

**Minutes of the WADA Executive Committee Meeting
4 November 2019, Katowice, Poland**

The meeting began at 1.00 p.m.

1. Welcome, roll call and observers

THE CHAIRMAN welcomed the members to the WADA Executive Committee meeting, which was taking place prior to the fifth World Conference on Doping in Sport in Katowice. Looking around the magnificent centre, the members would begin to get some idea of the amount of work that had been done to prepare for the meetings. He was sure that Mr Bańka would pass on the message of thanks to the organisers on behalf of the WADA Executive Committee.

He welcomed Ms Hudson, the new Education Director, who was a real asset to WADA.

The following members (or their designated deputies) attended the meeting: Sir Craig Reedie, President and Chairman of WADA; Ms Linda Hofstad Helleland, Vice-President of WADA, Member of Parliament, Norway; Mr Francesco Ricci Bitti, Chairman of the WADA Finance and Administration Committee, President of ASOIF; Professor Ugur Erdener, Chairman of the Health, Medical and Research Committee, IOC Vice President, President of World Archery; Mr Jiri Kejval, President, National Olympic Committee, Czech Republic; Mr Ingmar De Vos, Executive Member, GAISF Council, IOC Member, FEI President; Ms Emma Terho, representing Ms Danka Barteková, IOC Member and Member of the IOC Athletes' Commission; Mr Sergey Khrychikov, representing Mr Witold Bańka, Minister of Sport and Tourism, Poland; Ms Amira El Fadil, Commissioner for Social Affairs, African Union, Sudan; Mr Marcos Díaz, representing Ms Andrea Sotomayor, CADE President, Ecuador; Mr Kameoka Yoshitami, State Minister of Education, Culture, Sports, Science and Technology, Japan; Mr Andrew Godkin, representing Mr Richard Colbeck, Minister for Youth and Sport, Australia;

The following Standing Committee Chairs (not also Executive Committee members) attended the meeting: Mr Edwin Moses, Chair, WADA Education Committee, Chairman, Board of Directors, USADA; Mr Jonathan Taylor, Chair of the WADA Compliance Review Committee, Partner, Bird & Bird LLP; Ms Beckie Scott, Chairman of the WADA Athlete Committee.

The following representatives of WADA Management attended the meeting: Mr Olivier Niggli, Director General, WADA; Mr Frédéric Donzé, Chief Operating Officer, WADA; Ms Dao Chung, Chief Financial Officer, WADA; Ms Amanda Hudson, Education Director, WADA; Ms Catherine MacLean, Communications Director, WADA; Mr Tom May, Programme Development and NADO/RADO Relations Director, WADA; Dr Olivier Rabin, Science and International Partnerships Director, WADA; Mr Tim Ricketts, Standards and Harmonisation Director, WADA; Mr Julien Sieveking, Legal Affairs Director, WADA; Dr Alan Vernec, Medical Director, WADA; Mr René Bouchard, Government Relations Director, WADA; Mr Gunter Younger, Intelligence and Investigations Director, WADA; Mr Sébastien Gillot, Director, WADA European Office and IF Relations; Ms Maria José Pesce Cutri, Latin American Regional Office Director, WADA; Mr Rodney Swigelaar, African Regional Office Director, WADA; and Mr Kazuhiro Hayashi, Asian/Oceanian Regional Office Director, WADA. and.

The following observers signed the roll call: Clayton Cosgrove, Hirokazu Kumekawa, Bram van Houten, Hannah Grossenbacher, Anita DeFrantz, Yang Yang, Machacha Shepande, Kendel Ehrlich, Travis Tygart, Michael Vesper, Richard Budgett, Darren Mullaly, Liene Koslovska, Joe Van Ryn, Santiago del Pino, François Kaiser, Takegawa Nobuhiro, Fujie Yoko, Shin Asakawa, Eva Bruusgaard, Rune Andersen, An Vermeersch, Alexandre Husting, Dan Kersch, Yewbzaf Tesfaye and Witold Bańka.

– 1.1 Disclosures of conflicts of interest

THE CHAIRMAN asked the members if they had any conflicts of interest in relation to any of the items on the agenda. In the absence of any declaration, he would continue.

2. Minutes of the previous meeting on 23 September 2019 in Tokyo

THE CHAIRMAN drew the members' attention to the minutes of the previous meeting, held on 23 September in Tokyo. They had been circulated; however, the members would find on their tables a request from Minister Kameoka stating that he believed that the recording of the translation of what he had said had not been completely accurate. The amended document was before the members.

He had read it over quite carefully and, from his memory of the meeting, it reflected pretty accurately what the minister had said on that occasion and, subject to the members' approval, he would include that in the minutes.

DECISION

Minutes of the meeting of the Executive Committee on 23 September 2019 approved and duly signed.

3. Director General's report

- **3.1 Strategic plan 2020 update**
- **3.2 World Conference on Doping in Sport – programme/briefing**

THE DIRECTOR GENERAL said that the meeting in Tokyo had not been that long ago and therefore the number of things he had to report on was fairly limited.

Starting with governance, there would be a separate item to discuss the legal text. Following the decision taken in Tokyo, the Nominations Committee had started its work. It had had an initial teleconference and was looking actively for a replacement for the Chairman of the Compliance Review Committee, and had been receiving nominations for members of the various standing committees and so on. The committee was working, and would have its first in-person meeting in early December, and he thought that it was a very high-quality committee.

On the strategic plan, many of the members had partaken in the exercise of talking to PricewaterhouseCoopers in the second phase of the work that was being done, and he thanked the members for that. He thought that it had gone well. There had been a session with PricewaterhouseCoopers during which the opinions expressed and the positions had been summarised, and work was currently ongoing during the third and final phase to put all of that into some strategic wording, the idea being to present a draft to the Executive Committee in January with the final document to be ready for approval by the Foundation Board in May.

In relation to the Rodchenkov Act, as the members would have seen in the media, the text had passed the US Congress and had been sent to the US Senate for further discussion. As far as he was concerned, the position expressed at the Foundation Board meeting had not changed, in that WADA certainly supported legislation, criminalisation and exchange of information between the NADOs and law enforcement bodies. That was all positive and went in the right direction, but concern had been expressed about the extraterritoriality clause, which might have unintended consequences on the overall system. The discussion would be continued with the US Senate to see how things evolved.

He reminded the Executive Committee that, as of the following day, the members would be on the stage during the plenary sessions, so he asked the members not to run away because they would be expected to be sitting on the stage during the two half-days.

PROFESSOR ERDENER thanked the Director General for his comprehensive activity report. He wished to say something about the Rodchenkov Act. The Sport Movement wished to receive a detailed explanation in relation to the act, in particular about its implication globally. For instance, what would the implication be for WADA, the Code and the UNESCO convention? Was it correct that such legislation would allow the NADOs to bypass the regulations agreed in a spirit of partnership between the Sport Movement and the public authorities? That was another issue. In his opinion, the friends from the public authorities should be more active, in particular during the discussion of the act in the US Senate. That was another important point when talking to colleagues.

MR GODKIN made a minor comment on the report. Under Russia, there was reference to the Seychelles decision on reinstatement and he wanted to comment that some of the members had thought that there would be other viable alternatives to reach the same outcome. He wanted to put that on the record at that meeting.

MR DÍAZ said that, given that the USA was a Foundation Board member and there were US observers present, the public authorities had agreed to ask the Chairman whether they might participate in the discussion on the US legislation and the Rodchenkov Act and come and sit down and explain more about the status and the interest in relation to the law. That would be of help to the public authorities and the Sport Movement.

MR KHRYCHIKOV said that, in relation to the Rodchenkov Act, in the budget for the following year, there was a provision of more than 200,000 US dollars for activities in the USA and there was

a question that that would be spent on lobbying against the Rodchenkov Act. In that regard, the public authorities might have some concerns, because WADA was not expected to lobby against specific legislation unless it was not in line with the Code and WADA provided specific advice. Therefore, he wished to understand the grounds for WADA to lobby or act against particular legislation in a country and how the money allocated for such activity in the USA would be spent.

MR KEJVAL said that he had two issues. The previous time, the members had discussed the cost related to the internal investigation, and he wanted to know the final amount. He referred to the Olympic Movement and IOC costs, and all of the invoices that had been combined on the basis of the internal investigation amounting to 250,000 US dollars, which had been sent to WADA. It was important to have an exact idea as to the total cost of the case.

He would be very happy if there could be some kind of internal legislation, just if possible to avoid such a situation in the future, because the money spent was not considered effective in terms of WADA's interests.

In relation to the Oregon Project, the Sport Movement wished to state that it had been paying close attention to recently published reports in relation to Mr Salazar and Mr Brown, in particular in relation to the wider circumstances surrounding those cases. The Olympic Movement would welcome WADA's assessment and position and follow-up action on plans to be made in that respect. The Sport Movement would like to ensure that all aspects in relation to that practice were more broadly investigated for the entire period of the Nike Oregon Project. Such investigation should also look into the elite athletes, the athlete support personnel and other people or organisations who had been in contact or worked with Messrs Salazar and Brown.

MR RICCI BITTI noted that the Sport Movement was very concerned about the implications of the Rodchenkov Act on the fight against doping in sport. The first issue was extraterritoriality. The Council of Europe had spoken about a national law, but there would be an extraterritoriality impact, which was very important. The second issue was harmonisation because, if everybody started introducing similar bills in individual countries, the desired partnership between sport and the public authorities which was vital for the achievements and success in anti-doping would fail, so WADA had to take care of that. He did not know if the bill was of interest to organisations in the USA that were not Code signatories, such as the major leagues, so there was a huge potential implication, and he urged WADA to take care of that and also wanted to know what WADA had done to date in terms of clarification.

THE CHAIRMAN suggested dealing with the Seychelles, money and Nike issues first, and then concentrating on the Rodchenkov Act.

THE DIRECTOR GENERAL said that he would not respond to the questions on the act before the members had decided whether or not to listen to the US representative, but he would talk about what WADA had done and how it was doing things. He knew what Mr Godkin had said, but it was noted.

In relation to the comment by the representative of the Council of Europe, he totally objected to the term 'lobbying against', because WADA had never lobbied against any legislation but had expressed its concerns to legislators in Washington about a specific provision in the act, which was the extraterritorial part of it. WADA had actually said that it supported the part about criminalisation and exchange of information, as well as the protection of whistleblowers. The concern was not about the act, but about the fact that the act, which was different to all anti-doping laws seen to date, had a component that had an implication outside the USA and a potential effect on the entire system. That was why WADA had engaged in a discussion with the legislators. It had been done at the request of the Foundation Board, after an intervention made clearly by some members who had had concerns about it, so there were concerns around the table. That was not a unique situation. WADA had spent millions dealing with Europe on data protection, trying to ensure that the European legislation would not create problems for the anti-doping system. WADA was doing nothing other than trying to preserve the interest of a harmonised system in which everybody had a role and worked well together.

As far as the budget was concerned, he thought he had already responded to the question at the previous Executive Committee meeting, but he would be happy to repeat what he had said. First of all, it was a budget, and sometimes there were surprises and one did not spend as much as one anticipated. The second thing did not concern the Rodchenkov Act alone: it was about the USA and a lot of the work that had to be done there, which included professional leagues, college sport and government relations. He was not taking the plane from Montreal to be in the USA and Washington every second week. There were a lot of discussions in the USA on WADA, particularly since the

Russian affair, that sometimes mischaracterised the position of the agency, and it was important to be able to ensure that everybody heard what WADA truly did and had a discussion about it. That was nothing exceptional: it was just a reality that WADA currently had to face in a specific context, which was complicated for everybody.

He did not have the exact figure, but he thought that the cost of the investigation, which was in the accounts, was above 1.5 million dollars; so, if he did his math correctly, WADA was probably at around 1.7 million dollars in total for that exercise. The Executive Committee had formally accepted all the recommendations from the Covington report which had led to some rules being put into place. As discussed previously, as part of the governance reforms, there was a need to create a code of ethics, and that, combining the recommendations from Covington with the work to be done on the code of ethics, would answer the question, so there were rules in place that dealt with how things were happening around that table and in the organisation. That was work in progress. That particular item was for phase two of the governance reforms. He hoped that the first phase would be approved on Thursday. That was the next important thing to be put in place as soon as possible.

On the question about the Nike Oregon project, WADA had requested the file, as it always did. WADA had a right of appeal and would certainly look into all aspects of the case as it usually did and would report to the Executive Committee, but that was the current situation. At that time, given the right of appeal and due process, there was not much more he could say on that.

As to what had been done in terms of the Rodchenkov Act, he had gone to Washington twice and spoken to a number of people from the US Congress and Senate to explain the concerns, and there had been a very constructive and friendly discussion, which had been useful for the overall picture of what WADA did.

THE CHAIRMAN thanked the Director General for the excellent presentation. There had been a request to invite Ms Ehrlich, the new Foundation Board member, to speak to the Executive Committee. He would not rule on that himself, but would ask the members of the Executive Committee if they wished that process to take place. If they did, he would invite Ms Ehrlich to speak. If they did not, it would be necessary to find some other way of actually delivering the request. Was it the Executive Committee's wish that she be invited to address the members? He welcomed Ms Ehrlich to the other side of the world. He was very grateful to her. Had he had the remotest idea that that would happen, he would have warned her. He also welcomed Mr Tygart. He was not quite sure what Ms Ehrlich was being asked. It was an explanation on the act and he thought, too, that it would be interesting to have some comment from her on the rather wider point made by Mr Ricci Bitti about the effect of legislation on the 20-year partnership between governments and sport and anti-doping.

MS EHRlich thanked the Chairman very much for inviting her to sit in on the Executive Committee meeting. She really appreciated being there. She was a presidential appointee at the Office of National Drug Control Policy of the USA. It was her pleasure to be before the Executive Committee. At the public authorities meeting earlier that day and the previous day, there had been some discussion about the Rodchenkov Act and, further to what she had heard that day, it was bill H35, it had passed the House of Representatives, it sat in the Senate, and the purpose of the bill was four-fold: criminalisation, protection of whistleblowers, restitution and sharing of information. She heard what the members said in relation to what they called 'territorial' and she called 'jurisdiction' aspects of the matter and recognised that the US Government felt strongly that it was about money that was used to defraud and, in following that money, the USA would have jurisdiction wherever that defrauding occurred. That was the purpose of the act, and she read out the purpose of the act, which was to impose criminal sanctions on certain persons involved in international doping fraud conspiracies to provide restitution for victims of such conspiracies, and to require sharing of information with the US Anti-Doping Agency to assist its fight against doping and for other purposes.

It was her understanding that Professor Ulrich Haas had given a legal opinion that it was consistent with the spirit of the WADA Code and the UNESCO anti-doping convention. She felt confident about that. She apologised that she did not know that he had gone to the USA and spoken with Congress. She asked him to invite her next time, as she would love to escort him. She had a pretty strong political background and some friends in the US Congress, which might enable a strong and robust conversation. She had been on the job for 10 days, which was why she had Mr Travis Tygart with her. He was there to answer any detailed questions in relation to the bill. He had been working on the bill since its inception and might be able to answer any of the questions. She appreciated the opportunity to address the Executive Committee and was present for further questioning.

MR GODKIN said that the only issue of contention was the extrajurisdictional aspects, and it might be useful for the Executive Committee to actually understand what they were.

MS TERHO asked about the university sports and professional leagues and how the bill related to them.

THE CHAIRMAN asked, in the spirit of the general comment made by Mr Ricci Bitti about a partnership that was 20 years old that year, for Ms Ehrlich's view of the effect on that partnership of that legislation if it was enacted.

MR TYGART thanked the members for the opportunity to be there to answer some of the questions. On extraterritorial jurisdiction, that was tied to the money that the US Government or US companies paid to sponsor or host events, wherever those events might be, and the act was modelled no differently to what currently existed and occurred. Many of the members would remember the FIFA case: the bribery and corruption had all happened off US territory. The FBI had given jurisdiction to investigate, in cooperation with Swiss law enforcement, because the banking system of the USA had been used to launder that money, and that had given the USA the jurisdiction for it. The new bill was no different: it only added doping, not by athletes but by those in the system who defrauded and used that money in violation of the WADA Code. It applied only to those events in which the WADA Code applied so, unless a pro sport had the WADA Code in effect for its games, it would not apply. It was also consistent with the UNESCO convention and the WADA Code, and Professor Haas' opinion had reached that conclusion.

In relation to university athletes, it would apply if the WADA Code applied to the event; if the WADA Code did not apply, it would not apply. There were other criminal acts that applied only in the USA, such as the trafficking and distribution of many of those drugs, and of course athletes in those sports were held accountable to those US laws for events that occurred in the USA.

THE CHAIRMAN thanked the speakers and informed them that WADA actually recorded the meeting, after which very long and very accurate minutes were produced. Everything that the speakers had said would be recorded and would be part of the meeting minutes, so it would be absolutely on the record.

MS EHRlich thanked the Chairman. She really appreciated the opportunity to be there and looked forward to a long and wonderful relationship in that position, which she was very honoured to hold.

THE CHAIRMAN thanked Ms Ehrlich and Mr Tygart.

DECISION

Director General's report noted.

4. Governance

– 4.1 Executive Committee appointments 2020 – stakeholder seats

THE CHAIRMAN said that the list of Executive Committee appointments could be seen in the document that the members had in front of them specifying the names of the president and vice-president, to be confirmed at the Foundation Board meeting on Thursday.

DECISION

Executive Committee appointments
2020 noted.

– 4.2 Foundation Board

4.2.1 Memberships 2020

THE CHAIRMAN referred to the paper detailing the Foundation Board members since its inception 20 years previously. It was becoming a bit of a historical document. Inevitably it would change, because delegates changed, but that was the current situation.

DECISION

Memberships 2020 update noted.

4.2.2 Endorsement of composition for the Swiss authorities

THE CHAIRMAN referred to the obligation to submit the composition of the Foundation Board to the Swiss authorities. Was it the members' view that that endorsement should be made in the normal way?

DECISION

Composition for the Swiss authorities endorsed.

– 4.3 General governance reforms update

THE DIRECTOR GENERAL said that the Executive Committee had agreed in Tokyo that there would be a short round of consultation to finalise the outstanding points. That had been done and there had been a meeting via conference call involving the public authorities and the Sport Movement to reach consensus on the remaining points. He thought that that had been achieved. He would ask Mr Kaiser to present the small changes that had been made since the meeting in Tokyo and which were part of the final document that he would ask the members to recommend to the Foundation Board for approval.

THE CHAIRMAN said that, for people who had not been part of the process, a recommendation had been made a long time ago to completely review the WADA governance. It had taken about two-and-a-half years, and a special working group had been involved in the work. Mr Kaiser represented the solicitors in Switzerland who had been integral to that process, and he complimented Mr Kaiser and the other members who had spoken on the very last consultation that had taken place since the previous meeting. With a bit of luck, the recommendation would be approved and it would be possible to move on.

– 4.4 Statutes and associated regulations/documents

MR KAISER stated that the members had last met in Tokyo in September, and he had received very interesting and constructive comments during and after the meeting, so a new draft had been submitted for final consultation until 9 October, when there had been a conference call involving stakeholder representatives on both sides to try and resolve the final points under discussion. That had been done. As a general principle, the independent ethics board had not yet been established, so it had been decided to delete all references in the document to the independent ethics board and to keep reference only in the statutes to the general principle that an independent ethics board might be established. Since it was not yet in existence and was currently a work in progress, reference to it had been deleted and competence had been given to the Foundation Board or the Executive Committee. After the conference call on 9 October, the final drafts had been consolidated in a single document, which the members had under attachment 4 in their files, and attachment 5 would help them compare what had been submitted in May in Montreal with what was being submitted for approval that day. The statutes were in a separate document because they were not part of the WADA governance but had to do with the constitution of WADA and therefore remained separate.

He would go briefly through the major modifications that had been made since the document had been submitted to the members in Tokyo. It had been felt that, since the president was entitled to refuse a deputy for a board member, that decision could be challenged by the member whose deputy was being refused, and therefore a provision had been included in the statutes to allow for such challenge and for the member to ask for a decision of the Foundation Board. The same applied in relation to deputies of Executive Committee members, in which case the final decision would lie with the Executive Committee.

On the regulations themselves, in attachment 4, in relation to the Foundation Board regulation, there was the issue of stricter independence criteria for the president and the vice-president to be met six months before taking office, not at the time of the candidacy; that was the cooling-off period, and related to a comment that had been made in Tokyo as it had been felt important to do that before the taking of office but also after the election, and he would return to that briefly when talking about the election of the president.

The fact that the president and vice-president had to file a statement of independence every year had also been deleted, as that was an ongoing obligation for both and therefore it had been felt that it would be an unnecessary administrative burden to request that every year. The obligation for Foundation Board and Executive Committee members had also been introduced to disclose circumstances that might prevent them from meeting the requirement of independence; that had already been included in the document submitted in Tokyo, but it had been felt that it would be better to make it clearer.

On the Executive Committee regulation, the only thing still open had been the quorum, and it had been felt by everybody that there should not in fact be a quorum for the simple reason that every member was allowed to have at least two deputies and even more with the acceptance of the president, meaning that it should not be a problem for a member to be present or represented at an Executive Committee meeting, and therefore the quorum was not necessary in that respect.

In relation to the Nominations Committee, it had been set out that the committee would not recruit candidates for the position of president and vice-president, but would only review and assess the candidates for those two positions.

On the decision-making of the Nominations Committee, it had been difficult to impose unanimity, because there was a risk of a veto to block any decision; therefore, it had been felt by everybody that the principle of unanimity of decisions should be maintained but, when not possible, a two-thirds majority vote would be required to pass a decision.

On the by-laws on independence, he had been asked to confirm that in fact membership of a sport organisation or a public authority was not contrary to the general standard of independence for board members. That had already been obvious in the existing draft, but it had been felt that both stakeholders wanted that to be made more specific.

There had also been a request to make it clear that only positions in sport organisations that were Code signatories or an umbrella organisation overseeing Code signatories would be subject to stricter independence criteria, and that was also something that the Olympic Movement representatives had thought should be made clear in the by-laws.

On the disclosure of possible lack of independence and who would be responsible for assessing that disclosure or to refer a possible breach, it had been felt that, if such disclosure were made by an Executive Committee or Foundation Board member or the Director General, the competence should lie with the president and the final decision should be taken by the Foundation Board for Foundation Board members or the Executive Committee if any other individual was concerned by such breach or disclosure, for example, an Executive Committee member or the director general or any other individual within WADA.

On the by-laws on the election of the president and vice-president and the cooling-off period, the comment made in Tokyo had been good to say that in fact the six months should take place before taking office and not at the time of the candidacy because, during the candidacy period, the candidate might still hold a position that they would like to maintain if not elected, which was why a different timing had had to be foreseen for the election process. The filing of candidacies should take place on 30 November of the year prior to the election year so that the election could take place in May of the following year, and the taking of office would take place on 1 January following the election year, so that there would always be a six month cooling-off period between the election and the taking of office, with one month or possibly a few weeks to allow the elected president to organise themselves and leave their position.

On the promotion of candidacies, it had also been felt that limiting the number of trips to three was too much of a restriction, especially if the stakeholders wanted to invite the candidates to make a presentation, but the general principle of controlling expenditure for each candidate remained. For breaches of conduct, it had been felt that it was important to put the decision as to the consequences of such breach of conduct to the Executive Committee and not only to the president.

Finally, in relation to the by-laws on the standing committees, in the documentation that the members had received, the articles had been reorganised to be more logical when going through them.

It had also been felt by both the Olympic Movement and the public authorities that there should be a balance of diversity in all of the standing committees and that regional, gender and cultural diversity should be examples of such diversity and not a closed list, because society evolved and there could be situations in which some specificity might need to be added in the future.

The other concern expressed had been for the Executive Committee to have the dossiers of the candidates (for the chairmen and members, including for the Compliance Review Committee) available in advance of the Executive Committee meeting so as to have time to go through them fully.

There were some specific points on the Athlete Committee. In relation to the chairman of the Athlete Committee, the Director General had explained what had been agreed with the Chairman of the Athlete Committee: up to five applicants for the position of chairman with endorsement letters from the Foundation Board members would first be vetted by the Nominations Committee, then the

Athlete Committee would rank them, before they were subsequently appointed by the Executive Committee. If there were more than five applicants, of course, five would have to be chosen to be vetted first by the Nominations Committee. For the members of the Athlete Committee, there would be a public call six months in advance. Applicants would have to provide a dossier and a letter of endorsement from a Foundation Board member or from a WADA-recognised stakeholder group, and they would of course be appointed by the Executive Committee.

He believed that the WADA governance regulations were in their final form for approval. As he had said in Tokyo, governance was a permanent work in progress, and it would be necessary to see exactly what would happen and how they would apply, and it would be the responsibility of the Executive Committee and the Director General to monitor implementation and possibly propose amendments to the Foundation Board and the Executive Committee when necessary.

MS EL FADIL thanked Mr Kaiser for presenting the new proposals. On behalf of the public authorities, she wished to read the common position on the members of the standing committees. Current requirements to be nominated as a candidate for the chairman of the WADA standing committees included the need to present two letters of support: one from the public authorities representatives and one from the Sport Movement representatives. As that had never been discussed by the governance working group and that particular requirement had evidently posed problems to some interested candidates, the public authorities believed that that point should be removed from the terms of reference of the chairmen of the WADA standing committees in the future. So as not to compromise the current process of appointments, the public authorities would prepare the concrete proposals after completion the following year. That was the position of the public authorities.

MS SCOTT said that, following the meeting in Tokyo, the WADA Athlete Committee had been very interested in proposing additional criteria to the terms of reference, in particular on the selection of the Athlete Committee chairman, but had been told that the matter was closed, the decision had been taken and that there were no more opportunities for consultation. She saw from the presentation that there had been a final consultation following the Tokyo meeting and a phone call on 9 October that the Athlete Committee had not been invited to comment on or submit recommendations for, and she wondered why the WADA Athlete Committee had no longer been included in the consultation. She commented on the selection of the next chairman of the Athlete Committee. It was the understanding of the Athlete Committee that one member would be presented to be appointed by the Executive Committee and not a list of priority-ranked candidates.

MR KAISER responded to the comments. On the letters of support for the chairmen of the standing committees, that had already been provided for and accepted a long time previously. It was not a new thing. He had repeated it again to make it clear, but it was a point that had been discussed since May, and probably even before. He had not looked at the recommendation of the working group, but that had been recommended at the time as well. He had been saying nothing new, just reminding the members of the Executive Committee about the existence of that requirement.

In relation to what Ms Scott had said, he asked the Director General to answer.

THE DIRECTOR GENERAL added to the comment made in response to the first question asked by Ms El Fadil. Indeed, in Tokyo, the two letters had been discussed no fewer than three different times and had been part of the presentation by Mr Kaiser there. The issue had clearly been on the table; however, the public authorities could come forward with some new proposals for discussion.

To answer Ms Scott, what had been approved in Tokyo and was not open for further discussion was the terms of reference, which had not been re-discussed. What had been re-discussed at the teleconference was the changes to the by-laws, not the terms of reference. There had been absolutely no deviation from what Ms Scott had been told.

MR KHRYCHIKOV said that the document on the statutes and by-laws indicated that a small working group would be set up at the May meeting to review the implementation of the governance reforms and make proposals for the future. In that regard, he suggested not making the group too restrictive and aiming to include representatives of all of the major stakeholder groups to get a variety of views and the best possible proposals and assessments. The Sport Movement, governments, athletes and NADOs should be able to contribute to the work of the group.

THE DIRECTOR GENERAL said that that was for May, but asked the members to think about the fact that what had been discussed was to have a process not dissimilar from what was done with the Code: a very small group of people who could make proposals and discuss and have broad consultation because, if WADA were to recreate a group like that for the initial governance work, that would be unmanageable. WADA would not go into that for future things as it was way too broad, so

the idea had been to agree on a very small technical group of people with expertise in the field who would then put proposals on the table for broad consultation including all of the stakeholders.

MR KHRYCHIKOV stated that that was exactly what he was proposing. He was not asking that the size of the group be expanded. The group should comprise five or six people and be technical, but representation of different stakeholders' perspectives should be ensured in order to have the most comprehensive view of the issue.

THE CHAIRMAN noted that request. Having the larger group to do governance reform work had taken over two-and-a-half years to get to that stage. On that basis, having heard the report and seen the paper, were the members happy that the reforms were in the best possible form and that they be submitted to the Foundation Board for approval?

MS SCOTT sought to clarify the point about the election of the next chairman and whether a list would come out of the election or one person would be appointed. From the Working Group on WADA Governance Matters, the understanding was that the recommendation had been that the WADA Athlete Committee could elect the next chairman, so the understanding was to put one person forward and not a ranking list.

THE DIRECTOR GENERAL replied that, as long as it was understood that it was a recommendation, she would be free to do what she wanted. The suggestion had been that it might be good to have a ranking because, if the primary candidate was not the one the Executive Committee decided to elect, the Athlete Committee might want to have a second favourite, but it was entirely the call of the Athlete Committee to decide how many to put forward.

THE CHAIRMAN concluded that the reforms would be submitted and thanked everybody involved in the process. That was a living document and would have to be reviewed. The size of the review group was on the record, so it could be taken from there.

DECISION

Statutes and associated regulations/documents to be submitted to the Foundation Board for approval.

– **4.5 Election of WADA president and vice-president 2020-2022**

THE CHAIRMAN asked the members to make a recommendation for the two people to take over the role of president and vice-president of WADA. As far as he could see from the papers, everybody had been properly nominated according to the rules. The Nominations Committee did not apply to that particular point that year; it was the Foundation Board that would take the decision, which was why it was before the members for formal their recommendation. He made the proposal that the Executive Committee recommend the election of Mr Bańka as president and Mr Yang Yang as vice-president.

He was delighted that there were no questions and thanked the members very much. That would be done at the Foundation Board meeting.

DECISION

Mr Bańka to be recommended as president and Mr Yang Yang to be recommended as vice-president at the Foundation Board meeting.

5. World Anti-Doping Code

– **5.1 Code compliance**

5.1.1 Compliance Review Committee Chair report

MR TAYLOR referred to the general report in the members' papers. It was pretty straightforward and there were a couple of items dealt with under other matters. He flagged that paper to the members in case there were any particular points they wished to raise. In relation to Russia, there was a separate item; in relation to the ISCCS, there was a separate item; in relation to non-compliance, there had been a separate item, but that had been withdrawn from the agenda because the signatory in question had reached a state of compliance.

There would therefore be separate items on Russia and the international standard; but, if anybody had any other questions, he would be happy to answer them.

DECISION

Compliance Review Committee Chair
report noted.

5.1.2 Compliance monitoring update

MR TAYLOR said that the report was in the papers and could hopefully be taken as read.

DECISION

Compliance monitoring update noted.

5.1.3 Russia update

MR TAYLOR said that the members had a short report from Mr Younger written shortly after 8 October, so he picked up the process, briefly reminding the members that, as he had reported in Tokyo, on 17 September, WADA had started formal non-compliance proceedings on a fast-track basis against RUSADA. In doing so, WADA had presented to RUSADA and the Russian Ministry of Sport an analysis of the data copied by the WADA team from the Moscow laboratory in January 2019 which, according to the independent experts retained by WADA and the analysis of the Intelligence and Investigations Department at WADA indicated that there had been manipulation of the data and, therefore, the critical requirement to provide complete and authentic data had not been met. The Russian authorities had been invited to provide any response or explanation or otherwise that they wished to be taken into account so that a decision could be made as to whether or not a formal recommendation should be made to the Executive Committee. Voluminous papers had been provided on 8 October including responses to some 31 technical questions put by the WADA Intelligence and Investigations Department and experts. Those had had to be translated and analysed by the experts and it had transpired that, of the 31 questions, 23 had been answered but eight had not been directly answered. The Russian authorities had been asked to provide the missing answers to those questions. Those answers had been provided, so there were answers to the 31 questions, and the experts were busy analysing those to understand them and decide what impact they had on their conclusions. In addition to that, in those reports and research submitted by the Russian authorities, reference had been made to new data sources, a hard drive, a particular computer terminal and a virtual server, and therefore, in the interests of comprehensive analysis, due process and ensuring that all the information was available to the experts, the Compliance Review Committee had asked that the WADA Intelligence and Investigations Department to get that data from the Russian authorities, which it had also done. The experts were currently busy analysing that data and he expected to receive a provisional report that week. His understanding was that they were on track and hoped to meet with the Russian experts the following week or by mid-November.

The Compliance Review Committee had provisionally arranged a meeting on 17 November, at which it would meet in person with the WADA Intelligence and Investigations Department and experts to understand from them the impact as they saw it of the Russian explanations on their original conclusion that that appeared to be manipulation of the data and therefore non-compliance with the requirement to provide authentic data. His committee was not involved in that, and was waiting for conclusions from the Intelligence and Investigations Department and the experts, and so retained an open mind until it could understand the report and the conclusions of those people. If a recommendation was still deemed to be appropriate after that meeting on 17 November, it would be made as soon as possible after that date in writing to the members. There was a fair amount of detailed ground to cover. It would be sent to WADA to circulate to the Executive Committee as quickly as possible.

He needed to spend a moment or two on the future process because, if a recommendation was to be made, the committee would take the facts, apply the principles in the international standard and apply the annex in the international standard which set out a starting point for cases of non-compliance with a critical condition and then the principles to be used to stay there, move up or move down, and the committee would explain in the recommendation, if one was made, where it had got to and how it had got there. Members would understand and remember that it was simply a recommendation from the Compliance Review Committee and the request to the Executive Committee would be that it effectively authorise WADA to take that recommendation and put it in a formal notice to RUSADA, which would then have three weeks

to decide how to respond. It could accept the assertion of non-compliance and the consequences proposed or it could dispute either or both of those. If it disputed, the matter would go to the CAS, and WADA would have to take the case to the CAS. WADA had the burden of proof and it would be up to WADA to persuade the CAS of its case on non-compliance and put the relevant facts to the CAS so that it could decide what the consequences should be if it agreed that there was non-compliance. It was important that everybody understand that it was a decision for the CAS ultimately as to which consequences should be imposed. Once imposed, they would be binding on all stakeholders and would need to be recognised and given effect. One of the possible consequences could affect events being held the following year. Therefore, there was a need (and it had clearly been expressed by the stakeholders) for certainty as soon as possible as to the impact of the case, if any, on those events the following year. There was a tension and it was necessary to move with all due speed and get to a definitive result as soon as possible. Against that, there was a need to ensure fairness and due process as set out in the international standard because WADA had to be able to say that, at each step of the way, fairness had been respected, opportunity had been given to raise points and, where evidence had been presented, it had been properly analysed. He did hope to be able to have a recommendation with the Executive Committee if necessary very quickly after 17 November. He knew that some dates had already been circulated as potential dates for an extraordinary Executive Committee meeting in person to consider such recommendation, if one was made. He apologised to the Executive Committee for yet another burden on their time; obviously, the importance of the matter did not need to be emphasised. He would be most grateful if the members could give as much priority as possible to a potential meeting because, the sooner the meeting could be held, the better. If the meeting were held at the end of November, for example, and if a recommendation were made and if it was endorsed that an assertion of non-compliance go to RUSADA, WADA would be ready to do that immediately. In that way, even with three weeks for RUSADA to respond, if it disputed matters, it should be possible to have the case before the CAS before Christmas. If it was delayed until December and if RUSADA disputed it, it would have to go to the CAS in January. Time slipped by. Understanding that people had other conflicting engagements, he assured the Executive Committee that the WADA Intelligence and Investigations Department was working very hard, the experts were working very hard and the Compliance Review Committee stood ready to convene as soon as possible, as soon as the experts were ready, and would provide a recommendation after that, and he asked the members for their cooperation, if that happened, to get an Executive Committee meeting convened as quickly as possible.

THE CHAIRMAN thanked Mr Taylor for the clarity with which the proposal had been made.

MR KAMEOKA said that WADA was pursuing the matter as quickly as possible; but, as the host country that had been making various preparations for the 2020 Olympic Games in Tokyo, and with less than a year to go before they were held, he was very concerned that the matter could have a big impact on operations. He was the state minister in charge of the 2020 Tokyo Olympic Games and one of the WADA Executive Committee members. He was therefore responsible for understanding the current situation and preparing for the success of the Tokyo Olympic Games. The same was also perhaps true for the IOC members and Executive Committee members from the Sport Movement. He respected the independence of the Compliance Review Committee; but, to the extent that it did not affect the decisions of the Compliance Review Committee, he believed that the facts and other evidence found by WADA should be explained in detail to the Executive Committee members so that the extraordinary Executive Committee meeting could be held in late November. That was his sincere request.

MR TAYLOR assured the minister that the recommendation that came out after the meeting on 17 November would set out concisely, but hopefully clearly and comprehensively, the facts and the evidence upon which any recommendation was based before then applying those facts to the principles set out in the standard and then making a proposal based on the principles and provisions in the standard, but all members would be provided with a full explanation of the facts underlying the recommendation.

THE CHAIRMAN said that he had discussed the matter with the Director General some days prior to the Executive Committee meeting, and the end result had been a circular letter from the Director General to the members to say that, after discussion with Mr Taylor and the Compliance Review Committee, there might be a need to meet, and there had been a number of reactions. He thought it was pretty important to try to set a date. He accepted the wish to move that on if necessary to the CAS at an early date, but it seemed to him that it would be really important to ensure that it was a fully representative meeting of the Executive Committee to take that final decision. Did the Director General have any thoughts on specific dates?

THE DIRECTOR GENERAL said that two days in November had been offered, and then the week of 9 December had been specified. Looking at availability of rooms and so on, 9 December would be the best day during that week.

THE CHAIRMAN asked if there were any particular preferences.

THE DIRECTOR GENERAL said that the idea was to organise the meeting in London to make it easy for everybody to get to the meeting.

MR DÍAZ said that the public authorities proposed Paris in terms of location, if possible.

With apologies to Mr Díaz, MR GODKIN said that there had also been other conversations that a hub in the Middle East might be convenient for the majority of members as well.

THE CHAIRMAN suggested looking at dates. From very informal discussions with the members, it appeared that the week beginning 9 December was likely to suit more people than not. He apologised to Mr Taylor: if everything fell into place, it might mean that he would run into actions in early January. He would look at the venue issue. There had been some thought that it might be convenient to do it as close as possible to Mr Taylor.

MR TAYLOR said that he would be happy to invite everybody to London, as long as it could be done as quickly as possible. That was what he encouraged people to do.

THE DIRECTOR GENERAL asked if 9 December was acceptable. Was the Paris wish a strong wish or could the best possible venue for WADA be looked at? Was London an acceptable alternative or was it complicated?

MR DÍAZ said that, from his side, visa issues made London complicated. It would take three weeks to get a UK visa renewed.

THE CHAIRMAN noted 9 December and an issue in relation to Mr Díaz. He thanked Mr Taylor.

DECISION

Russia update noted.

– **5.2 International Standard for Testing and Investigations – amendments concerning specific gravity for analysis**

MR RICKETTS informed the members that the Executive Committee had a paper in relation to amendments to the ISTI, in particular changes to the definition of specific gravity and the related procedures contained in an annex. The amendments had arisen as a result of the stakeholder consultation process for the ISTI and, due to a number of benefits that those changes would provide to the anti-doping community, they had been brought forward for approval by the Executive Committee in advance of the other amendments to the ISTI coming into effect on 1 January 2021.

Through the ISTI consultation process, specific gravity had been one of the top five areas on which comments had been received. In particular, stakeholders had wanted WADA to look at a way to improve current procedures in the field for the testing of that. Specific gravity was a measurement of the density of a liquid and, looking at urine, there were certain laboratory requirements to ensure that the sample contained sufficient analytes (waste from the body) to analyse and detect prohibited substances. Water had a specific gravity of 1.000. The current specific gravity measurements were 1.005 or above measured with a refractometer, a device that was quite accurate in measuring, rather than using litmus paper strips, and a minimum amount of 90ml of urine was required from the athlete. If the athlete's sample was less than that specific gravity level, they were required to provide an additional sample or samples until they reached that level, which meant extra equipment, extra weight for shipping and additional analysis of the first sample as well as the sample that had the required level of specific gravity, and also meant, for some athletes, having to spend quite some time in the doping control stations. The ISTI drafting team had reached out to the WADA Laboratory Expert Group to see if any enhancements could be made to that. Based on that, the team knew that there had been significant advances in the sensitivity of the analytical methods and equipment over the past 20-plus years for which the measurement reading had been in place, and that the laboratories could also detect all of the classes of prohibited substances on the Prohibited List for samples with a specific gravity of 1.003 or 1.004. As a result of that, the WADA Laboratory Expert Group had recommended that a lower specific gravity of 1.003 or above, using a refractometer, could be accepted, but the athlete would have to provide a minimum of 150ml of urine. That would mean that the minimum volume would remain at 90ml but, if an athlete could provide that extra 60ml

(which, if they were reasonably hydrated, should not be a problem), they could avail of the reduced specific gravity level.

In terms of benefits, that should result in a lower number of samples. To give the members an idea, in 2018, there had been approximately 8,000 samples with a specific gravity of .003 or .004; therefore, if the athletes had provided the 150ml minimum for those samples, they would have been free to leave the doping control station and not held back and required to continue to provide further urine. The benefits were also obviously use of less equipment, less costs/money and less time for doping control staff and athletes in the doping control station. The changes were proposed to come into effect on 1 March 2020 rather than 1 January 2021 with the rest of the ISTI so that ADOs could benefit from them for ten months prior to the full standard coming into force, and also they would be in place for the Tokyo 2020 Olympic Games and Paralympic Games.

THE CHAIRMAN observed that it seemed entirely reasonable. Were the members happy for that alteration to come into effect in 2020 and therefore be in effect prior to the Olympic Games in Tokyo?

DECISION

Proposed ISTI amendments approved.

– **5.3 International standards review – final update**

DECISION

International standards review – final update noted.

– **5.4 World Anti-Doping Code – final update**

THE CHAIRMAN said that WADA was coming to the climax of two years of effort on the fifth draft of the Code. Nobody should ever say that WADA did not take it seriously.

MR SIEVEKING informed the members that he would start with the international standards. The lengthy process was coming to an end, and the members had received the latest drafts of all the standards. It had been a long process with good results, including enhanced documents and strong standards, along with the adoption that week (he hoped) of two new standards on education and result management, so he thanked the drafting team, which had done a huge job, and also the stakeholders, who had really participated in the process and shown great commitment. The members would see the changes made to the May version and also, in some cases, to the September version. If they had any questions, they should feel free to ask the directors.

He drew the members' attention to the two questions remaining in relation to the ISRM. First, the team had added a provision to the version the members had had in September in relation to annex C on suspicious steroid profiles because, in the current version of the ISTI, there was no specific provision to describe the result management process for suspicious steroid profiles, so it had also been missing from the ISRM. The result management clauses for the Athlete Biological Passport had moved from the ISTI to the new ISRM. A clause on that had been added, C218, which addressed how to deal with suspicious steroid profiles. He hoped that the members would be satisfied with that.

A point to be addressed was a request from the Sport Movement on public hearings. In Tokyo, a request had been made for reciprocity on that specific aspect. In the new CAS rules, the athlete could request a public hearing, and the rules had been adapted accordingly in the ISRM so that the athlete could also request a public hearing in the framework of proceedings before the CAS. The Sport Movement was willing to have reciprocity on that particular topic, and that had not caused an issue for the drafting team of that specific standard; however, discussing the issue with the Code Drafting Team, that might be in conflict with a clause in the Code which was that result management was confidential until the end and, in the event that an athlete was acquitted, the decision would not be published unless the athlete consented to publication, meaning that, if an athlete did not consent to a public hearing and was acquitted, there should be no mention of the clause, so there was a slight conflict there and he would ask Mr Young to add to that to see how to ensure the application of reciprocity but also in relation to the clause in the Code that gave the right to an athlete that, in the event of acquittal, the decision not be made public.

MR YOUNG said that it had been a premise of the Code from the beginning that, if an athlete was acquitted, that information (with some exceptions) was kept confidential, the theory being that one could never unring the bell and, if an athlete was accused of doping, whether or not they were let go by the CAS, they were still an athlete accused of doping. That was something that the Code Drafting Team had been concerned about. Therefore, what the Code had said and currently said was that, if the athlete won, the decision would not be made public unless the athlete agreed and, if one

was going to require the athlete to have a public hearing against their will, that would undermine that principle. The athlete always had a right to a public hearing, the ADO could request a public hearing and, if the athlete agreed, it would be public.

MR SIEVEKING asked if the proposal was acceptable to the Sport Movement.

MR DE VOS congratulated those involved on the work and the thorough consultation process. He had been a bit surprised about the proactiveness addressing the issue of reciprocity. It would be necessary to live with it, but it was a bit tough that it would be the athlete who decided in the end if a request from the ADO to have a public hearing could be granted. He understood that, if there was no case, or the athlete won, the athlete of course had the discretion to keep it confidential. Given the explanation, that was acceptable for the Sport Movement.

MR SIEVEKING said that the Code had taken two years of work. The members would see the number of comments, changes and meetings held in relation to the revision. He thanked the Code Drafting Team and the stakeholders for their committed participation, resulting in an even stronger document that would be of benefit to all in the fight against doping in sport. There was also strong support of the latest draft among the stakeholders. There was one very small point involving a word to change, and the members had been provided with the opinion from Judge Costa which was on the website in French and English. The members would see the questions submitted to him, the answers he had given and several changes that had been made to the draft based on the judge's response.

MR YOUNG said that the members would know the end was near when he approached them with a request to change one word in the Code. That one word was in article 4.4.5 on TUEs and it harmonised the Code with the international standard and said that, if an ADO chose to collect a sample from an athlete who was not an international-level athlete or a national-level athlete and that athlete was using a prohibited substance or method for therapeutic reasons, the ADO, instead of *may*, *must* permit the athlete to apply for a retroactive TUE. It made perfectly good sense, it was a one-word change and it did not affect IFs as it was not for international-level athletes.

THE CHAIRMAN thanked Mr Young. That seemed to him to be pretty convincing. WADA had heard from Judge Costa, and the response was on the WADA website. He had not had an opportunity to read the website the previous night. Would it be possible to inform the members as to what had been said? Judge Costa was a former judge from the European Court of Human Rights who had been very helpful for many years.

MR YOUNG said that what Judge Costa had said was 38 pages long. Going through the two years of development of the 2021 Code, WADA had heard from stakeholders that certain changes might be a good idea but they had wondered whether they were consistent with the European Convention on Human Rights, or consistent with another human rights principle, or proportionality, as the ECHR had looked at it, so the Code Drafting Team had gathered up such questions and, if there was anybody in the world to pose those to, it was probably Judge Costa. Judge Costa had provided his opinion and, in response to his opinion, WADA had made some changes, but the bottom line was that the Code as it was before the members was okay in the view of Judge Costa in terms of all the critical issues put to him.

THE CHAIRMAN concluded that, at the end of two intense years, it was easy to say thank you and he would say it rather more fully with the Foundation Board on Thursday and would make it quite clear that it expressed its thanks in the media to the Code Drafting Team and the drafters of the standards. It was a formidable piece of work and he was extremely grateful, and everybody around the table would support the adoption of the new Code and the international standards later that week.

MR RICCI BITTI said that he enthusiastically supported the Code and totally supported the adoption of the Code, which was undoubtedly one of the best documents WADA had produced. It was one of the pillars of WADA's activity. Without wishing to cause pain to Messrs Young and Sieveking, he recommended something for the future. As the members knew, the documents were always a work in progress, and he asked them to consider the status of the ITA in the new framework, as that could cause some practical problems in relation to the consideration of the ITA as a service provider. WADA had been founded by the NADOs and the IFs and, given the fact that some IFs fully delegated their work for many good reasons (independence, quantity, savings, etc.), the status of the ITA as a signatory or something like that should be considered.

PROFESSOR ERDENER fully agreed with Mr Ricci Bitti. In order to solve future problems, in practical terms, it would be necessary. On behalf of the Sport Movement, he thanked and congratulated his two friends, Messrs Sieveking and Young, for their hard work.

THE CHAIRMAN observed that, on the assumption that Mr Young would be appointed to deal with the sixth, seventh and eighth revision of the World Anti-Doping Code, he had the first point to be considered for the future.

DECISION

World Anti-Doping Code final update noted.

6. Athletes

MS SCOTT said that the Athlete Committee report was in the members' documents, and there was not much of an update since the previous report in Tokyo in September, but there had been a committee conference call in October, the outcomes of which were in the members' papers. The WADA Athlete Committee remained very interested in following the matter of the LIMS data, in particular the future management of it, and was always advocating transparency, and was interested in the current state of the files given to the IFs, which IFs had them and what the timelines were for processing, if WADA had determined any timelines and, if so, what those might be and if they could be publicly communicated.

The Athlete Committee had also discussed the recent high-profile investigation and sanctioning of the Nike Oregon Project and Mr Alberto Salazar and Dr Jeffrey Brown. It had proposed to issue a statement of support for the whistleblowers who had come forward, consistent with the Athlete Committee's support of whistleblowers over the years, and the committee had applauded and commended them for their courage and their bravery in coming forward and the role that they had played in USADA's investigation and that case.

Beyond that, the Athlete Committee had really been engaged in the process for the selection of the next chairman to take place the following week, and would of course be holding an election for the first time, so there had been a lot of process and details to figure out and work through, but she thought that the Athlete Committee had got as close as it would get to a good process for selection and looked forward to determining who the next chairman would be. That was of course contingent on the Executive Committee appointing that chairman, and so the Athlete Committee counted on the Executive Committee's support for whoever the athletes put forward to be appointed by the Executive Committee and to respect that that was the person that the athletes had chosen and selected as their chairman, as had been recommended by the Working Group on WADA Governance Matters.

– 6.1 Athlete anti-doping rights document – name and legal status

MS SCOTT said that the Athlete Committee was wrapping up about two years' work on the anti-doping charter, or whatever it was being called these days, and her colleague Mr Sandford and she had been engaged in some robust debate, but felt that it was close to completion, and she had been very happy to have the support from the public authorities that day and was looking forward to bringing the document forward for athletes, as it had been created by athletes and was an important initiative of the WADA Athlete Committee, so she was very optimistic and hopeful for the support of the Executive Committee.

MR SANDFORD apologised: it was going to be a little bit complicated because it had become quite complicated, so he would take the members briefly through what had happened to date and then there would probably have to be a discussion about it to try to reach an agreement. The WADA Athlete Committee had been developing the Anti-Doping Charter of Athlete Rights for the past two-and-a-half years and had had input from thousands of athletes. It had been a really rewarding process. The Athlete Committee had what it believed was a final document. The document had been submitted to the Executive Committee members the previous week. One of the issues all the way through had been that the Athlete Committee was developing a charter alongside the redrafting of the Code, and so there had been further edits to the document the previous week, just to make sure that everything was consistent with the Code and the new international standards, and WADA had been very helpful, providing the suggested changes to make sure that everything was aligned. He was not sure what had got sent through to the members in their files, but one article had been deleted and another had had a name change. Apart from that, most of the changes were reasonably standard edits to the document. That was the document approved by the WADA Athlete Committee and which had been submitted for Executive Committee approval that day. However, over the past 24 hours, he had been involved in a number of meetings, and he had had an extensive discussion with representatives from the Olympic Movement. His understanding from Tokyo had been that the name was an issue for the Olympic Movement and so, when the Athlete Committee meeting had been held in Lima, the two options that had been discussed had been either maintaining the term 'charter', or calling it a 'bill', so it would be the Anti-Doping Bill of Athlete Rights. The Athlete

Committee's position was that it could be either one of those two titles. The Olympic Movement had sent a number of edits to the document. He had not had a chance to send it back to the Olympic Movement, but most of the edits would be acceptable (the small changes in part two, adding the word 'should' to the front of the articles, removing the word 'articles' and just using the numbers and other edits along those lines). There had been additional clarification in relation to the legal status of the document that had been added, and he did not think that was necessary, as the document clearly outlined its legal status and, since the meeting in Tokyo, the Code Drafting Team had made changes to the Code to explain exactly what the legal status of the charter was, so he believed that there was enough clear protection in there and that it did not in any way threaten any of the documents that WADA already had. He was not sure what the process would be, whether the members wanted to approve it that day or if they wanted him to show them the edits that had been made, have a discussion and then approve it later on in the week. He was not really sure, so sought some instruction as to what the next step would be.

THE CHAIRMAN asked if there were any questions.

PROFESSOR ERDENER declared that the Olympic Movement was strongly against the name of the document, and some small changes needed to be made to the text as well.

MR KHRYCHIKOV said that Mr Sandford had mentioned that questions had been raised in relation to the legal status of the document and that amendments had been included in the Code. Could Mr Sandford refer to those so that everybody would be clear that they had really been included?

MR SANDFORD responded first to the second question. A number of changes had been made to the Code. Article 20.77 on the roles and responsibilities of WADA, which was where there had been suggested reference to the Anti-Doping Charter of Athlete Rights, had been changed, and he thought that that was one of the few points in the Code that was still up for debate, so the holding position in the Code was that it was a description of the charter, but the name was not specifically mentioned. However, if the Executive Committee were able to decide on a name that day, it would be possible to include the name, failing which only the description of the document would be included. Then, on the legal status of the document, off the top of his head, he thought that it was article 10.7 or 10.8, that outlined that the Code and the international standards were the legal documents and the charter had no legal status and would never be considered above those documents.

In terms of the name, the reason the Athlete Committee had gone with the term 'charter' was that a charter was generally a document that set out rights or positions, so it had been deemed the best name for the document being developed, and it was the name that had stuck and on which athletes had been consulted and given feedback. It had never occurred to the Athlete Committee that it would be a problem calling it a charter given the existence of the Olympic charter, and the Athlete Committee had been quite surprised that it was being considered in the same light, because the two were vastly different documents and came from two different organisations, and he did not think that the Olympic charter would ever be confused with the small Anti-Doping Charter of Athlete Rights. Having said that, the Athlete Committee would be happy to change the name to the Anti-Doping Bill of Athlete Rights. That would be a suitable name and the Athlete Committee would be happy to go with that as a compromise. That was the current situation.

MR DE VOS said that he was a bit unclear as to what document was being discussed. What was the latest version? Was it the version in the members' files? Or had something changed since that document had been submitted?

As to the name, it was good to know that Mr Sandford understood that it was very difficult for the Olympic Movement to accept another charter, given the existence of the Olympic charter, one of the most important documents in the sport world, so he thanked Mr Sandford for his understanding. He was not an English speaker, but he saw that it was a summary of rights laid down in another legal document, which was the Code, so it was a summary with some recommendations made in part two, which he could understand, but he did not know if a bill was a better word from a legal perspective. He thought it was more of a manifesto, declaration or summary. Perhaps the wording could be discussed in order to be accurate. Then, perhaps in relation to the legal status of the document, there might be some input from Mr Young so as to understand if the disclaimer in the document was sufficient to cover it. He knew that there were many lawyers in the room, but perhaps Mr Young was the most appropriate one to comment on that. What was the timeline anticipated in terms of approval of the document?

THE CHAIRMAN said that it seemed to him that, if Mr Young could help with a legal situation, the Executive Committee would then be back to a name. Was that right?

MR SANDFORD agreed that the Chairman was right.

MR YOUNG said that Mr Kaiser had drawn up a legal opinion on whether calling it a charter would somehow create a premise that that document was more important than anything else, and in particular what should be made clear was that the rights set forth in the Code were the only rights that mattered, and that that was just a document listing those rights. Mr Kaiser had said that it could be called a charter and it would not have any particular legal effect. The question on that was not a legal question, but a psychological one. Then, the question was how and where one should put the disclaimer that made that point. He did not think that the question should be whether that document, whatever it was called, trumped the rights set forth in the Code. Everybody around the table agreed that it did not, so what kind of disclaimer was put there should not make any difference. The disclaimer in the last version of the charter that he had seen was pretty good; it could certainly be made stronger, and a footnote could be added in the Code to make the same point, but there should be no disagreement, because he thought that everybody agreed that the rights in the Code trumped. That would involve a five-minute exercise and, unless there was something political that he was missing (which could easily be the case for him), he did not see why that should end up being a problem.

MR KHRYCHIKOV said that Mr Young had mentioned that the disclaimer he had seen in the last version of the charter was sufficient. However, different versions were being discussed. Which version was Mr Young referring to and which disclaimer was being discussed?

MR YOUNG responded that the last version of the Anti-Doping Charter of Athlete Rights he had seen was attachment 6.1 in the members' files. To make everybody happy, and he did not see why Mr Sandford and the proponents of the Anti-Doping Charter of Athlete Rights would care about that, there were ways of beefing it up to make it clearer. The last thing he would want to do was confuse athletes as to the status of the document, but that would not be a significant effort and, if the members really wanted to make it clearer, he currently had a drafting note in the Code that said that it was for the members to figure out, and that drafting note could be replaced with the same point. That was on the listing of rights. The aspirational goals were a different matter. That obviously did not trump.

THE CHAIRMAN said that it seemed to him that the Executive Committee was easing towards a situation whereby the recognition of legality was doable, and it was down to one word that was not right and other words that might be right. He asked the group to sit down again and come up with agreement on a word.

MR KHRYCHIKOV suggested asking a small group made up of Messrs Young and Sandford, Ms Scott and somebody from the Sport Movement and somebody from the public authorities to sit down and try to finalise the text, because a decision would have to be taken by Thursday at the latest. If a small group could resolve the issue with the help of Mr Young, that would be acceptable.

PROFESSOR ERDENER agreed. In the absence of consensus between the Sport Movement and the public authorities, a working group could discuss the matter, because for two days the observers had held bilateral meetings and had been unable to come up with a solution.

THE CHAIRMAN said that he had been aware that people had been speaking to one another but had not been aware of the detail. He would encourage a small group to sit down and try to agree on a title. That would complete the matter as far as he was concerned. Was Mr Sandford happy to be part of that group?

MR SANDFORD sought some clarity. Because the public authorities had already given their support for the document in the Executive Committee files that morning, was a working group being set up to look only at the title? Was that the only issue outstanding?

MR YOUNG said that he saw three potential different issues. One was the title and, from the Code point of view, that was not legal: it was psychological. It was up to everybody else. There was a description of right to B-sample analysis in paragraph 12 which was close but not quite right in terms of the way in which the Code worked. The third issue was if the Executive Committee wanted to beef up the point that it was not intended to be a legal document and did not trump the actual rights in the Code; that would be the third thing he would discuss. Making a gratuitous comment, looking at it from the point of view of the Code, the drafting team had thought the following to be very important. One heard comments that the Code was too long, too complex and the like. Looking at it from the point of view of the clean athlete, what did a clean athlete really need to know? One of the first things a clean athlete really needed to know was their rights, and it was not right that a clean athlete had to hunt through the Code to find out what those were, so one of the original purposes of that had been to give clean athletes a few pages setting those out so that it would not be necessary to be an expert on the Code. That was really important and went to the heart of the concern that

the Code was too long and too complex. A clean athlete did not really need to understand how the multiple violation rule worked and all the intricacies, but did need to understand their rights.

MR GODKIN said that Mr Sandford was correct that the public authorities had met that morning and there had been support for the current version off the back of the discussions that had been held in Tokyo. In terms of procedure, what was the point of jurisdiction for a decision on that? Was it a Foundation Board decision? It was unclear from the papers what the point of decision was there.

THE DIRECTOR GENERAL responded that the only point of decision was the one set in the Code. The Code said that it was the Executive Committee that would approve it. That was the basis of the discussion and the only link he could see.

THE CHAIRMAN asked Mr Young if he agreed with that.

MR YOUNG responded that he did.

MR DÍAZ said that the only question was whether Mr Sandford was satisfied with Mr Young's proposal on the three points.

THE CHAIRMAN stated that there was an impasse that the Executive Committee needed to try to resolve. There was a very clear statement from the Olympic Movement that it did not like the word 'charter', and it had stated why. There had been a verbal legal opinion from Mr Kaiser. He was very reluctant to end up with votes that split the Executive Committee. The Executive Committee was talking about the document that had been amended following the Tokyo meeting. He was keen for a group to sit down the following day and work out a final agreement on a name.

MR SANDFORD agreed with the proposal. If the group met tomorrow, it would try to agree on a name for the document. When did the Chairman want the group to report back with a draft?

THE CHAIRMAN responded that, given the programme the following day, there should be time to enable a group to get together and finalise the document by lunchtime.

MR SANDFORD said that, if the group were unable to reach a position on the name, it would revert back to the current Executive Committee document.

THE CHAIRMAN suggested doing one thing at a time. An Olympic Movement and a public authorities representative would sit down with Mr Sandford the following day to try to resolve the matter. Thereafter, he needed some legal guidance on what would happen if the group failed to agree. The effect of failing to agree tended to encourage people to agree. If the document before the members was not acceptable to one of the two stakeholder groups, it seemed to him that, inevitably, it would fall, and that would be a great shame. It should have been part of the overall Olympic declaration years ago, and it had not been. He seriously did not want to spoil the 20th anniversary of WADA with an argument over names. He trusted the members of the group to put their heads together and come back by lunchtime the following day with a decision. He was really very keen to avoid having to do that in a public and open meeting.

DECISION

Athlete anti-doping rights document, name and legal status to be determined by a working group.

7. Finance

– 7.1 Government/IOC contributions update

MR RICCI BITTI said that the members had received all the information at the Executive Committee meeting in Tokyo in September, so he would provide information on the contributions. WADA had received 96.36% of contributions to date as opposed to 98.48% the previous year. There were some outstanding contributions, mainly from the Americas, including Argentina and Venezuela, and from many Asian countries, including Kuwait, Oman, Kazakhstan and Lebanon, for a total of 300,000 dollars. The additional contributions amounted to about 630,000 dollars, and he thanked Poland, Japan and Australia for their contributions, in particular Poland for the significant contribution, but obviously that was nothing compared to the previous year, during which there had been a huge contribution from China. That would be reflected in the statement of accounts.

DECISION

Government/IOC contributions update noted.

– 7.2 2019 quarterly accounts (quarter 3)

MR RICCI BITTI said that the quarterly accounts were not very significant because of the seasonal activity. WADA received contributions at the start of the year, making it look as though WADA had a profit, but such profit always vanished by the end of the year, even with the generous 8% contribution from the stakeholders. Looking at the attachment of the summary, the members would see the variances, and he pointed out only the significant variances, the first one being 97% for legal, and there had been a lot of discussion about that. The reason was basically that the majority of the expenses had been in relation to the Covington case. He wished to mention the second one for intelligence and investigations because, while it did not look too bad, the expenses had been much higher, although part of those had been offset by the Russian contribution or fine. Those were the two items about which there was some concern.

Obviously, there was no longer the significant contribution and the figure for intelligence and investigations looked much lower. ADAMS was at 60%, but would incur very big expenses at the end of the year; capital expenses were at 2.1 million dollars or 66% of the capital expenses budget; education was close to budget; communication would probably postpone until the following year to align with the strategic plan; and the last significant point was the high depreciation, but as usual that was due to the ADAMS investment. That was the information he had wished to give to the members. It looked in line with the 75%, but there were many expenses to be incurred between then and the end of the year. He was very confident that WADA would do a little bit better than the revised budget, because of the currency and some items that might be positive, so he would wait until the end of the year, but he was confident that WADA would be on budget.

THE CHAIRMAN asked if the members had any questions on quite a depressing set of figures. WADA would have to work its way out of that situation.

DECISION

2019 quarterly accounts update noted.

8. Education

MR MOSES informed the members that, since meeting six weeks previously, there had not been too much of significance that had really changed. He would briefly note some of the things that had. As the members knew, the Education Department was new, so the new director, Ms Hudson, and the team were working together to develop a strategy to complement everything that was going on. The most important issue on which the department was working was the International Standard for Education, for which approval would be sought on Thursday at the Foundation Board meeting. That was one of the few areas in which athletes were actually offered something by the organisation. In most cases, WADA was asking the athletes for something: asking them for urine, for compliance with the rules, for whereabouts information and demanding that they do that, so that was one of the few initiatives being offered to the athletes, to give them information as to the ongoing ethical requirements for athletes in terms of fair play and a level playing field and so on, so it was very important.

There were several key initiatives for 2020, including webinars, regional seminars and support materials for ADOs. The Director General had been in Paris at the UNESCO conference of Parties the previous week, and there had been an emphasis on education and how important it was, so it was a really good opportunity for WADA to support educational initiatives and show that it was in line with the athletes and really ready to offer them something to help them out. Having said that, the Education Department had a new leader in Ms Hudson, who had previously been a member of the Education Committee, and he formally introduced her as the director and gave the floor to her for an update and her perspective on the meaning of education.

– 8.1 Annual social science research projects

MS HUDSON said that her job was to talk the members through the recommendations of the Social Science Review Panel, so the Executive Committee could hopefully approve the funding recommendations. She would talk as briefly and concisely as she could on the process, the focus for the fund that year and the eight projects recommended for funding. In 2020, the focus for the fund had been on interventions that anti-doping organisations were carrying out at that moment in time and how to measure their effectiveness. Prior to 2020, typically, WADA had funded projects more concerned with understanding the determinants of doping behaviour. There had been 36 proposals that time round, and WADA was pleased to receive proposals from the different continents. A large proportion of those still came from Europe, but proposals from other continents were increasing. The Social Science Review Panel scrutinised those proposals. They were equally scrutinised independently

as part of a peer review process and then the members gathered to discuss and debate the proposals looking at those best suited to be funded. The recommendations were then sent to the Education Committee for approval and then brought to the Executive Committee.

A summary of that process had led to eight projects being recommended for funding, four in relation to anti-doping education interventions and four that had come from an open category whereby academics could submit proposals in line with the research priorities. The eight projects would allow WADA to conduct research in 14 countries and across all five continents, and the total amount recommended was circa 330,000 US dollars. The figure was slightly different to the papers sent out previously. The committee had asked for a number of clarifications from the academics who had put forward their proposals and, based on the clarifications, some of the funding decisions had been reviewed. The members would be pleased that the figure was less and not more.

The first project that was being proposed to be recommended for funding was phase one of a project to be conducted in Spain in partnership with the national ADO and the national federation, looking at attitudes and intentions in relation to doping for athletes in the sport of athletics.

The second proposal was a cross-country proposal evaluating the effectiveness of an existing programme called Safe You. That had been funded already by the European Commission, which had requested funding to evaluate that project with a view to adapting it to other countries and other regions.

Project three was a partnership between an academic and a national anti-doping organisation. It was definitely something to be encouraged in the future. The project would basically review the Spanish NADO's education programme and work with the NADO to improve it.

The fourth project was cross-country. There were four countries looking at how their approach to education had taken place, the effectiveness of that and whether there were any similarities despite the cultural differences that could be applied to other ADOs.

Project five was one she wished to highlight, to be conducted in Kenya looking at an at-risk population of athletes (young collegiate athletes) and the influence that the coach had on those athletes. The research would enable the ADO supporting Kenya to develop coach education relevant to that target population and support another project that WADA was currently funding, looking at an international anti-doping coach curriculum. The other reason she highlighted the project was because it was an example of where WADA's social science lead, Tony Cunningham, had worked with the community to support a re-submission of that proposal. That was a proposal made the previous year that had not been quite at the standard required for funding, and WADA had partnered it with another academic institution and supported it to resubmit the proposal for that year.

Project six was another project in Africa looking at the use of herbal and traditional remedies and how that might put athletes at risk and the education required to support those athletes. NADOs did receive questions about cultural and traditional norms, and it was something that was not particularly well understood, so the research would be used to inform the rest of the international community on how to deal with those challenges.

Project seven was a project by Dr Skinner looking at the RADO network, and would gain insight into the implementation of anti-doping policy, working with WADA and the RADO community to gain insight into the challenges faced and to help WADA in terms of the way in which it supported the implementation of anti-doping policy through that network.

Lastly, there was another project in Africa, particularly in countries about which very little was known, using WADA's standardised research survey to garner data based on the African countries to better implement education programmes suited to that region's needs.

Those were the eight projects proposed for funding and, before she handed back to Mr Moses, she took the opportunity to share other ongoing work in relation to social science research. The aim was to review how WADA funded social science research and what was funded based on a longer-term strategy, and work had started with the social science review panel to begin that work. That was important because there were a number of challenges in the system: the understanding of social science research as a concept in itself and how to increase the capability of the proposals that came in. There were some challenges in relation to dissemination and how to make research tangible for the community to use and implement; how to better use the expertise of the social science review panel; the funding available across the system for social science research, not just at WADA but also at UNESCO, Erasmus and the European Commission, and how to work with them to coordinate funding in a way that had a greater impact on the work in terms of education; and, the question that was always being asked about how WADA knew education was working, so it wanted to look at how

to fund longer term social science research studies, in particular looking at levels of inadvertent doping, which would be a clear sign of the impact of education.

There was a brief timeline and she hoped that, by the time she went back the following November with recommendations for the 2021 social science research fund, there would be a strategy to be included in the meeting documents.

THE CHAIRMAN asked if the members were happy to approve the total grant. Saving five thousand dollars was a good first step. The projects before the members were to be implemented the following year. He looked forward to the results of the projects and the additional work being done. It was good to have Ms Hudson with WADA.

DECISION

Proposed annual social science research projects approved.

9. Health, Medical and Research

– 9.1 Athlete passport management units

DR RABIN informed the members that, as they might remember, at the meeting in Tokyo in September, the Executive Committee had already approved seven athlete passport laboratory-related APMUs, and there was a second group of six laboratories that day, Beijing, Doha, London, Montreal, Rome and Salt Lake City, up for approval. That would complete the network of laboratory-related APMUs serving the Athlete Biological Passport system in the anti-doping community, so those six laboratory-related APMUs were up for approval.

THE CHAIRMAN asked the members if they were happy to approve the proposal.

DECISION

Proposed athlete passport management units approved.

– 9.2 Technical document for laboratory documentation packages

DR BARROSO said that he had three minor points for approval in relation to the WADA-accredited laboratories, the first of which regarded a modified version of the technical document for laboratory documentation packages. That was basically a minor edit to the document. As the members might know, all laboratories that applied analysis for the Athlete Biological Passport had recently had to implement a new instrument, which had brought with it additional requirements on the use of quality control samples; so, basically, it had been necessary to specify the correct name of the new quality control samples in the technical document because that was information that the laboratories would have to include in the documentation packages for the Athlete Biological Passport. The team had also taken the opportunity to update some of the definitions in accordance with the new version of the ISL that had come into effect on 1 November. There had had been a change of wording from 'e-checks' to 'XN check'.

THE CHAIRMAN observed that the members were really in the hands of their scientific experts in that area, or at least he was.

DECISION

Technical document for laboratory documentation packages approved.

– 9.3 Application to be an ABP-approved laboratory – Panama City

DR BARROSO said that the item was simply to request the approval of a candidate laboratory in Panama City, to start preparing for the receipt of final approval for the analysis of Athlete Biological Passport samples. It was a private laboratory in Panama City and WADA had already received letters of support from several regional and national ADOs as well as the Central American RADO. The laboratory had already established an agreement with Copa, a courier service with a hub in Panama City, for sample delivery, and was expecting to have more than 400 samples analysed during the first year. This was simply to approve the laboratory as a candidate laboratory. It did not mean it would start analysing samples. It still had to acquire the proper instrumentation and so on, but that was a first step towards receiving approval.

THE CHAIRMAN noted that WADA seemed to spend a lot of time with existing laboratories saying that there were problems, so it was actually rather refreshing to have a new candidate laboratory. Were the members happy with the application?

DECISION

Application by laboratory in Panama City to be a candidate ABP-approved laboratory approved.

– **9.4 Technical letter**

DR BARROSO referred to the technical letter that was supposed to have been submitted for approval in September; however, following the first round of consultation, it had been decided to withdraw presentation and have it further reviewed by the experts and sent again to the WADA stakeholders for consultation. There had been a few changes to be made. The members had received two versions of the letter because, after the modifications had been tabled, the team had realised that a couple of things needed further clarification. That was basically in relation to the analysis of a particular substance, 6-oxo, which was prohibited under S4.1 of the Prohibited List. It was an exogenous substance, which could be formed in situ. The technical letter provided instructions and recommendations to the laboratories for the proper analysis and interpretation of the results. At the end of the letter, the members would see a flow chart making it easier to follow the process of analysis and reporting of results.

THE CHAIRMAN noted that the matter was highly technical, but it had been an issue under the international standard and it was important to formally endorse it at that meeting. Were the members happy to issue the technical letter? He was actually quite impressed, looking at the references at the end, that there were numerous eminent people who had been involved in that process. That encouraged him that it would be accepted without comments.

DECISION

Proposed technical letter approved.

10. Any other business/future meetings

THE CHAIRMAN said that there was a whole mass of reports from the various departments which would come up on Thursday; again, they would be there only for questions to be asked because the discussion time during the meetings on Code approval would have to be limited.

The dates of the future meetings were set out in the documentation.

He thanked the interpreters and the audiovisual providers and staff. The working conditions had been extremely good. Lunch had been delicious and the coffee breaks had been great, and he was very grateful to the friends in Katowice for doing that. That evening, the members would be going down a mine. The following day, the members would welcome the president of Poland and a number of important guests to open the World Conference on Doping in Sport. There would be almost 1,600 people attending the Conference, which was by a distance the biggest one WADA had ever run, and the room was the biggest one that anybody would have been in. He thanked the members for their work and looked forward to seeing them down the mine that evening.

MR KAMEOKA said that he hated to delay the end of the meeting but had a comment he wished to make. His predecessor had already mentioned the matter at the meeting in May. In Japan, there had been a case of an athlete with a provisional suspension, after which it had been determined that an anti-doping rule violation had occurred and his record at the competition had been disqualified. It had subsequently turned out that the case had been caused as a result of taking a prescribed medicine contaminated with a prohibited substance, and it had been pointed out that such contamination had occurred during the manufacturing process in India; but, since the level of contamination was extremely low and was allowable in terms of international standards, there was a risk that that same situation could occur elsewhere in the world. After, in October, the athlete had filed a lawsuit seeking compensation from the pharmaceutical company for about 60 million yen. That suggested that WADA, which had established the international rule, was at risk of becoming involved in lawsuits, and he asked again on behalf of the Government of Japan that the WADA management review the rule, setting a lower limit for the test result for example, as soon as possible so that innocent athletes would not be found again in violation of the anti-doping rule. He was sorry to have taken the floor from the Chairman.

THE CHAIRMAN stated that he personally could not respond. He would ask Mr Niggli to respond.

THE DIRECTOR GENERAL said that the Japanese Anti-Doping Agency kept WADA informed of the case, so WADA was following the procedure and the fact that the athlete had launched legal proceedings. In terms of the scientific aspect, Dr Rabin had already mentioned it in Tokyo. WADA would keep an eye on the legal proceedings.

THE CHAIRMAN declared the meeting adjourned.

DECISION

Extraordinary Executive Committee – 23 January 2020, Lausanne, Switzerland
Executive Committee – 16 May 2020, Montreal, Canada;
Foundation Board – 17 May 2020, Montreal, Canada;
Executive Committee – week of 14 September 2020, location TBC
Executive Committee – 11 November 2020, Istanbul, Turkey
Foundation Board – 12 November 2020, Istanbul, Turkey
Executive Committee – 15 May 2021, Montreal, Canada
Foundation Board – 16 May 2021, Montreal, Canada
Executive Committee – week of 13 September 2021, location TBC
Executive Committee – week of 15 November 2021, location TBC
Foundation Board – week of 15 November 2021, location TBC

The meeting adjourned at 5.15 p.m.

FOR APPROVAL

SIR CRAIG REEDIE
PRESIDENT AND CHAIRMAN OF WADA