

**Minutes of the WADA Executive Committee Meeting
19 November 2016, Glasgow, UK**

The meeting began at 9.00 a.m.

1. Welcome, roll call and observers

THE CHAIRMAN welcomed the members to the WADA Executive Committee meeting at the Scottish Exhibition and Conference Centre in Glasgow. The building had held many events, including on one famous occasion when the late Luciano Pavarotti had had a concert; the last item on his programme had been to sing Nessun Dorma, and the whole audience had joined in. At his press conference, Pavarotti had said that Glasgow was unique: the only city in the world in which the audience sang to him. He was not suggesting that kind of thing that morning, but noted that the members were in the shadow of greatness.

There was a full turnout of the Executive Committee. The only apology was from Minister Ley, and Mr Godkin was representing her. He welcomed Mr Kaloko from the African Union to his first meeting.

The following members attended the meeting: Sir Craig Reedie, President and Chairman of WADA; Ms Valérie Fourneyron, Health, Medical and Research Committee Chairperson, Member of Parliament, National Assembly, France; Ms Beckie Scott, Athlete Committee Chairperson; Mr Gian Franco Kasper, IOC Member and President of the FIS; Mr Francesco Ricci Bitti, Chair of ASOIF; Professor Ugur Erdener, IOC Vice President, President of World Archery; Professor Eduardo Henrique de Rose, President, PASO Medical Commission; Mr Tony Estanguet, IOC Member and Member of the IOC Athletes' Commission; Ms Thorhild Widvey, Representative of the Norwegian Government, Norway; Mr Mustapha Kaloko, Commissioner for Social Affairs, African Union, Sierra Leone; Mr Marcos Díaz, CADE President, Dominican Republic; Mr Toshiei Mizuochi, State Minister of Education, Culture, Sports, Science and Technology, Japan; Mr Godkin, representing Ms Sussan Ley, Minister for Sport, Australia; Mr Edwin Moses, Education Committee Chairman, WADA, and Member of the Board of Directors, USADA; Mr Olivier Niggli, Director General, WADA; Mr Rob Koehler, Deputy Director General, WADA; Mr Tim Ricketts, Standards and Harmonisation Director, WADA; Ms Catherine MacLean, Communications Director, WADA; Dr Olivier Rabin, Science Director, WADA; Dr Alan Verneq, Medical Director, WADA; Mr Julien Sieveking, Legal Affairs Director, WADA; Mr Gunter Younger, Intelligence and Investigations Director, WADA; Mr Benjamin Cohen, European Regional Office and IF Relations Director, WADA; Mr René Bouchard, Government Relations Advisor, WADA; Ms Maria José Pesce, Latin American Regional Office Director, WADA; Mr Rodney Swigelaar, African Regional Office Director, WADA; Mr Kazuhiro Hayashi, Asian/Oceanian Regional Office Director, WADA; and Mr Frédéric Donzé, Chief Operating Officer, WADA.

The following observers signed the roll call: Marko Todoroski, Judith Lind, Valéry Genniges, Machacha Shepande, Adam Pengilly, Todd Nicholson, Neil Robinson, Hannah Grossenbacher, Richard Budgett, Matteo Vallini, Rafal Piechota, Sergey Khrychikov, Gabriella Battaini-Dragoni, Jun Kondo, Jugo Imaizumi, Tetsuya Kimura, Ichiro Kono, Eva Bruusgaard and Rune Andersen.

– 1.1 Disclosures of conflicts of interest

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

2. Minutes of the previous meeting on 21 September 2016 in Lausanne

THE CHAIRMAN drew the members' attention to the minutes of the previous Executive Committee meeting, held in Lausanne on 21 September 2016. The minutes were quite extensive; that was the way in which they were prepared so that, if it was necessary to go back at any future date, there would be a very accurate record of who had said what and when. The minutes had been circulated, and he was not aware of any comments on them. Were the members happy that they were a true record of what had taken place? If so, could they be approved?

DECISION

Minutes of the meeting of the Executive Committee on 21 September 2016 approved and duly signed.

3. Director General's report

THE DIRECTOR GENERAL informed the members that he would not repeat what was in the report in front of them, but would add to it, since it had been written some time previously. Starting with the McLaren report, since he had written his report, WADA had continued to follow up with Professor McLaren as to when he would finish his work. The last he had heard was that Professor McLaren would hopefully be ready to report on his work on 9 December. There was a lot that was ongoing in Russia on the ground. WADA had continued to work there, and still had two people based in Moscow working with RUSADA and trying to build up a new organisation. He would not go into a detailed discussion on that unless there were questions, as there would be a delegation from Russia present the following day, including Mr Smirnov, who was the chair of the commission on the reform of anti-doping in Russia, and the WADA Foundation Board would deal with that topic in the morning right before the discussion on the Way Forward. There would be a presentation from Mr Koehler on the situation in Russia and then some words from the Russians present, and a discussion on that, and the Russians had indicated that they would be available to answer questions from Foundation Board members on the situation. If the Executive Committee members had any questions or wanted more details on the situation, Mr Koehler would be happy to provide an update later on.

Also still linked to Russia, but a slightly different topic, he had an update on the attack on the WADA IT system. He had spoken about that in Lausanne at the previous Executive Committee meeting. Since then, the agency had done a lot of work on its system. Users would realise that WADA had changed the login procedure, and had retained a very competent security firm, which was monitoring traffic on the system to ensure that nothing suspicious occurred, and the entire system had been checked and he did not think that any other penetration had taken place. WADA remained vigilant. Other organisations had had issues and the same attackers had penetrated several NADOs, and everybody should remain vigilant, as he did not think the attacks had completely stopped yet. Everybody should really check their e-mails to ensure that they did not receive fake e-mails phishing for passwords.

On costs, WADA had received from governments a little more than 500,000 US dollars by way of contributions to the Investigations Fund. WADA had asked the IOC for matching payments, and he was sure that the IOC representatives would inform the Executive Committee as to the status of the request. He anticipated that most of the funds, including the matching payments from the IOC, would have to be invested in the current investigation and, going forward, there would have to be an amount in the WADA budget for such operations. As discussed on a number of occasions, WADA had a newly created Intelligence and Investigations Department and such operation should take place in-house.

Under tab 17, the members had the Independent Observer report from the Olympic Games in Rio de Janeiro. Mr Ricketts, who had been a member of the Independent Observer team, was present and ready to answer any specific questions the members wished to address to him. There were some recommendations in the report that had been made to WADA and he reported on how WADA was addressing them. The first recommendation had been that WADA look into those IFs/NADOs that had not responded to the pre-Games intelligence task force and requests for testing made at the time. WADA would do that, and it would be part of the WADA compliance exercise. There had been a recommendation that there be a strategy for all organisations on the storage and reanalysis of samples going forward. WADA was also looking at that, and it would make sure that it was put into place. There had been a number of recommendations linked to the IT system, in particular the development of a paperless system, and that was obviously something that WADA was taking on board in relation to IT development and the new ADAMS. Lastly, there had been a recommendation that experts from laboratories should be on site one or two weeks prior to the start of the Olympic Games in the laboratories, and that was something that WADA would address with the IOC.

Later that day, under item 5, the Executive Committee would discuss the Way Forward, and how WADA should move forward as an organisation in the fight against doping in sport. He thought that the discussion could be structured in a certain way. There were a number of documents representing the views of different parties that had been expressed over the past few months. WADA would go through item 5.7, which was the paper that sought to summarise the views of all parties (at least at the time the paper had been produced), and there would be a discussion item by item, to include everybody's views. Topics such as the consequences of non-compliance or whistleblowing, on which

other papers had been prepared, would be brought into the discussion, so as to have a full discussion on everything at the same time, so he would ask people to make presentations as and when required. The WADA management thought it very important to get a clear indication as to the way forward and what was expected of the management.

He wished to introduce two new members of staff, present for the first time: Mr Gunter Younger, who was heading the Investigations and Intelligence Department, and Mr Benjamin Cohen, the head of the Lausanne Office who had taken over from Mr Frédéric Donzé. He welcomed them to their first meeting.

He would be happy to take questions on his report.

MS WIDVEY thanked the President for his leadership and also his ability to stand up for WADA and its beliefs at a very critical time. For her, the criticism to which Mr Reddie had been exposed over the past few months was unbelievable and she really encouraged all of the Executive Committee and Foundation Board members to use WADA's formal bodies to speak out, address a better solution for WADA and how to strengthen the work for the clean athletes around the world, so that was a very critical message to think about how to try to move further, be open and speak out.

She saw that the report on the Special Investigations Fund was on the agenda, and realised that it would be dealt with later; however, since her good friend from the Olympic Movement had just indicated that he would like to speak, she had a question about why the sport movement had not yet matched the governments' contribution to the Special Investigations Fund. She had also heard some rumours that the sport movement would have conditions attached and would like to know more about that matter.

On Russia, she understood that there would be a discussion at the Foundation Board meeting, but it was important to discuss all elements related to Russia. From her point of view, that was the elephant in the room. How could WADA make sure that the topic was not hidden behind the requirements for an efficient WADA in the future? The members should be very honest with one another and speak out about the actual problem.

There had been good meetings over the past couple of days in London, with good representation from around the world, and there were lots of good suggestions about the way forward and she looked forward to a discussion on that item later on.

THE CHAIRMAN thanked Ms Widvey for her kind words as far as he was concerned.

PROFESSOR ERDENER thanked Mr Niggli for his very brief and comprehensive report. He wished to talk about the independent report into the Sochi allegations. As a representative of the sport movement, he would like WADA to clarify the deadlines for the release of the report and the roles and responsibilities between WADA and the independent person. As everybody knew, there had been different deadlines announced by Professor McLaren in relation to his report. The sport movement was a little bit disappointed about that matter. He informed the Executive Committee that, to date, the sport movement had not received any official communication from the independent person about the use of 100 Sochi sample analyses in the London laboratory (that was another issue), and the IOC supported further communication between Messrs Canivet and Oswald and Professor McLaren.

Another issue related to his neighbour's question on the matching of funds for the Special Investigations Fund. The IOC fully supported matching but expected the same thing: close cooperation and communication between Professor McLaren and Messrs Canivet and Oswald. They had to share some of their evidence and ideas.

MR RICCI BITTI repeated some points that had already been mentioned. In relation to Russia, the case had been a very important issue over the past few months. He had been in Russia for ten days some weeks previously and had done his best to represent WADA in terms of work, on television, via a sport forum, and in any way possible. He had spoken about the key points to reinstate a normal situation. For the members' information, the sport system in Russia was in a critical situation because, in spite of the efforts being made by WADA, Russia needed much more testing. It was in a void. The shorter the void was, the better it would be. Having said that, it had been a harder time for sport than for anybody else. The McLaren report had raised some problems for which there was currently no solution and he hoped for a solution in the future. The sport side had been critical of the timing and the remit of the bodies involved. He had to be frank: one person, who was very well paid by WADA, talking on 15 July, ten days before the start of the Olympic Games about a research investigation requested for the Sochi Olympic Winter Games and making a lot of statements without much evidence that he was sure that something in Russia had been wrong, then saying that it was not the final report but that he needed more time, had obviously created a lot of disappointment among the Olympic Movement. In terms of WADA's interpretation of that, the

majority view had been that it had not been timely and there had not been enough clarity to warrant WADA taking a stance and recommending sanctions in the remit of the Olympic Movement ten days prior to the Olympic Games, with all the complications that one could imagine that entailed in terms of entry and eligibility. He hoped he had been clear in explaining the reasons for the disappointment.

The disappointment had continued, because the month that had been requested was turning into six months, and that also included costs, so the Olympic Movement had helped WADA to help Professor McLaren to conclude as soon as possible, to act in Russia and in general. That was what had inspired what some people called an attack on WADA. It was not. The sport movement believed in WADA and in cooperating with the governments, and it valued them very much, but he had to express the disappointment of the sport movement. The sport movement proposed some changes for the future; although it was not sure exactly what it would want, it wanted independence and more independence related to the sport operations, government operations and the structure of WADA. Those were the items the sport movement wanted to discuss, together with the governments and the WADA staff, because they were the best equipped to do that. He hoped he had clarified the disappointment, the proposals for the future, and the position of the IFs, which were important WADA stakeholders.

In relation to the Council of Europe, he would like to know, since the Council of Europe was a very well respected partner of WADA, what the added value of a memorandum of understanding with one of the close partners was? If there were added value he would be very happy.

In relation to the major leagues, he was especially keen to know the leagues that were part of the Olympic Movement. One was part (hockey) and one was going to be part (baseball again), and he would appreciate it if the new Director General could take very strong action in the right direction with those people, because he believed that the current situation was not acceptable.

MR ESTANGUET made a very short comment in relation to security. Mr Niggli had addressed it in his presentation. He relayed the huge concerns among the athlete community regarding all the attacks on WADA over the past weeks and months, and thought that WADA really had to work on better communication if things were to go in the right direction in terms of having a safer platform. It was not easy to communicate such things, but WADA needed to increase the level of confidence among the athletes because, later on that day, there would be discussion about TUEs, whistleblower programmes and data protection, and there had been some athlete organisations and commissions trying to send messages that they were very concerned, so WADA needed to communicate on more detailed action and make sure that the athletes would trust in WADA.

MS SCOTT sought clarification from the sport movement about the question of timing of the McLaren report. It was an issue that continued to surface and it was a problem for the sport movement. Honestly, as an athlete, if she had been preparing to compete in Rio and knew that there had been an investigation into state-sponsored systematic doping but that the information would be withheld until the end of the Olympic Games, she would have been pretty upset. She wished to know exactly what timing would have been preferable to the sport movement if timing was such an issue.

THE DIRECTOR GENERAL responded to Ms Widvey. He would ask Mr Koehler to provide a more detailed update on what was going on in Russia. As to the comments from Professor Erdener and Mr Ricci Bitti on the independent person report, the roles and responsibilities were clearly outlined in the terms of reference for Professor McLaren. The document was public. Professor McLaren was independent and was doing his work as he saw fit. WADA was not interfering and actually did not know what he was doing. There had been a lot of communication between the IOC and Professor McLaren. He had to be clear there. There was daily, if not weekly, communication on a number of issues. Again, WADA was not directly involved, but he knew that the IOC had been in contact on several issues. The work was ongoing. Mr Canivet had approached Professor McLaren and had sent a number of letters, which Professor McLaren had answered. The two had even met in London about one month previously and held a discussion. There was no question that Professor McLaren would cooperate with Mr Oswald and Mr Canivet, but he would do that once he had completed his work because he was in the middle of his investigation and he could not be distracted from the work he was doing by providing all the evidence he had in his file. He would share that with Mr Canivet once the work was completed. The sequence of events was pretty clear. The different views on that topic were not on the cooperation but on the timing of the cooperation. Mr Canivet had been eager to get that earlier, and that had not appeared to work with Professor McLaren. That was his take on the issue.

As to what Ms Scott had been saying and in response to Mr Ricci Bitti, the timing of the report was related to a number of things: first, the revelations made by the former Moscow laboratory director which had not been under any control from WADA or anybody. He had chosen to do so during the WADA Foundation Board meeting in May. That was when things had started. It had not

been ideal timing, but that was what had happened. Initially, the revelations had been about actions in the Sochi laboratory; however, as the members had seen from the report, they had also included revelations about operations in Moscow concerning winter as well as summer sports, hence a full report had had to be put on the table by Professor McLaren. Everybody agreed that the timing had not been great, but had had to deal with reality and the reality was that the revelations had come very late from Dr Rodchenkov. Professor McLaren had then delayed the second part of the report. The members would have to ask him exactly why, but one thing that the members had to realise was that, for six weeks during the Olympic Games, he had stopped doing anything but provide affidavits to help defend cases before the CAS which were the result of decisions taken by the sport movement in particular on how to deal with the aftermath of the report. Professor McLaren had been asked and had helped as much as possible by providing evidence to the CAS in relation to the cases during the period of the Olympic Games, and that had certainly had an effect on his report. He obviously had a lot of work to do, but he did not think that Professor McLaren had been sitting still since then. He was trying to get to the bottom of things. The IOC was well aware of the amount of work ongoing, in particular in terms of retesting and things like that. WADA had told Professor McLaren and he was well aware of the time constraint, and the work should be completed by early December.

Moving on to the Council of Europe memorandum, the idea was to work very closely with the Council of Europe, in particular in the field of compliance. The Council of Europe had in place a programme for monitoring compliance with the Council of Europe's convention on anti-doping. There were a lot of overlaps between WADA's compliance work on the Code and the Council of Europe's compliance work, and both could benefit from one another's experience and the sharing of information by working closely together. There were a number of other topics in the anti-doping field on which the two would benefit from cooperation, and the memorandum of understanding was to formalise such close cooperation.

He heard what Mr Ricci Bitti was saying about the major leagues and certainly shared the view that WADA should push them as much as possible in the right direction. It was not an easy issue, as the leagues were not Code signatories and therefore WADA technically had no compliance power. It was more encouragement than anything else, but he thought that everybody, and not just WADA, should be encouraging them to move in that direction. Regarding the two sports mentioned, hockey and baseball, baseball had certainly done a lot in the USA compared to other professional sports, and in the field of investigations in particular, had a testing programme that was good, but they were not yet there in terms of sanctioning and so on, although they were probably better than the others. Regarding hockey, WADA was in regular contact with them and trying to encourage them to do more. The answer WADA received was that everything had to be negotiated with the player associations and therefore there was only so much they could achieve. Nevertheless, WADA would keep up the discussions.

He told Mr Estanguet that he would come back with more communication on where WADA was on security. WADA had communicated a lot during the crisis, and had been prudent about claiming victory or saying that everything was fixed, because nobody was immune from risk, but WADA had put into place things that were improving security, and it was a priority for WADA in the development of the new ADAMS to reinforce that, so WADA would communicate in more detail on that and try to reassure the athletes. In the whistleblower programme, the IT component of things had been fully taken into account to ensure the security of information provided through that programme. That had been part of the clear concerns about putting that into place.

He thought that Ms Scott's question had not been for him. He asked Mr Koehler to provide more details on Russia.

THE CHAIRMAN said that Mr Koehler had a full presentation that he would make to the Foundation Board the following day, but perhaps he might provide the Executive Committee members with the high points of the work done, where WADA was and the degree of cooperation currently forthcoming from the Russian authorities.

MR KOEHLER explained that, since the previous meeting in Lausanne in September, the two international experts were still working in Russia, and they were working closely with WADA. In fact, the previous week, there had been a joint meeting between UKAD and WADA in London to discuss current process and procedures in Russia. The Council of Europe was still committed to having a person on the RUSADA board; whilst there was some restructuring happening, the commitment was still there, and UKAD had renewed its commitment to ensure that testing continued in Russia. There was no question that there had been challenges. Some related to the fact that there was still no access to the closed cities. The testing capacity was limited, but the testing done by UKAD had been very targeted and led by an investigative approach. It had resulted in 60 adverse analytical findings.

There were still some whereabouts challenges with the athletes and NFs in terms of providing information on competitions. In relation to the NF buy-in to testing programmes, there were still challenges. The focus was currently on winter sports, although not exclusively. In relation to the laboratory in Russia, it was known that the laboratory storage facilities were still sealed off; the IFs were unable to retrieve samples from the laboratory, and it was a criminal offence to try to access the laboratory because a federal investigation was taking place. The WADA President had written to the ministry of sport several times to try to overcome those challenges. The ministry of sport had indicated that it was working on the matter.

In relation to acceptance of the McLaren report, WADA was still waiting for the acceptance of the report by the Russian authorities. That was the current state of affairs. It was not all bad. WADA was moving forward and several positive steps had been taken. Mr Mutko was no longer the minister for sport. The two people named in the report, Yuri Nagornyykh and Natalia Zhelanova, had been dismissed. The NFs, led by the Smirnov commission, and the international experts and RUSADA had been engaged regularly in NF education programmes and had a better understanding of what needed to be done. The WADA Executive Committee had talked in September in Lausanne about who was responsible for anti-doping; it had been made clear that there was clear cooperation between the ministry of sport and the Smirnov commission to work together to try to resolve all possible issues. The investigation committee in Russia had completed 50 athlete interviews to date, and interviews with coaches and managers, and would provide all of the information to WADA. There was a commitment to increase RUSADA's budget moving into the future. Furthermore, the IPC and the IAAF had suspended their respective organisations in Russia, so WADA was working with the two organisations to align their mandates and work together, to share information to ensure that they could be constructive and productive to bring RUSADA towards compliance. In relation to RUSADA, WADA had developed a road map in March the previous year. Things had not been completed, but were currently back on track. WADA had produced a detailed road map, which it was sharing with the Russian authorities and RUSADA, on key timelines and key objectives to work towards compliance. That involved WADA, RUSADA, UKAD and the international experts. The intention was to keep the Compliance Review Committee updated on a regular basis to ensure sign-off at every step of the way towards RUSADA compliance. Key areas included the operational and financial autonomy of RUSADA, to recruit a new director general, to continue cooperation with WADA and, when they eventually reached compliance, to commit to engage the international experts during a period of time so that they would have oversight, to ensure that the RUSADA board maintained and increased its independence, and the recruitment of staff (currently ongoing), to rebuild the entire doping control officer programme. Doping control officers had been recruited, and training would be happening in January next year by UKAD. The previous day, the ministry of sport had appointed an anti-doping education officer in each of the regions in Russia. The experts would be trained by RUSADA to constantly educate regional authorities about the fight against doping in sport. In January, RUSADA would be bringing together the ministry of education, the ministry of health, the ministry of internal affairs and customs authorities to talk about how all of the organisations could work together to share information between the police, customs, RUSADA and law enforcement. That was the most recent development. In summary, RUSADA was making progress in a positive way, and he was pleased that there was commitment from Mr Smirnov, because since he had been in place there had been a difference. He looked forward to sharing the plan and putting it into action.

THE CHAIRMAN said that a huge amount of work was being done to try to achieve what WADA wanted.

MR GODKIN thanked Mr Koehler for the update. It was probably worth recalling that, in relation to the McLaren report, the group had met and considered the report on 18 July that year, and it had issued a statement. That statement stood for the record.

THE CHAIRMAN thanked Mr Niggli for his responses. He wished to make one thing clear: nobody on the face of the earth could be keener than he was to get the whole Russia/McLaren issue behind WADA and move on. He was grateful to Mr Koehler for all the work being done in Russia. WADA would deal with the matter when Professor McLaren reported and hopefully that would be the end of that particular issue. Thereafter, Mr Younger and his investigative team within WADA would be able to move forward on a more effective basis. He appreciated the debate and hoped that the answers provided by Mr Niggli and the information from Mr Koehler had been helpful.

DECISION

Director General's report noted.

4. Operations/management

– 4.1 Renewal of WADA President's term

THE DIRECTOR GENERAL said that he wished to deal with several items, which were mainly for the Foundation Board to decide upon. The first was the election of the WADA president which was the renewal of the mandate of the current President. There was only one person who had been put forward, so that should be straightforward. Were there any comments on that item?

PROFESSOR ERDENER said that he wanted to mention that the IOC executive board confirmed its support for Mr Reddie on his re-election as President of WADA. The IOC executive board also proposed to work with the governments on a neutral president in the future. Everybody knew that there were sometimes difficulties related to the rotation system. As the Olympic Movement representative, he recommended that a suitable solution be found within the framework of the new WADA working group on reforms and that such solution be proposed at the next Executive Committee and Foundation Board meetings in May 2017. He would like the matter to be discussed ahead of the election in order to define the timing for implementation.

THE DIRECTOR GENERAL said that there was to be a discussion on governance. There was a proposal to have a group formed to discuss that issue, so perhaps the Executive Committee could discuss how to do that under the item in question.

DECISION

Executive Committee to propose that the Foundation Board endorse the second three-year term of the current WADA President.

– 4.2 Election of WADA vice-president

THE DIRECTOR GENERAL said that there were still technically four candidates on the list. There were discussions ongoing. If there was more than one candidate, a formal vote would be organised the following day in accordance with the WADA statutes but, if the governments resolved matters beforehand, that might not be necessary.

MS WIDVEY said that one candidate would be put forward the following day. There would be a consultation at the breakfast meeting prior to the Foundation Board.

THE DIRECTOR GENERAL concluded that the boxes would not be necessary.

DECISION

Executive Committee to propose that Foundation Board elect a WADA vice-president to take office on 20 November 2016 until 31 December 2019.

– 4.3 Amendments to WADA statutes

4.3.1 Compliance Review Committee – bylaws and appointment of new chair

THE DIRECTOR GENERAL said that the Foundation Board would vote on amendments to the WADA constitution. At the WADA Executive Committee meeting in September, there had been a proposal that the Compliance Review Committee be made a full standing committee; therefore, WADA would need to consider some specific issues relating to the committee to make it work within the constitution. He proposed a straightforward amendment to the statutes which took away the requirements to have chairpersons of committees be former or present Foundation Board members, so as to keep the independence of the Compliance Review Committee with a chair who was not a member of the Foundation Board or a previous member. Linked to that would be the fact that he was proposing that the Compliance Review Committee be regulated by a set of its own by-laws. Since its nature differed slightly to the others, the way the committee would work had been described in the by-laws. He also proposed that the Foundation Board accept the election of a new chair of the committee. Mr Bouchard, who had been the chairman, was now part of the WADA management team. The proposal was that Mr Jonathan Taylor, a well-known English lawyer, become the committee chair. That would be the priority of the Executive Committee going forward but, because it would be necessary to change the constitution the following day, the Foundation Board, the supreme body of WADA, could also appoint the chairman for the first time.

MR RICCI BITTI said that he had two questions. In relation to participation, under 4.3, he completely supported the idea on behalf of the Olympic Movement that the chair of the committee come from outside. On the other hand, he wanted to be clear about whether or not they would vote. His position was that they should not have a vote. The second point was about the Compliance Review Committee. There should be a clear policy on remuneration. About the chairman, he believed that the issue of conflict of interest should be clarified. He questioned whether a person who had worked for many IFs or organisations had a conflict or not.

He took the opportunity to answer Ms Scott's earlier question. He could clarify, if the question had been addressed to him, because he had been talking about the timing of the McLaren report. He was not sure whether or not they were right, but many people believed that the timing had been on purpose to achieve a sort of collective justice. He was not saying that they were right. As a consequence of the timing, the IOC had had to manage, during the Olympic Games, the issue of entry, because it had taken the position of individual justice, and had respected all the IFs' decisions. Out of his own organisation's 28 IFs, two had decided on a full ban for Russia (athletics and weightlifting), and his organisation had respected their decision. Other IFs had decided to cut substantially the representatives of Russia for good reason. Others had decided that the best way to protect clean athletes was to allow the clean athletes from certain sports (such as tennis and archery) to compete in Rio. The management of all of that had been a huge undertaking. Having said that, the investigation had been meant to be about the Olympic Games in Sochi; that did not mean that something very serious had not come out. He respected Ms Scott's point, but she also had to understand the complications. One of the results of the Olympic Games in Rio de Janeiro was that there had been 11,303 athletes, 500 more than what the chart indicated.

On a personal note, in relation to what Mr Godkin had said, he was a member of the Executive Committee, and he had expressed his opposition to the statement by WADA's Executive Committee but had respected the majority because he was polite. He was also the president of ASOIF, so he could express that view but, in terms of procedure, he could assure the members that he had followed procedure. He and his IOC colleague, Prof Erdener, had not been in favour of the statement and had clearly expressed that view.

THE DIRECTOR GENERAL answered Mr Ricci Bitti's question. Clearly, the chairs of the committees had no vote unless they were Foundation Board or Executive Committee members. That was clear. The issue of conflicts of interest had been discussed specifically with Mr Taylor, because he had some IF clients, which was why the Compliance Review Committee had decided to appoint a vice-chair. Therefore, Mr Taylor would refrain from partaking in discussions concerning any of his clients or former clients. It was clear for the entire committee and, once that was approved, they would appoint a vice-chair, who would be somebody from the field of international aviation at the UN. The management was aware of the situation and there would be absolutely no conflict. He thought that Mr Taylor would bring a lot of expertise to the committee.

MR RICCI BITTI said that he had been Mr Taylor's first client many years ago and Mr Taylor was a very qualified man. He supported Mr Taylor fully.

THE DIRECTOR GENERAL noted that the remuneration policy was very clear; it was nothing new, and was an indemnity given which was higher than what WADA would normally give, because he was of the view that the committee had a lot of work to do and involved people who were outside the normal range of WADA volunteers, in particular experts from other fields of activity. He was talking about an indemnity of about 400 US dollars for members per day, all on paper and available should Mr Ricci Bitti require it.

MS WIDVEY said that Europe approved the changes to article 11 of the WADA statutes, and requested that the rotation policy be applied for new Compliance Review Committee members in accordance with article 11 of the statutes. In line with that, Europe would also like to propose amendments to the statutes to ensure that the Health, Medical and Research Committee and Finance and Administration Committee were not chaired by the same stakeholders at the same time. When it came to the appointment of Mr Jonathan Taylor as the new chairman of the Compliance Review Committee, Europe supported the proposal.

THE DIRECTOR GENERAL informed the members that the terms of the initial members would conclude the following year and then he would look into having rotation. There would be a discussion on global governance and the points about the chairing of the committees and having that in the statutes should be part of that discussion; all of that was part of the governance issue.

DECISION

Foundation Board to be asked to approve changes to the WADA statutes, specifically under article 11.

– **4.4 Modification to Swiss Register of Commerce**

THE DIRECTOR GENERAL informed the members that there were housekeeping matters to be dealt with, including the change of signatures for the Swiss Register of Commerce, the approval of the Executive Committee, for which the list of members was available under item 4.5, the Foundation Board membership and endorsement by the Swiss authorities. Those were all usual housekeeping matters.

THE CHAIRMAN asked the members if it would be possible to comply with the Swiss authorities as WADA was expected to do.

He also thanked Mr Ricci Bitti for responding to Ms Scott earlier. He understood it was difficult; WADA clearly knew that it would be difficult across the board. The Olympic Games had been held successfully and he asked that everybody move on.

DECISION

Foundation Board to be asked to approve the modification to the Swiss Register of Commerce.

– **4.5 Executive Committee appointments 2017**

DECISION

Foundation Board to appoint the members of the Executive Committee for 2017.

– **4.6 Foundation Board**

4.6.1 Memberships 2017

4.6.2 Endorsement of composition for Swiss authorities

DECISION

Foundation Board memberships and endorsement of Foundation Board composition for Swiss authorities to be approved by the Foundation Board.

5. Way forward

– **5.1 Think tank outcomes, September 2016**

THE CHAIRMAN hoped that the members were happy with the system outlined earlier by Mr Niggli, that the Executive Committee use the paper on the way forward as a base to discuss the various items with reference to the supporting papers, whether they covered think tanks, Olympic summits, NADO proposals or whatever.

THE DIRECTOR GENERAL informed the members that, as he had said earlier, his proposal was to move to item 5.7, unless there was anything specific that the members wanted to discuss on items 5.1 to 5.6, which were the summary of what had happened in different fields. The members had the papers, including the recommendations from the WADA think tank and the Olympic summit. The governments had met over the past two days and could contribute the outcome of their discussions. Also included in the files were the documents from the discussion on the independent testing authority. There had been two meetings of that working group, a report from PricewaterhouseCoopers, and a process was already in place, and that would be discussed and studied on the Sunday and Monday after the Foundation Board meeting. Everything was there for information, but anything the members wished to bring forward, they could.

- **5.2 Olympic summit outcomes**
- **5.3 Government forum outcomes**
- **5.4 NADO summit outcomes**
- **5.5 Proposals from members**
- **5.6 Independent testing authority**
- **5.7 Road map and initial timelines for way forward**

THE DIRECTOR GENERAL suggested going through each of the different topics in the paper. There had been some recommendations made, namely in relation to the recent ANOC meeting, and WADA might have to put that into the picture. The aim was to try to summarise the needs, the action plan, how to do it and what WADA wanted to do.

The first topic under the item was the consequences of non-compliance. The members would remember that the request had been received from the athletes in May that WADA come up with some clarity as to the consequences of non-compliance. That had been reinforced at the think tank, and there had been a discussion and a proposal to have graded sanctions that could be foreseeable and agreed upon by everybody. That had been worked on, on the understanding that it was important to ensure that everybody would know the consequences of an action.

One of the key discussions was really whether WADA was going to be the world regulator of anti-doping. When he read the conclusions of the ANOC meeting saying that WADA should not be imposing sanctions, he was not sure that WADA was being referred to as the regulator. It would be good to have that on the table. He thought that the consequences should be meaningful; otherwise, there would be no point doing all that work on compliance. He proposed framing the discussion in two parts, as there were two questions. One was whether the members agreed in principle on the consequences. The second part of the discussion should be how to make that a legal reality and the right vehicle for getting that implemented if the members agreed. Before starting the discussion, he proposed that Mr Bouchard present the work done by the Compliance Review Committee to come up with a proposal on the possible sanctions, after which the overall discussion could take place.

THE CHAIRMAN believed that the reference material was under item 11.1.2, and the suggestion was to bring the item forward under the current agenda item.

Way Forward I – Consequences of non-compliance (Item 11.1.2)

11.1.2 Consequences of non-compliance

MR BOUCHARD said that he would go through the presentation, repeating some of the elements shared by Mr Niggli. He would be very structured, as it was an important topic and a complex topic, but the Compliance Review Committee had wanted to take a very thorough approach with respect to the consequences given the importance. As Mr Niggli had said, at the previous Foundation Board meeting in May 2016, the Compliance Review Committee had undertaken to develop the framework of consequences for cases of non-compliance. That had been in response to requests made to the Foundation Board by the athlete representatives, and also a response to the views expressed at the WADA think tank on 20 September. The Compliance Review Committee members had discussed the issue with all the seriousness that it required and with the expertise of an athlete representative, an IF representative, a government representative and people who worked in regulatory environments, be they pharmaceutical, air transport or broadcasting. The think tank participants had discussed and agreed on the need for stronger World Anti-Doping Code compliance monitoring by WADA with proportionate and graded sanctioning power. The Compliance Review Committee had also considered the outcome of the NADO summit held on 30 August 2016 and the outcome of the Olympic summit on 8 October 2016. Before presenting the proposed framework, modifications to the World Anti-Doping Code would probably be required, and should be undertaken as quickly as possible to incorporate those consequences. The Compliance Review Committee was of the view that WADA should be empowered to impose those consequences as quickly as possible. In other words, if changes to the Code could not be made quickly, the Compliance Review Committee was of the view that other mechanisms should or could be considered, including contractual agreements, agreements that would link the reinstatement process of signatories to the full respect of consequences. The development of an international standard should also be considered. The Foundation Board was best placed to determine the manner to implement the framework of consequences. The Compliance Review Committee was saying and proposing was that the framework of consequences be approved and that it constitute the basis for the consultation to take place in the context of the next revision

of the World Anti-Doping Code and that WADA be empowered to impose those consequences until a new Code was adopted.

He wished to make a few clarifications before presenting the framework regarding a reference in the document to the independent testing authority. He made it clear that the Compliance Review Committee had not been mandated to discuss the issue and had not done so, so his reference to the ITA in the document was purely as an example and on the understanding that the decision had yet to be taken regarding the creation of such an organisation. It was already mentioned in the document, but it was in small font, so he thought it important to clarify that matter. He also wished to clarify other matters, as he had been asked a couple of questions. Was WADA proposing to fine governments? The answer was no. The proposal was to fine NADOs. The connection in the document between the NADOs and the governments was made because often, if not all the time, the funding of a NADO came from governments. Would the NADOs be fined more than IFs? WADA had been more specific for NADOs and less specific for IFs. The intention was not to have double standards. The reason the Compliance Review Committee had been more specific for NADOs was because it had more material to make a connection in relation to the type of fee structure to be imposed. The same material had not been available for the IFs, and WADA should have a structure for IFs. Would the imposition of consequences be a first resort mechanism? In other words, would WADA jump on signatories as quickly as possible to impose consequences? The answer was no. It would be a last resort mechanism. The process leading to a declaration of non-compliance was a long one; before consequences were imposed, a number of steps had been taken or would have to be taken in the future. That was the suggestion. Most of the steps were designed to help solve the issues before a case was submitted to the Foundation Board for a declaration of non-compliance. In green was the ISO-certified part. As the slides indicated, prior to declaring a signatory non-compliant, the WADA management would work with the signatory to resolve the issue. Although it could be a short process, in some cases it could take up to 12 months. The WADA task force (second box) would take an additional three months to favour engagement with the signatories. It would identify corrective measures, provide advice and would support and share best practices. If the issue was not solved (third box), the Compliance Review Committee would be given the task of reviewing the file and making a recommendation to the Foundation Board. It could take between two to three months between the time the Compliance Review Committee reviewed a case and the time the WADA Foundation Board decided on a recommendation of non-compliance. Looking at all the green boxes, it could take between six to 12 months before the Foundation Board took a decision. The slide showed that the consequences would be imposed after a long period of time, so it was a last-resort mechanism. It also showed that there was an appeal process that the signatory could use. Finally, there was a reinstatement process that would be proposed, and it formed part of the presentation.

Why would WADA need a framework of consequences? Based on what had been seen by the Compliance Review Committee, WADA did not have the right tool box of consequences. The Compliance Review Committee thought that it needed to be better equipped. Of all the cases submitted to the Compliance Review Committee to date, there were four types of non-compliance with the Code or the international standards. There were cases in which a few components of an anti-doping programme were not aligned with the Code or the international standards. There was a second type of case in which significant components were not aligned with the Code or the international standards, a third type of case in which legislation or regulations were not aligned with the Code or the international standards and, finally, there was a fourth type, in which there was a deliberate attempt to circumvent the rules. Those were very different cases, but WADA treated them in the same manner. It would impose the same consequences regardless of the case, regardless of how long or how many times the signatory had been non-compliant. WADA currently imposed the same consequences for the different cases, and that was why he was saying that WADA did not have the right tool box.

He went through the consequences that WADA could presently impose when a signatory was declared non-compliant. First, ineligibility to sit on the WADA Executive Committee or Foundation Board or standing committees; second, preclusion from participating in the WADA Independent Observer missions or Athlete Outreach teams; third, ineligibility to receive funding from WADA for specific activities or programmes; fourth, non-compliant NADOs were not allowed to conduct regular activities, and he meant conducting testing, dealing with TUE applications, running education programmes, carrying out result management for new cases, and conducting investigations. That was probably one of the key deterrents for signatories, and that did not go without creating problems. There were signatories that were non-compliant and, because the measure was being imposed, that created issues, which was why the framework was felt to be key moving forward.

What did WADA need to protect clean athletes? It needed to be better equipped with tools or consequences to compel signatories to be compliant and have a deterrent effect on other signatories and allow WADA to recover a proportion of the costs involved in the context of investigations and

audits. Therefore, he would be proposing the following measures. He was showing the members some of the principles discussed in the context of the consultation, the main principles that had emerged from the NADOs, IOC summit and the WADA think tank. There were many other important considerations that had been taken into account in the development of the framework, and they were detailed in the documentation. The key ones were that WADA was the organisation responsible for imposing consequences worldwide; it was the organisation, the regulatory body. Before imposing consequences, WADA needed to engage with the signatory and try to solve the issue. WADA would impose consequences as a last resort mechanism, as was currently the case. It would impose consequences penalising athletes as the last resort mechanism. Signatories would have the right to appeal decisions of non-compliance to the CAS, as was currently the case. Again, listening to what stakeholders had said, he proposed that the consequences be proportionate, graded, published and predictable. To him, the predictability of the consequences was key to the framework, as it was possible to tell Code signatories what the violation they had committed was and what the consequences were. It was predictable. It was not a matter of discussing and determining the consequences for certain types of violation. That was key. The consequences should come into effect the day the WADA Foundation Board declared a signatory non-compliant, and should come to an end the day the Foundation Board reinstated the signatory. The Compliance Review Committee also proposed that they target the problematic programme area and avoid weakening the system, and include fines, which should be adjusted to the ability to pay. On the imposition of fines, the Compliance Review Committee recommended imposing fines that included a minimum fee plus a portion that took into account the ability to pay. The members might have noticed that when going through the documentation. The Compliance Review Committee felt that a minimum fine should be imposed that represented something as a deterrent. At the same time, it was important to make sure that the formula adopted took into account the capacity to pay.

As to the proposed framework, it took into account the differences between cases of non-compliance. The consequences were adjusted to three types of case. One, a few components of the anti-doping programme were not in line with the Code or international standards. Two, significant components of the anti-doping programme were not aligned with the Code or the international standards. Three, the legislation and regulations were not aligned with the Code or the international standards. On case number two, there were different types of violation, but they were serious and they were likely to have a similar impact, so the Compliance Review Committee was recommending similar consequences. The third case was a clear case, a deliberate attempt to circumvent the rules.

Going through the first case, in the event of a few components of an anti-doping programme not being in line with the Code or international standards, the Compliance Review Committee was proposing that the consequences be gradually imposed based on three levels. For the first level, the consequences would be a declaration of non-compliance, and the members would see level one on the left-hand side of the chart. Level two, consequences would be extended or increased when the issues were not fixed six months after the declaration of non-compliance, or when there was a second violation; in other words, it had been solved but the signatory had been found non-compliant again. Level three, the same would be done when the issues were not fixed one year after the declaration of non-compliance, or there was a third violation. Using the different levels as targets would help WADA impose graded consequences. What would happen in the event of a first declaration of non-compliance? NADOs or IFs would be assisted by an independent body to conduct their activities. It was felt that, when there were a few components of an anti-doping programme not in line, it was often due to a lack of capacity, so the bodies should be supported or accompanied by NADOs or organisations able to coach them. The second consequence was that a non-compliant NADO or IF could not perform some or all of the activities (conduct testing, deal with TUE applications, run education programmes, do result management for new cases or conduct investigations). He was insisting on that because he was taking into account the fact that, when WADA was imposing on NADOs that they could not perform all the activities listed, that created some difficulties in some territories. In that case, WADA was not going further in terms of consequences, but was becoming more flexible, taking into account the fact that it was targeting the issue and did not want to have collaterals that would weaken the system. Why? Because there were other consequences that would be used as a deterrent, so the Compliance Review Committee felt that it could, with respect to that first declaration of non-compliance, be a little bit more flexible. Moving on to level two, non-compliant NADOs or IFs would be monitored, not just assisted, by an independent body, which meant that they would verify how things were done, so the support would be stronger, heavier, and the control would get heavier as well. They would have less autonomy in conducting their activities, and a fine would be imposed on non-compliant NADOs or IFs or NOCs acting as a NADO. In addition, representatives of governments whose NADOs had been declared non-compliant and representatives of IFs declared non-compliant would be declared ineligible to sit on the boards of committees of international sport organisations such as IFs, the IOC, the IPC or major events. The duration of the period of ineligibility would be one year for the duration of the non-compliance. Level three would be one step higher:

supervision, the NADO or IF would be supervised, meaning that another independent organisation would take over and conduct the activities, the fine would be increased, and the duration of ineligibility to sit on the boards of committees would be increased to four years.

Moving to the second case, the members would have noticed that he was talking about two levels. There was less of a step approach, and he was referring to a serious violation: key components of the anti-doping programme not aligned or legislation and regulations not aligned. There would be more consequences, more severe consequences, which would be implemented more quickly. First, the non-compliant NADO or IF would be immediately supervised by an independent body. Second, non-compliant NADOs or IFs could not perform some or all of the activities he had just gone through, because WADA wanted to maintain some flexibility. Third, a fine would be imposed upon the first declaration of non-compliance. Fourth, representatives from governments of NADOs declared non-compliant or representatives of IFs declared non-compliant would be declared ineligible to sit on the boards of the organisations he had talked about, for a minimum duration of one year or the duration of the non-compliance. Fifth, the country of the non-compliant NADO would be ineligible to be awarded Olympic or Paralympic Games, world championships or major games. Those were quite severe consequences, but the cases were severe. For level two, the fine would be increased, the duration of the ineligibility to sit on boards and committees would be increased, the ineligibility to be awarded Olympic Games, Paralympic Games, world championships or major games would be increased, and the duration would be increased. The important part there was that representatives of non-compliant NADOs or NOCs acting as a NADO and representatives of non-compliant IFs and athletes of the country of the non-compliant NADO who could not demonstrate that they had been subjected to a robust anti-doping programme would be ineligible to participate in the Olympic Games, Paralympic Games, world championships or major games organised by major event organisations. That was the first time that the Compliance Review Committee was recommending that the athlete be penalised. When he had been talking about penalising athletes or imposing consequences on athletes as a last resort mechanism, that was what he meant.

Case number three related to a deliberate attempt to circumvent the Code. There were only two levels, and even less of a step approach. The case was the ultimate case. In the Compliance Review Committee's view, it came from the imposition of very severe consequences of the first violation, so there were the same types of measures as for previous cases, imposed more quickly, with greater severity or for a longer period of time. A non-compliant NADO or IF would be immediately supervised, would not be able to perform some or all of the activities (keeping the flexibility), a fine would be imposed, there would be ineligibility to sit on boards and committees of international organisations, ineligibility for the country of a non-compliant NADO to be awarded Olympic Games and Paralympic Games, world championships, major games... the members got the picture. Representatives of governments, NOCs and NADOS and athletes who could not demonstrate that they had been subjected to a robust anti-doping programme would not be allowed to participate and would be ineligible to participate in Olympic Games, Paralympic Games, world championships or major games. In addition, the signatories' flag would not be flown. It was not an add-on, because he thought it had also been in previous slides. If the issue was not fixed after 18 months, and he reminded the members that, before the first declaration of non-compliance, there was a six-month or 12-month period, if there was a first declaration of non-compliance for a deliberate attempt to circumvent the Code and 18 months after it was still not fixed (almost a three-year period of time), all of the consequences proposed for the first level would be increased or extended.

As for the reinstatement process, the Compliance Review Committee was proposing a process similar to that leading to the declaration of non-compliance; in other words, WADA would be tasked to ensure that the conditions had been met and the consequences fully implemented. The Compliance Review Committee would be asked to review the case and to make a recommendation to the Foundation Board, and then it would be up to the Foundation Board to decide on reinstatement. His conclusion would comprise three comments. First, he would say that WADA could continue to teach, educate, provide advice on engagement and work with signatories to improve anti-doping programmes, and it should continue to do so. In the view of the Compliance Review Committee, that was not sufficient. WADA would probably have to deal with more non-compliance issues in the future, once audits were undertaken and the whistleblower policy was launched and once it started to receive more information. The imposition of meaningful consequences was required. WADA currently depended on a variety of organisations to impose meaningful consequences. It could make the call, but the call could be answered differently by different organisations. It was certainly not the best approach if one wanted a coherent system and harmonised consequences. He asked the members how WADA could be coherent if the main regulatory body could not impose meaningful consequences. He asked them whether the system was well equipped to deal with cases of non-compliance. His answer would be no. Was it better equipped to deal with major cases of non-compliance than it had

been the previous summer? He thought that the answer was no. Quite frankly, if similar cases to those experienced the previous summer arose, he thought that the system would be vulnerable.

THE CHAIRMAN congratulated Mr Bouchard on the clarity of the work being done.

PROFESSOR ERDENER said that he understood that item five would be discussed as a block. Was he right?

THE DIRECTOR GENERAL clarified that each of the topics in the document on the way forward would be discussed separately, but item 5 would be discussed as a block, starting with item 5.7. Items 10 and 11 had been incorporated into item 5.

PROFESSOR ERDENER wished to say something about the outcomes of the Olympic summit and then the consequences of non-compliance. As mentioned, the Olympic summit had been held in Lausanne on 8 October with the participation of all the Olympic Movement stakeholders, and the summit had confirmed WADA's important job in the worldwide fight against doping in sport. There was no doubt about that. The main outcomes of the summit were more about independence, harmonisation and a transparent anti-doping system, and the summit had referred to the same issues, the new independent testing authority to be established within the WADA framework, and to having a clear segregation of duties between the regulatory and testing bodies. The sanctions related to doping cases should be delegated to the CAS, as mentioned previously, and WADA should strengthen its governance structure. The Olympic Movement was also ready to provide more financial support for that idea.

He also wished to talk about the consequences of non-compliance. Again, the Olympic Movement supported WADA's proposal as a good basis for discussion, but further consideration was needed in relation to all aspects of non-compliance for all stakeholders (sports, governments, NADOs and so on). The Olympic Movement supported the proposed approach in the independent testing authority project regarding the consequences of non-compliance.

MR DÍAZ congratulated Mr Bouchard on his objective presentation, which represented one of the reasons why he had to repeat what he had mentioned in May in Montreal and also at the previous meeting in Lausanne in relation to the consequences of non-compliance and directing sanctions towards the NADOs. He did not see how that could help anything. He gave two examples to put that into perspective. WADA was in a war against doping and, if something did not meet the standards, WADA killed one of its soldiers. It did not make sense at all. It meant athletes would not be tested. WADA was helping create more possibilities for doping havens in other parts of the world, not because the NADO was doing anything wrong, but because a government was not meeting a standard, and the consequences were suffered by the athletes. One of the soldiers doing the work in the territory would be out of the game. In terms of justice, he gave another example: the referee gave a red card to the goalkeeper because of a car in the parking lot. Did that make sense? Mr Bouchard had said clearly that he did not have tools. He agreed with the Compliance Review Committee's proposal to have intelligent, more consensual consequences. He did not agree that, because there were no tools, things should be kept the same. WADA had to move forward. He had to express his disappointment that the issue was not being dealt with urgently, perhaps because there were people who were not aware of the consequences in Latin America and some other countries in which the NADOs had no chance to make a difference if pressure was put on them to make changes within the government. Maybe in some countries, because of the political situation, it was possible to talk to one person and make things happen right away, but it was not the same in other countries. The situation in Spain clearly represented the reasons for which a change was needed. He in particular worked for a government but he understood, and usually voted on behalf of the athletes, and he thought it was necessary to propose a change so that, if it was not the responsibility of the NADO, the NADO could not be sanctioned, because the NADO was part of the same team. WADA would be sanctioning its own teammates because of what somebody else had done. He totally agreed on everything that had been put into place in relation to the recommendations, and thanked Mr Bouchard for making it clear that there was a problem, and hopefully everybody would understand that a decision had to be made in order to move forward and not introduce sanctions that put WADA ten steps back.

MS WIDVEY thanked Mr Bouchard for the document. It was necessary to spend some time talking about the way forward. She made a few points in relation to the general principles, because it was very important to underline the fact that WADA still had to be the only international regulator in the anti-doping field. It was important to underscore the fact that the public authority representatives would like to see sanctions to strengthen the organisation in that regard. Also, there should be an equal partnership between the public authorities and the sport movement, and she believed that the current rotation system needed to be maintained. The work of WADA should also be solidly founded on the fundamental principles of transparency and accountability and respect for human rights and the rule of law and non-discrimination.

On WADA's governance, it was important to set up a group of people who could work on that, but she believed that the group's membership should be increased by including more government representatives, as they had a lot of experience when it came to governance around the world. When it came to the task of the group on governance, it would be a good idea to have a mandate for the group, thus making it easier for the group to work. The tasks should include carrying out an analysis of the overall governance structure of WADA, with a focus on ensuring that the organisation could effectively exercise its function in a transparent and also ethical way. The group should also review WADA's organisational documents and, if necessary, revise them with a view to identifying the scope of powers and responsibilities for the Executive Committee and Foundation Board and ensuring that they were complementary and did not overlap and that the responsibilities of the WADA president, vice-president, the chairs of the committees and standing committees and the director general were clearly defined. That would avoid a lot of misunderstanding in the future, so it was very important to pay attention to that as well. The group should also develop clear and transparent selection procedures and a standardised performance evaluation process for all major posts. The group should prepare proposals for the adoption of clear processes for the conduct of compliance investigations, and review the structure of standing committees and their membership with a view to ensuring relevance, effectiveness and rotation of members. It was important that the same stakeholder representatives did not chair the different committees at the same time. The group should also carry out an analysis of the overall governance structure of WADA with a focus on ensuring that the organisation could effectively carry out its function in a transparent and ethical way.

There was a lot of work to do and the governments were committed to help, and she thought that her colleague from Japan also wanted to underline that. It was time to move forward and there was a good solution also coming from the sport movement.

She had some brief comments on the ITA. A group had been established that would work on that and the governments had spent a lot of time over the past few days having a discussion about that. There was a common view from the public authorities that the ITA should be an independent anti-doping mechanism, and it should exercise its duty under the World Anti-Doping Code and not operate under WADA's authority because of the conflict of interest. WADA should be responsible for monitoring the activities of the ITA on the same basis as it did for the other ADOs. The sport movement should pay the costs of the ITA.

Since views on the compliance issue were being sought, she wished to say that, when it came to the whistleblower programme, Europe welcomed and supported the whistleblower programme and policy, and urged WADA to continue to enhance it further. Europe supported the development of a user-friendly version, and also wanted to propose that WADA identify additional incentives for reporting by potential whistleblowers. Europe would like WADA to coordinate action with those NADOs and IFs that had established policies or platforms for whistleblowing. At the same time, Europe invited WADA to carefully consider the sanction for false reporting to avoid encouraging athletes to come forward.

THE CHAIRMAN noted that Ms Widvey had covered a whole range of issues, which would be dealt with later. He wanted to deal with the compliance report given by Mr Bouchard. He asked anybody else who wanted to speak to talk about compliance.

MS WIDVEY added that she had one comment on the consequences of non-compliance: she supported the idea behind the document and welcomed the proposal to introduce proportionate and graded sanction systems. The overall opinion was that WADA should be empowered to impose meaningful sanctions for non-compliance; at the same time, the sanctions should be applied in an equal manner for all ADOs with no discrimination between the NADOs and IFs.

MS SCOTT thanked Mr Bouchard for his report and noted that the athletes very much supported the idea and principle of a strong independent WADA with the autonomy to declare non-compliance and impose sanctions. That was very important in terms of maintaining athlete confidence in the system of which they were a part and their ability to step forward to the starting line with the same opportunities as everybody else because they were on a level playing field. She very strongly supported the proposed framework for non-compliance and WADA's capacity to impose sanctions.

MR ESTANGUET thanked Mr Bouchard for his presentation. It seemed that what had been discussed earlier that year at the think tank and even before had been heard, and he liked the idea of having a framework with predictability and proportionate and graded sanctions. He had some comments in relation to how athletes would be penalised in the three cases, but he liked the idea of having three different categories of sanctions or consequences. He was not sure if he had understood why, in case two, there was the consequence in relation to the participation of athletes if there was no deliberate intention from the organisation to really cheat. He understood the idea of having the ineligibility of athletes for case three, because WADA knew it had to come down strongly, although

personally he was not so in favour of a blanket sanction, and he still believed that athletes had to have the individual justice possibility. He asked for some further details on that. It was important to him that any athlete could prove their innocence in any case. He was not sure, especially in relation to case two, that WADA should propose the non-participation of athletes. His other comment was on the timing mentioned of up to 12 months before declaring somebody non-compliant and imposing consequences; for him, it was too long to wait before imposing any consequences, so he asked for clarification on that point.

MR GODKIN said that he had two questions. What was the envisaged approach to NADOs that were actually legislative statutory authorities of governments and therefore not technically signatories to the Code in that framework? Leading on from that, did the Compliance Review Committee perceive value in further consultation work with UNESCO, given the UNESCO oversight of states parties and commitment to world anti-doping arrangements through adherence to the convention?

MR RICCI BITTI thanked Mr Bouchard for the part he considered to be fixed and valid, and that was the framework. On compliance sanctions, he would be a little more prudent: that needed much more careful consideration and, again, he was sorry to disagree with what his Norwegian colleague had said. Being in the field for more than 20 years, the difference between the NADOs and IFs in terms of activity and rights was great because WADA had been founded on that difference. NADOs were supposed (as clarified in the Code) to work on a domestic basis and the IFs worked on an international and elite level, so that was the reason behind the foundation. He was not saying that WADA needed different sanctions, but perhaps more sanctions on one side than on the other side, although he was rather scared about WADA going down that route, and he would recommend being very careful about the eligibility sanctions related to competition, as Mr Estanguet had said. There were competition owners, governing bodies with international authority, and very different governing bodies in professional sport. He commented on sport governance, in which he had been involved for many years: sport governance was a different matter to corporate governance, in which he had also been involved. WADA had to be very careful. He was ready to sign the framework, which was a great job. WADA had to follow up with much careful consideration. Perhaps the ideas on the future structure of the ITA should have a big impact on the rights he had been mentioning. There could be serious disruptions if WADA went too far in some areas of sanctioning, because there were many different governing bodies competing with each other, and there were many other factors in professional sport that had already been faced.

MR KALOKO noted that he had a brief comment and question. The comment went along the lines of what had been said on the issue of consequences and sanctions on compliance, particularly with regard to the NADOs. It was very difficult for NADOs to operate in his region (Africa), and there could be a lot of collateral damage if one went according to the sanctions just proposed. There was a lot of government dependence on NADOs and most of the NADOs also depended very much on the governments. When something happened, and there were sanctions imposed through the NADOs, there could be a lot of collateral damage as far as the athletes were concerned. As much as he agreed with most of the proposals, maybe a little bit more could be done to see if it would be possible to reduce the amount of collateral damage. He was not clear on case two, level two, which said that rigorous testing had to be carried out, that eventually no flags of those athletes would be allowed, and there would be no medals. He was not sure he had understood clearly. If one went through all the rigorous testing, should not one be rushing to lift sanctions and make sure that flags would be flown and medals awarded as quickly as possible?

PROFESSOR ERDENER stated that most of the discussions were related to the new independent testing body. In any case, in WADA, there had been some working group activities and meetings, and there would be steering group meetings. WADA had to be more active, in his opinion, and should arrange a final decision for the end of the following year, and the new body should be ready before the Olympic Games in Pyeongchang.

THE CHAIRMAN said that Mr Bouchard was specifically not invited to comment on many of the areas touched upon by Ms Widvey, but asked him to deal with the questions on the structure and compliance issues, and then the Executive Committee would agree on how to move forward.

MR BOUCHARD said that he knew that a number of comments had been made that were not necessarily related, but on the one comment made in relation to sanctions and the CAS, he reiterated one of the important points in the presentation which was that a regulatory body had to be provided with the tools to enable it to impose consequences. He stood firmly on that for reasons of past experience. When one looked at the different sectors of the economy that were regulated, the regulatory body did have the capacity to impose sanctions. Otherwise, a regulatory body with no capacity to impose sanctions became an advisory body, providing services, advice or

recommendations, and could not impose any kind of discipline, making sure that, as a last resort, one was able to say 'no, this is how it should work and, because we have tried with you and are not able to make this happen, this is what we are going to do'. It basically said to the non-compliant signatories that they had known what the consequences would be and should ensure that they would not have to face them.

He thanked Mr Díaz for his comments, which he had been making on a regular basis for good reason. There was some impact in the field of operations and he could not agree more with Mr Díaz. That matter needed to be fixed and he thought that the framework would fix it. He knew that it was an issue that would come back when he reported on the Compliance Review Committee in relation to some of the recommendations for declarations of non-compliance. He knew that the tools WADA currently had were not ideal and the tools that WADA would have in the framework would help solve the issue because they would provide the latitude and flexibility to deal with the issue in a different and more subtle manner. It needed to be fixed but, at the same time, if one did not implement such a proposal and tried to fix it immediately, and he knew that that was the intent, and he was not saying that it was the wrong intent, one had to be very careful how far one went because one was lowering the bar without any other alternatives allowing for a deterrent effect in relation to non-compliance. He was saying that the issue needed to be fixed. If it was not implemented quickly and the bar was lowered with respect to the current sanctions or consequences, WADA would have to be very careful how it did that.

Responding to Mr Estanguet, he was saying that, for case number two, athletes in the second level not being able to compete in the Olympic Games was a little tough, difficult, too much. It was severe and Mr Estanguet was asking why. Right off the bat, the Compliance Review Committee was saying that it would take six to 12 months to fix the problem, because WADA would engage the task force, the Compliance Review Committee would make the recommendation, etc., so there would be a period of between six months and 12 months, which was a long period of time. There was a lot of time during which the country could fix the problem. Then there would be the second level of case number two but, before one got there, 18 months would have elapsed; so, when one added the six or 12 to the 18 months, that would be close to three years. It was tough but, at the same time, at one point, it had to be graded and it would hurt; otherwise, in spite of the other severe sanctions or consequences proposed, there would be no movement, so that was where the Compliance Review Committee thought that the imposition of consequences should be considered for athletes. The members would notice that the Compliance Review Committee talked about the fact that athletes could be penalised unless they could show that they had been subject to a robust anti-doping programme. Mr Estanguet had been talking about collective and individual rights, and the balance could be found with that measure. Some people might say that the Compliance Review Committee was not going far enough and others that it was going too far. Was it too steep, not steep enough, and how far should WADA go? A comment had been made about the IFs and the NADOs; the intent behind the proposed framework had been clearly to have a different treatment but the same impact; in other words, severe measures should be severe equally for those two categories of the organisation. Perhaps the treatment would be different because of special consideration or something like that, but one should not be penalised more or less than the other.

Mr Godkin had referred to legislation for the NADO. Fundamentally, legislation was a government responsibility, and there were no consequences for governments; however, in an indirect or direct way, WADA was putting pressure on the governments to change the legislation.

MR GODKIN clarified that the issue was, if the NADO was actually part of the government, whether it was beyond the capacity of WADA to impose a sanction on them because WADA had no capacity to impose a sanction on governments (for NADOs that were legislative statutory authorities of governments).

MR BOUCHARD responded that he could not answer because he did not know from a legal standpoint how far WADA could go on that. On the question of the principle, he thought that he had laid out how that could be made to happen. On the second question in relation to the UNESCO consequences, if one organisation was making progress or implementing a regime of consequences, it went without saying as far as he was concerned that the other organisations responsible for the convention should be doing the same thing and paying special attention to compliance with their convention.

He told Mr Ricci Bitti that he was basically saying that WADA should be careful how fast it wanted to go with that. It was a good point. It was a delicate situation, an important framework, and it would have important consequences. He was saying to go as fast as possible because, otherwise, WADA would be vulnerable. There was nothing in place at that moment to ensure that the system was able to address the issue and it put the organisation in an even more delicate situation. As much as he

agreed with Mr Ricci Bitti that WADA needed time, WADA should not wait too long, because there would be new cases, and the system was vulnerable, so he would insist on that, especially if, in relation to the rules that had been shown concerning NADOs, the bar was lowered; all of a sudden WADA, would become even more vulnerable.

In relation to the question from the colleague from the African Union on the consequences and collateral damage, he thought that WADA wanted to make sure that it would be able to zoom in on the actual issue and avoid collateral impact. He was not saying it would be entirely reduced or eliminated. WADA could address it better than it currently did. As to the flag on case two, it went indirectly to Mr Estanguet's comment about going too far or too quickly. He thought that, after so many months, WADA had to show that those were not consequences for the sake of consequences; they were meaningful, and that was a meaningful consequence. It was directed at the people who could take decisions and could change the situation on the ground, so he thought that it was very important.

THE CHAIRMAN noted that the Executive Committee was almost at the end of point 1 on the way forward (5.7). There were recommendations. Mr Bouchard had given a very clear direction of travel. He asked Mr Niggli to sum up on how WADA should move that forward, taking into account the observations made by the various speakers.

THE DIRECTOR GENERAL thanked the Compliance Review Committee for the work it had done. It was not a simple issue and the committee had done a lot of work. He would try to make it as simple as he could and he took from the discussion the fact that everybody agreed that WADA should be able to impose sanctions as a regulator, and that there was a sense of urgency, and a need for consultation. His proposal was that, if WADA waited for a Code revision, that would take a long time. In between then and the Code revision, he proposed that the Executive Committee recommend to the Foundation Board that WADA develop an international standard on compliance, which would reflect the proposals in the standards. A consultation process would go with it to discuss and fine-tune the content to ensure that the right level of sanction was reached. He proposed that the Executive Committee agree that the Compliance Review Committee be entrusted with the task of preparing and transforming the proposal into an international standard, which could then be approved relatively quickly after a consultation period. The relationship between what was being talked about and the independent testing authority that the IOC was talking about was only about the fact that the ITA might be a solution when somebody was declared non-compliant and would need replacement from testing. He was not talking about the ITA being in charge of sanctions for non-compliance. He wanted to make things clear, because otherwise everybody would be confused.

THE CHAIRMAN commended the high-quality debate and first-class piece of work. Were the members happy to try to move forward as suggested by Mr Niggli, and throw a little bit more work at the Compliance Review Committee? There would have to be further consultation on how to take that forward. The Executive Committee had finished the first of the 10 items on the way forward. That was really an absolutely significant part of what WADA had planned to do that day to advise the Foundation Board the following day.

Moving on with paper 5.7 on the way forward, the second of the 10 topics was the question of investigations.

Way Forward II – Investigations

THE DIRECTOR GENERAL said that, in relation to investigations, the members would see from the paper that there had been a consensus from the WADA think tank and the Olympic summit and so on that WADA's investigation needed to be increased in terms of structure. One of the recommendations from the Olympic summit had been for a professional intelligence gathering unit to be established within WADA, and that had been started. Mr Younger was a professional in the field, and was developing a team around him. Whistleblowers would be dealt with later in the debate, but they would also form part of the intelligence activities. He thought that WADA was moving in the direction that everybody had asked it to. The only matter he wished to put on the table was the idea that WADA had to develop a policy that the Executive Committee could approve in May to give Mr Younger and his team a little bit more independence in their activities vis-à-vis the WADA Executive Committee, Foundation Board and management to ensure that there was absolutely no perception that there could be interference with the work that they were conducting. Obviously, as he had mentioned earlier, WADA would have to fund the activities of the unit going forward through its regular budget, and that would be part of what WADA would have to forecast and anticipate in the budgets going forward, because that was an important activity.

MR GODKIN commented that there were some NADOs with very well developed investigative capabilities, and that had been seen in some of the cases over the past few years. It would have to

be a feature of the development of that investigative capacity, which he supported, that WADA would need to integrate efforts in a coordinated way with the NADOs.

THE DIRECTOR GENERAL responded that he thought Mr Younger was well aware of the existing capacity of the NADOs, and WADA had worked with them already. The law enforcement people knew each other and worked together, and the idea was clearly for Mr Younger and his team to have a coordination role with many of the NADOs, and also be the interface with law enforcement, Interpol, the WCO and so on and so forth, and they were well aware that Mr Younger was a former Interpol person. He took it that the WADA management would therefore move forward and propose a policy that clearly defined the way in which the unit would function so that it could be adopted by the Executive Committee in May.

THE CHAIRMAN said that the third item on testing started on page 5 of item 5.7 and dealt in the main with the proposal to develop an independent testing authority.

Way Forward III – Testing

THE DIRECTOR GENERAL noted that there had been different comments made on testing, but he thought that the main point was that there was a process that had been agreed upon the previous November and in May on how to go forward with the ITA proposal. There had been two meetings of a working group, and the minutes were there. A lot of work had been done by PricewaterhouseCoopers to evaluate and cost the unit. WADA was currently moving towards discussion in the steering groups, which would meet under the chairmanship of Ms Fourneyron the following day after the Foundation Board meeting and on Monday morning. His only question was really to confirm that everybody was happy with the process in place, so that WADA would be moving forward, following the process to which the members had agreed, and the steering group would come up with a report and proposal at the next meeting. He would see how the meeting went the following day, and whether it would be necessary to meet again, but the following day was the kick-off meeting for that discussion. He would be happy to take comments on the matter.

THE CHAIRMAN said that the proposal had been a specific proposal made at the Olympic summit by the IOC. WADA had been asked to study the matter, it had done so, and Ms Fourneyron would chair the substantial steering group the following day and Monday and come up with an answer and a recommendation. Were the members happy with that?

MR RICCI BITTI agreed fully with the proposal, but wished to clarify for the sake of the colleagues present that the spirit and philosophy behind the idea of independence had been to increase the independence of WADA because, over the past few years, evidence had shown both on the NADO and IF side that independence was not enough. The Russian case was the latest of many other cases. The IFs had the same problem. The philosophy was clear; he did not know if everything was practical, but he supported the idea and wished Ms Fourneyron the best in her endeavour.

THE CHAIRMAN thanked Mr Ricci Bitti on behalf of Ms Fourneyron.

THE DIRECTOR GENERAL said that he did not have anything to add to what had been said.

MR ESTANGUET observed that the topic had been discussed two weeks previously at the IOC athletes' commission meeting, and there was very strong support for the philosophy of having an ITA. He knew that there would be challenges. The athletes supported the idea of having the authority as soon as possible, as there were huge expectations from the athlete community. It was also linked to what had been discussed just before the coffee break on the consequences of non-compliance, and the athlete community really wanted to have such a body in charge of conducting tests when a body was declared non-compliant, and not to wait or have rumours about athletes being left alone. The athletes really supported the philosophy and hoped that the road map or next steps would follow as soon as possible.

THE CHAIRMAN asked the Director General to discuss the fourth point on whistleblowers.

THE DIRECTOR GENERAL responded first to Mr Estanguet. That was part of the recommendation for the working group, and would be covered.

Way Forward IV – Whistleblowing programme and policy (Item 10.2)

On whistleblowers, the WADA management had been asked to come up with a concrete proposal and policy, in particular after the first Pound investigation. WADA had worked on developing a programme with the help of experts. He asked Mr Sieveking, who had led the process, and Mr Younger, who would be in charge of running the programme, to present item 10.2 in the agenda on whistleblowers.

– 10.2 Whistleblowing programme and policy

MR SIEVEKING informed the members that the presentation would be twofold: he would focus more on the process and the questions that the management had had to address, and then Mr Younger would talk more about the practical implementation of the policy. The policy was the legal framework in support of the WADA whistleblower programme. It would obviously also include technical tools for reporting, such as an application and a mobile application. Those were the very first steps, as it would also be necessary to develop tools and appropriate communication and education to effectively encourage whistleblowers to come forward. WADA needed to promote an open environment in which everybody would feel that they could report in confidence. The WADA management was also preparing a shorter document, which would be more user-friendly, addressed to the general public and athletes in particular, to summarise the key points of the policy in order to encourage reporting. The management would also ensure that the online platform and the mobile application would be as user-friendly as possible. Last but not least, in relation to the environment, research projects on whistleblowing were being put forward for funding under the Social Science Research Fund and should provide additional background knowledge on social, legal and cultural elements on the question of whistleblowing.

On the policy, it was a legal document that sought to clearly define the process to be followed and the obligations and rights of WADA and the person reporting misconduct, describing what could be reported, how it could be reported and how the information reported would be processed and stored and who would have access to the information. It also addressed key questions such as the scope of support that WADA could offer to whistleblowers. The drafting team had comprised members of the WADA Intelligence and Investigations and Legal Departments together with internationally recognised experts in the field of whistleblowing and data protection. It had been circulated for consultation among a limited number of stakeholders, including IFs, NADOs, the IOC, IPC, Council of Europe, INADO and the WADA Athlete Committee. WADA had received numerous supportive and constructive comments, which highlighted the fact that the stakeholders were taking the matter seriously, and he took the opportunity on behalf of the drafting team to thank them all for their valuable feedback, in particular Ms Scott and the Athlete Committee.

The main questions to be addressed in the policy were obviously the same as those that had triggered the most comments in the consultation, the first being the nature of reporting (anonymous versus confidential reporting); then, obviously, the protection that could be offered to whistleblowers; the financial support and rewards that WADA could offer to whistleblowers; and the link between the WADA system with other ADOs and law enforcement authorities. All of the comments received had been duly discussed by the drafting team but, obviously, key choices had had to be made, as diverging opinions had been expressed on some key questions.

The proposed solution in the document in relation to anonymous reporting versus confidential reporting was confidential reporting, so the policy did not explicitly allow for anonymous reporting. The reason behind that was legal. Some national data protection authorities and tribunals considered that anonymous reporting was illegal or at least questionable. It should be made clear that the proposed system guaranteed that whistleblowers could report in full confidence and that their identity would never be revealed beyond the WADA investigations team unless there was express consent given by the whistleblower. In any case, encouraging anonymous disclosure could open the door to malicious behaviour, and it was also difficult to obtain information from somebody who was unknown and at a later stage provide protection to such person.

The second important point was the difference between whistleblowers and informants. Both statuses triggered different rights and responsibilities. Any person reporting misconduct to WADA would be considered an informant. The informant could then decide not to pursue cooperation with WADA once the information had been provided. However, informants could also become whistleblowers, meaning that they wished to cooperate further with WADA. In that case, an agreement would be signed between the future whistleblower and WADA. There was no obligation for any informant to become a whistleblower; it was purely voluntary, and the whistleblower status would offer additional rights and protection to the person willing to cooperate further. There had been a comment from USADA, which he had not been able to include in the document, as WADA had already sent the document to the members. USADA had referred to the bad connotation of the term 'informant' in the USA, so the system would not change unless the members considered it appropriate, but the term 'informant' might be changed at a later stage.

On the protection offered to whistleblowers, in particular legal assistance, protection against retaliation and physical protection, the solution had to take into account what a whistleblower could

reasonably expect from WADA and what WADA could reasonably offer. Only whistleblowers who had signed the agreement would benefit from such protection.

In relation to financial support and rewards for whistleblowers, the solution proposed two steps and was similar to that set out in the Code for substantial assistance. The first step was the obligation of results. The information provided by the whistleblower should lead to prosecution for the doping practice or non-compliance issue or should constitute extraordinary assistance to the fight against doping in sport. If one of those conditions was met, WADA would, based on the circumstances of the case and several factors set out in the policy, fix the amount of compensation or financial assistance. It had to be stressed that no money would be given before the conclusion of the investigation and related proceedings.

In relation to the link with other ADOs, in particular those in which existing channels for whistleblowing were in place, some whistleblower systems already existed at NADO level to report misconduct and WADA applauded that. The important thing was that people willing to speak could report in confidence. However, the policy was the WADA policy. It could be used as a model for stakeholders that did not yet have a system in place to develop their own, but the policy addressed the issue of dealing with information reported to WADA, so the informant's or whistleblower's identity would not be shared with anybody if no express consent was given, meaning that WADA would not be able to reveal the identity of the reporting person to either ADO unless the whistleblower expressly gave consent. However, if a whistleblower came forward to WADA, and there were cases ongoing with another NADO, WADA should be able to share the information with the NADO and vice versa. If there was intelligence coming from a whistleblower, such as an intelligence report, WADA could share that with NADOs, without of course revealing the name of the whistleblower, unless the whistleblower gave express consent. The same principle should apply to the sharing of information with a law enforcement authority.

In the short term, WADA had to finalise the technical implementation of the application and the website, and that was being dealt with; draft the whistleblower agreement, which would be based on the policy once it was approved by the Foundation Board; and communicate with all stakeholders in view of the launch to take place in 2017. More importantly, there would be permanent revision, because the field was evolving fast. Currently, it was considered that the policy constituted an adequate foundation for whistleblowing, as it reflected evolving good practice across sports, countries and public and private sectors; however, it would continue to evolve. WADA would be making regular assessments and reviews to ensure the policy and programme continually reflected and further refined evolving best practises. WADA would report annually on the effectiveness of the whistleblower programme and would seek to learn from experience. Stakeholders were obviously invited to share their views and ideas or comment on the system. Another important aspect he had already mentioned was that WADA would work to develop and promote the cultural reporting misconduct, to develop knowledge and the social, legal and cultural environment, because many comments had made it clear that it was important to have an environment in which whistleblowers felt safe to report in total confidence.

Obviously, that would all require additional work for WADA and additional costs in terms of providing assistance so, if the Foundation Board accepted the proposed programme, the Finance and Administration Committee would have to consider the financial cost together with the management in the revised 2017 budget as well as going forward.

MR YOUNGER expressed his gratitude to the members for placing their trust in him to build up a strong investigation team at WADA. He was really honoured and already liked the job very much, as he could see so many dedicated people. He assured the members that he would use all his experience from law enforcement over the past 30 years to create a strong investigations team. In relation to what Mr Godkin had said earlier, for the NADOs, it was not only that WADA would establish a relationship. He thought that WADA needed partnerships. Everybody lacked resources, and what he had learned from the police was that the police lacked resources and their strength was that they built networks worldwide and identified strong partners. ASADA was definitely one of the strong partners from which he hoped to learn, and he hoped there would be good cooperation with ASADA.

In law enforcement, there was always one key element in big cases. There had been big cases worldwide and there had always a whistleblower involved somehow, which was why he thought it was a key element for further investigations, as WADA needed eyes in respective countries to find out what was going on. WADA therefore needed to treat the whistleblowers respectfully. He added some further comments to what had already been said. In his experience, the whistleblower policy would not convince athletes to come forward. It was the human factor that was important because, from his point of view and in his experience, whistleblowers came forward when three conditions were met: was the entity or organisation trustworthy? One could have the best policy in the world

but, if the person had no trust in the organisation, they would not speak. That was the human factor. The second question was whether the person who was trustworthy could keep the information confidential. That was difficult because, sometimes, one knew what was going on but could not prove it officially because one had to protect the whistleblower, so it was necessary to find a way to bypass the evidence and find other ways of getting to the information. For example, if one wanted to look for a needle in a haystack, and nobody said where to go, it would take years, or perhaps the needle would never be found; however, if somebody said to go in the left-hand corner and look there, then it made it easier. One therefore needed a special relationship. The final point was reliability. One needed to be reliable. That meant that, whatever was promised, could the person rely on that? The whistleblower policy was the backbone for the whistleblower or for WADA because he could show the whistleblower on paper what they could expect and the whistleblower would sign the document, which would be a legal document assuring them that what had been set out on paper would happen if something went wrong.

There were informants and whistleblowers. Informants came forward and gave information and then the cooperation was over. Whistleblowers were more or less for further cooperation, meaning that it was important to know the person who was coming forward and their reasons for doing so. Whistleblowers could be used for information and then also used for future operations. The best thing would be to have a big range of whistleblowers, and the NADOs had whistleblowers and perhaps could cooperate, if there was a problem deploying them to find information in the respective area, so there would be more opportunities. There would be rights for the informants, because there would be uncertainty. They would want to know what they could expect, how it worked, how WADA worked, and how WADA kept the information confidential. The right was to provide disclosure but also to get acknowledgement of receipt. He had been working for six weeks and WADA already had whistleblowers. WADA had to realise that they were afraid, because they were no longer controlling the information. He contacted them every day and gave them an update on what was going on. They were constantly accompanied by WADA and they appreciated that, so it was very intensive cooperation between the whistleblowers and WADA. To ensure the trust component, it was important to meet the person, because that built trust. To have really good whistleblowers, they needed to know who he was and how he worked. That was very important. In relation to responsibilities, he had worked with the Stepanovs and had spent many hours finding out the real reasons for which they had come forward, because there were good and bad whistleblowers out there, and the bad ones might want to find out whether there was an investigation ongoing or blame another competitor, which could be very dangerous. As well as developing a common strategy, one had to tell them that, whatever they did in the future concerning the matter, they had to talk before doing it, because it might endanger the strategy developed, and inform immediately about any risk and danger, and whether it was just a feeling or a real threat. In his experience, sometimes they felt they were in danger because they thought that the others knew already, but he would reassure them that he had not spoken to anybody and that he had stuck to the agreed plan. If somebody talked to the whistleblowers, they should say they were not working with WADA, and that would give them certainty. They were not like police officers; they did not know how to structure information, so it was necessary to talk to them to get the right information, and put it in such a way that it could be used for the future. It was very important. The whistleblower's rights were more or less the same as those of the informant; the working relationship was very important, and he had spoken about the protection measures. To give the members a brief explanation, confidentiality was the most important part for him because, if one lost it once, one would never get it back. The WADA team separated the whistleblower handler from the investigation, because afterwards the case officer would mix up the information and would not remember whether or not it had come from the whistleblower.

There would hopefully be more staff on the team, and he would like to separate them so that there would be one member of staff exclusively for dealing with whistleblowers. He was currently doing that work and was very much engaged with all the messages he received on a daily basis. His responsibility was to respond immediately, because a minute could seem like a day for some people, especially when they were afraid. Mr Sieveking had highlighted the issue of external legal assistance. If somebody found out about a whistleblower and there was retaliation, WADA would help the whistleblower to cope with that. In relation to physical protection, WADA was not law enforcement and could not provide physical protection but, through his network, WADA could open up doors to law enforcement, which would be in accordance with the agreement with the whistleblower. Nothing would happen without the consent of the whistleblower; he would not reveal the identity of the whistleblower without the whistleblower's consent, and even then he would probably advise on whether or not what the whistleblower could do was wise. It would be a very close relationship.

For rewards, of course there was substantial assistance. This had to do with how whistleblowers were recruited. Most were met in interviews, perhaps they were athletes who had been caught, and

then negotiations would be started, with questions about what they knew. WADA could then perhaps offer substantial assistance but say that more information was needed. Financial assistance would be provided for expenses, because WADA could not expect them to travel somewhere without being reimbursed and, for really good cases, WADA could consider a financial reward.

For whistleblower responsibilities, as for informants, WADA needed to insist on the fact that it could not allow the whistleblower to commit any violations, as that would be against the rules. It would also be necessary to seek approval for any action related to the investigation; that meant that, if they did something, it needed to be approved by the team. Then there was confidentiality. How could they communicate with WADA? There were all the WADA channels, and an e-mail account had been created to address concerns. WADA had also established a secure and encrypted whistleblower system, which allowed whistleblowers to communicate, and WADA was not able to track them down, because they wanted the person to come voluntarily. Either way, he would tell whistleblowers that, if they wanted to cooperate, they would have to meet, and he could meet whistleblowers anywhere, via Skype or whatever, but he would need to see them. That was the decision of the informant who might become a whistleblower.

The information was not stored in the WADA system; members of the WADA staff would not be able to find out the identity of his whistleblowers, and there would be a secure compartment, and he would have it in his safe, accessible only by the Director General if he wanted to know how many there were. He could talk to the Director General, but he was sure that not even the Director General would want to know who was behind the number. Every whistleblower would get a number, reports would be written with the associated number, and they would be submitted officially to WADA with only the number and no name. The information would be in the secure compartment.

It would be necessary to find out the reasons for the disclosure; whether the person's life was in danger; how serious the matter was, as the strategy would depend on that; and further intelligence, because usually the first report did not cover everything needed for the investigation. In return, WADA would assess whether whistleblower status could be granted, meaning a signed agreement for the whistleblower so that they knew exactly what they could rely on. The in-person meeting was important for both sides. Also, the contract meant responsibilities for the whistleblower so, if the whistleblower went public, WADA would no longer be obliged to stick to the contract because, otherwise, WADA would look rather stupid, if somebody said they worked with WADA and WADA was not allowed to talk because of the confidential agreement. He had good experience with such contracts, because people said that if they had a paper contract they could say they knew what they were getting if something went wrong. It was very serious and important that WADA be responsible for the whistleblower and the respondent, and for him as a police officer, innocent until proven guilty was of the utmost importance, because WADA could destroy an athlete if it did not go through a process to clarify whether or not the information provided was true and serious and helped find cheats. He saw his role also as protecting the innocent athletes who might be targeted by bad whistleblowers.

There had been a lengthy discussion during the process on sharing the information with the other NADOs. He would not disclose the identity of whistleblowers without their consent. Only if the whistleblower said that they were comfortable to work with a NADO would he disclose their identity. If not, there would be no chance. However, WADA could share the intelligence. His whistleblower would work with him and so, if a NADO had a case, he could work with the NADO in question. The NADO would give him the information it needed and he would find out if it was possible to retrieve it from the whistleblower. During the entire process, he would be the partner in the NADO's investigation, as he would be representing the whistleblower and he wanted to make sure that nothing went wrong with the identity of the whistleblower. He could work with NADOs, but it would be him and not the whistleblower working with the NADOs. WADA could share information with all of its partners in that respect, but the whistleblower would not be handed over without their consent. He would be more than happy to discuss any issues or questions arising from his presentation.

THE CHAIRMAN suspected that many people around the table would have thought that a whistleblower policy would be pretty straightforward. Mr Younger's presentation gave them some idea of the range of difficulties and what needed to be done.

THE DIRECTOR GENERAL asked if anybody had comments or questions, the idea being that the Foundation Board approve the whistleblower policy the following day.

MR MOSES thanked WADA for developing a very tight protocol. It was very important. He had been embarrassed that the only people sanctioned that summer had been the athletes in a position to give evidence to WADA, and USADA had had several conversations with them and had them appear at a meeting to give testimony and to give an idea of what was going on. The protocol was very important; it showed that this was a step that WADA needed to enhance, and he was glad that

WADA had somebody on board who would make it happen, who had a strategy and a protocol that would withstand scrutiny, and that there were best practices in place, and he said that the Education Committee would do as much as it could to make the policies and procedures available to athletes around the world. That was very important, because the athletes needed to know that the policy and procedure would be in place and that it would be something they could rely on.

MS SCOTT congratulated Messrs Sieveking and Younger on the report and the level of expertise and detail that had gone into the development of that. It was something that the athletes had asked for and WADA had responded in an incredible manner. She appreciated the fact that the athletes had been involved as well. She thanked them and congratulated them on the endeavour.

MR ESTANGUET thanked Messrs Sieveking and Younger for their strong presentation. There were huge expectations on the part of the athletes. He congratulated all the team. He had some comments. Security had been mentioned. WADA definitely needed to work on the security of information and the whistleblowers or athletes sharing the information, and that was linked to communication and how WADA would present the programme to the athlete community to really encourage athletes to be part of the process. WADA had to be careful and really have a strong strategy to communicate the programme in a positive manner. As to the name of the programme, he really understood the importance of whistleblowers in the system but, for athletes, it was really difficult to become a whistleblower. It was a little bit scary when one saw that word, and he did not know if WADA should change the name. In his view, WADA should have more athletes willing to engage and willing to share information, and some might become whistleblowers but, to gain the participation of athletes, he really wondered if there should be another name or process to present the strong strategy. The whistleblower part should be completely confidential, but it was a mixture of education and communication, as Mr Moses had said. He thought that the programme would be much bigger if it was more visible, more accessible and more progressive, so that athletes would be proud to be part of the process by sharing even a small piece of information. Sometimes, they might believe that it was small, but it could be important, as it might confirm information coming from other sources. That was his comment. Was it the right name? The Athlete Committee had discussed it two weeks previously and thought it might be interesting to have another name.

THE CHAIRMAN supposed that the Athlete Committee had not come up with another name.

THE DIRECTOR GENERAL said that WADA could brainstorm on the name. The following day, he would still call it a whistleblower policy so as not to confuse people. He gathered that the Executive Committee was happy to approve it and recommend it to the Foundation Board, on the understanding that it comprised a whole field of activities that would have a financial impact. The members would understand from the presentation that that was a whole new field of work, not something to be done through the regular activities.

Following the presentation provided under item 10.2, THE CHAIRMAN asked the Director General to talk about point five, the question that had come up principally at the think tank on the issues related to laboratory accreditation.

Way Forward V – Laboratory Accreditation

THE DIRECTOR GENERAL said that there had been a discussion at the think tank on laboratory accreditation, and there had certainly been a number of recent cases of laboratory suspensions. The outcome from the think tank discussion had been that WADA was at a stage at which it needed to rethink the laboratory accreditation system, and look at other ways of doing it or getting there. There had been different ideas put forward, but that was a complex topic and required some real thinking, and he reminded the members that the Code revision that had led to the 2015 Code had involved a big discussion on changing the system, although there had not been approval at the time, but perhaps WADA was at a different stage that day. The proposal was to set up a small working group comprising experts in the field who could discuss and try to come up with alternative models or determine whether they thought that the current model still worked. WADA was still in the exploration phase, but it was good to have ongoing thought, and the proposal was to set up a group involving the chairperson of the Health, Medical and Research Committee, the president of WAADS, plus another laboratory director and an independent lawyer (because there were a lot of legal components associated with accreditation), and a WADA representative, and the group could bring in expertise as needed. That was the proposal and he asked the Executive Committee to propose it to the Foundation Board the following day.

MS FOURNEYRON said that she would put on the table the issue of accreditation that afternoon during her report, so she endorsed the proposal to have a laboratory working group. It was very important, and she fully endorsed the ad hoc working group.

Way Forward VI – Governance

THE DIRECTOR GENERAL said that the next point, point six, was about governance and, looking at all the suggestions made, there was a very wide range of thinking on that.

THE DIRECTOR GENERAL observed that everybody knew that it was a very important topic and it had been raised at different levels and was an item that needed to be studied globally. Governance reform needed to be looked at globally so that something coherent would come out of it rather than having bits and pieces and then having a system that did not work as a whole. There had been very interesting conversations at the think tank, with different ideas presented by different people, and other ideas expressed recently, some at the Olympic summit, in the media and so on, but it required a real study to be done to come up with concrete proposals. There were currently many discussions but no vision as to how it could work globally. The idea was to appoint a working group to look into it and come up with some recommendations for the May meeting, or at least some scenarios. It had been said earlier that the group should be given a mandate defining what it had to do. Ms Widvey had read a number of proposals; she would undoubtedly give them formally to WADA, but it was good to clarify them and share them among the group. The question on the table was whether the Executive Committee accepted the principle and, if so, the second question was how to form the group. WADA had said that it wanted it to be a relatively small group but he understood that the governments might want it to be a bit bigger. He opened the floor for discussion.

MR MIZUOCHI thanked the WADA management for consolidating the various discussions held by stakeholders on the reform of the anti-doping system and for presenting a future road map. With the Rio Olympic Games completed, the next summer Olympic Games would be held in Tokyo. As the host nation of the 2020 Olympic Games and Paralympic Games, as well as the 2019 Rugby World Cup, Japan would be working hard to make them clean games and, to achieve that, would continue to support the work under the leadership of WADA to reform the global anti-doping system and would further enhance the national system in Japan as well. In Japan, a task force had been set up under his watch, and it had deliberated on the direction in which the domestic anti-doping system should evolve in the future with particular attention to the Tokyo Olympic Games and the 2019 Rugby World Cup and beyond. The task force deliberations had included legal and funding requirements. The final report had been made public on 8 November. The report should help accelerate the reform work in Japan, and the legislature was expected to launch work on the legal framework of the anti-doping system, and he hoped that the approach would serve as useful information to other signatories to the UNESCO convention. On the international front, he assumed that there was consensus among WADA governments, the IOC and ADOs that there was a need to reform the global anti-doping system, with strengthening WADA's authority as a prerequisite. He found it important that, by setting up a working group for the proposed items, there would be work on a united front to discuss and seek specific and forward-looking solutions. As to the working group on governance, its membership should include representatives from all of the five continents. Also, as stated by the Norwegian representative, a clear set of terms of reference for the working group should be established and include concrete points, for example, identifying the scope of powers and responsibilities for the Executive Committee and the Foundation Board. The public authorities would put together the terms of reference and propose them to the Foundation Board later. He supported the notion that WADA should continue to be the sole organisation in the world that consolidated and monitored activities worldwide. Japan intended to support the reform by nominating experts to participate in the working groups. More recently, the initiatives taken by Norway and the Council of Europe had resulted in ever stronger relationships between Executive Committee and Foundation Board members on the government side. As the Executive Committee member representing Asia, he intended to work together with WADA, the IOC, the governments and ADOs to contribute to the discussion looking at establishing a highly independent, effective and efficient anti-doping system for the world.

THE CHAIRMAN thanked the minister for his comments.

PROFESSOR ERDENER noted that good governance should be an essential element for all, not only for sport organisations but also for all big bodies, and the Olympic Movement strongly supported the working group. His colleague Mr Ricci Bitti had significant experience in such activities and he proposed that Mr Ricci Bitti be a member of the group.

MS WIDVEY stated that she had tried to explain her position earlier. She supported her Japanese colleague and would of course send in her suggestions for discussion the following day.

THE CHAIRMAN assumed that Mr Ricci Bitti had known that he would be nominated.

MR RICCI BITTI responded that he had not known, and was surprised. He thanked Professor Erdener. He thought that it was a very important item and was very pleased that the governments and the sport side were keen to approach the matter. He had been involved in corporate and sport governance in the past, and he informed the members that only the previous day, the second part of efforts to improve the governance of the summer IFs had been issued. He mentioned it not to be

self-complimentary, but to say that that was the first serious implementation effort and a document had been issued, which he invited people to consider, based on five principles and 50 indicators (ten per principle) and ASOIF would assist the IFs with the work. He was very committed and he did not know if he could accept the proposal of his colleague because he had a lot of work, but he would be pleased to contribute when he could. WADA had to be practical and think about the specific needs of sport.

MS WIDVEY asked if the Chairman would like the Foundation Board members to come up with suggestions for names/representatives for the group.

THE DIRECTOR GENERAL asked the members to agree on the composition of the group first. He understood that the governments wanted one representative per region, which would mean five representatives of governments. To keep some equality, that would mean five representatives from the sport side. One of them would be Mr Ricci Bitti. Then he knew that part of the debate involved the comments made by the NADOs, so there should be two NADOs and two athletes, in an attempt to maintain a balance, and then probably two or three experts in governance, outside the usual circle, and then one of the experts might chair the group. His proposal therefore was five sport representatives, five government representatives, two NADOs, two athletes, and three experts, one of whom would chair the group. The sooner he received the names, the better. Just to be very clear, WADA would pay for the athletes and experts to attend the meetings, and the other constituents would pay their own way, as WADA would not have a big budget for the working group. If that was acceptable, that would be the recommendation.

MR RICCI BITTI proposed not appointing members the following day, not because he did not wish to accept Professor Erdener's kind invitation, but because the members had to go home and each constituent had to check who was available and so on.

THE CHAIRMAN agreed that he would rather do it at a later date to end up with a better group. Would the names by year-end be acceptable? Everybody went on holiday on 15 December. WADA would aim for 15 December.

MS WIDVEY noted that the experts need not necessarily be members of the group; they could just deliver papers. That was how she understood it. She did not know that there should be the same amount of people from the sport movement as the governments. She asked the sport representatives if they insisted on having the same number, because she also saw the point that the working group should not be too big. It had to come back to the Foundation Board and the Executive Committee anyway for discussion.

MR RICCI BITTI believed that it would be better to have the same number of representatives from each side.

THE CHAIRMAN agreed on establishing a maximum of five, leaving the element of flexibility. Were the members happy with the proposal?

MR MOSES asked about the composition.

THE DIRECTOR GENERAL repeated the proposal: a maximum of five governments and five sports, two NADOs, two athletes, and probably three experts, and he would suggest that one of the experts chair the group. The WADA management would be interested in finding the right experts in the field to deal with that. The group's mandate would be to bring forward proposals to the Executive Committee.

THE CHAIRMAN thanked the members; that was a real step forward.

Way Forward VII – UNESCO Legislation

THE DIRECTOR GENERAL moved on with point seven on UNESCO legislation. There had been discussions in the think tank, obviously about the fact that WADA needed to see how UNESCO could be more engaged to try to promote the establishment of a legislative framework among governments, and the Olympic summit had come back to that, saying that WADA should encourage model legislation or similar to be made available to governments so that they would be encouraged to have an appropriate legislation framework. He did not know what the answer to those requests was. Some years previously, there had been a project with UNESCO that had never really been completed. He also understood that the diverse legal systems among governments made it very difficult to have a one-size-fits-all model. Perhaps model best practice should be looked at. That was on the table for discussion, how to deal with the recommendation from the think tank and the Olympic summit. He was open to suggestions from the Executive Committee.

THE CHAIRMAN said that he thought that that had been a request before.

MR RICCI BITTI repeated what he had said at about 100 Executive Committee meetings. That was a key point. Having heard the unbelievable and beautiful presentation from Mr Bouchard that morning on compliance, how could WADA not support that with legislation? He went back again for the people who had not been there at the beginning of WADA, and the spirit had clearly been a top-down approach. There was different legislation already in place, so the only way was bottom-up but, in WADA, it had been felt that, with the Code, it would be possible to go down with the legislation. WADA was failing on that. It was a pillar. If WADA wanted to make compliance effective, he thought people would laugh about a perfect compliance system with sanctions if there were many countries without legislation, so he believed that WADA had to try to make UNESCO more effective and cooperate a little more. He did not know how; he was not an expert in intergovernmental organisations like his friend. That was key to try to progress.

MS WIDVEY indicated that Europe did not support the idea of the development of model legislation by UNESCO, and proposed that the governments find mechanisms to share information on existing good legislative practices, and also believed that UNESCO should be more actively supported in developing and implementing an effective monitoring programme for compliance with the international convention against doping in sport. She saw a possibility to talk to UNESCO but did not think that the discussion would end up in model legislation by UNESCO.

MR DÍAZ added that he had been the vice-president of the conference of the parties at UNESCO for two years and did not think that there was a chance of ending up with something for all the countries.

MR RICCI BITTI explained that he had not meant a model, because he saw that it was unrealistic. He meant a law that followed the principles of the Code.

THE CHAIRMAN observed that it was a bigger issue than had been thought. The recommendation was to go to UNESCO, and that did not seem to be absolutely supported. WADA should take that forward and try to work out something. There must be somewhere a really good model that could be used by different governments. Physically, he did not know how to do that. If UNESCO could not do it for WADA, then WADA might have to do it itself and find somebody to do it. Mr Godkin was an expert at that kind of thing.

MR GODKIN supported what Ms Widvey had said because he thought it was very difficult, given the diversity of legislative practices, etc. to come up with a usable product. There was plenty of material to be drawn upon to support the process. In relation to what Mr Ricci Bitti had commented on, all states party to the convention were bound to abide by the principles of the Code, and would do that through different mechanisms, and that could be included in the approach taken.

THE DIRECTOR GENERAL agreed that it was hard to be concrete on that, but one question he had for the governments was related to the fact that he agreed that the principle of the Code was the word used in the UNESCO convention, and it might be good to get from the governments the best practices that reflected the principle of the Code in legislation, or how they saw that translating into proper legislation, so as to recommend that as the way forward for those that had not yet implemented that principle of the Code. That might be something the governments could think about going forward.

THE CHAIRMAN thought that that seemed entirely sensible. Were the members happy to go down that route and seek the help of the government partners in finding a way of doing that?

Way Forward VIII – Funding

Moving on to the question of funding, item 8, there were lots of suggestions. He particularly liked the suggestion by the NADOs that WADA should have more money, full stop. How WADA actually did that was different, and the recommendation effectively was to pose that general question to the Finance and Administration Committee at a future date to see how to generate additional finance.

THE DIRECTOR GENERAL said that the words used at the think tank and the Executive Committee meeting in September had been about starting with a clean sheet of paper to take into account all the current priorities and reflect those in the budget rather than talking about incremental increases to an existing budget. That was what WADA would do. After May, when there were conclusions on the work agreed upon, WADA would entrust the Finance and Administration Committee to come forward with a budget that really reflected the needs rather than moving from that year's budget to the following year's budget by increments.

MR RICCI BITTI agreed that the concept was a very attractive one, but it was necessary to start from where one was, and the Finance and Administration Committee had already considered the matter to some extent and in fact what he was going to present already provided a modest answer

to the question. He had checked with the Olympic Movement and it was ready and very open to an increase, but the minimum exercise had already been done and was reflected, and minimum meant the basic things that WADA wanted to do, which were already in the budget. He meant the major ones, including investigation, that were already in the pipeline.

Way Forward IX – Security

THE CHAIRMAN asked the Director General to talk about security.

THE DIRECTOR GENERAL said that there had been a request from the Olympic summit in relation to IT security. The answer had been given as far as the whistleblower policy was concerned and, as far as ADAMS was concerned, that was key going forward and was something that would be taken into account, but again he would see what that meant in terms of costs going forward before reflecting that in the budget. There was no real decision, but the proposal from the Olympic summit had been taken on board and was a priority for WADA.

Way Forward X – World Conference Timetable

THE CHAIRMAN said that the tenth and final item in that paper was the timetable for a potential World Conference on Doping in Sport.

THE DIRECTOR GENERAL stated that there had been different discussions on a World Conference on Doping in Sport. There was a current tender for a World Conference on Doping in Sport in 2019, which is in accordance with the normal cycle. There had been some proposals made at the Olympic summit for one in 2017. He thought that a World Conference on Doping in Sport was meaningful if it was the achievement of a process of consultation and work leading to reforms that could be accepted and endorsed by all, so the logical way of looking at it was to follow the work that WADA had endeavoured to do, including very important work on governance and other topics discussed that day, and that that, once completed, should result in a World Conference on Doping in Sport. The outcome of the work might require some changes to the Code, and that would require appropriate consultation among all stakeholders for buy-in. Thus far, all Code changes had been the result of a good consultation process, and that would also have to materialise in a World Conference on Doping in Sport. He therefore thought that one in 2017 would not be realistic given the amount of work on the table and the amount of consultation that would be required. The earliest would be at the end of 2018 and, in May 2017, there would be a better idea of how much consultation and what changes were required. That said, WADA would have to decide on something sooner rather than later, because it would need a host, and the issue could not be postponed too much.

THE CHAIRMAN noted that he was aware of two potential hosts, but both would ask when.

MS WIDVEY said that she could see that there had been too much information about the need for an earlier World Conference on Doping in Sport and thought it would be good to have it in 2019. A lot of activities from the working groups could result in recommendations to change the Code and WADA would need time to do that, so she thought that the World Conference on Doping in Sport should be held in 2019.

THE CHAIRMAN noted that, if there were major Code changes, certainly governments would need considerable time to have the consultation process. He was slightly torn in two directions. He was listening to Mr Bouchard who advised doing it sooner rather than later, and then others saying that later would be better than sooner. Perhaps WADA should note the options. The first option was 2017, but that would be tough because WADA had a lot of work to do, but 2018 might be possible. Would the Executive Committee be prepared to leave it at that until May 2017, when there would be a better idea?

THE DIRECTOR GENERAL added that, earlier that day, it had been said that, to avoid waiting too long, WADA could work on standards, which could be approved earlier. It did not mean that WADA would do nothing between then and 2019 if the World Conference on Doping in Sport were held in 2019.

MR GODKIN stressed that the key issue was to make sure that there would be substance to consider. Until WADA had determination of the issues to be resolved, WADA should stick to the original programme.

THE CHAIRMAN asked if the members were happy for the necessity of substance to allow a degree of flexibility on date.

MR GODKIN thought that the point was that WADA should stick to 2019 until there was good reason not to.

THE CHAIRMAN agreed that WADA would stick with 2019 and, if necessary, come back and say that there was good reason to hold a World Conference on Doping in Sport at an earlier date.

He thanked the members very much. It had been a really fascinating morning, and the Executive Committee had covered a huge field. They would have to do it again the following day with the full Foundation Board, but the general discussion and compromises and decisions taken would help that debate. He thanked Mr Niggli, whose paper on the way forward was a formidable piece of work and had led the Executive Committee through a lot of decisions that it needed to take.

DECISION

Recommendations on the way forward approved.

6. Athletes

– 6.1 Athlete Committee Chair report

MS SCOTT informed the members of the Executive Committee that her report would be quite brief, because the Athlete Committee had not met since the previous Executive Committee meeting. It had met in March that year, and it would meet again in December. Nevertheless, the Athlete Committee had been active all summer, and had been quite engaged and communicated a fair bit in relation to the release of the McLaren report, and supported the outcomes of the report and WADA's position at that time. The Athlete Committee had been contacted by many athletes following that, and continued to actively liaise and communicate with athletes worldwide as the voice of the clean athlete. The Athlete Committee would be very interested in the upcoming McLaren report. She would conclude by giving a list of the activities in which the Athlete Committee had been involved, because the work had been quite extensive, and she thought it was an important part of WADA's work, and the athletes had been consulted and communicated with on a regular basis, and had been involved in things such as the Compliance Review Committee process, the whistleblower policy and development, the think tank in Lausanne, the Independent Observer team in Rio de Janeiro, the Outreach work and fundraising for the whistle-blowers, the Stepanovs. In conclusion, the Athlete Committee continued to be active, engaged and the voice of clean athletes worldwide. She looked forward to the meeting in Japan in December. That concluded her report.

THE CHAIRMAN thanked Ms Scott and hoped that she would enjoy Japan. It was probably warmer than Glasgow.

DECISION

Athlete Committee Chair report noted.

7. Finance

– 7.1 Finance and Administration Committee Chair report

MR RICCI BITTI informed the members that he had already reported at the September meeting, so he would focus on what had to be recommended the following day to the Foundation Board for formal approval. He had reported on the meeting of the Finance and Administration Committee in Lausanne in July, and it had dealt with the agenda through which he would shortly take the Executive Committee members.

DECISION

Finance and Administration Committee Chair report noted.

– 7.2 Government/IOC contributions update

MR RICCI BITTI informed the members that, as at 18 October, WADA was a little lower than the previous year, with 96.75% received instead of 97%. There was some shortfall. Sadly, the major payment missing was from his country, but he would take care of that matter. Italy had paid surprisingly not the full amount, but 85% or 90%. There was not that much money in Italy, but things were not so bad that it could not pay that 10%. The other countries that he usually mentioned were Venezuela, Greece, Brunei and Peru, so he expected to receive in the order of one million dollars more before the end of the year. The additional contributions in the range of 291,000 dollars had been received, and he thanked Japan, Kuwait, Australia and the City of Lausanne for the contributions to the ADO symposium. It was also important to note that 2016 was the first year in

which WADA had declined the contribution from Russia. Perhaps it had been a good move, given what had happened subsequently, but WADA missed that money.

DECISION

Government/IOC contributions update noted.

– **7.3 Special Investigations Fund**

MR RICCI BITTI referred to the Special Investigations Fund. WADA had received 445,000 dollars and expected 50,000 dollars more, so would receive in the range of half a million dollars. As to the IOC, he was very confident and he had dealt with that issue personally with the IOC president some weeks previously. The IOC was obviously at a very sensitive moment given the McLaren report and so on; the conditions were written, but he believed that WADA could count on the matching payment very soon. The matching payment had been practically granted, subject to some conclusions, and the IOC had obviously asked WADA to do its best. Those were basically the conditions.

He also wished to mention in that regard that WADA had been asked to reinstate, and he believed that it was necessary to accept, the 80,000 dollars to the SportAccord unit; it was a very small independent unit, and worked very hard to help a lot of IFs, basically non-Olympic, and their activity was much appreciated, so he asked WADA to make the sacrifice to give 80,000 dollars to fulfil the year activity. If accepted, WADA would have to adjust the budget. He had already received the green light from Mr Niggli, but wished to inform the Executive Committee. Talking about special funds, the money received for the WADA research fund was 11,678,00 dollars, one million of which had been allocated to social science research, and some of the remainder had been allocated if not spent.

DECISION

Special Investigations Fund update noted.

– **7.4 2016 quarterly accounts (quarter 3)**

MR RICCI BITTI informed the members that the situation was more or less under control as in the revised budget that had already been presented. He suggested that the members look at the main page of the quarterly accounts, where they would easily find what he was commenting on. The balance sheet was, as usual, very positive, in the range of six million dollars, but it was necessary to consider that WADA received the money in the first part of the year and had to spend that money from then until the end of the year, and he basically hoped that the situation would be kept under control. The revised budget was presenting a loss of 144,000 dollars, and he believed that WADA will come within that range because, if one counted the six million currently available, and WADA is forecasting it would receive 800,000 or 900,000 from the members, therefore a total of seven million in expenses for three months, should be more or less enough to get those results. He wished to mention the major variances, and asked the members to pay attention to the legal item, which included all the expenses for investigations. The actual was three million dollars; WADA had spent 91% and expected to spend more than 100% by the end of the year, so that was an item WADA obviously had to cope with. The second critical item was the depreciation (shown on the line depreciation + CC clearing), where WADA was at 84% at 30 September, and that was basically due to the write-off of assets in ADAMS. WADA was in a transition period between the old and the new ADAMS, and had had to write off a significant part of the old one, so those were the two critical items it was his duty to point out to the members. He hoped to get close to the revised budget, and he repeated the figure of 144,000 dollars.

DECISION

2016 quarterly accounts noted.

– **7.5 Draft budget 2017**

MR RICCI BITTI said that the Finance and Administration Committee had considered three options: 0%, 3% and 5%. He informed the members that the only viable project for the coming year was 5%, including the reinstatement of travel expenses. The reason was the very important additional costs, as the year of the winter Olympic Games, 2018, was upcoming. There was also the reinstatement of travel costs, the creation of the Intelligence and Investigations Department, which would have a staff of six, the increase in science and research, reinstatement of full support of the SportAccord unit and the increase in compliance and monitoring, and he believed the members had been given a very clear picture of what WADA was doing that morning. There was also the growing importance of the ADO symposium, which was more and more successful every year, and was vital when it came to supporting WADA's activities by the major practical stakeholders, the people actually in the field, so WADA should not be scared to invite and involve more people. The TUE symposium

was not annual but was another symposium WADA wanted to have and, last but not least, representing a heavy burden on expenses, was the continued development of ADAMS, which was a key part of WADA's activities to protect clean athletes. For all the additional activities, the Finance and Administration Committee and the Executive Committee had approved the 5% recommendation in September, as it was the only way to have 2017 within the rules established not to deplete the cash reserve by more than 500,000 dollars and, looking at attachment 2, item 7.5, the members would see that that was the only column that allowed WADA to comply with the 500,000-dollar cash reserve rules. That was the strong recommendation, and he was ready to answer any questions. WADA needed to take the first (perhaps not the last) step in relation to the funding of WADA. Regarding the organisation he had the honour of chairing, at the latest IF forum a project on the study of expenses and investment of IFs had been presented and, to his surprise, without considering the indirect administrative expenses, he had found out that the summer IFs alone spent the budget of WADA, which gave the members an idea that perhaps the WADA budget did not allow the members to do everything they wanted. WADA was very stingy and needed to be a little bit more generous if it really aimed to do what had been presented that morning and what it wanted to do in the near future. The Finance and Administration Committee therefore recommended the 5% option for approval the following day by the Foundation Board.

MS WIDVEY thanked Mr Ricci Bitti for the very good information. His presentation had been interesting. When it came to the Special Investigations Fund, had she understood that the sport movement would not cover the conditions?

MR RICCI BITTI responded that he had said the opposite. WADA had received or would receive a letter with some recommendations by the IOC. It set out some conditions but, obviously, he was very confident that the matching would happen in its entirety. Obviously, the IOC was currently somewhat sensitive about certain issues requiring a conclusion, including the McLaren investigation, and cooperation more than investigation. In practical terms, he could assure Ms Widvey that the money would come.

PROFESSOR ERDENER added that he had also mentioned the same thing that morning.

MS WIDVEY said that a lot was said about how much money was being spent on the fight against doping in sport, and it was very interesting to hear how much money WADA was spending compared to the IFs, for example. She also knew that the authorities around the world were spending a lot of money and she wished to take the opportunity to enlighten the Executive Committee about the fact that the authorities were spending huge amounts of money on that. For example, in 2014, at least 70 million euros had been paid by 36 countries in Europe directly to European anti-doping programmes, and it was known that European governments provided approximately 50% of WADA's funding. That meant that government spending would be at least 140 million euros, and she thought it was probably more, and that did not cover expenses in relation to law enforcement agencies, scientific entities and other indirect contributions, so she wished to figure out how much money the authorities were actually spending, because the matter always came up, and much more was spent by the public authorities than was actually going via WADA, and that was important for her to underline. She would not repeat what Europe had to say about travel costs, as the members knew Europe's position on that. It was necessary to focus in the future and there would be a need for more money if WADA was to try to take care of all the solutions, present and future.

MR RICCI BITTI responded to what Ms Widvey had said. He could assure her that the sport movement fully appreciated what the governments were doing in terms of expenses. The only thing was that he recommended a law in all countries, as a law meant law enforcement and that was not yet established in all countries. It was clear that the public authorities had many responsibilities, and he appreciated that very much. He had mentioned that morning the findings of research to give the members an idea that the IFs were much smaller organisations and had a duty to develop their sport, but the fact that they spent like WADA was not to compare them with the governments, which had a much wider remit. Rather, it was to say that, if the 28 summer IFs alone spent more than WADA, the budget of WADA was very low; that was his point. He had total appreciation for the governments' efforts, especially in Europe. WADA had to increase spending somewhat, because otherwise it would not be possible to do what everybody wanted in the future. Having said that, he totally agreed with what Ms Widvey had said. He asked the authorities to reinstate the 2% corresponding to travel costs for an additional reason that year. The IOC had always brought forward the governance reason, believing that it was better to pay the top people of the organisations to make them a little bit less accountable to where they came from, but that was more a cosmetic and governance reason. There was another reason: that year, he thought that WADA had to increase the starting point, and that was a further reason (which would be elaborated upon when he presented the budgets for 2018 and 2019) to recommend strongly that the Executive Committee accept the proposals that year.

PROFESSOR ERDENER said that, having heard Mr Ricci Bitti's explanations, in his opinion, the Executive Committee members should support the proposal of the Finance and Administration Committee if they wanted a stronger WADA. That was very clear.

MR GODKIN observed that, by the same logic, not reducing the 5% with the travel expenses would do the same thing. He wished to mention that there was no consensus on that. It would need to roll on to the Foundation Board.

THE CHAIRMAN asked if everybody was perfectly happy that the budget as set out by the Finance and Administration Committee for 2017 be presented to the Foundation Board the following day for approval.

MR RICCI BITTI referred to the draft budgets for 2018 and 2019. He presented the two models developed by the Finance and Administration Committee. They were obviously not binding. They could be developed better the following year but, again, the evidence showed that only the 5% increase for both would allow WADA to really make progress, and that was the recommendation again, because there were so many commitments. In financial terms only, the 3% increase in 2018 would require a reduction in activity of 893,000 dollars to comply with the WADA reserve policy, and the 5% option would require a reduction of 300,000 dollars. The reasons were clear: the Olympic Winter Games, the RADO conference, the steroid symposium, research and the Youth Olympic Games in 2018. Having done a budget very conscientiously, even the 5% option would not solve all of WADA's problems. The same applied to 2019, for which a 3% increase would require a reduction in activity of 221,000 dollars, and a 5% increase would deplete unallocated cash by 110,000 dollars, meaning that, with the 5% in 2018 and 2019, in 2019 WADA would be able to replace 389,000 dollars in the restricted operational reserve. That would be the first time WADA would be doing something that the Finance and Administration Committee had recommended two or three years previously. With an increase of 5% in 2018 and 5% in 2019, and with increases in activity again (the TUE symposium and many other activities including the Pan American Games, European Games, All Africa Games, and so on), the activity of WADA would be greater than its budget. He did not know whether it would be better to start from zero as Mr Niggli had mentioned; perhaps it might be worth doing that as an exercise, but WADA was really very short of money if everything the members wanted was to be done. WADA would always be struggling. He was happy that perhaps there were no independent investigations, which could never be budgeted very easily. With the investigation activities done in-house, WADA would have permanent costs, and at least everybody knew where they were. That was his comment, so the 2018 and 2019 report was a good explanation that WADA was a little short of money. No approval was needed, but the Executive Committee would be asked to agree to present the report the following day to the Foundation Board.

As to the auditors, the report of the auditors had been presented to the Finance and Administration Committee and no deficiencies had been found. The accounts had been found to be in good shape and he recommended that the Executive Committee recommend to the Foundation Board that it approve the proposal.

THE CHAIRMAN apologised; it was his mistake. The issue of the auditors was actually a Foundation Board issue.

DECISION

Recommendation to submit the 2017 draft budget to the Foundation Board approved.

8. Education

– 8.1 Education Committee Chair report

MR MOSES reminded the members that education was a crucial element in the fight against doping in sport, and WADA had made quite a few advances over the years in education outreach. The research showed that doping was a very complex behaviour and, to prevent it, WADA needed a stronger approach, reinforcing values to reject doping, whilst at the same time recognising the athletes' desire to continually improve their performance. That involved targeting education throughout the athletes' careers, starting at a very young age and ensuring it was delivered by the right people. The current focus of anti-doping programmes on detection and deterrence limited the ability to prevent doping in the first instance and more financial and human resources had to be devoted to effective, preventative programmes. People who influenced athletes should be aware of the moments of vulnerability and make sure that they were giving the right messages to the athlete and proper types of support, including when athletes were injured, in recovery periods, changing locations or clubs/teams, moving to a higher or different level of competition, and also failing to achieve a major goal, perhaps being defeated or disappointed. Athlete support personnel had a significant role to play, and research also showed a lack of education among parents, usually the one

constant in an athlete's life. That was an area WADA would need to continue to target in order to better protect athletes. WADA had recently developed a tool to inform parents about the best ways to help athletes embrace clean sport, and the education partnership consisted of WADA, UNESCO, the IOC, the IPC, the International Fair Play Committee, and the International Council of Sport Science and Physical Education, which were working together on developing a values-based learning tool for teachers. He was pleased to announce that an online education platform was being developed to consolidate WADA e-learning tools in one location, and that would have a translation platform to ensure that all the education tools could be easily translated to enable access to more countries globally.

Lastly, he was pleased with the cooperation and support provided by the IOC in expanding the online sport physician's tool kit, which had been used at the Rio Olympic Games and Paralympic Games, at which all team doctors had been required to complete one of the modules before being accredited to work at the Olympic Games. Over 1,500 team doctors, pharmacists, physiotherapists and other personnel had successfully completed the online module before the Olympic Games. He was happy that the work of the Education Department had been really successful, and was really starting to see the results of the extra funds received the previous year for social science research grants. That year, WADA had received 18 applications from 13 different countries for research, and the social science project review panel and the Education Committee had recently approved a number of projects and had the recommendations for funding. He gave the floor to Mr Koehler to provide more information on the other things happening in the committee and the funding issues.

DECISION

Education Committee Chair report noted.

– **8.2 Social science research projects**

MR KOEHLER told the members that he would provide an overview of the research projects being recommended for funding. As the members could see in their papers, in 2017 and 2016, the social science research programme had focused on only three areas: interventions, legitimacy and the entourage. The members would have seen that only two projects had been recommended for funding on those three areas for a total of 87,765 dollars. The project review panel had looked at that and made the determination with the Education Committee that it was time to go back to the way in which WADA had done social science research previously, with a more open call for proposals, allowing more freedom for researchers to come forward with some innovative ideas, so the strategy would be changed to go back to the open call and to continue with specific targeted research.

WADA had received 18 projects from 13 countries. Four addressed interventions, five dealt with legitimacy and nine looked at the entourage and the role that the entourage played in education. The first project recommended for funding was from Professor Chan, and it looked at developing a smart phone application that provided an education experience for athletes but also talked about behavioural change strategies and how to help change athlete strategies to avoid unintentional doping, and that was looking at psychological variables affecting athletes when having to make decisions. The reasons to fund the project included the fact that it had a very strong methodology, it was going to develop an online tool, it was multinational and would involve people and athletes from Australia and China, and it was an extremely strong research team that had a background in developing online content. The total amount requested for that project was 64,975 dollars.

The next project came from Professor Naidoo, and looked at using something called the CREST anagram methodology to avoid inadvertent doping. The idea was to work with a holistic approach with athletes, looking at coping techniques such as time management and planning, relaxation techniques, education on anti-doping, nutrition and values, and looking at how skills development could help athletes feel like they were progressing through training and sport-specific skill enhancement, so it was a holistic approach involving pre- and post-interventions with soccer players under the age of 17. The methodology was very strong, and the recommendation to fund the South African project (there was a lack of research in that area) was for the amount of 22,790 dollars.

Looking at the Special Research Fund, there had been two calls for proposals, one on whistleblowers and one on scenario-based learning. The scenario-based learning projects had unfortunately not met the scope of requirements set by the project review panel, so they were not being recommended for funding, but the three whistleblower programmes were being recommended, and the intention was to use the research and provide it to the investigations team to continually improve and adapt based on research. The first project came from Greece, under Professor Barkoukis, looking at a project in Greece and Russia, and it was a three- or four-stage process looking at what motivated athletes or support personnel to come forward, the situational temptations that helped them come forward, and the moral and ethical values that they had to feel comfortable about

coming forward with information that might affect their daily lives. The aim was to provide more information about how to encourage whistleblowing. The project amounted to 49,000 dollars.

The next project was led by Professor Erickson, and looked at engaging the financial industry, in which whistleblower policies had been developed and frameworks already existed. The project involved an in-kind approach from Ernst and Young to be able to provide information for the project itself, and the second stage would look at mapping the existing strategies from NADOs, the whistleblower policies they had and how they had been implemented, and then there would be an online survey with approximately 500 international athletes, including coaches from the USA and the UK. Once that was done, about 39 of them would be brought together to do a semi-structured interview to look at a set of recommendations to inform a better evidence-based policy framework. The total amount requested was 68,724.22 dollars.

Finally, the last project came from Madagascar, and the reasons for funding the project included the fact that it was important to ensure a broad scope, as there were cultural differences when it came to reporting or being a whistleblower from continent to continent and country to country. The project itself would look at prior behavioural models and identify psychological variables that might lead to the engagement of whistleblowers to inform policy on the different aspects needed in different regions. The project was being recommended for a total of 12,403.04 dollars.

The recommendations were for two projects from the WADA Research Fund, totalling 87,765 dollars, and three projects from the Special Research Fund, totalling 114,677.26 dollars. He sought approval on behalf of the Education Committee.

PROFESSOR ERDENER thanked Mr Moses for his very comprehensive report and Mr Koehler for his explanations. He thought that WADA needed to rethink the strategy for supporting social science research projects and increase the amount set aside for research.

MR ESTANGUET also thanked Messrs Moses and Koehler. The importance of the topic was the key for the success of the fight against doping in sport. Everybody knew the quality of the programmes and the content, but he sometimes wondered about the communication side of things, and he wondered if there were any figures on the percentage of athletes educated worldwide. If WADA really wanted to improve and achieve results in the field of education, it would be worth considering having some key success indicators in terms of numbers. There was no doubt about the fact that there was a will to ensure that all athletes would be educated at some point. It should be mandatory to be educated when reaching the national level in one's sport, but he had no idea about the number of athletes actually educated or whether it would be possible to have an ambitious plan to increase the percentage of athletes who were educated.

THE CHAIRMAN surmised that Mr Koehler was perhaps being encouraged to do more and that there was quite a complicated communications issue.

MR KOEHLER totally agreed with Professor Erdener, and in fact that was the discussion that had taken place at the social science project review panel and the Education Committee meeting. Over the past two years, there had been a focus on a very narrow part of the research and, looking at the expanded research that WADA needed to do, it had been decided that it needed to be opened up more, so the strategy would change, and there would be a more open call for proposals and WADA would provide more flexibility to the research community, which was similar to what the IOC had done and WADA used to do in the past. The IOC had received a lot of social science research project applications for funding, and WADA worked closely with the IOC. That was the strategy moving forward. WADA would do that and he was grateful for the recommendation.

When it came to Mr Estanguet's question, again, he could not agree more. That was one of the areas that WADA had developed a couple of years previously. When it came to evaluation, WADA needed to make sure that the tools that ADOs were using actually worked, and it also needed to develop a plan in relation to the target groups. Building into statistics, that was important, and he was happy that WADA had worked very closely with the Compliance Review Committee and that, when WADA did Code compliance, it was asking for statistics, how many people had been reached, how many athletes globally, to compile the information to see where the global gaps were. That would be part of the compliance programme. It was definitely needed because prevention was the single most important thing WADA needed to improve moving forward.

THE CHAIRMAN asked if the members were happy to approve the applications that had been received and monitored and were presented to them.

DECISION

Proposed social science research projects approved.

9. Health, Medical and Research

– 9.1 Health, Medical and Research Committee Chair report

MS FOURNEYRON informed the Executive Committee that the Health, Medical and Research Committee report had been quite comprehensive at the September Executive Committee meeting and covered a lot of topics, including the changes to the Prohibited List, the state of the art on glucocorticoids, the issue of the unique list and the research projects for 2017, so her report would be fairly brief, as time had to be dedicated to the revised technical documents for approval. There were two topics she wished to focus on in particular. The first was the accredited laboratories, and the second was TUEs. She highlighted one piece of good news. There had been an important meeting with scientific experts a few weeks previously to work on the development and integration of new biomarkers in the Athlete Biological Passport. The meeting had been very fruitful and could lead to considerable progress in the detection of EPO and human growth hormone.

In relation to the accredited laboratories, several laboratories had come under scrutiny over the past few months and the situation had raised a lot of questions and concerns among the major stakeholders. There were a number of laboratories whose accreditation had been revoked or suspended for various reasons. The Madrid laboratory had been suspended for administrative reasons due to exceptional circumstances because legislation had not been passed in the absence of a sitting government. Hopefully, that situation would be resolved soon, since a new government was in place. The Lisbon and Bloemfontein laboratories were also provisionally suspended, as they had not complied with the ISL. It should be noted that it was at their request that the suspension period had been extended, as they both felt that they were still unable to meet the highest standards and that their economic balance was fragile. The Moscow laboratory's accreditation had been revoked for reasons everybody knew, and the Almaty laboratory's suspension had been extended for another six months maximum. Earlier that week, the Doha laboratory had also been suspended because of non-conformities in routine analyses. The Beijing laboratory had been reaccredited in August after a four-month suspension issued in April. For the Rio laboratory, a provisional suspension had been lifted just in time for the Olympic Games, and she emphasised the tremendous amount of work required to achieve that result from WADA, the IOC and Rio. It had been a tense process.

The unprecedented number of losses and suspensions had raised some legitimate questions. Some stakeholders wondered if the EQAS programme, the ISL and laboratory guidelines currently in force and which were constantly being revised and improved were simply too demanding, nay impossible to meet. Adherence to the ISL and related requirements was considered to be more and more complex and raised the question of the ability for more laboratories to maintain their accreditation in the future, and also raised questions about the ability of new laboratories to join the network of accredited laboratories. The concerns were genuine, but the process was sound and solid and should be defended. There were no flaws or deficiencies in the quality assessment procedures of the laboratories, so the decisions to suspend laboratories were a direct result of stringent quality assessment procedures enacted by WADA to ensure that laboratories maintained the highest standards. She thought that having that high level of requirements was a prerequisite to remain credible when protecting clean sport. WADA could not afford to be soft on the standards applicable to the way in which anti-doping tests were conducted. That had also been the conclusion of a meeting held some weeks previously in New Delhi between WADA and ILAC. Out of 34 accredited laboratories, the vast majority (29) were in line with the ISL requirements, which was further proof that the high-quality objectives set in the ISL were quite achievable. The memorandum of understanding between ILAC and WADA had been extended for five more years to maintain the highest quality standards currently applicable to the accredited laboratories, of which WADA could be proud.

A very important symposium had taken place in September in Paris involving WADA and the BIPM, which was the intergovernmental organisation for matters related to measurement, science and measurement standards. Such very high-level meetings with other international organisations were good practices, as WADA constantly strove to improve its rules and regulations as per the ISL. Having said that, there was still room for improvements in the process of suspension or revocation. The most pressing issue was to apply the principle of proportionality of penalties and sanctions. The rationale behind the suspension of the Madrid laboratory's accreditation was different in essence to the reasons that had led to the revocation of the accreditation of the Moscow laboratory. WADA also probably needed to dissociate the accreditation of the laboratories from the compliance of NADOs. A compliant NADO did not necessarily mean that the laboratory met the quality standards. The opposite also happened to be true. The delay between the identification of serious issues in a laboratory and the decision to suspend or revoke its accreditation needed to be shortened, and there was a need to establish super laboratories. Those four ideas had been discussed, and she fully endorsed them. She was a strong advocate that the ad hoc working group established as per the way forward strategy start meeting as soon as possible, as it would not be an easy task.

She wished to highlight the issue of TUEs, because the topic had been focused on significantly by the media over the past few weeks. There would be a comprehensive presentation the following day by Dr Vernec, so she would be brief. She wished to emphasise that the very existence of TUEs was acknowledgement that athletes, like all human beings, had a right to medical care and that they sometimes had medical conditions that required the use of medical substances included in the Prohibited List. For the people who talked about suppressing the system of TUEs were talking nonsense. Having said that, it was necessary to recognise that medical practices differed greatly from one country to another and that such situations might generate suspicion. WADA might consider strategies to rely upon networks of reference physicians or medical centres to address that issue. A number of myths and fantasies about TUEs had been exploited, primarily by the Fancy Bears. One of them was that there was no rationale behind retroactive TUEs, and that they were issued out of complacency for no serious medical reason. Even if admittedly unfounded, WADA had to be mindful of some legitimate concerns on the TUE process and outcomes. She personally thought that retroactive TUEs increased the challenge and should be limited to emergency cases only but, at the end of the day, all TUEs, whether they were retroactive or not, should fulfil the International Standard for TUEs criteria, which should remain a very robust set of rules and regulations. In that debate, the main issue was the use of glucocorticoids and painkillers, a poor but commonly accepted medical practice, as she had explained at the September meeting. The IOC had had a consensus meeting on pain management a few days previously. She would like to hear the IOC's recommendations and guidelines on that matter. That concluded her report.

THE CHAIRMAN commented on one point raised by Ms Fourneyron, and hoped that Dr Budgett would back him up. The work done to reaccredit the laboratory in Rio had turned out to be well worthwhile. It had been located in a four-storey building, almost as secure as Fort Knox (the security issues had been taken on board by the organising committee), and the total development cost had been somewhere between 65 and 70 million dollars and, after the Olympic Games, all the equipment in the laboratory had been a wonderful legacy for hospitals and sport and the people of Rio. It had never got much publicity, but it had been a splendid effort to make it work and it had worked extremely well, but the legacy for the city was in his view outstanding, so he backed up Ms Fourneyron on her comments about the work done by WADA and the IOC to make the Rio laboratory work.

DECISION

Health, Medical and Research Committee Chair
report noted.

– 9.2 Technical documents

DR RABIN said that the review process of the technical documents related to the ISL continued, and he was pleased to present two documents for approval that day for two very different reasons. The technical document on decision limits was a very important document, because it was one of the major tools for the harmonisation of analysis in the anti-doping laboratories. It was regularly reviewed and elements were always being fine-tuned as analytical science progressed. The review of the second document had been long overdue. The initial version had focused only on documentation packages for traditional urine analysis and, over the years, the reporting had become much more complex, in particular with the implementation of the Athlete Biological Passport, and a review of the document had been long overdue to update and upgrade the capacity of anti-doping laboratories to report in a harmonised fashion to their clients.

9.2.1 TD2017 Decision limits

DR RABIN informed the members that, in relation to the technical document on decision limits, the main modifications were mainly adjustments of the previous values that had been in the document (such as for glycerol) for decision limits. WADA had formalised a decision limit for human chorionic gonadotrophin; it had taken some years to really reach that point, but there had been a very good back-up research programme, and the conclusion had been reached that WADA could introduce the value as a decision limit. The measurement uncertainty (which the members would see as UC) was something he recommended the members familiarise themselves with, as it was a heavy trend in analytical science around the world in all types of laboratory. It gave the interval of confidence about a measurement, and the anti-doping system was proud, not to have included measurement uncertainty as an element very early on in analysis but, following what Ms Fourneyron had been saying about the meeting with the BIPM, to be almost a leader in that field, at least in terms of the practical implementation of measurement uncertainty, which gave a lot of credibility and robustness to what was being done in anti-doping. The aim had been to adjust a few points related to decision limits and the adjustment of specific gravity for decision limits, as well as address practical situations involving a combination of substances, in particular when there was a diuretic.

Diuretics, as everybody was aware, could force the production of urine and modify the analysis or at least the water content in the urine of athletes and the analysis of quantitative substances. There had been some adjustments for specific substances such as pseudoephedrine and one of its related metabolites, cathine, and there had been some elements with morphine and codeine, two substances, one of which was the precursor of the other one, so the aim had been to clarify the point for the decision limits and what to do when some of the metabolites were not quite at the decision limit level. With regard to setting up the limits for threshold substances when values were above the threshold but below the decision limit, they should be reported as negative but, importantly, provide the information to the result management authority that the result was suspicious enough or borderline and would probably require targeted and intelligent testing of that athlete or group of athletes.

Finally, the reporting aspects related to the decision limits were also important, as reporting could sometimes create issues of interpretation by the stakeholders. It was also the responsibility of the laboratory to provide accurate information, which could be scrutinised by the legal system, so there had been some discussions about how to round down figures to avoid misinterpretation or, even if still extremely accurate, the harmony between the reporting of the laboratories, and that had been addressed as part of the section of the technical document on test reporting. Again, related to the next level, the document package, it had been considered important to continue the harmonisation of how a result would be reported, based in particular on the aspects related to specific gravity and measurement uncertainty for the threshold or decision limit. That was an element that had been further harmonised in the technical document.

9.2.2 TD2017 Laboratory documentation package

Continuing with the document on the laboratory documentation package, or packages, because there were different types of package, DR RABIN said that the aim had been to clarify in the technical document that the documentation package could be requested by the testing authority, the result management authority or WADA. In the past, lawyers working on behalf of the athletes had been requesting documentation packages, but of course there were some costs related to that, and that could also create additional situations that the document sought to clarify. Some minor formatting requirements had had to be taken into account, and probably more importantly the nature of the core information needed in the document package relating to the chain of custody, analytical data, and whether there had been subcontracting. It could happen, and it was something WADA might have to face in the future, as there was increasing technological or analytical development in the anti-doping laboratories, that some laboratories had some specific capacities not present in other anti-doping laboratories, meaning that some of the samples could be shipped to the laboratories with more sensitive or more specific methods, and the aim had been to ensure that that element of subcontracting in analysis was properly taken into account and fully traceable in the documentation package. An important point was that it had been the opinion of the experts in the field and legal colleagues that the initial testing procedure or screening of information was no longer needed, and that was why that information was no longer necessary as part of the documentation package provided in support of a result. The most significant visible element in the change to the document was the fact that there was a split documentation package in support of the nature of the analysis or method put in place to report an adverse analytical finding. There were some specific elements related to some substances or classes of substance such as erythropoiesis stimulating agents (ESAs) or human growth hormone that did require some specific analysis or specific information in the documentation package. The fact that the Athlete Biological Passport was currently well implemented provided its requirements, as one was no longer talking about one analysis but sometimes several analyses to reach an adverse analytical finding, and that information had had to be taken into account in the way in which the core information needed to be reported to the testing authorities. That was taken into account and the annexes of the documentation package had been divided into five sub-categories to reflect the different possible situations. He was very pleased to present the two technical documents for approval by the Executive Committee and would be happy to answer any questions.

MR GODKIN had a minor question regarding item 9.2.2. He had some feedback and, while he understood the intent of it, there were some minor concerns that it was not really practicable regarding the declaration from the laboratory that the information could not be disclosed to third parties or reproduced unless written approval was provided, simply because, under the result management process, as much of that was a prescribed legal process in which disclosures to third parties were actually required, there was a question of practicality about that requirement to go back when there were those prescribed legal processes to go and get that authority. Could Dr Rabin elaborate on that?

DR RABIN responded that there were two facets in that section. One was to prevent abusive requests for information; as WADA knew very well, as the system became increasingly legal, a lot of requests that were not always well founded were received. That information was not readily available or part of the usual information that would be produced. In parallel, there was a global principle that, when a court asked for information, there was no real reason to oppose it. WADA did resist direct requests from other parties but, when the court stipulated that WADA had to provide that information, it did. That was the balance that had been struck to deal with the two situations that could arise, either a direct request from an athlete, which would not necessarily be considered necessary, or the request by a court that WADA would have to comply with. He thought that the balance was well understood as part of the process and among scientists and legal colleagues.

MR GODKIN asked if it would be possible to put something in there to address that. He understood the purpose behind it.

DR RABIN said that he thought that it would be possible to provide more information in the wording itself. That could be clarified.

THE CHAIRMAN asked if the members would be happy to approve the document subject to a small legal change, to be circulated. Subject to that minor change, were the members happy to approve the improvements in the technical documents as described? He left it to Dr Rabin and Mr Sieveking to amend the document for circulation among the Executive Committee members.

MR ESTANGUET had a belated comment on what Ms Fournayron had presented. The TUE point had been discussed at the previous meeting of the Athlete Committee, as there had been many questions on TUEs from the athlete community after what had recently happened, and there was a need to communicate the TUE process more transparently, because there was a misunderstanding as to how the process worked. There was no major concern about TUEs for a chronic or permanent illness but, for the urgent problems, there were many questions and, to be honest, he was not able to respond to such questions, so it would be great to have more elements to be able to reply to athlete commissions worldwide, from NOCs and IFs, when they asked about how the TUE process worked to make it completely transparent, and to have more information on checks to ensure that the TUEs were granted properly to athletes. It would be very helpful to have tools to be able to communicate how TUEs worked.

THE CHAIRMAN said that it sounded to him as though Mr Estanguet was asking for a brief user version of the TUE standard. That was an information device he was looking for, was it? Might Dr Verneec comment on that and think quickly through Mr Estanguet's suggestion on how WADA might be able to provide that information quickly to athletes?

DR VERNEEC responded that, following the Fancy Bear leaks, there had been quite a lot of media misinformation about the TUE process. WADA had done its best to put out a number of press releases, the chairman of the TUE Expert Group had put something out to the media, and there had been questions and answer sessions, so WADA was trying to do its best. There was nothing terribly secretive about the TUE process; it was a rigorous process, there was an international standard and very clear criteria, and then every case had to be judged by three physicians before a TUE was granted, be it retroactive or prospective. Most of the cases were very clear-cut, but there were a few, in particular the retroactive ones, that were slightly more difficult to evaluate, but that was something that had to be done by TUE committees. Every national-level athlete had to submit to a national ADO; when they moved up to the international level, they had to reapply or have the IF recognise the TUE. If they went to a major event, they needed to submit their TUE and the major event organiser looked at that and, behind the whole process, WADA monitored all the TUEs entered in ADAMS. He thought that the process was pretty rigorous; it was not perfect, and one of the things that had not been perfect was the lack of entry of TUEs in ADAMS, at which point the scrutiny he had just described had not existed. The good news was that there had been a very serious update of ADOs entering TUEs into ADAMS over the past year or two, which did not reflect an increase in the number of TUEs being granted around the world, illustrating that people were putting TUEs into ADAMS as they were supposed to. The following day, he would give some numbers from the Rio Olympic Games, but he had them on his PowerPoint presentation so asked if Mr Estanguet could wait until the Foundation Board meeting.

MR ESTANGUET reiterated his point about stopping the public thinking that there were too many TUEs all over the place and that it was not possible to win an event without a TUE. WADA had to be careful, because such ideas were gaining ground among the athlete community and the public at large, and were not helpful to WADA. His point had been about last-minute TUEs given to athletes; there were many questions about that issue, and it needed to be addressed specifically.

DR VERNEC accepted Mr Estanguet's point, repeating that any last-minute TUE or retroactive TUE needed to fulfil criteria. However, they were more challenging to evaluate.

THE CHAIRMAN observed that Ms MacLean might like to think about the point raised by Mr Estanguet and come up with a communications response. The Athlete Committee meeting would be held in Japan in about three weeks' time, and perhaps it might be possible to ask the athletes whether, if the TUE information were presented to athletes in that form, it would deliver the quality of information required and sell the correct message outside the athlete community to the media and the public. It was as much a communications issue as a discussion on whether the standard was correct or whether WADA should change it. Was that a fair question? Ms MacLean might start thinking about it then.

MR MOSES stated that WADA had to be very careful in that sense, because the whole controversy had arisen because of the illegal break-in of athlete TUE information and, in the USA, some top athletes (including Venus and Serena Williams and the top gymnasts) had had their information put into the public domain, and he felt that it had not been legitimate whatsoever and the calculated misinformation had been used to raise questions about a system that, for the reasons given by Dr Verneec, was otherwise effective and good and reflected the amount of data being put into the system, but not a real increase. USADA staff had had to call each and every one of the athletes whose information had been breached to apologise for something for which it had not been directly responsible and give the athletes assurance that they had done nothing wrong. Athletes had actually started feeling guilty, as though they were being charged with something. USADA had apologised personally to its athletes and told them that they had not done anything wrong, explained what had happened and informed them that the information had been hacked by people allegedly from high-level sources in Russia, but it was necessary to be careful not to start second-guessing a system that was actually pretty good. It had worked for many years and nobody had ever questioned it. That was what USADA had done to convince its athletes that it was really unfortunate that their names had been brought out in public, and that the situation had not been appreciated. WADA had to be careful not to be a victim of twisted information.

THE CHAIRMAN assured Mr Moses that USADA had not been alone. Many countries had been involved in that outrageous presentation of private information in the public domain. It had been done for all sorts of different reasons. WADA had contacted many of the athletes, and he knew other NADOs around the world had done exactly the same, and clearly WADA should be careful what it did because of that, but he thought that Mr Estanguet was asking a slightly different question, probably raised by the embarrassing situation that had arisen, but it was about how to provide proper information on the system, and the management would take that into account.

DECISION

Proposed technical documents approved.

10. Legal and investigations report

– 10.1 Legal report

MR SIEVEKING informed the members that he would be brief. As they could see in his report, there was quite a high number of cases in which WADA was involved before the CAS and state courts and the European Court of Human Rights (that was quite an old case on which there was no decision). He apologised to Ms Fourneyron, but he had to add a laboratory to her list, because there were proceedings currently pending in relation to the Mexico laboratory. There was no recommendation yet from the Disciplinary Committee, but he expected that WADA would receive it sometime the following week. The list of cases currently pending showed that WADA's legal team still had to closely monitor decisions rendered worldwide. Approximately 2,500 decisions were reviewed annually. He would be happy to answer any questions in relation to the content of his report.

– 10.3 Intelligence and investigations report

THE CHAIRMAN asked Mr Younger to provide the second part of his report.

MR YOUNGER informed the members that the investigations team was being created, and WADA was hiring a new investigator and two analysts; in fact, there would be two teams, one in Lausanne, with one investigator and one analyst, and one in Montreal, comprising one investigator and one analyst, and there would be six people in total by the start of the following year. He was very confident that WADA would be able to establish the full team by spring the following year.

A database had been established, and he heard what Mr Estanguet had said about concerns in relation to IT security. Software used by about 190 law enforcement authorities in the world would help WADA if it had to transfer information or data to the law enforcement authorities, because they

understood the charts and the network. It had been used in the French investigation involving the IAAF, and the authorities were able to immediately see what WADA knew and what they needed. Security would be separated from ADAMS, and there would be no outside access; only the investigations team would have access to the database, comprising all cases, projects and all the information received from athletes or whoever wanted to report to WADA.

His team currently comprised one person, Mr Holz, whose work was almost entirely taken up with the McLaren report, so there were many requests, such as checking in ADAMS when sample numbers needed to be identified, or forensic requests. In the first phase, more than 3,800 samples had been dealt with, and it had been necessary to take care of secure shipment and liaise with the IOC medical department, so there was a lot of administrative work and, unfortunately, he had had no time to do other investigations. The second phase had involved identifying samples as well, with targeted lists reported on by Professor McLaren.

There had been a Lausanne laboratory safety issue, with reports that the standard was not good enough, so WADA had coordinated with a Swiss security institute to make it safer, with a video camera, but the process of implementation was still ongoing.

Over the past few months, his department had also helped to create the whistleblower policy, and was working closely with Interpol on a new project to be rolled out the following year, and he would be pleased to present projects currently being worked on with Interpol the following year. Within WADA, he tried to centralise all information related to investigations, so that everybody knew that there was one channel and did not have to report to different departments. He encouraged the Athlete Committee or whoever wanted to report to WADA on investigations to use the easy e-mail address: investigations@wada-ama.org. He would coordinate within WADA as to who might be involved in the investigation and could provide intelligence. His experience was that having a single point of contact facilitated the exchange of information more rapidly and it could be dealt with properly without others having to take care of the information and determining the right partner to deal with the matter.

THE CHAIRMAN observed that it seemed to him that there was a considerable amount of cooperation from Mr Holz in Lausanne, which WADA welcomed.

DECISION

Legal and investigations report noted.

11. World Anti-Doping Code

– 11.1 Compliance

11.1.1 Compliance Review Committee Chair report

MR DONZÉ informed the members that, in addition to the work conducted on helping the Compliance Review Committee develop its framework on consequences, he wanted to provide a brief update on the work conducted on compliance and compliance monitoring over the past few months since the meeting of the Executive Committee in September in Lausanne. The internal compliance task force, comprising various departments of WADA, had got together every other week to go through all the compliance matters that were relevant and timely, and the Compliance Review Committee had met on one occasion in person in Montreal, and there had been a conference call during which a number of matters had been discussed, including recommendations on non-compliance and the document on the consequences of non-compliance. The staff had worked actively on finalising the digital integration of the compliance questionnaire. The members were probably aware that, early the following year, WADA would circulate a compliance questionnaire among all Code signatories that they would need to complete to ensure that WADA had all the relevant information for monitoring Code compliance. The objective had been to send the questionnaire at the end of the year but, due to the heavy workload of the IT Department following the Fancy Bears' attempts to penetrate ADAMS, the project had been pushed back and the goal was to circulate the compliance questionnaire early in 2017. Once the Code signatories had received the questionnaire, they would have three months during which to complete it, and one of the outputs of the questionnaire would be the implementation of a number of audits the following year. WADA would also use data available in ADAMS, and information and evidence on each Code signatory. The second element on which the management had been working quite actively was the development of the audit programme. Any good and robust compliance programme required audits. The Compliance Review Committee would be tasked, in close cooperation with the WADA management and the internal task force on compliance, with identifying signatories to undergo audits the following year, with the goal of supporting them in stepping up their anti-doping programmes and ensuring that

they implemented any corrective action recommended and, if not, to bring the case before the Compliance Review Committee for potential recommendations. That was an important aspect of the work that had been done on compliance.

THE CHAIRMAN commented that there was a fair bit of work to do to get the compliance data to make the system work.

11.1.2 Consequences of non-compliance

Refer above under Item 5.7 – Way Forward

11.1.3 Declarations of non-compliance

MR BOUCHARD said that he would comment on two topics before he got to non-compliance. It was one of the things discussed at the two meetings mentioned by Mr Donzé in his report. One was the involvement of NFs in the implementation of anti-doping programmes. In some countries, it was felt that there were NFs conducting testing on their own and local NADOs did not test in those sports. In addition, in some cases, NFs often did not comply with Code requirements in relation to result management. The Compliance Review Committee agreed with WADA's proposal to engage with relevant IFs to address the issue, and it was important to note that that concerned only a small number of IFs; nevertheless, the Compliance Review Committee had requested an update at its next meeting.

The matter of compliance had been raised that morning regarding IFs. Over the past few weeks, concerns had been expressed to the effect that most organisations recommended by the Compliance Review Committee for non-compliance with the Code had been NADOs, and that to date no IFs had been recommended for non-compliance by the Compliance Review Committee. It was an important topic to discuss because it was not necessarily bad news, and he reassured the members of the Executive Committee that NADOs and IFs were and would be monitored in the same way. There had been a number of cases from IFs discussed at the Compliance Review Committee. When WADA had been engaging with certain organisations, the issues had been raised, discussed and solved. By the end of the time allowed for the engagement of those organisations the issues had been solved before any recommendation for non-compliance had reached the committee. Another important element to consider was that there was a discrepancy in terms of the number but, as indicated from the start, the WADA compliance monitoring programme had focused mainly on the rules and the legislation, so that should come as no surprise, as proper rules and legislation constituted the foundations of a good anti-doping programme, but it was clearly more in the area of legislation, i.e. NADOs and governments, which was why WADA had perhaps been more active with respect to some of the NADOs. He expected that the ratio would change with the implementation of the monitoring programme as mentioned by Mr Donzé. He reassured the committee that there were no double standards.

He raised an issue discussed at the Compliance Review Committee meetings in October and November in relation to the IFs. The issue related to the IBU, and the decision to award the 2021 world championships to the city of Tyumen in Russia that year. Under article 20.3.11 of the World Anti-Doping Code, IFs were to do everything possible to award world championships to countries in which the NADO was in compliance with the Code. The reason he was raising that was because the Russian ADO was not compliant with the Code and two other candidates had submitted bids for the event. After WADA had received no proper explanation following two letters written by the WADA Director General subsequent to the IBU's decision, WADA's internal task force had followed up with another letter requesting information and an explanation from the IBU on 14 October. The IBU secretary general had replied and said that the letter would be forwarded to the IF president and the executive board. A deadline to provide the requested information had been set for 14 January 2017. In relation to procedure, the case would be brought to the Compliance Review Committee task force for review if no explanation was provided by 14 January 2017. It was a serious matter and he thought it was important to raise the case to ensure that it did not set any precedent, and he had thought it important to raise it even though the Compliance Review Committee had not rendered any decision or been asked to make any recommendation in that regard.

On non-compliance, a number of cases had been discussed at the latest Compliance Review Committee meeting. On non-compliance in relation to Russia and Spain, Mr Koehler had provided a summary on Russia, so he would focus more on Spain, as that issue had been raised that morning. The Compliance Review Committee had been briefed on latest developments and acknowledged the progress that would be possible on the legislation front; that was encouraging, and long overdue. Unfortunately, the fact remained that the legislation was still not in line with the Code requirements. Similar cases of non-compliance had been seen in the past with other countries in relation to their legislation and steps had been taken quite quickly. He did not wish to be too hard on Spain, but it was important to reiterate that, when legislation was not aligned, it should be aligned and efforts

should be made to align the legislation with the Code and international standards. The Compliance Review Committee was fully aware of the issues that that created and had tried to alleviate some of them. It was difficult, which was why the legislation had to be changed and why the framework had been presented that morning to alleviate the problem moving forward. He was hopeful that the situation would quickly evolve in a positive manner, and the Compliance Review Committee had asked WADA to engage with the new government as soon as possible and to provide all the required assistance to help solve the issue.

The other cases of non-compliance discussed by the Compliance Review Committee no later than 10 November 2016 had involved Azerbaijan, Brazil, Greece, Indonesia and Guatemala. The Compliance Review Committee wanted to inform the members that significant progress had been made in two cases: the Guatemalan NADO and the Hellenic National Council for Combatting Doping, and he was happy to report that, in both cases, the issue leading to a recommendation of non-compliance by the Compliance Review Committee had been resolved. That was an important matter. The Guatemalan NADO had addressed issues in relation to the shipment of samples and result management procedure. The issues described in the members' documentation had been solved prior to 10 November; the Compliance Review Committee had met and was changing the recommendation in relation to Guatemala. In Greece, outstanding issues such as the establishment of a new disciplinary panel, lack of appropriate staff and resources for the NADO, and the issues related to the out-of-competition testing programme had also been resolved, so the Compliance Review Committee was removing the Greek NADO from the list of organisations to be declared non-compliant. The Compliance Review Committee was recommending that the Foundation Board declare the NADOs of Azerbaijan, Brazil and Indonesia be declared non-compliant with immediate effect. The members had the summary in their documentation. In relation to Azerbaijan, the NADO had to modify its legislation and rules to meet the requirements of the World Anti-Doping Code. A number of communications, contacts and exchanges of correspondence had been made over the past few months. They had been given a three-month delay, which had expired on 6 July 2016, and the required amendments had not been made. Having said that, there had been intense communication over the past few days between WADA and the Azeri public authorities. A delegation from WADA had gone to Azerbaijan to help engage and facilitate. As a result, a new draft law on the fight against doping in sport had passed first reading on 28 October 2016. WADA had been told the previous day that the draft legislation would be on the agenda for the plenary session for second and third reading on 29 November 2016. The Compliance Review Committee commended the engagement and commitment of the public authorities of Azerbaijan; however, the Compliance Review Committee was not able to change its position or recommendation. It might be a very short-lived non-compliance status if the authorities did as they said they would, but the Compliance Review Committee was not changing its recommendation in relation to Azerbaijan.

In relation to Brazil, the NADO of Brazil had been given a three-month period to address three issues: the ratification by parliament of provisional legislative measures, the drafting amendment to the NADO rules and the adoption of procedural rules for the new anti-doping tribunal. The Compliance Review Committee commended the Brazilian public authorities for properly addressing the first two matters. A recent meeting with the Brazilian sport minister gave the Compliance Review Committee confidence that the third issue would soon be resolved. Unfortunately, the third issue was still not resolved.

In relation to Indonesia, the outstanding issue concerned the use of a non-accredited laboratory. WADA had not yet received confirmation of an agreement between the Indonesian NADO and the WADA-accredited laboratory confirming the use by the NADO of that laboratory.

Those were essentially the reasons for which the Compliance Review Committee was recommending a declaration of non-compliance for the NADOs of those three countries with immediate effect.

PROFESSOR DE ROSE said that he represented ANOC on the Executive Committee but, being a Brazilian and having been given a recent appointment by the ABCD, he had consulted his minister and had accompanied his minister on 11 October, not to explain but to give official documentation to WADA concerning a roadmap for the installation of the tribunal requested by WADA. Considering the legislation of the tribunal, it had already been approved by the parliament. The regulation or normal procedure of operation of the tribunal had been sent to WADA the previous week, and on Wednesday there would be the nomination of the nine judges by the national council of sport, because they came from different areas, and it was necessary to consult the NFs (they appointed five, and three needed to be approved; the same applied to the athletes), and everything was ready to have the tribunal in place the following week. When he had read the reasons stating that the ABCD had not provided the document concerning the regulation of the tribunal, it had done so the previous week. He agreed with Mr Bouchard that the tribunal had not yet met, but the legislation and the

procedural regulation were in place, the judges would be appointed the following week, and everything would be ready to start the following week. He understood that the non-compliance status could be removed the following week, but that did not help Brazil very much. Brazil was in the finals of the national football championships, the Brazilian cup, performing some 500 doping controls until the end of the month and, for one week of suspension, it would be a difficult thing for the country in terms of the fight against doping in sport. That was the only comment he wished to make.

MR DÍAZ echoed what Professor de Rose had said. One could link what had been said over the past 45 minutes. More education would not be possible if the NADO were sanctioned and declared non-compliant. He wished to make something clear. When Mr Bouchard had said he did not want to be too hard on Spain, he disagreed: WADA should be very hard on Spain, but not on the NADO. He suggested that, since the new Compliance Review Committee head was going to be appointed, WADA reconsider the confirmation of the Compliance Review Committee, and think about more diversity and representation so that the different views on consequences or recommendations could be put forward.

PROFESSOR ERDENER said that, in light of recent events and to protect clean athletes, the IOC supported the revision of the World Anti-Doping Code, especially in order to sanction individuals, mainly through amendments to article 10 of the Code. Based on the proposal, he could say any athlete or other person sanctioned with a suspension of more than six months by an ADO for a violation of an anti-doping rule committed as of three months following the approval of such amendment (in accordance with article 23.7.3 of the Code) should not participate in any capacity in the next edition of the Games of the Olympiad and the Olympic Winter Games following the date of expiry of such suspension. It would be helpful if WADA could take appropriate steps on that issue.

MR BOUCHARD referred to the situation in Brazil. He fully understood that progress was being made. The procedure put forward by the Compliance Review Committee was that it met, had a decision, met a week before the Foundation Board meeting to be in a position to revise those recommendations as it had done for two of the five in the documents for recommendations of non-compliance. The Compliance Review Committee wanted to be as close as possible to reality when it made those recommendations, but also wanted to avoid last-minute information that was often not thorough. He was not saying that that was the case with respect to Brazil. The Compliance Review Committee then did not have the time to convene to review each of the cases for which there was new information. It was as much to protect the Foundation Board from taking ill-advised decisions that the Compliance Review Committee did that. Its latest meeting had taken place on 10 November. The latest information it had had at that time in the case of Azerbaijan and Brazil had meant that it could not recommend that they be declared compliant. He thought it was important to set up the procedure and follow it. The Foundation Board might want to take a different approach, and it might not want to approve the recommendations, but he thought that, moving forward and in the long run, the approach chosen was a sound one and would avoid tough decisions having to be made later on. There was a procedure to consider or approve the recommendation of non-compliance, and those countries or signatories declared non-compliant could be brought back into compliance very quickly once the conditions had been met. With all due respect, he did not intend to change the recommendations, but of course the Foundation Board might decide otherwise.

As to what Mr Díaz had said about WADA being hard on Spain, he totally agreed, and thought that WADA had been hard on Spain and the Spanish Government at every meeting of the Foundation Board. He did not wish to insist on the fact that the legislation was not yet changed, because the latest news was that the government was currently in a position to change it and was keen to do that. There had been a number of months prior to the situation faced over the past few months during which they had had a chance to change their legislation, and WADA had been hard on them for good reason.

In relation to the impact and the preclusion imposed on some of the NADOs, he had explained it that morning. It was an issue that needed to be fixed, and the new framework would help fix that. He would leave it to the new chair of the Compliance Review Committee to ensure diversity, and thought that it was a good point. On the last point regarding the comments made by Professor Erdener, he would like to consider them, and he supposed that his successor would take a close look at the matter.

THE CHAIRMAN stated that he had had discussions with the sport minister from Azerbaijan as part of the increased discussion, which looked as though it might work, but unfortunately not before a Foundation Board meeting. As far as Spain was concerned, WADA had allowed it to continue with its education efforts and he hoped it went a long way towards meeting what Mr Díaz wanted to do. He had no idea whether Spain had done that or not. It seemed to him that the recommendation was to go ahead and support the recommendation and take it to the Foundation Board and, if in ten days'

time there was proper legislation from Azerbaijan, it would become compliant. And while he agreed that it was a short period, it was not the only occasion on which WADA had decided to withdraw something from Brazil and then, lo and behold, in a short period thereafter, it had appeared, and the laboratory was the classic example. Over a long period, WADA had bent over backwards to help the situation in Spain, although technically because of the lack of legislation and government, they had been non-compliant. IFs had helped enormously to test athletes, and he had reminded the president of the Spanish NOC in Doha the previous week about that and, somewhat to his surprise, the president of the Spanish NOC had later been one of the people who had stood up and questioned the work that WADA was doing. WADA should encourage Spain to become compliant. It was one declaration in a governmental committee. It was a piece of Spanish bureaucracy that could have been sorted out years ago. On that basis, he was happy to support the recommendation made by the Chairman of the Compliance Review Committee that the Executive Committee put the proposals to the Foundation Board the following day.

As far as the suggestion from the Olympic Movement was concerned, he recognised the terminology. It had been called the Osaka rule, and it had been put in place by the IOC, and he spoke with some expertise because, in 1991, the BOA had had roughly the same rule in place which was that, if one committed a doping offence, one would no longer be eligible for selection by the British team, and the difference with the IOC version was that, if one committed a doping offence, one would no longer be eligible to compete in either future Olympic Games or the future Olympic Games. In both cases, the rule had been overturned by the CAS in a case involving an American 400-metre runner called LaShawn Merritt, and the CAS had actually said that it was double jeopardy. Personally, as somebody who had been around the Olympic Movement for years, he was very attracted by an attempt to do that again, but suspected that, before doing so, WADA probably needed to agree with the Olympic Movement to seek a proper legal ruling. That had been done before and should probably be done again. In the sanctioning limits that WADA had had, it had moved from a two-year maximum sanction to a four-year maximum sanction, and again there had been detailed legal advice taken on that, and he had always believed that that decision had been helped a little bit by public opinion. People had believed that two years was not long enough and four years would be better. It could well be that public opinion was rather more in favour of what the IOC was recommending, and he would be very happy to speak to the IOC and run that again and see what happened. He was sure that Mr Bouchard's successor would be delighted if somebody else took the decision on his behalf. Were the members happy to do that? He thanked the members. There had been a lot of work and, in the main, when looking at the number of signatories that WADA had and the relatively small number that were non-compliant, it spoke very highly of the quality of the work done by Mr Bouchard and his Compliance Review Committee.

DECISION

Recommendations on non-compliance to be put to the Foundation Board for approval.

11.1.4 Non-compliant countries status report

MR DONZÉ said that the Chairman, Mr Koehler and Mr Bouchard had made his life really easy, because there was no need to add anything to the Russian update given by Mr Koehler. Mr Bouchard had also covered Spain. The very good news was that Spain had a government about to be put in place. WADA had continued to engage with the Spanish NADO and ensure that it would support the NADO in any possible way. WADA had committed to a meeting with the new secretary of state for sport as soon as the person was appointed, and he certainly hoped that the law that was about to be adopted (the instrument as such was already in place) would resolve the situation as soon as possible.

DECISION

Compliance update noted.

– 11.2 Technical Document for Sport-Specific Analysis

MR RICKETTS informed the members that, with regard to the proposed amendments to the TDSSA, he had a presentation to provide some background. The expert group for the TDSSA had met in mid-October to look at its implementation to date, review ADAMS data and consider feedback from NADOs, IFs and laboratories obtained through a consultation process on how to improve the existing document and its operation. There were a number of minor changes within the document. He would not go into those. He wished to focus on two of the major changes proposed. Those two changes were major advances in increasing accessibility to blood testing and the greater global harmonisation in the testing of substances and methods that could be detected only in blood and on which WADA had spent hundreds of thousands of dollars in investment, research and equipment to

make those tests and tools available. Those were the mandatory testing of growth hormone and the use of the Athlete Biological Passport blood passport on a mandatory basis for a set level of sports which were currently optional for ADOs to implement.

He reminded everybody what the TDSSA was about. It was a document that had come into effect on 1 January 2015 and it outlined the minimum levels of analysis for sports and disciplines determined to be at risk to those specific prohibited substances not included in the analysis of a standard urine sample. It was a mandatory document for all ADOs to implement. He was referring to erythropoiesis stimulating agents (ESAs or EPO as it had been known previously), growth hormone and growth hormone releasing factors (GHRF). The main objectives of the TDSSA when it had been developed had been to close the loopholes in analysis for those substances by setting minimum levels of analysis, raising the bar for those ADOs not currently testing for those substances. It had also aimed to create global harmonisation for the testing of those prohibited substances, and therefore greater protection for the clean athletes within their sport, knowing that their competitors, regardless of the country in which they were based, were being tested for the same prohibited substances as they were.

Looking at the impact of the TDSSA to date, it could be seen on the next three tables, one for each of the substance groups, representing the number of samples collected, the number of sports receiving analysis, the number of testing authorities conducting that analysis and the number of adverse analytical findings from 2014 (the year before it had come into effect) up to mid-September 2016. ESAs were detectable in urine and blood and, that year alone, around 2,500 blood samples had been collected with 20 adverse analytical findings for ESAs alone in that figure. In 2014 and 2015, there had been only six. There had been a considerable increase in the number of samples, the number of sports receiving ESA analysis and the number of testing authorities conducting it. The adverse analytical findings had gone down compared to 2014; that had been a pretty special year, the biggest year of adverse analytical findings in history, and based on a high number of cases in athletics and cycling in particular. In terms of growth hormone, which was detectable only in blood, again there were significant increases in sample numbers, number of sports and the number of TAs as well. In terms of the adverse analytical findings, that year had been the best so far for nine-and-a-half months and, compared to 2014 and 2015 when combined, there had been 6,000 samples less. For the other substance, growth hormone-releasing factors, detectable in urine, the members would see a considerable increase; it was probably the biggest performer in terms of number of samples. The laboratory capacity in 2014 had been very limited with relatively new substances coming onto the market, and the number of sports and TAs were increasing considerably there as well as increases in adverse analytical findings.

Whilst the adverse analytical findings were important, he wanted to reiterate the objective of the TDSSA, one of the many ways to ensure that the analysis of substances was harmonised across the world. That could be seen with the number of TAs and the amount of uptake in sports currently doing such analysis. It all looked as if it were heading in the right direction. A more detailed review would be undertaken in 2017 looking at the end of that year's statistics and looking back at two full years of data.

Looking at the proposed changes to the TDSSA, the first was the split of growth hormone and GHRF into an individual minimum level of analysis. In the first table, he had taken a snapshot of the actual document highlighting some athletics disciplines, and the members would see that the growth hormone and GHRF percentage was a combined percentage for those two substances. ADOs could reach that level by conducting a growth hormone test in blood or a GHRF test in urine or both. The percentages were minimum levels so, for example, looking at 100 tests being applied to the athletics long distance athletes, five tests obviously needed to be done for growth hormone or GHRF. It was a simple calculation process. The proposed change would mean that growth hormone and growth hormone releasing factors would be split and would have their own separate levels of analysis, meaning that, of those 100 tests, five would have to be done for growth hormone for long distance (3,000 metres or more) and five for GHRF. That would remove the current optional effort that ADOs had to select what they wanted. The two substances had originally been joined together during the development phase of the TDSSA due to limited laboratory capacity. There had also been limited blood collection by ADOs, and WADA had known that there would be an initial financial impact when rolling out the TDSSA for ESAs, growth hormone and GHRF. The members would see on the screen two different substances collected in two different matrices, analysed with different methods and with different costs. Looking at the figures, based on total tests conducted and the breakdown between growth hormone and GHRF, ADOs were moving towards conducting more GHRF testing and growth hormone testing was going down based on the total number of samples being collected. Why was that the case? Because the samples for GHRF could be detected in urine so, when collecting a sample for an athlete, one did not need to do anything extra except pay the laboratory for the test

for GHRF. One did not need to send out a blood collection officer or arrange for the shipping of the blood to the laboratory. In terms of why it was necessary to split or why the expert group proposed that the two substances be split, laboratory capacity had increased from eight laboratories in 2014 to 31 laboratories in 2016 and, in 2017, he hoped to be at full capacity for the GHRF methods at all laboratories. All the laboratories had the capacity to analyse for growth hormone isoforms, one of the two methods to which ADOs had access. Laboratory capacity for the growth hormone biomarkers method had increased from six in 2014 to 15 in 2016 and was another method that had a slightly longer detection window than the isoforms method. Splitting the substances out would address the lack of growth hormone blood collection but also the lack of blood capacity. Looking at some figures in 2015, 105 NADOs had conducted urine testing and only 47 of those had collected more than one blood sample. Therefore, 58 NADOs or 55% of all NADOs had not had any blood collection, meaning no growth hormone and no Athlete Biological Passport samples being collected there.

By separating the two substances, WADA would close a significant loophole in the collection of growth hormone samples globally, resulting in greater global harmonisation for the testing of growth hormone and GHRF, and would certainly increase the level of deterrence to the athletes, potentially increasing the detection rates or adverse analytical findings. That would of course result in an increase in collection and analytical costs for many. From the start of the TDSSA, the expert group had built in an application for a reduction in which ADOs implementing intelligence-based testing programmes, including an Athlete Biological Passport programme, could receive up to a 50% reduction on the minimum levels of analysis. To date, WADA had received only three applications from ADOs for such reduction. It was there for those ADOs running intelligence-based programmes. The process was not designed to restrict ADOs running good programmes.

In addition, the expert group had felt that a graduated implementation process should be applied, certainly for the growth hormone, and was looking at 1 January 2018 for implementation; however, the GHRFs were to come into force on 1 January 2017 given that the laboratory capacity was already there and there was a high level of analysis taking place by the ADOs. In addition, the expert group had recommended that WADA undertake a review of the minimum levels of analysis and the percentages across all sports, and WADA would look into doing that in 2017 or 2018, based on the validity of the data available at the end of the year and the number of ADOs actually implementing the TDSSA.

That covered the first proposed amendment. The second was the mandatory implementation of an Athlete Biological Passport blood programme for those sports and disciplines with an ESA minimum level of analysis of 30%. It was known that the Athlete Biological Passport blood module was a very powerful intelligence gathering, deterrence and detection tool, but it was currently optional for ADOs. The reasons for doing that were the same as for the growth hormone, and the logistical challenges that came with that were also the same given that it involved blood collection. Currently, there were 48 ADOs running a blood passport programme, 21 IFs and 27 NADOs; however, as he had mentioned, that was limited to collection in 47 countries.

In terms of which sports and disciplines it would affect, the sports were on the screen: nine Olympic sports, all of which had an Athlete Biological Passport programme in place, a number of NADOs, and there were three non-Olympic sports represented there as well. Gradual implementation was proposed, with an implementation date of 1 January 2018. That would require a lot of work with countries, IFs, evaluating the current blood collection capacity in the countries, and would certainly require greater collaboration between IFs and NADOs, in terms of sharing passport data and athletes of dual interest.

In concluding, those were the two proposed amendments. Athletes were asking that those on the start line had been subject to testing and tested for the same substances. As he had mentioned, for growth hormone, WADA could promise that in 47 countries and 48 ADOs running an Athlete Biological Passport blood programme. The concern was that, as long as testing for growth hormone and the Athlete Biological Passport blood passport remained optional and there was no compliance mechanism to move ADOs in that direction, the current loopholes would be available for athletes to abuse. The flexibility within the TDSSA existed for ADOs implementing intelligence-based programmes through a reduction process, and there had been discussion about that becoming part of WADA's compliance monitoring process in the future. The intent was not to restrict the advanced ADOs but to address the global limitations that had existed since blood testing and the Athlete Biological Passport had become available. The changes would work towards addressing the shortfalls, further strengthen the fight against doping in sport and provide greater protection to the clean athlete.

THE CHAIRMAN asked if there were any questions.

MS SCOTT thanked Mr Ricketts for his presentation. From the athletes' perspective, the proposed changes were very compelling and made a lot of sense in terms of levelling the playing field and ensuring all athletes were subject to the same standards and the harmonisation of the fight against doping in sport so, as an athlete, she really supported the proposed changes.

MR GODKIN asked Mr Ricketts to go back to the slide with the adverse analytical findings on it for blood growth hormone readings. It was of significant concern to NADOs, at least in Oceania, not because the intent was not understood, but the fact was that the collection of blood was far more expensive and, when looking at the adverse analytical findings coming out of it, the strike rates were very low. If WADA used that quota system for application, what that would do with the finite resources for a number of NADOs was displace the more effective detection of violations that was currently going on with a less effective programme. He understood the basis for it and recognised the 50% reduction for those running intelligence-based targeting programmes, but it was a deep concern in terms of the overall effect being a reduction in violation detection, and he was wondering what WADA might be able to do about that. He did not know if the 50% reduction for those NADOs that qualified would be sufficient. It was not that he did not understand the intent of the programme.

MR RICKETTS responded to Mr Godkin. In terms of statistics, whenever one evaluated statistics, it was necessary to have a wide population of values to look at. WADA was currently evaluating statistics based on less than half the world that was doing blood testing. It was hard to analyse that. As could be seen from the five adverse analytical findings in nine-and-a-half months, for 10,000 samples, it was a bit over one in 2,100 or so samples. It had improved if one looked at the number of samples collected versus the total number of adverse analytical findings for previous years, but WADA was looking at a small population of 101 testing authorities testing potentially only in 47 countries. There was a limitation there. The 50% reduction would essentially take it back to what it currently was. If it was a 10% minimum level of analysis for growth hormone, and that was being split into 10% and 10%, with a 50% reduction it would be back at 10%, which would mean 5% for growth hormone and 5% for GHRFs. It would mandate people to collect that blood sample instead of collecting just the urine sample and ticking the box by meeting the minimum level of analysis with the urine sample. He was open to further feedback about how to provide flexibility within the document for that. The feeling had been that that was a real opportunity to move forward with the collection of blood globally. It was something that had been sitting in the background and nobody had really taken the bull by the horns. WADA had the opportunity. It would be a lot of work; there were many countries that were unable to ship blood, and there needed to be flexibility from that point of view as well. Certainly, for the bigger NADOs running programmes, it was not intended to restrict their programmes in any way.

THE CHAIRMAN asked if the members were comfortable about accepting the amendments proposed. WADA would move forward, on the clear understanding that, if people came forward requesting more flexibility, Mr Ricketts would build that into the document.

DECISION

Proposed amendments to TDSSA approved (with the clear understanding that, if people came forward requesting more flexibility, that would be built into the document).

12. Anti-Doping Administration Management System (ADAMS)

MR DONZÉ observed that it would come as no surprise to the members that all of the previous months had been highly challenging in terms of IT systems in general and ADAMS following the hacking attacks on the WADA system. That had unfortunately resulted in lots of WADA's resources being focused on making sure that the system was totally watertight. Whilst WADA was absolutely confident regarding the reliability and safety of the system, WADA had had to take a number of measures to further enhance the security of ADAMS as a result of the attacks. That had included in particular the increase in password complexity in ADAMS, and a number of other measures such as the fact that newly created ADAMS accounts were disabled ten days after activation if there had been no activity. All ADOs and ADAMS users would have been informed that there had been implementation by WADA of an improved login security with the use of personal verification questions, like when one accessed one's online banking account. Users had been and were asked to answer a number of personal verification questions when they changed their password or logged in via a new device. That was a very important security improvement, and WADA was looking at ways and means of further enhancing the safeguards put in place for the system. Once again, he was very confident about the security of the system. WADA had worked with high-level forensic teams, which

had scanned all the systems, but that did not mean that WADA should rest on its laurels, and the management was always looking at ways of further improving the security and usability of ADAMS.

In addition, as presented at the Executive Committee meeting in September, WADA had met with a number of challenges with its initial vendor, the company with which it had been working for the delivery of the next generation ADAMS. WADA had decided to stop working with the company and, unfortunately, there had been significant delays in the implementation of the new ADAMS as a result of that. WADA continued to improve the current ADAMS, but had had to change the global strategy, done in particular under the guidance of the new chief technology officer who had been hired the previous month, a very dynamic person who was taking care of global oversight of the project. Instead of working on one major revision of ADAMS, WADA worked in parallel, in smaller more manageable pieces, allowing for frequent and incremental delivery of improvements and enhancements whilst minimising associated risks. WADA was absolutely committed to delivering an ADAMS system with better user-friendliness, more functions and better performance and design, but that was being done in parallel work streams. WADA was prioritising the work and was starting to implement changes. Users would not see anything that year, but would see a number of changes that would be frequent and would increase over 2017. That summarised the situation. He was very aware of the fact that, due to the challenges, the new ADAMS initially planned for the end of 2016 was not in place, but he assured the members that, with the new strategy and the flow of work being done in parallel, users would see changes in ADAMS on a regular basis starting in 2017. That concluded his short report.

PROFESSOR ERDENER informed the Executive Committee that the sport movement supported WADA in increasing its security, especially in relation to ADAMS and the privacy of athletes' medical information. For assistance on the matter, the IOC's chief information and technology officer had offered to review WADA's strategy in relation to cyber security, and the Olympic Movement strongly recommended it.

THE CHAIRMAN said that Mr Pennell had been head of technology for the Olympic Games in London and he knew him well. He thought that WADA should encourage contact between the two technology officers, as two heads were better than one.

MR DONZÉ said that he was sure that WADA's new chief technology officer would be happy to work with his IOC counterpart.

DECISION

ADAMS update noted.

13. Any other business/future meetings

THE CHAIRMAN thanked the members for their attention and perseverance. He informed the members as to the meetings the following year. There was not yet a location for the September meeting. September would be a very complicated month, with the UNESCO conference of parties and also a long IOC session, and it might well be that WADA would have to have its September meeting earlier simply to get the work done in relation to its legal requirements on the List. In November, WADA had accepted an invitation from Korea to go to Pyeongchang, which would be hosting the 2018 Olympic Winter Games. On behalf of the members, he thanked the interpreters, the audiovisual providers and staff at the centre, and finally two people whose last WADA meeting it was. Professor De Rose had been with WADA on behalf of ANOC for 17 years, and must have been very proud to see the ceremonies in Brazil during the Olympic Games. He also thanked Mr Kasper, who had been his friend around that table for many years. He thanked Mr Kasper principally on behalf of the winter federations and SportAccord for all the work he had done. It had been a good day and he thanked everybody very much indeed.

DECISION

Executive Committee – 17 May 2017, Montreal, Canada;

Foundation Board – 18 May 2017, Montreal, Canada;

Executive Committee – between 22 and 24 September 2017, date and location to be confirmed;

Executive Committee – 15 November 2017, Pyeongchang, Republic of Korea, date to be confirmed;

Foundation Board – 16 November 2017, Pyeongchang, Republic of Korea, date to be confirmed.

The meeting adjourned at 4.30 p.m.

FOR APPROVAL

SIR CRAIG REEDIE
PRESIDENT AND CHAIRMAN OF WADA