

**Minutes of the meeting of the WADA Executive Committee
9 December 2019, Lausanne, Switzerland**

The meeting began at 10.00 a.m.

1. Welcome, roll call and observers

THE CHAIRMAN welcomed the members to the Executive Committee meeting in Lausanne, apologising for the late change in the venue of the meeting. Those who had been following the news from France would be aware that they were much better off in Lausanne than in Paris, because of the difficult situation in the city at that time. Mr Colbeck from Australia was on the line that day. Unfortunately, he had never met him, but he thanked Mr Colbeck for taking the trouble to call in. Where was he calling from?

MR COLBECK said that he was in his office in Devonport, Tasmania.

THE CHAIRMAN thanked Mr Colbeck for joining the meeting. Ms Scott was also on the line, and he would refer to her in a moment. He explained the set-up of the meeting. There was a rectangular table, and he went through the members of the Executive Committee, whom he did not think Mr Colbeck had met, in order, noting that Mr Moses and Ms Scott were chairs of (respectively) the Education Committee and Athlete Committee. Under the existing governance rules, they attended Executive Committee meetings and, although they were not members of the Executive Committee, they were entitled to speak. There were also several advisors to ministers and members of the sport movement present.

The following attended the meeting: Sir Craig Reddie, President and Chairman of WADA; Ms Linda Hofstad Helleland, Vice-President of WADA, Member of Parliament, Norway; Ms Beckie Scott, Chairman of the WADA Athlete Committee; Mr Edwin Moses, Chairman of the WADA Education Committee, Chairman of the Board of Directors, USADA; Mr Jonathan Taylor QC, Chairman of the Compliance Review Committee, Partner, Bird & Bird LLP; Mr Francesco Ricci Bitti, 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, IOC Member; 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; Ms Gabriella Battaini-Dragoni, representing the Council of Europe; as an observer Mr Witold Bańka, Minister of Sport and Tourism, Poland; Mr Shepande, representing Ms Amira El Fadil, Commissioner for Social Affairs, African Union, Sudan; Mr Díaz, representing Ms Andrea Sotomayor, CADE President, Ecuador; Mr Yoshitami Kameoka, State Minister of Education, Culture, Sports, Science and Technology, Japan; Mr Richard Colbeck, Minister for Youth and Sport, Australia; Mr Olivier Niggli, Director General, WADA; Mr Frédéric Donzé, Chief Operating Officer, WADA; Ms Catherine MacLean, Communications Director, WADA; and Mr Gunter Younger, Intelligence and Investigations Director, WADA.

The following observers signed the roll call: Okabe Watar, Nobuhiro Takegawa, Jan Age Fjørtoft, Mathieu Holz, Irene Kitsou-Milonas, Julian Broseus, Aaron Walker, Sebastien Gillot, James Fitzgerald, Anais Rodriguez, Yewbsaf Tesfaye, Sibylle Villard, Agnès Perrot, Re'sy Frommes, Loïc Vallée, Mieko Kondo, Chieko Bond, Sergey Khrychikov, Kumekawa Hirokazu, Rune Andersen, Shin Asakawa, Rafal Piechota, Richard Budgett, Hannah Grossenbacher, and Michael Vesper.

– 1.1 Disclosures of conflicts of interest

THE CHAIRMAN asked if any member had a conflict of interest in relation to any of the items on the short agenda. In the absence of any such declaration, he said he would continue.

2. Acceptance of Compliance Review Committee recommendation (ISCCS article 10.2)

THE CHAIRMAN stated that it would be best to invite Mr Taylor, the Chairman of the Compliance Review Committee, to take the members through the recommendation and answer any questions that they might have.

MR TAYLOR hoped that the members had the recommendation in front of them. He understood that it was fairly lengthy and he apologised for that. It was not nearly as lengthy as the underlying reports from the experts and the Intelligence and Investigations Department. The idea had been to try and summarise clearly and concisely the factual situation before making the recommendation based on those facts. He hoped that he could take the recommendation as read. He would indicate some of the highlights before taking any questions.

As a reminder, at the Seychelles meeting in September 2018, the Executive Committee had decided to reinstate RUSADA on the condition that, by the end of the year, it provide the data from the Moscow anti-doping laboratory relating to and underlying the LIMS database, as well as the related urine samples. The members would recall that the idea had been to allow a new chapter, to give the Russian authorities the chance to draw a line under what had happened, and for everybody to move forward together. On the other hand, the idea had also been to make sure that the new International Standard that the Executive Committee and the Foundation Board had commissioned in 2016 also came into effect so that, if there was any non-compliance, it could be dealt with under the new rules that allowed for a centralised process of dealing with non-compliance, leading to one set of consequences that were applied and recognised and enforced by all Signatories. The data had been provided to the WADA Intelligence and Investigations Department in January 2019, and the samples in April. It was important to be clear that, in large part, the provision of those data and the samples had allowed the Intelligence and Investigations Department to identify and put together evidence packs for advancing anti-doping rule violations against individual athletes, and it had been a laborious process. To date, more than 40 cases based on the data had been referred to IFs, with more likely to come. And, interestingly, intelligent targeted re-analysis of the samples had already led to 14 adverse analytical findings, based on the re-analysis of just 94 samples to date, again with more likely to come. However, right from the beginning, it had been clearly understood that there needed to be careful checks made to ensure that the data provided were authentic, as had clearly been the requirement imposed by the Executive Committee, and that had been the focus of the WADA Intelligence and Investigations Department from the beginning, and it had reported to the Compliance Review Committee periodically ever since on that authenticity issue.

He wished to make two things clear from the outset. One was that the WADA Intelligence and Investigations Department had been prepared for this day from the very beginning. It was because of the team's skill and expertise that, when it had gone into the laboratory, it had known to take not just images but forensic copies of the data to which it had been given access, and it was because it had taken that decision and because of the steps that it had taken since that WADA was where it was and had uncovered what had been uncovered. He wished to pay tribute to the WADA Intelligence and Investigations Department. WADA was very lucky with the people it had working for it. He had said it before about the Compliance Department, but he wanted to say it clearly about the Intelligence and Investigations Department. He had done a lot of work in that sector and he had rarely seen such a committed, professional, hard-working team, dedicated to getting to the truth through a very thick bramble. In that case, the work had been exemplary. WADA and the Executive Committee were very lucky to have that team available to help them.

The painstaking investigation was done with the help of independent digital forensic experts from the University of Lausanne. And it had been characterised by fairness and due process, every step of the way. The findings of the WADA Intelligence and Investigations Department and the experts had been put to their Russian counterparts, who had been given an opportunity to respond, and there had been meetings to discuss the responses, so the Compliance Review Committee was satisfied that due process had been followed all the way. The Compliance Review Committee had had the benefit of two meetings with the Intelligence and Investigations Department and the experts, detailed meetings giving the members a chance to have their questions answered (some of those questions more sophisticated than others). Having done that and having read through hundreds of pages of reports from the experts and the Intelligence and Investigations Department, the Compliance Review Committee was satisfied that the facts were as summarised in paragraph three of the report. They were set out in detail in the report, and he would be happy to answer any queries about the report, but the facts were summarised in paragraph 3.1. The members would see what it said: that, from the data provided in 2019, there were presumptive analytical findings missing, and the underlying data in many of those cases were also either missing or had been altered. Some of that appeared to have happened back in 2016 or 2017, but there had been very specific findings of activity after 25 November 2018, in late December and in January 2019, where alterations had been made and deletions had been made, which had not been happenstance: they had been targeted and deliberate to cover up evidence of doping. There had been an attempt to cover up those activities themselves through backdating and through deletion of the commands to change and backdate the

data. Perhaps most tellingly of all, the Russian response had been to blame Grigory Rodchenkov, saying he and some lab colleagues had falsified data as part of a private scheme to extort money from athletes, and the Russians had pointed to messages kept in a messaging function within the LIMS database which did appear to be extremely incriminating of Grigory Rodchenkov and other staff members. However, through careful analysis, the WADA Intelligence and Investigations Department and its experts had been able to determine that those messages had themselves been fabricated and planted in the database after September 2018, after 25 November 2018, most likely on 9 January 2019, and that was remarkable. Some of the members might have received the previous week a rebuttal paper from the Russian experts purporting to address the findings of the Intelligence and Investigations Department and the experts that are summarised in the Compliance Review Committee's report. Mr Younger could speak to that if necessary. He had advised the Compliance Review Committee that nothing in the latest response changed any of the conclusions that had been reached. But what was extremely telling was that the Rodchenkov incriminating messages that had been front and centre of the Russian response in July, September and October had not been mentioned in that response the previous week. That, to him, was very telling. It had been pointed out that they had been fabricated, and the Russians had not responded to that. That really was a fairly stunning fact. Further to that, additional data referred to by the Russian authorities in explaining the discrepancies had been requested by the WADA Intelligence and Investigations Department in September, and that had been provided and it was found that, within days of it having been requested, it had been altered and some of it deleted as well.

The facts were set out in some detail in the paper, and he did not apologise for that because it was important to understand what had happened. The members would see why the Compliance Review Committee had concluded that not only was this a serious case of non-compliance, but there were numerous aggravating factors, and not just in the impact of the non-compliance: although there were many cases that would go forward, it was also true to say that there were many cases that could not go forward given what had happened with the data at that moment. Mr Younger's team had identified 298 highest-priority target group cases, of which 145 were affected. The AIU (Athletics Integrity Unit) would still need more time to understand the extent to which its cases were affected, as would the IBU. The impact of the non-compliance but also the deliberate cover-up and tampering were all aggravating circumstances.

Having made those findings, the Compliance Review Committee had then followed the ISCCS, which set out the available sanctions and the principles to be applied to determine what sanction should apply in a particular case given the facts of that case. He had set that out in the recommendation so that the reasoning was plain. The recommendation would be made public. It was important that the process be transparent and clear, and the International Standard was clear in explaining the principles that needed to be followed to determine the consequences in a particular case. Then the annex had a starting point set of consequences in a standard case of non-compliance with a 'Critical' requirement, and the question was whether or not to stick with those starting point consequences or go up and down in particular circumstances depending on the facts of the particular case. That was exactly what the Compliance Review Committee had done, and it had tried in the report to make plain its reasoning so that everybody could understand, question, challenge, and/or agree with it.

Section D set out exactly that process, and then paragraph 54 detailed the consequences. He referred briefly to them: paragraph 54.1 stipulated that representatives of the Government of the Russian Federation should not sit as members of the boards, committees or any other body of any Signatory for a four-year period. Just to be clear, the four-year period would start from when the decision became final, which could be if RUSADA accepted it or (if it disputed it) if and when the CAS decided to uphold it. During that same period, Russia would not be able to host or bid to host, whether the event was in the four-year period or not, any editions of the events listed. If the right to host had already been granted, it should be taken away unless legally or practically impossible. And, in addition, there should be no bid to host the 2032 Olympic Games. Paragraph 54.3 set out that Russia's flag should not be flown at any of those events listed, and paragraph 54.4 stipulated that senior officials of the ROC and RPC could not participate in or attend those events. Paragraph 54.5 specified that Russian athletes and their support personnel would be able to participate in those events only if they could demonstrate that they were not implicated in the non-compliance, in accordance with strict conditions defined by the CAS or WADA, depending on how the case evolved, pursuant to the mechanism set out in Article 11.2.6 of the International Standard. Again, the Standard provided for the possibility of a safety valve, ie an ability for those not tainted by the non-compliance to avoid the consequences, at least to some degree. Lastly, paragraph 54.6 stated that RUSADA was to pay a fine at a capped amount set out in the Standard. Briefly, paragraph 55 set out that, although the starting point was that there be takeover or supervision of the non-compliant

NADO's anti-doping activities, the Standard allowed for that to be departed from in cases where WADA was satisfied that the NADO was able to conduct those activities in a compliant fashion and, for the reasons explained, certainly it was the view of the Compliance Review Committee that that was the case and therefore it would not be necessary for somebody to come in and take over those activities; however, he would come back to that in the context of reinstatement conditions. In paragraph 56, the Compliance Review Committee had carefully considered the question of whether senior ROC and RPC officials should be covered and explained why it recommended that they should. And in paragraph 57, although it was strictly outside the Committee's remit, it did refer to the issue of the anti-doping laboratory in Russia. He was skipping over some details but could discuss them later if necessary.

Finally, it was the Compliance Review Committee's task to propose reinstatement conditions, and those were set out in paragraph 58 in relation to the payment of costs, and in relation to the provision of cooperation to investigate the affected cases to see if the problems with the data could be rectified and to provide other support for the ongoing investigations to ensure that everything that could be done was done to bring cheats to justice. Paragraph 58.2 detailed the conditions that needed to be imposed to ensure that RUSADA was able to continue to operate without improper outside interference, and paragraph 58.3 stipulated that there should be no interference with the testing activities, in particular of other ADOs. The other reinstatement conditions that were recommended were also set out there for everyone to read.

Importantly, in terms of next steps, if the Executive Committee was minded to accept the recommendation, a formal notice would be sent to RUSADA asserting non-compliance and proposing those consequences and reinstatement conditions. RUSADA would then have a choice: it would be able to accept the assertion and the proposed consequences, in which case the consequences and reinstatement conditions would become final, subject to the ability for those third parties who were affected to appeal the decision to the CAS. If RUSADA disputed the matter, WADA would take the case to the CAS, and it would be WADA's burden to prove the non-compliance and to persuade the CAS that the consequences and the reinstatement conditions that it proposed were appropriate in all the circumstances of the case. If, and only if, the CAS agreed, those consequences and conditions would become final, and that was when they would become subject to recognition and enforcement by all Signatories. In response to a couple of comments from earlier meetings, there was no doubt that, if it went to the CAS, WADA would want to get the matter resolved as quickly as possible, and the Standard provided for the possibility of an expedited hearing. WADA had engaged, and he had been working with, Ross Wenzel and Nicolas Zbinden, who were very good lawyers, the second best sports lawyers he knew, and they would be ready if necessary to take that case to the CAS as quickly as possible. One final reminder: the four-year period would start when the decision was final. Somebody had asked what would happen if the Russians dragged out the case so that it did not affect the Tokyo Olympic Games, and that was a real possibility. If they did that, however, and if the consequences recommended were accepted by the CAS, instead it would affect the Paris Olympic Games. So the Russians really had a Hobson's choice there. Those were the highlights.

THE CHAIRMAN thanked Mr Taylor. He passed the floor to Mr Kameoka, who had asked if he could make a statement.

MR KAMEOKA thanked Mr Taylor for an excellent report. The Intelligence and Investigations Department and the Compliance Review Committee had done an excellent job and he was very grateful for such excellent work. It was extremely important to provide a doping-free, clean and fair environment and, as the Executive Committee member representing Asia, Japan had always respected the recommendations of the Compliance Review Committee, which was an independent committee of WADA. In relation to the leak of the recommendation and the subsequent actions taken by WADA, the rule said that the recommendation of the Compliance Review Committee was to be disclosed to the public only after the Executive Committee decision. The recommendation had been distributed among the Executive Committee members as a highly confidential document; however, it was regrettable that the recommendation had been leaked prior to the Executive Committee meeting and such actions deviating from the rules could jeopardise and undermine the trust in the governance of WADA. He did understand that the WADA management had had no choice but to provide a summary of the recommendation as a result of the leak and the release by the media of the details of the recommendation; however, the management should at least have informed the Executive Committee members before issuing a press release.

THE CHAIRMAN confirmed that, after the Executive Committee meeting was completed, he would release the whole CRC report to the media.

THE DIRECTOR GENERAL shared Mr Kameoka's view and certainly regretted that the documents had been leaked relatively quickly after they had been sent to the Executive Committee. Unfortunately, that was not the first time. In the terms of reference of the Compliance Review Committee, there was a process to deal with that kind of situation, because it had happened in the past, and that had been followed, and the management had secured approval from the Chairman of the Compliance Review Committee and the President of WADA before issuing the press release, the goal being not to let those who were leaking the documents control the narrative and to be proactive in terms of ensuring that the right message was out there. He had taken note of Japan concern and agreed. It was always a very short period of time, and it was necessary to be reactive, but in future cases he would try to ensure that the Executive Committee members were informed at least a few minutes or hours before such documents were released.

THE CHAIRMAN said that there were frequently observations from the senior groups of stakeholders, so gave the floor to Professor Erdener and then Mr Díaz.

PROFESSOR ERDENER thanked Mr Taylor on behalf of the sport movement for his information on the recommendation of the Compliance Review Committee. The sport movement fully supported the recommendation of the Compliance Review Committee.

MR DÍAZ spoke on behalf of the public authorities to thank WADA, the Intelligence and Investigations Department, and the Compliance Review Committee for their great work and for preparing a high-quality, clear final report. The public authorities supported the Compliance Review Committee's recommendation.

MR SHEPANDE conveyed the apologies of Ms El Fadil, who had been unable to attend the meeting as she was unwell. As Mr Díaz had mentioned, the African region had also undertaken broad consultation among its members and the ministers wished to commend the Compliance Review Committee on its thorough, explicit and consistent investigation of the case. The ministers fully endorsed the recommendations contained in the Compliance Review Committee's report and also, in their own wisdom, strongly recommended that WADA not reopen any debate in relation to the Compliance Review Committee report that had been presented for two reasons: firstly, doing so would delay the process of implementing the recommendations and consequences recommended in the report, and secondly, that would have a negative impact on the credibility and integrity of WADA.

MS HOFSTAD HELLELAND recalled the issue being discussed. Athletes, sport fans, governments and sport organisations were facing the biggest sport scandal ever. One of the biggest sporting nations of the world had cheated and manipulated and deleted evidence after being found guilty of betrayal of all clean athletes around the world who had tried to compete fairly throughout their careers. Apparently, the Olympic Movement had acknowledged the truth of the tragic and painful case after two Pound and two McLaren reports and after several Compliance Review Committee reports confirming that institutional doping had taken place. The Olympic Movement and the IOC had also commissioned a report, and Mr Schmid, the author of the report, had also supported the earlier findings. There was no doubt as to the facts and the extreme severity of the cheating, fraud and denial of the Russian doping scheme. What continued to make that troublesome and worrying was the complete denial of the fraud that was evident to all athletes and sport fans around the world. Based on the McLaren report, a road map had been developed and agreed with RUSADA and, with two points still remaining to be fulfilled by the Russians, members of the Executive Committee had wanted to know for how long they should be held non-compliant. Her answer had been until they had fulfilled the obligations agreed upon in the road map. Unfortunately, at the Executive Committee meeting in the Seychelles the previous year, she, together with Oceania, had been in the minority. RUSADA had been declared compliant without having delivered the laboratory data and without having accepted the McLaren report. The members now knew that that decision had been wrong. The data delivered had been manipulated and partly deleted. When would an unconditional admission and recognition of the McLaren report be received? She would support the Compliance Review Committee's recommendation, but she had to admit that she would have liked to see even tougher consequences than those put forward by the Compliance Review Committee. A blanket ban would make the Russian leadership realise the severity of the mess it had created for itself and for its athletes, and that included a ban from the Olympic Games in Tokyo and Beijing and not being able to host major events. WADA should not accept sanctions that would not be seen as proper and strong. Unless the sanctions really woke up the Russian leaders, made them accountable, and made them acknowledge the facts, how would it be possible to ensure that the system would never change? That was why she would prefer a blanket ban, but she would support the Compliance Review Committee's recommendation. The decision that day required strong and proper sanctions. The

athletes, the governments and sport fans relied on the sport administrators to protect and serve them and WADA needed to behave like an independent organisation that was not dictated to by the Olympic Movement or the IOC, as was currently the case. WADA needed to regain credibility and act like a world anti-doping agency.

MS BATTAINI-DRAGONI said that she was very pleased to report that the CAHAMA had greatly appreciated the work done by WADA to date and there was a very clear message coming from the CAHAMA, namely that, as far as the Compliance Review Committee proposals were concerned, they were considered to be a strict minimum. After lengthy discussions, the CAHAMA was happy to keep them and consider them as a strict minimum, but it was important to avoid reopening the whole discussion, because there was a risk of jeopardising the Compliance Review Committee's proposals. That was something that had been discussed at length by the committee. It was prepared to proceed with the vote, but the CAHAMA would also like an opportunity afterwards to discuss how WADA was going to implement the different proposals contained in the Compliance Review Committee's paper.

MR COLBECK added his voice of congratulations to the Intelligence and Investigations Department, which had done an exceptional job. This had been a very sophisticated attempt to deceive -- deliberate, concerted, calculated and systematic -- and the work that had been done was a credit to the team that had gone in to do the investigations. It was an indication of where the whole situation sat that, even while attempting to renegotiate a way back into the global sport system, the systematic and deliberate attempt to deceive had been undertaken. That demonstrated a need to be very strong in WADA's resolve in relation to the recommendation. The strength of the recommendation and WADA's action that evening was important from a number of perspectives: it was important to the integrity of sport globally and also to institutions such as the Olympics, but it was also important for WADA as an institution that governed the integrity of global sport in relation to doping. Oceania supported the recommendations of the Compliance Review Committee. It would also have liked to see stronger recommendations, but understood the discussion around the table in relation to the importance of that process moving decisively that day, so was quite content to follow the recommendations put before the members. The stance and position was extremely important in his view. It was worth noting that the penalties were in accordance with the International Standard, an important point to be made, even though the view about the strength had been expressed. He offered sincere congratulations to the Intelligence and Investigations Department, without whose diligence, skill and intensity of work the result being discussed that evening might not have been possible. He supported the Compliance Review Committee's recommendations.

THE CHAIRMAN asked if anybody else wished to speak.

MS SCOTT requested the floor.

THE CHAIRMAN asked Ms Scott to wait for just a minute. It seemed to him that there were no technical questions of Mr Taylor and that there was a clear feeling that the recommendation should be accepted as presented. Was that everybody's view? In that case, he thanked Ms Scott for calling in.

MS SCOTT thanked Mr Taylor and added her support to the WADA Intelligence and Investigations Department for its work. Many had probably seen the statement released the previous day by the WADA Athlete Committee. Many of the WADA Athlete Committee members believed that the sanctions proposed by the Compliance Review Committee did not go far enough and were not as strong as they could or should have been. She said that because she very clearly recalled that the argument used in 2019 in the Seychelles to assure the Executive Committee members that they should reinstate RUSADA before it had met the conditions of the road map had been because, if it did not, WADA would be in a much better and stronger place to enforce the most stringent sanctions available. It was unclear to her why, in the face of the evidence presented, the Compliance Review Committee had not recommended the strongest possible sanctions available and she thought that a lot of athletes were asking if that level of cheating and fraud and manipulation and corruption was not met with the strongest possible sanctions, what would be? WADA had been happy to recommend prior to the 2016 Olympic Games complete ineligibility of the Russian team, but there it was three years later, and three years into a story that seemed to have no end in sight, and WADA was not leveraging the strongest possible sanctions available. She knew that one of the arguments was that everybody felt obligated to defend the individual justice for Russian athletes, but she had never, not once, heard any of the members argue for the individual justice for all of the athletes cheated out of podium finishes, cheated out of the opportunities in life that accompanied podium finishes, financial and otherwise, cheated of their hopes and dreams, cheated out of everything by the series of crimes

of fraud committed by Russians against the clean athletes of the world. It was one thing to allow Russian athletes individual justice, but there had been no discussion or thought of proportionality when it came to those who had suffered from Russian fraud. There had been an opportunity to send a clear message to athletes that WADA really was on their side and prepared to have the courage to take the strongest possible sanctions, and WADA had not done so. It was a disappointing outcome from the WADA Athlete Committee's perspective, and most of the members of the committee felt that it could and should have been stronger.

THE CHAIRMAN thanked Ms Scott for her comment.

MS TERHO thanked Mr Taylor for the report. The IOC athletes' commission had also been discussing the matter and had been receiving messages from different athletes and different athlete groups, and had also heard from Ms Scott, but had also heard opinions that the recommendation was too strict. It was not black and white. The main thing was that neither side was in the majority. Based on the messages received and the discussion, there was clearly a will to protect all the clean and innocent athletes but also to be strict in relation to the decision. Therefore, the position of the IOC athletes' commission was to support the recommendation.

THE CHAIRMAN asked if Mr Taylor had any observations as a result of the comments made.

MR TAYLOR said that he was grateful for the support for the recommendations of the Compliance Review Committee. He wanted to acknowledge the concerns expressed and briefly address them. He did not want to reopen the debate. He certainly did not want to reopen the debate about whether the decision in September 2018 was right or wrong. He respected the view expressed by Ms Hofstad Helleland that the decision had been wrong, but he respectfully disagreed: if the Executive Committee had not readmitted RUSADA, it would not have the data and 40-odd cases based on the data and 12 cases thus far based on sample analysis, with more to come. Nor would it have the independent corroboration from the Moscow laboratory of the truth of the allegations of a doping cover-up. And if, by some miracle, WADA had been able to get the data without reinstatement, which it would not, it would not have any ability to deal with the subsequent discovery that the data had been tampered with. It was only because RUSADA had been reinstated and the new rules applied that WADA was able to apply the consequences it could.

He fully accepted and acknowledged that it was a very reasonable point of view to say that the sanctions could and should have been stronger. There were two points he wished to make clear: the matter had been debated at length by the Compliance Review Committee, and there were two key points, one of which was legal. WADA could not, under the new Standard, punish conduct that had happened from 2012 to 2015 (the original doping and cover-up of doping). If it did, its case would be thrown out at the CAS. He had been there a few times and could guarantee that. The members had to recognise that the wrongdoing that was being discussed was by government officials seeking to cover up that original doping and cover-up. The question was whether or not current athletes, most of whom were from a different generation and did not have anything to do with the original doping, should or should not have the opportunity to prove that they were clean and therefore to participate in the events. He accepted that people could argue that point both ways, and the members had heard them doing so. Penny Heyns, the former athlete who was on the Compliance Review Committee, had been strongly against a blanket ban. The members had listened very carefully to her view, and that was the view that had prevailed unanimously from the Compliance Review Committee. He did not disagree that there was room for different opinions, but that was why the Compliance Review Committee had reached the decision it had.

THE CHAIRMAN asked formally whether it was the members' view to unanimously accept the recommendation presented by the Compliance Review Committee.

MS BATTAINI-DRAGONI said that the request from the CAHAMA was that WADA should play a principal role in the implementation of the consequences, in particular by developing necessary standardised guidelines for Signatories and ensuring close and effective monitoring of the actions undertaken by them as part of the WADA compliance programme. In particular, WADA should first define the process and conditions for granting neutral status to the athletes concerned with a view to ensuring that harmonised standards and principles were applied by all sports and Signatories to ensure that only clean athletes participated in competition. Given the importance of the process for the protection of the individual rights of clean athletes and ensuring their equal and fair treatment, it was important to engage athlete representatives and public authorities in the process of the development and monitoring of the implementation of those processes. The second point was to develop, preferably in cooperation with the public authority representatives in WADA, the criteria of independence of RUSADA and to ensure close monitoring of their effective implementation with

regular updates to be provided to the Executive Committee and Foundation Board. The idea was really to have an opportunity to discuss how to implement and how to deal with proper standards in a harmonised manner so as to not exclude those athletes who had a right to participate because they were clean.

THE DIRECTOR GENERAL said that his response would be that there were several steps that still needed to be taken, as set out by the Chairman of the Compliance Review Committee. WADA would see whether RUSADA accepted or challenged the recommendation and if the matter went to the CAS. If the matter went to the CAS, a number of the things mentioned by Ms Battaini-Dragoni would have to be decided by the CAS. Once there was a CAS decision, it would apply to everybody; therefore, such harmonisation or equal treatment would apply through that mechanism. If it did not go to the CAS, it would clearly be a discussion around the table in January. As mentioned in the recommendation from the Compliance Review Committee, once the decision had been taken, including several details yet to be determined, it would be part of the compliance programme to ensure that everybody applied the decision taken, and of course WADA would look closely into that, and that would involve the public authorities as well as the sport movement, as the compliance programme would be used to do that. On RUSADA, there were several conditions in the recommendations, in particular in terms of reinstatement, so WADA would continue to closely monitor RUSADA, and that would be reported regularly through the compliance programme and the reports made around the table, and WADA would ensure that RUSADA's independence and the way it operated was maintained and improved. That was actually part of the reinstatement recommendation. The process was of course just starting.

THE CHAIRMAN asked if the members were happy with that process as outlined.

DECISION

The Executive Committee resolved unanimously to accept the recommendation of the Compliance Review Committee set out in its report dated 21 November 2019 in full, ie that a formal notice be sent to RUSADA and the Ministry of Sport in accordance with Article 23.5.4 of the World Anti-Doping Code, asserting non-compliance and proposing the consequences set out in paragraph 54 of the CRC report and the reinstatement conditions set out in paragraph 58 of the CRC report.

THE CHAIRMAN thanked everyone very much. It was a short but very important meeting, as the Executive Committee tried to bring closure to something that had caused sport enormous problems over the past five years. There might well be one more stage in the process: if the Russian colleagues decided not to accept the assertion of non-compliance, WADA would, under its statutes, end up in the CAS. He thanked Mr Colbeck for taking the trouble to call in from distant parts to what was a rather wet and unpleasant day in Lausanne, and he hoped very much that there would be some heavy rain very quickly on the eastern side of Australia which he was sure would be very beneficial. There would be a press conference at 1.30 p.m. and, after the decision, the full report would be released.

3. Any other business/future meetings

MS BATTAINI DRAGONI said that, for the next Executive Committee meeting in January, she would like to make sure that there would be a discussion based on the findings of the Compliance Review Committee report as to the fact that it was necessary to look into revoking the status of the laboratory approved for blood analysis from the Moscow anti-doping laboratory.

MR DÍAZ added that that was the public authorities' position.

THE CHAIRMAN assured the members that WADA was well aware of the complexities with the Moscow laboratory.

THE DIRECTOR GENERAL said that WADA was already looking into the situation. It should be understood that it was only ABP blood samples that were being analysed at the Moscow laboratory

at this time, and only because there was no accredited laboratory in Russia at that time, and it was extremely important for the Athlete Biological Passport programme. Therefore, while WADA would look into that, it did not want the counter-effect of stopping the blood passport programme, which was important for some sports. WADA was looking at an alternative solution and RUSADA was looking at an alternative solution and there would be a proposal on the table in January.

THE CHAIRMAN noted that the members would be meeting again in January and he looked forward to following the success of WADA from a distant venue. He noted the future meeting venues. The members would be in Montreal in May and somewhere in September. Anybody who was still interested in entertaining and hosting an Executive Committee meeting for WADA in September should not be shy in letting the management know. The members would be in the marvellous city of Istanbul in November 2020. He thanked the members for their attendance and wished them a safe trip home. He would of course make public comment on the competence of the Compliance Review Committee and the Intelligence and Investigations Department at the press conference. He 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

The meeting adjourned at 11:10 a.m.

FOR APPROVAL

SIR CRAIG REEDIE
PRESIDENT AND CHAIRMAN OF WADA