a closed city, and they had not had authorised access. They had made a phone call to the athlete, and had been unsuccessful in reaching the athlete. They had then contacted the sport director in the closed city. The sport director had been very helpful and had located and taken the athlete and coach outside the facility. Once outside the facility, the security staff from the closed city had offered a room outside but, during the sample collection process, the federal security bureau (FSB) had shown up and threatened the doping control officers that, if they ever came within 80 km of the military city again, the German doping control officer would have his visa revoked and no longer be given entry

into Russia and the Russian doping control officer would have criminal charges laid against him. Three FSB officers had shown up and given the warning.

In terms of numbers and testing statistics in Russia, he referred to the statistics report from 18 November 2015 to 5 May 2016. There had been 2,244 tests conducted on Russian athletes in and outside Russia. 190 of those tests had been done on professional KHL continental hockey league players. Of those, 934 had been in competition and 1,310 carried out out-of-competition. At the time of RUSADA being declared non-compliant and UKAD taking on responsibility, UKAD, with the agreement of WADA, had sent out a letter to all IFs and all NADOs to encourage them to increase testing in Russia and on Russian athletes, on their own soil and in Russia. That was where the figure of 2,244 tests came from. Of those tests, the IAAF had carried out 403 tests and UKAD, filling the gap in Russia, had carried out 247 tests. An additional 426 tests had been planned but, as he had mentioned, due to the capacity of the private sample collection providers and lack of payment by RUSADA, those mission orders had never been filled. UKAD currently had 230 tests planned, and those tests had been accepted by the sample collection providers. Of the tests conducted, 1,444 had been conducted on summer Olympic athletes, and 800 tests had been conducted on winter Olympic athletes by IFs, NADOs and UKAD. It would be remiss of him not to give the members an idea of what that meant in comparison with the statistics from 18 November 2014 to 5 May 2015. Comparatively, 6,890 tests had been performed on Russian athletes during the same period the previous year, of which 4,250 had been on summer and 2,640 had been on winter sport athletes.

In terms of results, based on UKAD's intelligence and the work it had been doing to date, of the 247 tests conducted, there had been 99 whereabouts failures across 18 sports, 20 missed tests on athletes reported, 79 filing failures and one whereabouts violation. A combination of three was required for a whereabouts violation. In addition, there had been one refusal from an athlete.

In relation to adverse analytical findings, of the 247 tests, there had been 49 adverse analytical findings and one atypical finding across 13 sports, of which 47 had been from meldonium, one from stanozolol, and one from meldonium and a stimulant.

Looking at the way forward, WADA's objective was to continue to work with the international experts to assist and oversee the development of RUSADA, to work with Russia and ensure that governance issues were addressed. All the issues had been outlined in a detailed project plan presented to RUSADA. The experts were working on that. WADA continued its work with UKAD. UKAD had taken a huge risk to help WADA and WADA appreciated its support.

MS SCOTT thanked Mr Koehler for his very interesting report. Unfortunately, she felt that, after hearing about the rebuilding and reformation of RUSADA, it seemed as though things had been very compromised, and that did not instil a lot of confidence in the athletes, in particular the athletes going to Rio that summer. She wondered, particularly with the IOC members sitting around the room, how they felt about the athletes going to Rio and if WADA would be able to make a recommendation based on its experience thus far. She knew that WADA did not have jurisdiction over the Olympic Games, but she certainly hoped that, on behalf of the athletes, WADA would be able to make some recommendations.

MR MOSES agreed with Ms Scott. He had been to Russia in 1989 with the USA when trying to set up a programme, and had pretty much heard then what he was currently hearing and reading about. After hearing the report from Mr Koehler, personally, as an athlete who had been around drug testing longer than almost anybody in the game today, he felt really disappointed and thought it would be a tragedy to pretend that things were going to turn around within the coming months, to deny the fact that the athletes in Russia had not been tested adequately and to allow them to be on the playing field at the Olympic Games. It would be a personal tragedy to see that continue and not do what he thought should be done. It would be a big disappointment for the athletes, not only at the Olympic Games in Rio; it might be something that athletes would never get over. He did not know how many people had seen the 60 Minutes report the other night. The lady who had spoken at the very end, Alysia Montañó, had been talking in a very sensible way about how she had lost a bronze medal in England; but, when the reporter had asked her how it made her feel, it had taken her two seconds to tear up and break down. It might be hard for the people from the public authorities and governments and federations to understand it but, as an athlete, he did not know if the gravity could possibly be understood, in terms of how much it meant to the athletes, and how detrimental it was and how it really compromised everything that the Olympic Games and world championships were about. He hoped that people who were not world-class athletes and had not had to make that kind of sacrifice understood that people dedicated their lives to the Olympic Games without getting paid, with no compensation, and the Olympic Games would happen in a

couple of months. He was glad he had heard the report, but he was sure that the athletes had a real sense of what was going on.

MS FOURNEYRON noted that the report was naturally very important, and it reached a very difficult conclusion. It was very difficult to imagine that actually there had been a lot of allegations during the Olympic Games in Sochi. WADA tried to do a good job and it was very difficult. At the same time, there was new information and new doubts, and it was terrible for all the athletes.

THE CHAIRMAN said that that was not easy, as the members could see. The bureaucracy in Russia greatly limited WADA's ability to help the Russians and their own ability to help themselves. Looking back at the recommendations from the Independent Commission, a comment had been made by the chairman that, if the Russians got their act together, they might be compliant before the Olympic Games in Rio. It was quite clear from the statistics that that was unlikely to happen. WADA's job was to talk about compliance. It was likely to be a recommendation from the Compliance Review Committee to him as President to give a reasoned decision and, quite clearly, one could not give any reasoned decision on the evidence before WADA at that time. To try to put an end to further speculation about what was happening, he proposed that the Executive Committee show that in public to the Foundation Board the following day so that people would know precisely what was happening and would be able to draw their own conclusions. He found it unacceptable that leaks were made to television stations. At least WADA would be able to say that that was the situation and people would be able to make up their minds. The only organisation in Russia that was physically banned was the Russian athletics federation. The IAAF had acted properly under the Code and had a different process, through which it was going. As far as athletics was concerned, that was the IAAF's responsibility and not WADA's. The members could see from the figures that there was a very long way to go in his view before one would be able to turn around and say that the Russian ADO was compliant and, looking at the road map and the overall plan, it could last for anything up to two years. WADA had started a process and it was a difficult one. Subject to the members' agreement, the Executive Committee would let the Foundation Board see exactly where WADA was, and then people would be able to take their positions. He could not from WADA make the kind of statement that was wanted, as WADA did not have the power to remove people from an Olympic Games, but it would be quite clear what the options were.

MR NIGGLI pointed out that the explanation on the rationale had been provided by Mr Bouchard.

THE CHAIRMAN said that, if the Executive Committee decided to go down the compliance route, the next struggle would be to get everybody practically compliant and, if WADA fell between two stools, it would be rightly criticised, so he was grateful to the members for all of that.

#### DECISION

Recommendation on non-compliance approved.

#### – **10.4 Mandatory entry of DCFs and TUEs into ADAMS**

Item dealt with under item 10.1.

#### DECISION

Recommendation in relation to the mandatory entry of DCFs and TUEs into ADAMS approved.

#### – **10.5 International Standard for Testing and Investigations – modifications**

Item dealt with under item 9.

#### DECISION

Proposed ISTI modifications approved.

#### – **10.6 Code signatory status**

THE CHAIRMAN referred to a paper in the members' files on the question of recognition of Code signatories. He believed that Ms Widvey had information on that in some way.

MS WIDVEY said that Europe approved the proposed decision.

MR RICCI BITTI apologised, because the sport movement did not approve the proposal, as it believed that the existing rule already addressed what was sought. The sport movement had the same aims, but lived in a very specific world, that of sport, and he thought that the Europeans disregarded the specificity of sport, as the only people who sought WADA recognition and were not

under the umbrella of recognised organisations were people who abused. There was an example every three or four days of organisations, basically promoters, who wanted WADA signatory status so as to go round the world and sell their rights at a better price. He was being very candid. He believed that the rule, as it was, was very good and that there was no discrimination, as the rule stated clearly that WADA had to ensure the legitimacy of a signatory and who better than the sport umbrella organisations to verify that? Huge organisations were not looking to be signatories if they were honest about their purpose. Referring to his sport of tennis, ATP and WTA were very big organisations, and they were very happy that the IF was the signatory, because they had no vested interest. A few days previously, an organisation promoting a sport had wanted to sell its event to China; China had requested WADA signatory status and the sport had immediately sought to become a signatory. The only thing was that it looked good and looked as if it were non-discriminatory, but it was in fact really discriminatory, allowing for abuse. The situation as it was addressed the purpose. Everybody had the same aim: the Olympic Movement wanted to have the largest implementation of the Code, but each organisation was already obliged to apply the Code if they wanted to be in the system. The problem was that the opening, which could look good, looked much worse. The Olympic Movement strongly recommended staying as it was, because the problem raised (and it was a good point) was already addressed.

MS WIDVEY repeated that that was a wish expressed by Europe.

MR RICCI BITTI responded that he recommended considering the specificity of sport. The honest organisations did not seek to become signatories as they were confident that the umbrella organisation was the signatory. To open the signatory system to everybody looked good, but everybody had already committed. Everybody had to abide by the rules of the WADA Code; therefore, it was somewhat redundant. He agreed with the principle of the document, but knew the reality, and it was open to much abuse. There had been a good example three days previously in his organisation.

THE CHAIRMAN added that he had had any number of organisations of which he had never heard that wished to be WADA signatories for other purposes. It was not that they particularly wanted to follow the Code. He therefore acknowledged the clear opinion expressed by Europe and suggested that, until there was any particular change, WADA stick with the current situation.

#### DECISION

Code signatory status proposal rejected.

### **11. Legal and investigations**

#### **– 11.1 Legal and investigations report**

MR NIGGLI highlighted a few things from his report. Investigation was still part of the legal report; it would probably be different in the future once the department had been beefed up. WADA was recruiting a head for the department. The department was being equipped with a new IT system, to make information management more streamlined. WADA had been very active in providing training to IFs; every Olympic IF except for golf had been given a training session, and that was very important, as it was a way of sharing information and making sure that everybody was aware of the importance of intelligence. A lot of work was ongoing and a lot of work was ongoing that was not part of the report for obvious reasons of confidentiality.

On data protection, Europe had approved new legislation, which would enter into force in two years' time. There would be further discussion with the European authorities; WADA had been invited to partake in an anti-doping event in June. The main issue was to ensure that all the member states were aware of the fact that they needed to recognise, within their own legislation, the public interest of the fight against doping in sport, as that was one of the conditions that would allow for the exchange of information under the new legislation.

The members would also see a brief update on the status of the various laboratories in his report. It had entailed a lot of work from the WADA science people, in particular, and site visits were being organised and things put into place to correct situations as fast as possible to try to enhance the fight against doping in sport, but that also showed the importance of having good proficiency testing and ensuring quality. He thought that the whole fight against doping in sport and the whole investment in that fight was moot if laboratories did not operate at the appropriate level.

There were a number of cases in his report. He would not go into detail. As part of the same thing, there was a paper under 11.2 on whistleblowers. That was clearly work in progress. The whistleblower programme was being developed and would encompass a lot of different aspects,

one of which was the money component. The Executive Committee would have to be ready for a discussion on that, and he had also heard from investigators that a good whistleblower programme would probably have a financial component that WADA would have to be ready to put into place. The overall compliance/investigation area would represent substantial costs for the organisation, as Mr Ricci Bitti had pointed out.

THE CHAIRMAN asked if anybody had any questions. He was very well aware of the heavy load that Mr Niggli carried as far as the legal work was concerned. He would be going with Mr Niggli to the European Union meeting in Amsterdam, and would certainly make it clear that it would be wonderful if European countries could find a simple way of doing things as opposed to a very complicated parliamentary way, but maybe he lived in hope.

#### DECISION

Legal and investigations report noted.

#### – **11.2 Whistleblowers**

*Mr Stepanov was connected to the meeting via Skype. MR KOEHLER facilitated the discussion with him.*

THE CHAIRMAN wished Mr Stepanov a good afternoon from Montreal. He thanked Mr Stepanov for giving up his time. One of WADA's obligations was to look at a whistleblower system, and he thought that Mr Stepanov might be able to help WADA in that regard.

MR KOEHLER thanked Mr Stepanov for joining the Executive Committee. The Executive Committee was very aware of the background to Mr Stepanov's story, about him and his wife coming forward to speak out about doping in Russia. In fact, he had just given an update to the Executive Committee on the current situation, on what was happening with UKAD, in Russia and throughout the nation. The Executive Committee knew that the steps taken by Mr and Mrs Stepanov to expose cheating had not been an easy process. Recognising that, at the time Mr Stepanov had come forward, WADA had not had the ability to investigate, with the 2015 Code, WADA had the power to investigate and, as WADA moved forward, it wanted to learn more about how to better inform the whistleblower policy. What had Mr Stepanov's main motivation been to speak out about the issues he had experienced in Russia?

MR STEPANOV thanked the Executive Committee for finding the time to listen to him. He had never spoken to such important people before. He had been thinking about what he would like to say and had thought that he would speak to the Executive Committee members as a person who cared about clean sport, his own family and his two-year old child, and as a person who believed in clean sport and fair competition. Sport would not exist if it were not fair. It would not be sport or a competition; it would be something fake that people would not watch and, again, competitions such as the Olympic Games were watched by billions of people and he was sure that they would like to watch something real and not fake.

In 2008, he had gone to RUSADA. He had seen an advertisement that a newly created organisation was looking for people who believed in clean sport and fair competition. That was him, in his mind. He had been interviewed, had been told about the creation of RUSADA, and that it would work in accordance with the WADA Code. One of the first things he had done had been to read the WADA Code. He had agreed with it and he had thought that working at RUSADA would be his dream job. He had started working, but had learnt over time about everything that RUSADA had done and that Russia as a country had done sports-wise. It went against his own beliefs, so he had made his own decision and had thought about going to WADA to express his concerns so that something might be done about it.

MR KOEHLER asked Mr Stepanov about the biggest hurdle he had faced after speaking out.

MR STEPANOV responded that the biggest hurdle for him, and obviously his wife, was that, as Russians, they had talked mostly to Russian coaches, doctors and sport officials, and none of them had had anything good to say about WADA, claiming that the members were people who cared only about their countries' interests, that they were not interested in clean sport, they were simply making sure that their countries won medals. When everybody said such things, it was necessary to believe older and more experienced people who had been involved in sport for many years, but that belief went against his own personal belief. He had met some WADA people and thought that they were there to fight doping. He had gone to those people. The biggest hurdle for him personally had been to go against his own country and those people with a strong belief that it was a game, that everybody cheated and that the best cheat won. It was frustrating, but it was what he had had to deal with.

MR KOEHLER said that Mr Stepanov had come forward and given information to WADA. During that process, WADA had worked with Mr Stepanov and assisted him but, based on his experience and what he had gone through, what types of incentive did he believe were needed to encourage other athletes and coaches to speak out? What could inform a whistleblowing policy to incentivise more people to speak out? Currently, Mr and Mrs Stepanov were the only ones to have spoken out. What was needed to inform a better policy?

MR STEPANOV responded that it was not just about hurdles but also about challenges that he had faced. When reading the Russian media, when he read that his wife was called the Judas of Russian sport, when both he and his wife were called traitors, it was frustrating to understand how messed up some things were, how one tried to stand up for something right and how, in some countries such as Russia, the media were totally controlled by people who stood for completely unethical beliefs. That was one of the challenges; that was personal, and was something that had been dealt with by his family daily.

The report had been published in November 2015, and it had been confirmed that the problem was not just athletics, but also a lot of other sports in Russia. He had been seen as a whistleblower who had told the truth, but the reality was that the report had been published and, seven days later, the person who had provided the most evidence, who had served her ban in full, had provided truthful statements and helped the investigation in every way possible, had learnt that she had been suspended for whistleblowing, and that was what he and his wife had been dealing with since November. It was nice to read in the media that WADA, the IOC and the IAAF were saying all the right things and how they supported whistleblowers; but, in reality, the whistleblower who had done the most for the investigation had been suspended. That was one of the biggest challenges: to try to be patient and wait for the decision on 17 June. In his view, it should not take six months to decide. All the right words were being said by all the major sport organisations; but, if athletes or other people thought about whistleblowing, they would see that, in reality, they would be suspended if they did so. It was hard to digest, as a family.

MR KOEHLER reminded Mr Stepanov that WADA, through the support of the WADA President, had made it very clear with the IAAF that it thought that Mrs Stepanov should be allowed to compete. When it came to other whistleblowers coming forward, based on Mr Stepanov's experience, what was needed to encourage others? Not many people had come forward and spoken out, so what did Mr Stepanov believe was needed to incentivise people to come forward, be it substantial assistance, autonomy, money, etc.? What were the most important things a programme could offer to encourage people to come forward?

MR STEPANOV responded that the main reason was that he had met people from WADA and had felt that they cared about clean sport and fair competition, so obviously that would help athletes if they felt that, that the group sitting in the room comprised not just politicians but also people who cared, who wanted fair competition and did not make compromises with corrupt sport officials, and he believed that, if athletes saw that, they would come forward. Also, from what he had seen over the past few months, and he was a person who cared, some more cheating had come out unfortunately from his country, but there was no reason people should be cheating; there had been some evidence, he had spoken to people who had more evidence about wrongdoing and cheating in sport in Russia, and he had also been reading that the Chair of the WADA Athlete Committee had requested more investigations in Russia, and it seemed that WADA had dismissed those requests. It made him wonder why that was happening. It would be good to watch something fair on television and in sporting arenas.

MR KOEHLER referred to the mechanism. WADA was developing a programme, but that was not just about WADA; it engaged NADOs, IFs, and different organisations. Recognising that Mr Stepanov had been in hiding since speaking out, what did he think ADOs needed to do to make people speaking out feel safe, and that their message was being heard and acted upon? What was needed in terms of informing a policy?

MR STEPANOV replied that, in his own experience over the years he had been communicating with WADA, he had often not clearly understood what he was for WADA, whether he was the witness or just the person who was a pain in the backside. He had never clearly understood whether he was a witness, part of something, or whether something was being investigated. Again, the way the story had turned out, in the end, he had learned that perhaps the best thing that might have been done, at least in accordance with the previous Code, would have been to share the information with a journalist. One of his first thoughts had been that four years had been wasted. If he had gone to Hajo Seppelt directly in 2010, if he had been directed by WADA, the whole corrupt system would have been gone by then, at least in Russia, because the reaction would have been more aggressive. He understood WADA's point of view, that it cared about

whistleblowers and people, but a lot of fake competitions had been taking place over those years, and he hoped that WADA would admit in part that things should have been happening faster. In those circumstances, maybe the Code should have been adjusted, and a special meeting should have been arranged. That was his point of view. Again, in terms of support, obviously, if the whistleblowers were risking losing their jobs and were unable to support their families, he did not think there was anything wrong if WADA helped them financially, helped them to relocate and find a new job, as long as they were telling the truth. He thought that that was great. If people told the truth, if WADA believed them, if they were doing something right for sport, they had to be helped, and money obviously mattered as well.

MR KOEHLER asked a final question. He was sure that Mr and Mrs Stepanov had had many discussions around the kitchen table; but, recognising when talking about NADOs and WADA and based on his conversations with Mrs Stepanov and potentially other athletes, what were athletes expecting of NADOs, WADA and IFs when it came to people coming forward with information? What did Mr Stepanov see those organisations doing and what would he expect of them?

MR STEPANOV said that he had written down that the organisations should be transparent, show that they cared about clean athletes and do everything in their power to catch people who cheated. That was what the Code said. He thought that the Code was a good document; it was just the corrupt people who messed things up. The same applied to NADOs and WADA as well.

MR KOEHLER thanked Mr Stepanov for spending time with the Executive Committee.

THE CHAIRMAN thanked Mr Stepanov for his time. He would ask the members of the Executive Committee if they had any questions, but first he asked Mr Stepanov if he would be happy to take those questions and provide his views.

MR STEPANOV said that he would be happy to take those questions. He was not sure how much the members had been following the news, but there was a good preview from Mr Mutko, and he hoped that all of the members would read the New York Times over the next few days.

THE CHAIRMAN responded that he would not comment on that but he did receive the occasional letter from Mr Mutko.

MS SCOTT introduced herself. She was the Chair of the Athlete Committee, the group that had formally and publicly commended Mr Stepanov and his wife on their courage and what they had done for clean sport. WADA owed a tremendous debt of gratitude for the sacrifices he and his wife had made. She thanked them from the bottom of her heart for what they had done for clean sport. They had done more in six months than she cared to say. It was a sincere congratulations and appreciation to Mr and Mrs Stepanov. She wanted to keep their fight going and do what she could from her side and hear from him what he thought the athletes should and could be doing.

MR STEPANOV responded that he hoped that more clean athletes would speak up. The statistics said that more than 90% of athletes were clean. It would be nice if those 90% could talk and complain about the 10% or whatever it was, and say that those people should not be in competition because, as Hajo Seppelt had taught him, the only way to change something was to put public pressure on big sport organisations. Obviously, it would help if clean athletes could speak out and put some pressure on the organisations.

THE CHAIRMAN said that Mr Stepanov seemed to have answered most of the questions in advance. Mr Stepanov certainly had changed things, as his efforts had led to the Independent Commission and probably the first occasion on which there had been clear evidence of wrongdoing, and probably more than WADA had expected. He was grateful for that. He hoped that Mr Stepanov would understand and be grateful for the efforts that WADA had made to support him and look after his family over the past few months. He was really grateful to Mr Stepanov for taking the time to talk; it had been a very interesting 25-30 minutes, and he wished Mr Stepanov well.

MR STEPANOV emphasised that he had felt the support from WADA; it was just his personal thought that it might have been better for clean sport if things had happened faster, not years but maybe months, and he obviously hoped that that would be changed in the future. He thanked the Executive Committee members for listening to him

THE CHAIRMAN thanked Mr Koehler for setting up the call and expressed the hope that WADA would learn from the experience.

#### DECISION

Whistleblowers update noted.

## **12. Anti-Doping Administration Management System (ADAMS)**

MR NIGGLI referred to the report on ADAMS. Obviously, as long as WADA was running the current system, it would make sure that it was maintained and upgraded and services were provided to ADAMS users. Things were going well from a technical point of view. There were some issues and demands from stakeholders on improving the system, but that was part of the new development. There were some challenges on the new development, as there were with any IT project, and WADA was being made aware of those by the IT and legal teams, which were working together to solve the issues. That might cause some delays in terms of getting a final product. WADA was working on it and would report as the project went forward.

### DECISION

ADAMS update noted.

## **13. European Regional Office/International Federations**

### **– 13.1 2016 Anti-Doping Organisation Symposium report**

MR DONZÉ noted that he would be somewhat unusually brief, not only because he was the last speaker of the day, but also because there was a longer report in the members' folders, and he would give a more comprehensive report the following day on the WADA symposium. He gave a few brief highlights of the 2015 ADO symposium, which had been held from 14-16 March in Lausanne. That symposium continued to grow and was the largest gathering of anti-doping practitioners worldwide and the largest annual WADA meeting, and he had been very pleased to experience once again a record number of participants. More than 500 participants had registered, with more than 200 different ADOs, 86 IFs represented, 101 NADOs and RADOs, and 14 major event organisers, all ADOs as defined by the World Anti-Doping Code. Once again, it had been quite a nice turnout. The focus had been very much on partnerships and quality practice, so really the quality of the practice of the 2015 World Anti-Doping Code leading up to the compliance exercise to start later that year. WADA had renewed a number of experiences and innovations, namely a full day of practical workshops for participants, which had been much appreciated. WADA had opened the symposium to WADA-accredited anti-doping laboratories to try to enhance synergies and further cooperation between all parties involved. WADA had opened one of the events to the media and, as the members could imagine with the current level of high-profile cases and matters in the world of anti-doping, there had been quite a lot of media represented. WADA had sent a survey to the participants after the symposium and the results were that, once again, the participants had felt it was a very successful symposium. Beyond the fact that WADA sought to achieve better World Anti-Doping Code practice, there was a very strong component of cooperation between the various ADOs. It was a wonderful opportunity for all ADOs, including IFs and NADOs, to share practices, expertise and experience, and was a wonderful opportunity to maximise synergies and opportunities. The ADO symposium, which lasted three days, was currently joined by other side meetings, including the general annual meeting of the Institute of National Anti-Doping Organisations, and WADA had organised quite a number of other meetings, including training for IFs in terms of information gathering and intelligence sharing, and was already looking at the future of the symposium. Based on the feedback received, WADA would hold an internal debriefing session to see how to continue to make the symposium evolve, but also try to manage it as much as possible in terms of its growth, as it meant a significant amount of work for the Lausanne office and WADA in general. WADA had wonderful partners, including Lausanne Tourism working as a professional conference organiser, but it was a significant amount of work. He was looking at 2017, and would provide more information the following day as part of his report. In the meantime, if there were any more questions, he would be happy to entertain them.

THE CHAIRMAN noted that the symposium was the event in anti-doping; almost 500 people came from the whole anti-doping community, and he was conscious of the amount of effort Mr Donzé put into it. It was very much the Fred Donzé show sometimes, but it worked wonderfully well.

### DECISION

2016 Anti-Doping Organisation Symposium report noted.

#### **14. Any other business/future meetings**

THE CHAIRMAN said that one of the implications of the rather regrettable issue with Poland was that WADA had been faced with a rather sensitive issue that, if it were non-compliant, it would not make much sense to accept the invitation and go to Warsaw next September. He hoped that Poland would become compliant, and well before the date given by Mr Bouchard. However, in the meantime, he suggested that the Executive Committee meet as guests of ANOC at the new offices in Lausanne, Switzerland on the same date, to avoid any issues with a non-compliant host.

The second date was marginally more difficult, and he asked the public authorities representatives to think of the issue. The sport calendar, as far as meetings were concerned, got almost impossible. He knew that, on 16 and 17 November in Doha, there would be the annual general assembly of the Association of National Olympic Committees. It should have been held in Rio pre-Olympic Games, but it had been moved back. The president of ANOC would inevitably invite the presidents of IFs and all sorts of people. It was also one of the few meetings at which the four candidate cities for the 2024 Olympic Games would actually make presentations, so it was a big date. If WADA were to adhere to its current meeting dates, the following morning, the members would be due in Glasgow, a city he knew well. Surprisingly enough, because of a conflict of dates, WADA could move the November Executive Committee and Foundation Board meetings back by one day so, instead of Friday 18 and Saturday 19, the meetings could be held on Saturday 19 and Sunday 20. That created a 24-hour window to allow people to get from Doha to Glasgow. It could be done, as there were two Emirates flights a day from Dubai. He had mentioned that that morning so that the sport movement would be aware of it. He asked the public authorities if they could live with that. It was a 24-hour postponement. If they could not, they would probably be on their own, as there would be nobody from the sport movement present, and WADA should have a properly representative meeting. If the members agreed, WADA would immediately be in touch with the Glasgow people to set up hotel and meeting arrangements. He thanked the members. That was a real help.

He very warmly invited the members to the 36<sup>th</sup> floor of the Marriott Hotel that evening, at which there would be a very special cocktail party with varied entertainment and no doubt some surprises, in some way recognising the fact that that was the last meetings at which Mr Howman would be present as the Director General. He thanked the staff for their excellent organisation, along with the audiovisual people and the interpreters, and wished everybody well.

#### DECISION

Executive Committee - 21 September 2016;  
Lausanne  
Executive Committee - 19 November 2016,  
Glasgow, Scotland;  
Foundation Board - 20 November 2016, Glasgow,  
Scotland;  
Executive Committee - 17 May 2017, Montreal,  
Canada;  
Foundation Board - 18 May 2017, Montreal, Canada.

The meeting adjourned at 3.25 p.m.

#### FOR APPROVAL

**SIR CRAIG REEDIE**  
PRESIDENT AND CHAIRMAN OF WADA