

**Minutes of the WADA Executive Committee Meeting
17 November 2015, Colorado Springs, USA**

The meeting began at 9.00 a.m.

1. Welcome, roll call and observers

THE CHAIRMAN started the meeting that morning by complimenting all those who had managed to arrive after a surprising early snowfall in Colorado. A number of colleagues were still somewhere in the western half of the USA, and with a bit of luck they would all be there later that morning, or in the afternoon, or hopefully for the Foundation Board meeting the following day. It was an unusual start to a meeting. WADA lived in very interesting times as an agency with its particular responsibilities, but also in very dangerous times, and one of the absentees that morning was Ms Fourneyron, who was a deputy in France, and he asked the members to stand for a few moments in memory and recognition of the terrible events that had occurred in Paris earlier that week.

There were more planning issues that morning than normal. Mr Pound, whose commission was on the agenda, was in the air and on his way, and it would be a good thing if Mr Pound were there to present his report and then to deal with a number of questions that he thought would arise, particularly relating to the recommendations that he had made and that affected WADA. Ms Scott would call in as she had done before. She had personal issues, which meant she could not be present. Regrettably, there would be no report from the Health, Medical and Research Committee, as Ms Fourneyron was marooned in Paris and Dr Rabin had got as far as Chicago before being marooned, and he had to be in Brussels for meetings with the pharmaceutical industry over the next few days, so Mr Howman would be giving the Health, Medical and Research Committee report, which was likely to make it slightly shorter than usual, although he is absolutely certain that it would be just as accurate.

He started with a piece of really good news. The members would recall two meetings previously, at an in camera meeting of the Executive Committee, the members had faced up to the realisation that Mr Howman's contract with WADA would come to an end sometime in the middle of 2016, and a small group of members had been put together to find his successor. WADA had advertised the position, received 89 applications, reduced that number to 17, and the group had interviewed 6 high-quality candidates and the unanimous decision had been to appoint as its incoming Director General, Mr Niggli, who was sitting at the end of the table with a smile on his face, he hoped, so Mr Niggli would take over when Mr Howman ended his mandate. In the meantime, there would be a six-month transition period during which time they would work together so that there would be a seamless transition. He thanked Ms Iannantuono for all her work in that process; it had been very professionally done. He congratulated Mr Niggli; everybody was excited that he would be taking over the position, and he hoped that Mr Niggli was too.

MR NIGGLI thanked the Chairman and everybody for their applause and congratulations. He was happy to take on the new challenge at a time when it was indeed challenging. He had been lucky to work alongside Mr Howman for many years, so he thought he was ready to take it on. He looked forward to it and, looking at the two athletes in the room, he really wanted to put all of his energy and skills into defending clean athletes and was happy to take on that challenge.

THE CHAIRMAN welcomed Mr Tomioka from Japan; he was the State Minister of Education, Culture, Sports, Science and Technology. The minister was very welcome, and he looked forward to working with him over the years. He hoped to welcome the minister from Côte d'Ivoire later on.

The following members attended the meeting: Sir Craig Reedie, President and Chairman of WADA; Mr Adam Pengilly, representing Ms Beckie Scott, Athlete Committee Chairperson,

ANOC Representative; Mr Matteo Vallini, representing Mr Gian Franco Kasper, IOC Member and President of the FIS; Mr Francesco Ricci Bitti, Chair of ASOIF; Professor Ugur Erdener, IOC Member, President of World Archery; Professor Eduardo Henrique de Rose, President, PASO Medical Commission; Ms Claudia Bokel, representing Mr Tony Estanguet, IOC Member and Member of the IOC Athletes' Commission; Ms Thorhild Widvey, Minister of Culture, Norway; Mr Albert François Amichia, Minister for the Promotion of Youth, Sports and Recreation, Côte d'Ivoire; Mr Michael Gottlieb, Assistant Deputy Director, White House Drug Policy Office, Executive Office of the President, USA; Mr Tsutomu Tomioka, State Minister of Education, Culture, Sports, Science and Technology, Japan; Mr Warwick Gendall, representing Dr Jonathan Coleman, Minister of Sport and Recreation, New Zealand; Mr Edwin Moses, Education Committee Chairman, Board of Directors, USADA, USA; Mr David Howman, WADA Director General; Mr Olivier Niggli, Chief Operating Officer and General Counsel, WADA; Mr Tim Ricketts, Standards and Harmonisation Director, WADA; Mr Rob Koehler, Education and NADO/RADO Relations Senior Director, WADA; Ms Catherine MacLean, Communications Director, WADA; Dr Alan Vernec, Medical Director, WADA; Ms Maria José Pesce, Latin America Regional Office Director, WADA; Mr Rodney Swigelaar, Africa Regional Office Director, WADA; Mr Kazuhiro Hayashi, Asia/Oceania Regional Office Director, WADA; and Mr Frédéric Donzé, Director of the European Regional Office and IF Relations, WADA.

The following observers signed the roll call: Eva Bruusgaard; Rune Andersen; Andrew Ryan; Christian Thill; Richard Budgett; Anders Solheim; Travis Tygart; René Bouchard; Tetsuya Kimura; and Ichiro Kono.

– **1.1 Disclosures of conflicts of interest**

THE CHAIRMAN asked the members if they had a conflict of interest on any item to be discussed on the agenda. As there were no declarations of conflicts of interest, the members could proceed with the meeting.

2. Minutes of the previous meeting on 16 September 2015 in Copenhagen

THE CHAIRMAN drew the members' attention to the minutes of the previous Executive Committee meeting, held in Copenhagen on 16 September 2015. The minutes had been circulated, and he was not aware of any written observations that had been brought to the attention of the WADA management. If nobody had comments on them, he assumed that they could be accepted as a true record of the meeting.

DECISION

Minutes of the meeting of the Executive Committee on 16 September 2015 approved and duly signed.

3. Director General's report

THE DIRECTOR GENERAL informed the members that attached to his report was the report he had given to them in September, the reason being that the Foundation Board members had not seen that, so the following day he might have an elongated report to give to the Foundation Board.

The first issue he wished to talk about was the conference of parties convened by UNESCO in Paris at the end of October. One of the lessons learnt again from the conference was that the UN bodies had procedures and protocols that were quite different from sports bodies. Significant time had been spent at the conference debating the language for the final resolution of the conference. The WADA Vice-President had delivered a keynote speech; he had made a lengthy presentation on the activities of WADA since the previous conference of parties in 2013. There had been some pretty interesting questions from the floor from states parties, chiefly around the efforts to deal with members of the athlete entourage but also what he would describe as the public health issue confronting governments, as they realised

that doping was not confined to elite athletes and was an issue that affected them all. The following day, a presentation would be made to the Foundation Board by one of the UNESCO management team members, reporting on UNESCO's perspective.

There were two issues in which the members had been interested in September, the first being the compliance programme run by UNESCO. A report had been received and a decision taken by the conference of parties that the director general of UNESCO would write formally to those who had not filed any compliance report. The policy project, which Mr Ricci Bitti had asked about consistently over the years, had been provided to the conference of parties in part; in other words, it had not been completed, and UNESCO was seeking more money to ensure its completion. That day, WADA had received the reports that had been tabled and he thought that it would be useful to send them to the members so that they could see what had actually been achieved. He had not yet had an opportunity to read them in detail, but there was some interest in them and some progress had been made towards developing policy, not legislation, but the policy that should be behind subsequent legislation. That was the current position in relation to UNESCO.

Regarding the WCO, again, that was timely, and he had had a note the previous day from the director general of the WCO, who would be travelling to Montreal and wanted to meet on Monday or Tuesday the following week. WADA was still trying to get a secondee to the WCO in Brussels. For WADA to develop the kind of work seen in the Independent Commission report to deal with matters that customs officials saw on a day-to-day basis, it was most important to have somebody at the office in Brussels. Mr Niggli had recently been engaged in discussions with the French Government, and he was hopeful that that might end in a person being seconded by France, but WADA was still looking.

He had mentioned the NADOs in larger countries that were of greater concern to WADA, and he mentioned that because Mr Koehler reported more thoroughly about those NADOS that WADA felt needed more work done to ensure quality programmes. The first of the two countries mentioned in his report was Brazil. His report was self-explanatory and there was much more to be considered in the Compliance Review Committee's report, to be presented later in the agenda. He did not want to say any more in relation to Brazil, nor did he think it was appropriate to receive questions on Brazil; that would fall to Mr Bouchard when he presented his report later that day. He could tell the members that testing was being done in Brazil by the NADO and the NOC, and Professor de Rose could correct him if he was wrong, and WADA knew through the information received via ADAMS that there had been five positive cases over the past month or so; so, from an athlete perspective, testing was being conducted.

The other country in his report was Kenya, and there had been a lot of talk but little action in that country. WADA had spent a lot of money and time and many visits to persuade the government in particular to establish a NADO. What WADA had done, as a result of what he would describe as reticence to take that step, was ask the internal task force, the one responsible for compliance and which reported to the Compliance Review Committee, to send a letter to the government asking for a response on the various elements. Depending on that response, the matter would be referred to the Compliance Review Committee, so it was in the compliance programme approved by the members, and it was in train. WADA had seen, and he had received a letter that morning from the minister's office, that there had been a cabinet decision taken the previous day to establish the NADO and commit financial resources to that NADO. WADA would await the outcome of the questions so as to get a formal response and then he would be able to report again later in relation to the progress that might be taken.

Regarding the major leagues in the USA, WADA had hoped to meet with them that month, but other events had taken precedence, and the meetings had been deferred until the second week in February the following year. WADA would be meeting with the National Hockey League, Major Baseball League and National Football League, but WADA would not be meeting the NBA, not because WADA did not want to meet with them, but because they did

not want to meet WADA, despite encouragement from Mr Baumann at FIBA. They had been relatively abrupt in their response to WADA.

He had mentioned food contamination in his report in September and he had hoped that Dr Rabin would be present that day to take it up. There had been more discussions in Mexico, with the government, the health department and those conducting research into the topic. WADA had not been impressed with the speed at which they were conducting the research, so had given them a spur to try to drive it forward, and would hopefully achieve that, as it was becoming a problem in Mexico which was increasing and not decreasing. That meant that athletes who went to Mexico and ate beef from the wrong place could end up testing positive for clenbuterol. Many of the farms in Mexico were run by the underworld, and they got better prices for their beef by injecting it with clenbuterol before it went to market. That was a problem and it had to be addressed. In other words, if somebody tested positive for clenbuterol, would it be possible to distinguish between contaminated food and the ingestion of clenbuterol itself?

He had raised the issue of national federations in his report at the previous two meetings, and WADA still had some issues. It was a matter in progress. The issues included the fact that, in many countries, the NFs were still conducting the testing programmes themselves and therefore doing result management, so there was no agreement or arrangement with the NADOs in those particular countries. WADA was most concerned about the fact that many of the NFs did not have rules that were compliant with the Code or with the IF parent. There were therefore difficulties in the result management stage if WADA tried to appeal, because the tribunal immediately said that the NF did not have the IF's rules and therefore nothing could be done about it. WADA was discussing that with the IFs and knew that many IFs had wide encompassing rules that said that all members must have rules in line with their own and WADA wanted to encourage that and see how to develop it, and would continue that work in conjunction with the IFs.

He had mentioned the possibility of a think tank in his report and he had been approached by several members who had said that they would like to see that developed. He would be interested to know from the members whether that was something that ought to be looked into at the time of the September Executive Committee meeting the following year in Poland (he had talked to the Polish friends who would be quite happy to include that, so that there would be a two-day programme in Poland) or whether it should be put off to 2017 and run as a standalone conference at which current issues were raised and debated, so he left that for discussion.

He mentioned the Independent Observer programme. The members would have seen perhaps through media comments that the Independent Observer report from the European Games had been published and it was on the WADA website. It was a good report and he thought that, as a result, WADA would be working closely with the Azeri NADO to see that it developed its own internal programme. There was a report from the Pan American Games, which had also been very successful, and it had been signed off. The programme had gone well and the relationship with the organising committee, and in particular the medical commission, had been outstanding. Then there was a report from the All Africa Games, for which regrettably the same was not the case. There was a report, which was pretty critical. There had been a response to it from the African Union accepting the criticism and offering to work with WADA before the next event. The major distinction between the All Africa Games and the other continental events was that that event was run by the governments and not by the Olympic confederations; as a result, there were some problems in the way in which the event was organised, so WADA would need to take heed of that in terms of the next All Africa Games and what might be done by the WADA Independent Observer team.

Those were the issues he had wished to raise in conjunction with his report.

MR TOMIOKA said that, in October, he had been appointed State Minister for Education, Culture, Sports Science and Technology, as well as for the Tokyo Olympic Games and

Paralympic Games. He represented the Asian region at the Executive Committee and Foundation Board as a member. He was also a physician and, from a medical perspective, he intended to do all that he could to protect athletes from harm. He thanked the Independent Commission, and he understood that, following the findings of the commission, WADA had taken the hard decision of temporarily suspending Russia and the laboratory, and he wanted to wait and see what Russia would do in the future. In order to eradicate organised doping, he believed it was necessary to further reinforce the WADA system and build better relationships with national sport federations and governments. Doping in sport not only tarnished the spirit of fair play and the integrity of sport, but it also damaged the health of the athletes. Doping in sport should never be allowed. As the host nation of the 2020 Tokyo Olympic Games and Paralympic Games, Japan intended to continue to work for the further advancement of sport by firmly supporting international efforts to protect the integrity of sport, including the work of WADA and its anti-doping activities. Earlier, there had been a report on the possibility of a think tank. Japan also intended to be very active in participating in such endeavours, including the think tanks.

PROFESSOR ERDENER thanked Mr Howman for his important activities and comprehensive report. He wished to talk about the UNESCO convention on behalf of the Olympic Movement. Again, little progress on the adoption of Code-compliant legislation had been seen. He wondered whether UNESCO was the right forum to achieve the objectives of the Code, or could the public authorities help with regard to the matter? In his opinion, tremendous efforts were still necessary with respect to concrete implementation of the convention, in particular by adopting relevant and efficient legislation, which had to be in line with the Olympic Movement and WADA's expectations under the Code.

MS BOKEL thanked Mr Howman for his report. Regarding food contamination, she was actually quite worried to hear that the situation was getting worse instead of better. Therefore, were there any timelines that Mr Howman could give in terms of when certain achievements might be made? He had said that achievements were on the way, but maybe he had some concrete timelines.

Her second question was on the think tank. She supposed it depended on the terms of reference and what WADA wanted to achieve with a think tank. WADA had a lot on its plate and would have to see how that would best fit in. Therefore, she wanted to know a little more about the results of the think tank held in 2009.

PROFESSOR DE ROSE confirmed that a lot of tests were being performed in Brazil by the NOC; the ABCD was doing some tests and the IFs were also doing a lot of tests, so he could assure the members that there was no problem. On the other hand, he understood that a WADA group had gone to talk to the government about the regulations that needed to be implemented, and he was a little concerned about the deadline because, in the Southern hemisphere, it was summer in December, January and February, and the department concerned did not work very actively at that time, although he believed it would do its utmost to provide a good response to WADA in terms of Brazil's legislation. Regarding Rio 2016, the test events were taking place. Out of over 40 test events, some 15 had been carried out, with doping controls taking place at most of the test events. The only concern was about what would happen if the ABCD were declared non-compliant, as WADA needed the laboratory to perform testing at the Olympic Games. The alternative would be very difficult.

MR RICCI BITTI had a question. He did not want to repeat what he said all the time about UNESCO, as he even got tired of it himself, but he wanted to make a comment about the NFs, and asked the Director General to frame the item a little bit more, distinguishing between when the NF acted on behalf of the IF (according to its constitution) and when it acted autonomously. The second case was very dangerous, and there was a huge difference between the two.

MR PENGILLY followed up on the Kenya issue and encouraged WADA to move it forward. At the previous meeting in May, his colleague Mr Estanguet had raised the issue that it was of

concern for athletes, and since then the nation had done exceptionally well, topping the table in the World Athletics Championships. He thought that everybody wanted assurance that they could do that as cleanly as possible.

THE DIRECTOR GENERAL responded to the Japanese minister and thanked him for his comments. Some of the comments would be relevant to subsequent items on the agenda and he would not respond to those. He thanked the minister for his support to the idea of a think tank and he would return to that when he responded to Ms Bokel's question.

He told Professor Erdener that it was difficult for him to report on UNESCO because he was not a UNESCO person, but the question was valid and Professor Erdener could ask it again to the UNESCO representative the following day. It was a public body and ought to be reporting publicly in the way described by Professor Erdener. He was not aware of the policies and protocols that UNESCO had to follow to get to that situation. It would be a very good question to ask the following day. He was not ducking the question; he was just not in a position to answer it himself. He could report that he had had a very fruitful meeting at UNESCO with the new assistant director general, who wanted to effect some change to the way in which the convention was run. He had asked her to go to Montreal so that the discussion could be continued. She had suggested that he go to Paris, so they were working on a convenient date to undertake such a discussion.

He could only agree with Ms Bokel's comments about food contamination. It was a very serious issue and it needed to be addressed very seriously. WADA did not have the wherewithal to do it itself; it needed the cooperation of the Mexican Government. What had concerned WADA was that it seemed from reports, particularly from FIFA, that perhaps the contamination had spread to other Central American countries. WADA wanted to make sure that, if that was the case, WADA would be able to deal with it. He agreed totally with what Ms Bokel had said.

WADA had had a think tank in 2009 and another in 2010, and some of the outcomes had been the introduction of a conflict of interest policy, which WADA had not had until that time. WADA had asked its Ethics Commission to be more engaged in the way in which the Code was reviewed. WADA had wanted to ensure that research projects were published more widely, as there had been a lot of discussion about the fact that a lot of research was being carried out but nobody was aware of the results. There had been several discussions on issues related to the Code and the rules, which had been timely in terms of the subsequent Code review. People wanted simpler rules; athletes had wanted an athlete guide, WADA had delivered the athlete guide, and he knew that Ms Bokel was among those who had ensured that that had occurred. WADA had been asked for responses to questions such as how to incentivise anti-doping programmes to ensure that those who WADA knew were cheating were being caught. WADA had also been asked to look more closely at the issue of prevalence, and had tried to but had been somewhat unsuccessful, so was trying again, and was looking at ways of how to encourage governments to look at the issue of doping as a public health issue. That had led to the conference convened by Professor Ljungqvist in Stockholm three or four years previously. A number of such issues had been raised and discussed. Then there had been other more technical matters, such as whether WADA should still be collecting or dividing the sample into two bottles. That had led to a subsequent debate when WADA had been reviewing the Code. Then, WADA had been asked to look more closely at team sports, as it had seemed to people at the think tank that WADA was concentrating more on individual sports than on team sports, and there had been a request for WADA to engage in discussions with the team sport federations, which had been done, not that there had been much of an outcome in terms of the way in which the Code was reviewed, but WADA had done what it had been asked to do. Then, WADA had been asked what it should do to progress investigations. The members could see the response to that. Those were several of the issues that had come out of the discussions and he thought that they had borne fruit.

He told Professor de Rose that it was not up to him to talk about compliance in Brazil. He thought that it would be helpful if Professor de Rose could talk about that to Mr Bouchard when he presented his report.

He told Mr Ricci Bitti that he must also be getting tired about UNESCO. It would be the last UNESCO conference of parties that he would attend, and he was somewhat grateful for that. Mr Ricci Bitti was correct about the issue relating to NFs. There were many NFs that looked after their members very well, and they adhered to the rules of the IF. There were some that did not and behaved slightly autonomously, and that was the problem. WADA needed to think of ways and means of ensuring that that did not continue.

He told Mr Pengilly that he agreed with the comment made, and that was being progressed in the way in which he had suggested through the Compliance Review Committee.

He added his personal congratulations to Mr Niggli on his appointment. He had known Mr Niggli for many more years than most people around the table and he looked forward to working with him as he progressed towards his departure. He knew that a seamless transition would be achieved.

THE CHAIRMAN observed that perhaps there should be a meeting to find out the date of the party.

DECISION

Director General's report noted.

- **3.1 Independent Commission** (*N.B. this item appears further below in the minutes, after Item 9 – Legal, to reflect the actual timing/order of reporting on the day of the meeting*)
- **3.2 Criteria for directing immediate investigations**

THE CHAIRMAN referred to the fact that the WADA management had been asked to put together criteria for a decision to be taken by the Executive Committee on future investigations. He asked Mr Howman to speak to that as the draftsman.

THE DIRECTOR GENERAL observed that his paper really spoke for itself and he did not want to take up time by repeating what was in it. WADA's management had been asked by the minister from Norway to set out some criteria, and had done so. He understood that there might be some suggestions or comments in relation to the paper, and would be happy to hear those to see whether they could be implemented in an appropriate way.

MS WIDVEY stated that Europe would like to thank WADA for preparing the criteria. It was Europe's opinion that, to ensure the transparency of WADA's investigations and promote good governance, such criteria should be further developed. In particular, greater flexibility in launching investigations should be looked into, for instance, the possibility for an Executive Committee and Foundation Board member to request initiation of an investigation and also the responsibility of the WADA president to provide motivated justification when a requested investigation was not launched. Europe also thought it necessary to clarify which cost would be considered applicable for such investigation.

Speaking on behalf of the Olympic Movement, PROFESSOR ERDENER agreed with the proposal, it being understood that the information to the Executive Committee members allowed for sufficient time for such members to consider the elements and documentation provided in support of the investigation commission.

MR GENDALL said that Oceania agreed to delegate authority to the president to initiate urgent investigations subject to the proposed criteria. It was a very necessary proposal.

MR RICCI BITTI echoed what his colleague Professor Erdener had said. It was a big step forward, and the Olympic Movement strongly supported it.

MR GOTTLIEB thanked the management team for its quick work on the important issue and added his voice of support to the minister from Norway and the representative from New Zealand. It was an excellent first attempt, and he believed that there could be some more work done with respect to the role of the Executive Committee and Foundation Board members in terms of their request to initiate investigations where appropriate.

THE CHAIRMAN asked whether the members were happy with the current wording or whether they would want it expanded a little, as he had understood from the European governments. If they wanted it slightly expanded, how quickly could that be done? It appeared that WADA might be faced with goodness knew how many requests to instruct further investigations.

THE DIRECTOR GENERAL replied that he could add the requests from the European governments; he was not sure that anybody would object to an Executive Committee or Foundation Board member writing to the President and asking for the initiation of an investigation and, if not approved, the management would provide a reasoned response. That was quite simple. The answer to Professor Erdener was also simple: it was a case-by-case situation, so there would be some cases whereby confidential information was contained in the report and it might be necessary not to give too much notice, and there would be other cases whereby it would be very important to give plenty of notice. He thought that the management could incorporate the suggestion on a case-by-case basis, and the management could do that the following week and circulate the final criteria to the Executive Committee for approval by electronic vote if the members wished.

THE CHAIRMAN said that, if it was as straightforward as that, it should be possible to rewrite the clauses immediately and circulate the document so as to leave Colorado Springs with a new set of criteria in place.

THE DIRECTOR GENERAL replied that he would try to do it at morning teatime.

MR RICCI BITTI stated that he was happy about that. The Executive Committee did not meet every month, so it would be better to take the step forward and the amendments, if they improved the text, would be welcome.

THE CHAIRMAN thanked the members; he thought that it was a step forward, because it seemed to him quite clear from the mass of comments on the Independent Commission report that there would be numerous requests to investigate problems, and having some criteria was a good thing.

Subsequent to the coffee break, THE CHAIRMAN informed the members that before them they had an amendment to the criteria for future investigations incorporating the suggestions that had been made earlier. He had looked at it and it seemed to him that it covered all of the points that had been raised. If the members were happy with it, they could put that issue to bed and move on.

MR RICCI BITTI announced that he was totally happy about the addition on 6, but was slightly more reluctant about point 2, as it put the president in a very difficult position and was very broad, as any Executive Committee or Foundation Board member could make a request. He wished to understand the aim of the broad possibility, especially given that the money available was so limited and those investigations should be very select. That was his point, but it was a qualitative comment, as opposed to quantitative. It was a little bit too much that any member of the two bodies could ask the president, taking into account the money available and the seriousness of the investigations started, but it was only a comment for consideration by the team.

THE DIRECTOR GENERAL responded that it was not a request to do the investigation, it was a request to undertake a discretion, so the president still had the discretion to say no, and one of the issues he would consider would be the urgency of the issue, the cost of it and so on; he just needed to reply to say that he would not do it and explain why. It was covered by the full clause.

THE CHAIRMAN thanked Mr Ricci Bitti for his kindness and consideration. He hoped that WADA would never have to do any more investigations, in which case the president could have a happy life thereafter.

DECISION

Recommended criteria for directing immediate investigations approved.

– 3.3 Olympic Summit outcomes – anti-doping

THE CHAIRMAN said that, every now and again, the IOC president called together for a relatively short meeting the senior people in the Olympic Movement, presidents of senior IFs and presidents of senior NOCs, and out of the meeting held on 17 October had come the suggestion that it should be possible to try to change the system of testing to make it 'more independent'. He had been asked as the President of WADA if he would be prepared to undertake the research on the issue, and he would be very grateful if Professor Erdener would either correct him or support him in what he said. It had seemed to him that it would have been very wrong for him to say anything other than yes; if a major stakeholder wanted to have some research done or changes made or progress made, he could not deny the stakeholder that opportunity. After the meeting, when that had been a relatively short item, and some advantages had been mentioned, he had written to the director general of the IOC and asked for additional information, and the director general of the IOC had responded on 27 October. That correspondence was in the members' files. He had met with the IOC president the previous week in Lausanne, and he had been grateful and comfortable that that meeting should consider the implications of the suggestion. In public comment, it seemed to be rather more that WADA should take it on itself. He had been impressed by the public reaction that lots of people had said that the idea was well worth looking at. There was a degree of interest in the suggestion. He thought that that was the situation. Having had a brief opportunity to discuss it with some of his colleagues and WADA management the previous day, it was clear that it was actually quite a complex issue. Therefore, out of the discussion to take place, he would like to see a road map of the way ahead on how to fulfil the request being made of WADA and how to move it forward, as it might well be that WADA would identify issues that had not been fully discussed, or there was a view that it was a real step forward and that it should be advanced as quickly as possible. With that introduction, he would be very happy to hear from members of the Executive Committee. The procedure would be that the Executive Committee had the right to examine it and take a view on it and then present that to the Foundation Board the following day, and he thought that the colleagues on the Foundation Board might well have observations to make. He thought that the responsibility to move it forward lay with the Executive Committee rather than simply deferring it to the Foundation Board.

PROFESSOR ERDENER explained that it was a proposal from the Olympic Summit held on 17 October in Lausanne and it was based on the Olympic Agenda 2020 recommendation 15, on clean athletes in general. The main idea was related to the new body for intelligence gathering and analysis, test distribution planning, testing, investigations and potentially result management were to be handled by a single body or operation in a centralised and harmonised manner. The ultimate objective was to increase the efficiency of the protection of the clean athlete. It was also, especially after some problems, related to disciplinary and sanctioning procedures with the cooperation of the CAS. Everybody knew that the IOC president, Dr Bach, had mentioned something about that matter. For instance, one of Dr Bach's comments was that more effort than ever should be made to make the whole anti-doping system independent, including sanctioning. He strongly recommended a new independent body under the control of WADA or the leadership of WADA.

MS WIDVEY stated that Europe wished to express its gratitude for the proposal to consider setting up an independent testing agency but also asked the IOC to provide a detailed rationale behind the proposal in order to prepare for a discussion on setting up a feasibility

study group during the Executive Committee and Foundation Board meetings in May 2016. She also wished to have some clarification on how intelligence and testing functions would be combined in a new agency and whether the funding could be assured by the sport movement. She also recommended that the experience of NADOs be taken into account.

PROFESSOR ERDENER noted that the proposal was to establish a working group to study all the details concerning the important body, and then there could be a decision at the next meeting. As to the financial situation, almost all the Olympic IFs reserved some money for testing in the first stage, and the IFs could support the project together with WADA.

MR GENDALL said that Oceania supported greater independence in terms of testing and supported the proposal that a working group be set up, because WADA could not take on the functions directly; it could not monitor and test at the same time, as it would be like asking the referee to play the game. The independence of a testing organisation, whatever it was to be, was supported, and he supported the proposal to set up the working group.

MR GOTTLIEB stated that, in light of the earlier comments, the USA would add its support to the creation of some kind of working group and urged that the composition include not only representatives from the sport movement but also from the NADOs, which were a key stakeholder, and the governments, as the broader the perspectives, the greater the likelihood that there would be buy-in from the stakeholders, and that would obviously include athlete representation as well.

MS BOKEL said that she had been at the Olympic Summit as chairperson of the IOC Athletes' Commission, and the athletes had fully supported the proposal. She assumed that involving clean athletes would not be an issue. It was very important that the sport movement look at the proposal, as it had received a lot of support from athletes worldwide.

MR RICCI BITTI informed the members that he had also been at the summit, and expressed his support for the investigation. He did not like the word 'independence', because he was always doubtful about the appropriateness of the term, which was abused as opposed to used. Having said that, some steps forward could be made and he was very confident that the working group would be effective on the matter. He had two remarks about the other side of the coin, his friends from the governments, and reminded the Executive Committee members that the investment in doping was largely made by the sport organisations. He remarked on what Mr Gottlieb had said: NADOs were a very important stakeholder; but, when talking about independence, there were some examples of the fact that NADOs should review the core of the concept. The Russian case was a very good example of that.

MR MOSES agreed about the discussion on compliance, and also believed that WADA ought to do a governance audit on itself as well as all the elements of drug testing that all the major bodies were participating in. He still had a hard time with the IOC running its own testing programme at the Olympic Games without the proper governance and compliance in place for quite a long time, and the report that Mr Pound and his commission had produced went right to the core of the failures and the vulnerability of all of the drug testing components in the world. WADA needed to do a professional audit and compliance audit on itself in terms of all drug testing, and he would like to see a commission or a committee or WADA itself engage people to look at that and then report back to the Executive Committee.

THE CHAIRMAN reacted to Mr Moses' final remark. That seemed to him to rather widen the suggestion that was before the members. He personally had no objection to putting together some form of governance audit; it would have to be done by independent outsiders. WADA could not do it itself. The specific issue was a specific request, as far as he understood it, on the testing programme, which he suspected was only part of the governance scenario being discussed. Was the description of a governance audit for WADA along exactly the same lines as working out how to improve the testing and anti-doping processes?

MR MOSES responded frankly that he had been in Russia in 1989 with the USOC to take the first HP computers over, and to set up the programme, and there had been very long and

quite frank discussions, and he thought that Mr Portugalov might have been around at that time, and they had made it clear that they had been under mandate to dope their athletes. He had seen all the books, all the names, the drugs, everything. That had been in 1989, and he just thought that, due to the fact that there was currently such a calamity with the drug testing programme in Russia, the report stating the levels of collusion that had been obvious to him for some time laid out the fact that there was another major IF that had been doing its own testing, talking about the independence of testing and not doing it for generations of athletes. It had got to the point whereby WADA could no longer afford to put its head in the sand; it had to start looking at it from top to bottom without delay, because the way in which the report had been laid out made it quite clear that there had been corruption at the very high levels of the IAAF, at the very high levels of the laboratory and the ADO, and it made no sense to him not to have outside people from one of the top accounting firms do a complete audit. It was a bit late to continue to not look at some of the scenarios for what they were. That was his point. WADA could say that there was a delay or perhaps it did not fit with the strategic plan, or refer to the expense, but it was ludicrous not to do it from top to bottom at that point. He did not think that things could get much lower in terms of the credibility of the agencies reported on and the report and, if WADA was not careful, it would be the credibility of WADA. He wanted to go on record and say that he thought that was what was necessary. He represented a lot of athletes, and he had quite frankly seen a lot in his life; it was no accident, and needed to be addressed at a high level as soon as possible.

MR PENGILLY said that the discussion had been going on and some had mentioned just testing and Professor Erdener had quoted Dr Bach, saying that more effort than ever should be made to make the whole anti-doping system independent, so getting the terms of reference right was key; but, if it was the whole anti-doping system, that sort of a review would be covered within the terms of reference of such a working group.

THE CHAIRMAN tried to sum up a little bit. If he sounded as if he were pushing things back, it was a little bit deliberate because, when WADA discussed the Independent Commission, WADA would be discussing a number of absolute and detailed decisions that had already been taken. The Moscow laboratory was provisionally suspended. There would be an issue under compliance later on that day. WADA was not sitting back doing nothing about that. It was one of the organisations that had the most authority to do something about a particular issue, which Mr Pound had had to deal with, which was that of track and field athletes in Russia. As part of that process, Mr Pound had unearthed absolutely unacceptable behaviour from senior members in one particular IF. WADA as an organisation did not have the powers or the opportunity to conduct criminal investigations, so the commission had passed that particular information to the correct authorities, and it was being dealt with by Interpol and the French police. As far as he was concerned, in terms of moving the whole system forward, it seemed to him that it would be quite difficult to resolve everything with one working group, and he wondered whether WADA might not start by trying to clearly identify, in a small technical group of experts from the IOC, IFs and WADA, precisely what the technical issues were in doing that. Once WADA knew that, it could then bring governments into the issue and decide how they would come in. He took on board a little of what Mr Gendall had said, that he did not think that WADA could do that itself. First of all, WADA had to know in detail what it was being asked to do and then decide whether it could do it or whether another body under WADA's control, with WADA's assistance or funded by somebody else was going to do it. If the members were happy, he was sure that WADA could progress it. And it would be at the second stage, when involving NADOs and when there was a clear idea of how to progress, that one would begin to look at the whole world picture. WADA would be dealing with the specific issues for which an investigation commission had been set up, and that was to deal with the Russian anti-doping authority's systems, an IF and track and field and athletics in Russia. Would that help move it further? He thought that WADA had been asked to do that. There was a great interest in doing that. WADA should not just sit back and do nothing. He accepted absolutely what Mr Moses had said. The rest of the world was saying that quite clearly it did not work universally and asking what WADA was going to

do about it. WADA had the opportunity to do that, but should deal with the complex details first and then the wider decision. If it took a few months to get the details correct, and then a working group was put together to get everything else correct, then so be it. At least WADA would be seen to be taking steps in the right direction. If the members were happy with that as a way of moving forward, he was sure that the summer IFs would be happy to contribute, he was sure that the IOC would be happy to contribute and he could guarantee that WADA would be happy to contribute.

DECISION

Further fact-finding is required to determine the scope of the IOC proposal. WADA, along with the IOC and representatives from the IFs to establish a small working group to define the issues requiring a feasibility study, and any terms of reference for independent testing. This group to report to the May meeting.

4. Operations/management

– 4.1 Executive Committee appointments 2016

THE DIRECTOR GENERAL informed the members that the first issue was the report on who would be on the Executive Committee for 2016. There was a list of names that had been received. There were two gaps for the following year, one for the representative from the Americas and the other for the representative from Asia, and he understood that there would be meetings later in the day, so that would be completed by the time of the Foundation Board meeting the following day.

DECISION

Executive Committee appointments 2016 noted.

– 4.2 Foundation Board

4.2.1 Memberships 2016

4.2.2 Endorsement of composition for Swiss authorities

THE DIRECTOR GENERAL said that the members had a paper before them indicating the composition for the Foundation Board the following year and the terms. More important was the endorsement of the composition of the Foundation Board that day for the records for the Swiss authorities. A decision from the Foundation Board would be needed, and therefore a decision was required from the Executive Committee that day.

DECISION

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

– 4.3 Standing committee memberships 2016

THE DIRECTOR GENERAL informed the members that they had received a list of the standing committees that morning. The process was that WADA asked for nominations, and the nominations for each of the four working committees were considered by the chair of the committee along with the President and himself. They had a duty under the constitution to ensure gender balance, balance between sport and governments and individual countries or

continents to ensure balance around the world. The aim was to achieve that, and he informed the members about the way in which the groups were formed. The Athlete Committee composition had been put to one side as the nominations came from sport and governments but, looking at the nominations for the other committees, there were 16 representatives from government and 18 from sport and three nominated by both governments and sport. The overall composition of the committees including the Athlete Committee was 20 women and 35 men, and the continental breakdown was 6 from Africa, 13 from the Americas, 9 from Asia, 22 from Europe and 5 from Oceania. There were two observers; they were not counted relating to the process, but WADA did have representatives from a number of countries, and he would not go through the list, but there were about 30 countries represented on the particular working groups. The groups were not for approval but for the members' information and they would be supplied to the Foundation Board the following day so that everybody was aware of those groups going forward. There was also annually a selection of expert groups, the List Committee, the TUE Committee, the Gene Doping Committee, the TDSSA Committee and so on, and those groups were determined in conjunction with the chairperson of the Health, Medical and Research Committee in particular. WADA asked experts to join the committees. They were not nominations; they were experts who were invited to join because of their expertise, so there was no representation. Those groups would be announced before the end of the year; WADA needed to invite people to be part of them, and was awaiting their response.

THE CHAIRMAN asked if there were any observations.

DECISION

Standing committee memberships
2016 noted.

– **4.4 Translation of meeting minutes**

THE DIRECTOR GENERAL referred to the issue raised regarding translation. WADA had been translating the meeting minutes into French. It was getting quite expensive. A proposal had been made suggesting that there was another way for French-speaking people to read about the meetings, which was to provide them with a transcript. It would give French-speaking people an opportunity to see what had gone on in the meetings through the transcript. He believed that it was a more cost-effective way of providing information from the meetings, bearing in mind that the official language for minutes was English. His suggestion was to adopt the recommendation contained in the paper. He would be happy to receive any questions.

THE CHAIRMAN said that it seemed to him to be a practical and effective way of dealing with the issue.

DECISION

Proposal regarding translation of meeting
minutes approved.

5. Athletes

– **5.1 Athlete Committee Chair report**

THE CHAIRMAN welcomed Ms Scott to the meeting. Mr Pengilly was present in the room should any further clarification be required.

MS SCOTT thanked the members for allowing her to present the report via teleconference that morning. She really appreciated it. She had a very difficult and challenging family situation at the moment and, as much as she wanted to be in Colorado, she had been unable to leave, so she really appreciated the members' understanding and flexibility in allowing her to participate from a distance.

The members had the minutes from the latest Athlete Committee meeting in their files, so she would take them through some key points and highlights from the meeting held in Montreal in October and some points worth noting. Mr Pengilly had attended the meeting, so any questions that arose later in the day could be dealt with by him.

In terms of the activity summary from the members, she would not go through the entire list, but informed the Executive Committee that WADA continued to have a very engaged and active Athlete Committee, and nearly every member was actively involved, promoting or working towards doping-free sport in some capacity in their country or sport, and continued to bring a lot of ideas and thoughts and issues and input to the table, so she was really pleased and grateful. There was an ongoing high level of interest and engagement with the committee, which made her life easy and enjoyable. The members would see all the activities in which many of the members had taken part over the past year.

One of the projects embarked on that year had been increased athlete engagement, so an effort to engage members of the athlete community outside the Athlete Committee, and really facilitate dialogue and a two-way street of communication to disseminate information and get information back. In keeping with that, the Athlete Committee had sent an e-mail out to all IF chairpersons and committees and commissions with which it was in contact, asking them for input, concerns or thoughts that they would like to see raised at the meeting. That had been pretty successful, garnering 27 responses from 14 different athletes around the world, all of which were serious, thoughtful and very interesting, and the Athlete Committee was in the process of responding to each in detail. What was notable was that over half had come from the IAAF so, obviously, there had been big concerns throughout the athlete community prior to the investigation report coming out. WADA's Athlete Committee continued to reach out and contact the groups personally, and she really felt that that could be seen as a big vote of confidence for WADA and the work being done, as athletes did feel comfortable coming forward, they did feel comfortable liaising with the WADA Athlete Committee, and they did believe that the work being done was worthwhile and wanted to be a part of it.

As part of the Athlete Committee meeting, there had been special presentations and guest speakers throughout the day. First, Mr Koehler had given a breakdown of the Rio 2016 task force, fielding a lot of questions from the Athlete Committee members. There had been grave concerns expressed, and she emphasised that athletes were very worried about the persistent problems leading up to the Olympic Games that summer, and were really concerned about the readiness of Rio to facilitate a clean Olympic Games. That would come up in the outcomes as well. There had been an additional presentation on the Athlete Biological Passport by Dr Vernec, and he had fielded a lot of questions and interesting thoughts from the Athlete Committee. It had become very clear that the importance of ADAMS and the consistent use of ADAMS for all ADOs and the importance of that in terms of maximising the efficiency of the Athlete Biological Passport had got a lot of support from the Athlete Committee.

One of the other presentations had been on the hazards of supplements and dietary supplement use by Professor Ron Maughan. The presentation had been very interesting and the clearest conclusion reached was that there was no clear conclusion. It was a very complex and multi-level problem, and it had been very good for the Athlete Committee to hear about the complexity of the issues and where everything stood. The members had come away from the meeting re-committed to education and the importance of informing athletes about the issue and maintaining high levels of information and education for the athletes.

Another presentation had been given by Mr Ricketts on feedback on doping control officers, an interesting issue that had first been raised at the spring meeting by Andr anne Morin, and that had come up again via a member of the Czech Olympic athletes' committee, so the Athlete Committee was receiving complaints from athletes about the conduct of doping control officers and they wanted to voice their complaints and bring awareness to the issue, which included inappropriate behaviour and overfamiliarity, and the committee had discussed the issue of providing feedback to some body responsible for the doping control officers' performance and conduct. That had been a very in-depth and long conversation during which

the Athlete Committee had come up with a few proposals, which she would outline in the outcomes.

There had been another presentation on ADAMS. The Athlete Committee continued to be informed and involved in all the developments with the new ADAMS, and the committee was always interested in representing the athletes' voice in that element of the anti-doping procedure and wanted to see it as efficient and as user-friendly as possible. The committee had committed to take part in any area being developed specifically for athletes in terms of a feedback group or a working group, cooperating with Mr Kemp and the group developing the new ADAMS. That would be an opportunity for the Athlete Committee to be involved in the enhancement and delivery of a mechanism for athletes to facilitate easier participation in anti-doping. Again, the Athlete Committee had discussed the need for all organisations to be using ADAMS to ensure shared information and a better global anti-doping programme for clean athletes. That had been mentioned by various speakers and during various conversations throughout the day, coming down to the fact that everybody needed to be using ADAMS

There had been a presentation on the independent Compliance Review Committee. The members would be receiving a report and there would most likely be an in-depth conversation following that, but the athletes had been very interested and strongly supported the programme, and were keen to know what exactly was going on with the group and how they could support it.

Turning to the outcomes, the first was obviously that, as regarded the Compliance Review Committee, the proposal from the Athlete Committee was to lend its full support to the concept of insisting that all relevant stakeholders with jurisdiction take non-compliance seriously. The Athlete Committee had come up with a number of examples that it would like to see put into practice, such as not allowing bidding rights, not accrediting officials, and allowing no entry to other commissions. Obviously, it was for ADOs and IFs to decide, but the Athlete Committee really wanted to see strength and resolve in terms of enforcing and consequences for decisions of non-compliance.

The Athlete Committee also raised extreme concern (she said it at every meeting but would say it again) about Kenya and the lack of progress made regarding those issues related to anti-doping. She knew that it had recently become increasingly complex, but there was relatively little or no action and the Athlete Committee found it frustrating. It was hard to stand back and watch that going on.

She had mentioned that the committee would like to see all ADOs providing athletes with an opportunity to provide feedback on doping control officer activity. The committee would like to see a feedback mechanism added to the testing process, offering athletes an opportunity to provide feedback if they felt that behaviour had been inappropriate or if they wanted to report some concerns.

Again, there was another message of urgency regarding anti-doping rules and procedures in the lead-up to the Olympic Games in Brazil. Athletes were concerned. The committee also wanted to suggest that the supplements presentation by Professor Ron Maughan be considered and that he come and present to a WADA Foundation Board meeting. The athletes had found the information so valuable and interesting and educational that they felt that it would be worth taking Professor Maughan to a meeting of the broader anti-doping community to give them a sense of the complexity of the issue, which was that supplement use continued to increase and supplements should be noted as a concern for athletes.

Finally, the Athlete Committee strongly encouraged all ADOs to adopt ADAMS as soon as possible to ensure compliance. In those countries or ADOs that did not have compatible systems, the committee encouraged interconnectivity as a top priority. It affected so many areas of the anti-doping movement and was an important priority that needed urgent attention.

She concluded by saying that, if there was a meeting she would have liked to attend, it was that one. There were many interesting and important topics on the table or the next couple of days, and the WADA Athlete Committee was very interested to see and know what the decisions of the Executive Committee and Foundation Board would be. She thought that, looking around the table, athlete presence was important, as it was a reminder of the athletes outside the room who were really counting on the forces of the anti-doping movement to bring their full strength and resolve to the fight. WADA was at an important crossroads, and there were a lot of athletes really waiting and hoping that it would go the right way. She urged the members to keep those athletes front of mind and give them priority when discussing the important decisions that needed to be made. She would be happy to take any questions. If not, she reminded the members that Mr Pengilly and Ms Bokel would be present at the Foundation Board meeting the following day, representing the Athlete Committee.

MR PENGILLY added that the meeting in Montreal the previous month had been very constructive and the Athlete Committee had been very keen that the Executive Committee and the Foundation Board take strong action and that those stakeholders who were in a position to follow that up and who were the only ones in a position to act on the consequences really do so. He would not repeat what had already been said.

MS BOKEL thanked Ms Scott for her report. She did not have much to add, but she would be happy to answer any questions.

THE CHAIRMAN said that everybody had been impressed by the quality of Ms Scott's report. The Executive Committee had not yet dealt with the report on the Independent Commission which was the hot potato because Mr Pound, its chairman, was on his way from Montreal. He hoped that the athletes would be comfortable knowing that the Executive Committee had instantly provisionally suspended the Moscow laboratory, and there were lots of other recommendations coming from the Independent Commission report that would be taken seriously around the Executive Committee table that morning and, he was equally sure, around the Foundation Board table the following day. He assumed that all 328 pages of the report had been read, so Ms Scott would remember the comments therein about strengthening the compliance regime. To that extent, everybody was singing from the same hymn sheet. He had known Professor Maughan for many years, and wondered whether there wasn't a better way of getting his presentation to the athletes to more athletes as opposed to bringing him to a Foundation Board meeting. Why not use the electronic distribution systems that WADA had, so as to reach many more athletes as opposed to reaching effectively nominated officials? How would Ms Scott react to that?

MS SCOTT responded that she could not agree more. That was a great suggestion, and she agreed wholeheartedly that more athletes needed to hear the information that Professor Maughan had. Perhaps that was something that the WADA Athlete Committee could initiate, and maybe the IOC athletes' commission could consider it. There were often gatherings of athlete leaders worldwide, and that was an opportunity that should not be missed, so the Athlete Committee could definitely work to get his message out to more athletes. That was something that should be taken back to the committee for a decision on how to do most effectively.

MS BOKEL said that, in addition to Ms Scott's comment, Professor Maughan had already presented at the athlete learning gateway, which was the free education programme from the IOC coming out of Agenda 2020, and she would be happy to bring it up at the academic advisory board in December, as she thought that it would be of interest to include it as a topic.

MS SCOTT thanked Ms Bokel.

THE CHAIRMAN said that apparently Professor Maughan was already on tape from one of the WADA Talks interviews. The first stage in the process was under way. The limitation on Wada Talks was that WADA was never actually sure how many people looked at it. There had

to be a way of distributing the comments and advice that Professor Maughan had given as widely as possible, and he thanked Ms Bokel for her help.

He thanked Ms Scott and hoped that she would be able to get her skis out and enjoy the start of winter. He looked forward to seeing her soon.

MS SCOTT thanked all of the members for their understanding and flexibility. It meant a lot to her to continue to be involved. She wished the members a great couple of days and looked forward to seeing the outcomes.

DECISION

Athlete Committee Chair report noted.

6. Finance

– 6.1 Finance and Administration Committee Chair report

MR RICCI BITTI informed the members that he had given the same report in Copenhagen. As was traditional, the Finance and Administration Committee had met in July in London and discussed the major issues. The committee had received the internal control memorandum from the auditor and, once again, the auditor had found no control deficiency. The committee had reviewed the six months, and had discussed the special research fund and the budget structure for the following year. The Finance and Administration Committee had been required to consider a new operational reserve policy, which had been discussed and put to the Executive Committee, and that would be a matter for further consideration. Last, but not least, there had been discussion about the draft budget for 2016, and a conclusion had been reached on the issue of the 3% increase, including or not including the travel expenses of the members of the Executive Committee and Foundation Board, an issue again raised by the IOC.

DECISION

Finance and Administration Committee Chair report noted.

6.1.1 Remuneration Committee terms of reference

MR RICCI BITTI said that the Finance and Administration Committee had presented the terms of reference for such a committee in Copenhagen, and the members had some papers that had been developed at the request of some members of the Executive Committee, so the Finance and Administration Committee recommended them for approval. The committee represented progress in terms of governance; all major organisations, even sport organisations, had taken similar measures. Having a remuneration committee was a big step forward in terms of good governance, and that committee should obviously report to the Executive Committee, but should be charged for practical reasons with taking some decisions that had previously been taken in the office, so it was already a big step forward. The aim was to make more transparent all the operations in relation to the remuneration of the top people in the organisation and the general remuneration policy for all the staff members employed by the agency. For that reason, the terms of reference of the Remuneration Committee were before the members.

THE CHAIRMAN said that the point was on the agenda as it had been discussed in an in camera session. He believed that the Executive Committee had taken a decision that it wanted to do that and, therefore, he had written to the Executive Committee members accordingly. Ms Widvey had reminded him that she had raised it and he had forgotten. It was for that reason that it was back again on the agenda.

MR RICCI BITTI asked if there were any additional comments.

MS WIDVEY stated that Europe requested that the issue of the mandates of the WADA president be removed from the terms of reference and be presented for a separate decision of the Foundation Board according to article 15 of the WADA statutes.

MR RICCI BITTI said that a recommendation normally had to be made. That was what was being asked.

THE CHAIRMAN asked if the members were happy with the recommendation. He would be perfectly happy for the Foundation Board to deal with the issue of indemnities paid to him, which was a decision of the Foundation Board. He would perhaps state a preference that it not be discussed by the Executive Committee when there were so many other things to do, but that was a personal view. If that was what the statutes said, when he had joined WADA, his very modest remuneration had been done under the heading 'indemnities' and had come from the Director General, and he had carried on as if he were legal; but, if he were not legal, he would be very happy to be made legal. If the members were happy with the constitution of the Remuneration Committee, then the members could take the two issues separately.

MR RICCI BITTI wanted to understand exactly what the minister wanted. There was a proposal to improve the organisation. In the past, some of the matters had been dealt with privately, according to procedure. That was a proposal by the Finance and Administration Committee, that the matter should be dealt with like in all good organisations in a structured way, so it was a big step forward in terms of governance. He asked the members to support it. If they had comments, on the two items, the terms of reference and the composition, he would welcome them, but to him it looked very clear and straightforward.

MR GENDALL supported the proposal on the formation of the Remuneration Committee, as it was a necessary matter of governance and openness, and that was supported. He did not want to comment on the matter just mentioned by the minister from Norway, as that was something that should probably not be debated at that level, but he had been asked to request that the Executive Committee consider a proposal that there be approved a fourth member of the Remuneration Committee as a representative of a public authority, and that proposal had been considered that morning by the public authorities, which had essentially endorsed it. The reason was not because anybody was not independent; it was simply the policy of representation that underpinned WADA from its inception, whether it be the president, vice-president and so forth. There had always been the concept of representation, and the basis behind the proposal was that there always of course be representatives of sports and governments as president and vice-president, and that there be on that committee a further member representing the public authorities. He had been asked to advance the proposal that it be Ms Widvey from Norway on behalf of that group of members of WADA.

MR RICCI BITTI appreciated the comments and proposal, which could be accepted, on one condition. There were two parties in the organisation, and he agreed with having a fourth member on the condition that that member be a representative of the side not represented by the President. If there were two sides, the fourth member should be rotating like the president.

MR GENDALL agreed that Mr Ricci Bitti's suggestion made absolute sense, because it was simply a policy and an appearance of representation.

MR RICCI BITTI concluded that the fourth member would be appointed by those stakeholders not representing the side of the president, so the fourth member would rotate in the opposite way to the president. If the members agreed, the proposal could be amended to include the fourth member representing the side not represented by the president.

DECISION

Proposed terms of reference for the Remuneration Committee approved.

– **6.2 Government/IOC contributions update**

MR RICCI BITTI informed the members that the committee had examined the information, and WADA had received 97.55% compared with 96.5% the previous year, so contributions were slightly better than the previous year. He added the information from Ms Pisani, WADA's financial officer, that the Kenyan contribution had arrived that morning. It was not substantial but nonetheless it was an improvement. There was some shortfall from Italy, France and Mexico, and WADA was still expecting contributions from Cuba, Peru and Lebanon. There were as usual additional contributions, and to date they amounted to 710,413 dollars, and he again thanked the major contributors (the members had the list before them and he did not have to repeat all the names), mentioning Japan and Russia (which he was duty-bound to mention) and Kuwait.

He had mentioned the special contributions received for special research projects, amounting to 11.5 million dollars, and WADA had also received money from the public authorities, Olympic Solidarity, and the Republic of Korea in support of the new ADAMS and an IOC contribution in support of the RADOs. Those were special contributions.

WADA was well off in terms of standard contributions, had received 710,000 dollars in voluntary contributions and was at approximately 11.5 million dollars in contributions to the research fund, to be spent over the coming years in accordance with the members' decision. That was a summary of the contributions.

DECISION

Government/IOC contributions update noted.

– **6.3 2015 quarterly accounts (quarter 3)**

MR RICCI BITTI informed the members that WADA had a healthy balance; basically, there were 11 million dollars available but WADA still had to spend over the next two to three months, which would mean an unallocated cash balance at the end of the year of just over 5 million dollars, as stated in the cash flow agenda under item 6.4 of the draft budget. The special funds held in separate accounts in the WADA balance sheet in accrued income had not been spent but had been allocated (the Olympic Solidarity fund for the RADO, the development fund for ADAMS and the deferred income from reserve funds).

In terms of income, the situation was in accordance with the budget, but he did not need to spend time on the income as that came from the contributions, on which he had already spent a lot of time, so he turned to expenditure. The issue of the Independent Commission had taken a lot of time in September when the budget had been revised to 1.4 million dollars, which was a very substantial amount. WADA had spent 1.27 million dollars to date and expected to have something more to spend, so more or less the revised budget had been correct. There was a depreciation that was higher, and he turned to the big variances in the paper. Depreciation was higher than anticipated because it included the write-off of the paperless project, as the paperless project would be included in the ADAMS redevelopment, which was in progress. For the science research grant, expenditure was 3.1 million US dollars, and that was a little higher, and arose from the previous year's budget and was part of the commitment held. He repeated what he had said in September: the volatility of currency and especially the strength of the US dollar had caused an unrealised loss; he insisted on the fact that it was unrealised, but it was a loss because WADA had to buy Canadian dollars and the value of buying and spending for current expenses differed, so WADA had to look at some activities in order to limit that. Regarding capital expenditure up to September 2015, the largest investment was obviously due to the current ADAMS and new ADAMS, and only 45% of the capital budget had been incurred at 30 September; however, the project was moving and WADA had to spend more money. That was a summary of the paper. He had underlined only those items that showed some variance. Generally speaking, the situation was under control and WADA should close the year more or less as expected, in line with the budget.

DECISION

2015 quarterly accounts noted.

– **6.4 Draft budget 2016**

MR RICCI BITTI reminded the members that they had to make a recommendation to the Foundation Board the following day. He had received the position of the IOC, again insisting on going back to the 5% increase (3% plus 2% for travel) so that WADA would take back the cost of travel expenses. He had told his IOC friends that the proposal made sense but that the Executive Committee had discussed the issue in September and there had been two options: the 5% and the 3%. The latter had been approved, still retaining, at least for another year, such expenses on the WADA account. He reminded the members about the discussion and asked if the IOC representative wished to reiterate it.

PROFESSER ERDENER noted that there were two options. WADA could increase the budget by 5%, with WADA covering travel expenses, or increase the budget by 3% with travel expenses covered by both sides.

MR TOMIOKA stated that a decision had been taken at the Asia/Oceania intergovernmental meeting in June that year to approve the 3% increase for the following year's contributions. Further increases should be regarded as a last resort after all possible means and avenues for balancing the budget had been explored. As discussed, Mr Howman had proposed a think tank and the Chairman had presented an interesting proposal, which was a working group for the Independent Commission. In order to carry out those policies, WADA needed good expenditure planning that matched the income scrap and build approach in dealing with new and existing projects, lowering of non-payment rates of contributions, matching funds from the IOC to the public authorities' voluntary additional contributions and introducing external funds.

MS WIDVEY said that the 3% increase in the budget for 2016 had been recommended by the Executive Committee in September and was for approval by the Foundation Board the following day. She informed the Executive Committee that Europe supported the 3% increase in the WADA budget for 2016, an increase to cover the costs related to the Olympic Games in Rio de Janeiro. She also asked if a more detailed budget could be produced regarding the extra costs linked to the 2016 Olympic Games. Europe would ask WADA to give serious consideration to the zero growth of its budget for 2017 and 2018 and a commitment not to raise it by more than 2% compared to the 2015 budget.

MS BOKEL thanked Mr Ricci Bitti for his report. She had listened to Mr Ricci Bitti saying that the new ADAMS was a large part of the budget, which was very important to ensure that all athletes around the world would have the best way of filling in their whereabouts information as well as a lot of other things that could be done with ADAMS. The Finance and Administration Committee had had to revise the budget for 2015 due to the independent investigation and it was of vital importance that the budget be increased.

MR GOTTLIEB thanked Mr Ricci Bitti for his report. He knew that the Finance and Administration Committee and finance staff at WADA had put in a great deal of work, and it was reassuring to know that WADA was in such a good position. On behalf of the USA and the governments of the Americas, he was pleased to be able to add their voice in support of a 3% increase to the budget for 2016. Not long ago, the Executive Committee had been talking about flat-lining the organisation for 2016; the 3% increase was much needed and he was glad to be able to make those contributions the following year.

MR GENDALL added the congratulations of Oceania to Mr Ricci Bitti for the quality of the information presented. As he had stated in September, Oceania supported the 3% increase and also approved the proposed WADA budget for 2016.

MR RICCI BITTI thanked his colleagues for their support. He would go forward with the 3% proposal, postponing the consideration for travel expenses in accordance with the wishes of the IOC. Ms Widvey was correct: in September a position had already been taken, but he had to record that the IOC would like to go back to WADA covering travel costs, more out of

principle than for financial reasons. The IOC thought that it was better governance that the travel expenses of the top people in the organisation be paid by WADA. He was grateful for the members' support for the 3% budget. The figure that the members could see at the end, of 1.164, was not profit. It allowed WADA to pay the capital expenditure for ADAMS and to reinstate the 300,000 dollars that had been taken that year for the Independent Commission. He reminded the members that 300,000 dollars had been taken from the reserve, and WADA had to reinstate that money to be correct. The 3% allowed WADA to be alright again; it was not a profit. Having said that, WADA was in a reasonably solid situation. It was often rather surprising that there were always good ideas and think tanks but no money to run the organisation. He reminded the members that WADA struggled constantly, and ideas cost money, so he believed that the think tank should first consider the consequences of all the great ideas raised. The situation was not easy. The management was really struggling to progress things. He also understood the feeling of the government representatives, given the global economic climate, that there was a problem of exposure, but the 3% increase was requested because it was needed.

Going back to the budget highlights for 2016, to answer Ms Widvey, the Olympic Games budget was for 655,000 dollars, based on previous experience. He could send the minister more details if necessary. Then there was the conference for the RADOs, which was important. He had mentioned the four highlights for the following year, which included the RADO conference, which was increasingly important and would cost 150,000 dollars; the reinstatement of the litigation reserve, as he had mentioned, which had been taken that year for the Independent Commission, amounted to 300,000 dollars; all coming to a total of more than 1.1 million dollars. The draft budget included the 3% and 5% options. The 5% option did not greatly improve the situation, because travel expenses were calculated at 590,000 dollars for both the governments and sport representatives. Between September and that day, he thought that there had been sufficient information, but the finance department could answer in more detail about the breakdown of expenses for the Olympic Games if necessary.

For 2017 and 2018, the Finance and Administration Committee had produced different options, including a 2%, 3% and 4% increase, and the members would see that the figures produced were in line with the limits set in terms of depletion of the cash reserves of no more than 500,000 dollars. The 2% option was at the limit and the 3% and 4% options gave WADA a little more breathing space, but not that much. That was for the members' information. That was the exercise that the office had done for 2017 and 2018, always trying not to go to the operational reserve for more than 500,000 dollars. That was a rule that had been set. The cash projection clearly showed that the 3% increase would ensure sufficient funds to reinstate the litigation reserve in 2016 and increase the operational reserve slightly for 2017 and 2018. WADA worked with a reserve of just over 5 million dollars, which was two months' expenses, and the Finance and Administration Committee strongly recommended making an effort to improve the situation. It did not look as if it would be easy. In 2017 and 2018, the members would consider a 3% and 4% increase, and perhaps a slight improvement might be made with regard to the operational reserve. WADA currently worked on a two-month operational reserve. It was not a lot for a normal organisation, but it was what WADA did. The Finance and Administration Committee recommended six months. He believed that that was a big jump. It was too much to go to a six-month reserve, for which he would have to ask for much more than 3%. Sticking to the normal routine, he believed that the 3% and 4% options would give WADA some breathing space in terms of the operational reserve. That was the summary of his report.

He had to submit to the Executive Committee for recommendation to the Foundation Board the following day the nomination and confirmation of the auditors. The proposal of the Finance and Administration Committee was to confirm the present auditors and, if the members agreed, that would be the proposal that would go to the Foundation Board the following day. Proposals had been received from a number of auditors, but the Executive Committee had been informed that the Finance and Administration Committee recommended

retaining the services of PricewaterhouseCoopers. The Foundation Board would have to approve that proposal the following day.

THE CHAIRMAN asked the members if they were happy for the draft budget with the 3% increase to go to the Foundation Board and that PricewaterhouseCoopers be confirmed as the auditors. Mr Ricci Bitti appeared to be having a much easier time as Chairman of the Finance and Administration Committee than he had previously had, so he was lost in admiration.

For information only, and sport the world over had a habit of spending money before it raised it, he had asked the management, and WADA was in the process of completing the arrangements, to create a charitable foundation in the USA to raise a little bit of additional funding to meet outstanding expenditure, principally the Independent Commission and improvements to ADAMS. The arrangements were in place, the proper documentation was in place, negotiations with the internal revenue service were in place, and WADA had agreed to appoint an eminent chairman for the foundation. The rules said that the board had to have a majority of US citizens, which was entirely appropriate, and that WADA had to distribute 5% inside the USA if it distributed funds, which was equally relevant. He would go on Thursday with Messrs Howman and Niggli to a meeting in Boston, and WADA would be making every effort to raise a little bit more revenue. In his experience, the success in raising money was in direct proportion to the quality of the people who did the asking; it would not be him, because nobody in the USA had heard of him, but he had been speaking to a number of people with whom he had connections who he hoped were prepared to help. WADA would not be going to market until early 2016, so it would be a good thing if the equity markets improved strongly between then and the beginning of 2016. That effort was under way and, clearly, the management would report to Mr Ricci Bitti on whether it would be minimally successful, reasonably successful or hugely successful and, being a glass half full sort of man, he believed that it would be reasonably successful.

DECISIONS

1. Draft budget 2016 with 3% increase approved for recommendation to the Foundation Board the following day.
2. Executive Committee to recommend to the Foundation Board that PricewaterhouseCoopers be retained as auditors for 2016.

7. Education

– 7.1 Education Committee Chair report

MR MOSES personally welcomed everybody to Colorado Springs, which was the home of USADA and the USOC. For many years, there had been no opportunity to hold a huge amount of international events there, so he thanked the Director General and the Chairman for giving Colorado Springs the opportunity to host the Executive Committee and Foundation Board meetings because, as the members would see, they were in the middle of nowhere, and the weather changed all the time.

The Education Committee had had a very interesting year and quite a few successes. The 'win at all costs' mentality tended to threaten sport, as the members were aware, and education was becoming increasingly important. Everybody needed leaders to support education initiatives, as these were a critical element in the fight against doping in sport. The staff who made the Education Committee function as it should knew that prevention was the most powerful tool and had been examining lots of new different types of research and new ways to look at the psychology of what was going on to entice the athletes to do the wrong thing and, more importantly, to entice them to do the right thing. WADA had done a great job

in helping the Education Committee get the financing needed to provide new opportunities for research in that area.

An education conference had been held in Ottawa about a month previously, hosted by the Canadian Centre for Ethics in Sport. It had been fantastic to be there with a lot of education people and people from human resources, with 130 representatives from NADOs, RADOs, IFs, NOCs, lots of very interesting people around the world doing research and about 150 people live streaming the conference, so it had been very well attended. There had been a clear call to ensure more research-based education was being carried out and the need to measure effectiveness and the impact of the education programmes. Those were the two things he had heard from sitting on some of the panel discussions that people seriously involved in research and education wanted to see. They wanted to see quantitative results.

The Education Committee continued to be very satisfied with the work being done by the Education Department. It continued to find new people to partner with, connect the dots and develop new resources. There were a lot of new things going on in that area that were really cutting-edge and state of the art, as a result of drug testing and prevention and different theories about deterrents and so forth. There was a new generation of research, and a lot of people who were finding their way in the research field to come into the area of doping in sport. The Education Department was doing an outstanding job and the Education Committee really appreciated that.

Regarding social science research, the Project Review Panel and Education Committee had had an opportunity to review 19 applications from 12 countries, and he gave the floor to Mr Koehler to go through the research and the nuts and bolts of that.

DECISION

Education Committee Chair report noted.

– 7.2 Social science research projects

MR KOEHLER informed the members that there was an overview of the projects recommended for funding by the Education Committee in the members' folders; however, he wished to provide a brief overview of the projects being recommended by the Education Committee to the Executive Committee. The first project came from Professor Claessens in the Netherlands, and it focused on ethical decision-making, which, together with the right models put in place, was a major deterrent when it came to doping. The Education Committee had decided to fund the project because it built on existing research already carried out by the group, expanding it to a broader mandate and performing a pilot intervention. It would produce online learning technology that would strengthen online decision-making skills, enabling the athletes and coaches to learn more about how to empower themselves for proper and strengthened decision-making. It was not only a simple delivery; there would be testing over six- and twelve-month periods, and it had built in a strong relationship with the NADO in the Netherlands and with the NOC, so there was a strong partnership. For the project itself, 122,492 dollars were requested.

The second project came from a UK researcher, Professor Dimeo, and it was very timely, as he focused on the legitimacy of anti-doping projects and anti-doping programmes. Research had shown that, unless athletes really believed or understood that anti-doping programmes were legitimate, they would not buy in to them, so legitimacy was a key area, and support and trust needed to be built to prove to the athletes that the anti-doping programmes were legitimate. The project was not only theory but also involved practice; it was multidisciplinary. A total of 67,891 dollars were being requested for the project.

The third project was to build on and gather more information in terms of legitimacy to support the Dimeo project, and that was also from the UK and Professor Petroczi, who was looking at reinforcing and finding out more about how to build strong legitimacy programmes. It was a one-year project and a total of 15,943 dollars were being requested for it.

The Education Committee was seeking approval to fund those three projects for a total of 206,326 dollars, with the remaining funds of 93,674 dollars to fund targeted research in 2016, more specifically looking at using the research protocols developed to evaluate and determine the effectiveness of global anti-doping education programmes.

THE CHAIRMAN thought that what was being done fitted with the overall wish from everybody that the allocation of up to one million dollars for social science research be considered regularly with high quality projects throughout and, if that was the case, everybody could be happy with that. He knew Professor Dimeo; he had had nothing to do with his application, but he was certain that Professor Dimeo would be very happy.

DECISION

Proposed social science research projects approved.

8. Health, Medical and Research

– 8.1 Health, Medical and Research Committee Chair report

THE CHAIRMAN assured Ms Fourneyron that everybody was thinking of her. They were aware of the terrible days that had occurred and the ongoing situation in France. He told her that the weather in the western part of the USA had prevented Dr Rabin from being there. Dr Rabin was actually heading east rather than west to work for WADA in Brussels. To that extent, Ms Fourneyron was on her own. Mr Howman had volunteered to present the Health, Medical and Research Committee report, but he was very grateful that Ms Fourneyron was on the telephone and able to present it directly.

MS FOURNEYRON informed the members that it was a black day in France as well. She apologised for not being with the Executive Committee in Colorado Springs. As a member of the French Parliament, she had been asked to stay in Paris to attend a number of crisis meetings, including one giving exceptional powers to the French Government, as a state of emergency had been declared in France. She was sure that the Executive Committee members would understand. She also took the opportunity on behalf of the French Government to warmly thank the President of WADA and all those who had shared their sympathy, support and kind words of comfort and friendship in those unprecedented difficult times for France and all humanity. She thanked the members for allowing her to give her report by teleconference. She really appreciated the opportunity and felt it important to contribute that day and the following day at such a critical period for WADA, given the importance of the issues on the agenda.

Her report would be quite brief, as the most active period for the Health, Medical and Research Committee took place between June and September; therefore, the main issues had been covered at the September meeting in Copenhagen with the approval of the updated Prohibited List, the approval of the research projects for 2015 and a presentation about the use of the special research fund. Nonetheless, she took the opportunity to give the members an update on two of the topics mentioned briefly in her report in September. The first was about the working calendar of the committee, and the second was about the request for proposals on autologous blood transfusion.

It might sound like a mere question of process, but a key challenge was to improve the transparency and accessibility of what was done in the Health, Medical and Research Committee and to gain in efficiency while valuing the excellent work provided by the different expert groups. The List Expert Group currently met three times during the year to examine scientific data on new substances and new trends in doping and to decide which products and methods should be added to the Prohibited List or the monitoring programme. It met one final time on the eve of the Health, Medical and Research Committee in September to finalise the updated Prohibited List and give recommendations to the Health, Medical and Research Committee members. The Health, Medical and Research Committee then met the following

day to look at the recommendations from the expert group, discuss them and validate the changes to be recommended to the Executive Committee for approval. The suggested changes were then circulated to all stakeholders and members of the Executive Committee as per the package of documents distributed by WADA before each of the meetings just a couple of weeks before the Executive Committee meeting. The same applied to the definition of the research projects to be approved for funding at the September Executive Committee meeting. While all the projects submitted as per the WADA call for grants were assessed between March and May by panels of independent reviewers, the Project Review Panel itself only met on the eve of the Health, Medical and Research Committee meeting and the list of projects to be recommended for funding was produced overnight and circulated just a few days ahead of the Executive Committee meeting. It was a robust and well-established procedure. It was qualitative and, as she had mentioned several times, WADA was fortunate to have some of the best experts in the world sitting on the List Expert Group and the PRP. However, there was a downside. The Health, Medical and Research Committee members hardly had the time to look at the updated List or the research projects before their annual meeting, as the suggestions from the PRP were simply tabled at the meeting. The stakeholders, whether they were NADOs or the medical commissions for the federations, hardly had time to review and discuss the List and the recommendations related to the research projects. The recommendations were received just two weeks before the Executive Committee meeting and the members had only a handful of days once they had received the package of documents to share their comments, feedback or questions and produce a mandate for their representatives. It was just a thought, especially given the technical level of the topics. As she had mentioned in September, stakeholders wanted to know why such and such a product was added or removed or not added to the Prohibited List when they thought it should be. They also wanted time to look at the research projects in detail for the same reason but, by the time they received the Prohibited List and research projects to be approved, they did not have enough time to study them thoroughly and make comments in time for the Executive Committee meeting. The situation created a growing and very understandable sense of frustration among the stakeholders. She had received some valid complaints about it. The experts on the expert group were not happy with the situation either. They felt frustrated, as they needed to rush to finish the list in time for the Health, Medical and Research Committee and what they produced, which was of the highest quality, was not challenged. She thought it was a shame, as the experts did an amazing job. The work was the result of many hours, using scientific data of the highest level, anticipating new trends in doping, identifying new performance enhancing drugs, and it was absolutely essential to what WADA did as an anti-doping authority that was telling the world which products were authorised and which were not. It was detrimental for the Health, Medical and Research Committee members as well, as they felt under pressure. There should be a better use of all the brainpower gathered in one single room.

She believed that her role as Health, Medical and Research Committee chairperson was to question some of the operational and strategic points and procedures in order to gain in efficiency, be simpler, more accessible and more transparent. Therefore, in response to the complaints, she had asked for a review of the List Committee calendar, to improve it in order to send the documents well ahead of the Executive Committee meeting, giving more time for feedback from stakeholders and more time to consult, share thoughts and opinions between the Health, Medical and Research Committee meeting and the Executive Committee September meeting. It might sound like an easy job, but it was not that obvious, as a lot of constraints needed to be considered, the main one being that the Code and the updated Prohibited List needed to enter into force by 1 January each year and, to make that deadline, they had to be approved no later than September. It was also necessary to take into account the financial cost that a change in the calendar could imply. In the context of the efforts made by WADA to reduce costs, it needed to be very careful. Maybe a response could come from the improved use of video conference calls. Thanks to the Science Department, good progress had been made, and she hoped to be able to present a new approach and proposal at the next meeting in May.

The second issue on which she wished to update the members was the request for a proposal on autologous blood transfusion. WADA's Executive Committee had decided to be more innovative and proactive in the use of the special research fund so as to address top research priorities. She had mentioned that, from then on, the WADA Science Department would issue requests for proposals, meaning that it would target research teams, laboratories and investigators around the world known within the scientific community as being capable of addressing specific issues, and WADA would contact them proactively to request proposals and applications. It was her pleasure to say that the new approach was no longer wishful thinking but was a work in progress, so the first request for proposals on autologous blood transfusion had been published in three major but highly targeted scientific reviews in October. The deadline for the submission of applications was 31 January. One million dollars from the special research fund were dedicated to that request for proposals, so she was confident that applications would be of the highest quality.

One final thing worth mentioning was that communication about the Prohibited List to the athlete community was more important than ever. WADA desperately needed to find innovative, clever, intelligent and simpler ways to inform the athletes about changes to the Prohibited List, and she knew that the Communications Department had asked athletes to give their views on the issue, which was a great idea. What was at stake was being simple, transparent and efficient. She therefore looked forward to reading the minutes of Ms MacLean's report the following day. She thanked the members for allowing her to telephone in.

THE CHAIRMAN thanked Ms Fourneyron for her report and the detailed work that she had done in preparing it.

MR PENGILLY said that Ms Fourneyron had mentioned the request for proposals in the area of autologous blood transfusion, and was obviously confident about what was happening next. The other point in the report talked about the prevalence of doping as a request for proposals, and he asked for a brief update on that and any interaction, with whether it was just the Health, Medical and Research Committee or social science research as well.

MS FOURNEYRON responded that autologous blood transfusion was the first request for proposals with regard to the special research fund, and the second was the prevalence of doping. That second request for proposals would be made in the coming weeks.

THE CHAIRMAN said that, listening carefully, it seemed to him that the first part of the report and the suggested changes on timings and meetings could involve a substantial management change to how WADA dealt with health, medical and research issues. If that was the case, he would be perfectly happy to look at it the following May but, in the meantime, he thought that the Executive Committee should ask Messrs Howman and Niggli to look at that and work out the implications, rather than simply approving the proposal and then finding themselves in considerable difficulty in terms of delivering what Ms Fourneyron wanted at the right time. Would it be possible to work together on that?

MS FOURNEYRON responded that of course it would be possible to work together.

THE CHAIRMAN asked if Ms Fourneyron planned to call in the following day.

MS FOURNEYRON replied that it should be possible for her to call in. She looked forward to talking to the members the following day.

DECISION

Health, Medical and Research Committee
Chair report noted.

– 8.2 International Standard for TUEs

DR VERNEC said that the first document was a request for a decision on changes to the ISTUE. In that, what had happened was that, in an award rendered in a TUE case the

previous year at the CAS, the CAS panel had noted that the question of the standard of proof had not been specifically addressed in the ISTUE and therefore it had respectfully recommended that WADA make some revisions to the ISTUE to address that. WADA had consulted some external counsels as well as Code and ISTUE drafters to look at that question, and the result had been that a standard of proof had been added to the document. It could be seen on page ten of the red-line version. Basically, what it said was that the standard of proof throughout the TUE document should be a balance of probability, and the special comfortable satisfaction standard seen elsewhere should be confined to proving disciplinary charges while the balance of probability was probably more appropriate in the case in which an athlete needed to obtain a TUE. That was the sum of the first request for a decision.

THE CHAIRMAN asked if the members were happy with the proposal.

DECISION

International Standard for TUEs approved.

– **8.3 Technical document – TD2016RMR**

DR VERNEC said that the TDEAS had been approved by the Executive Committee in September that year, and the TDRMR for the Athlete Biological Passport had a close link to that document, so that document had to be updated at that time so as to go into effect on 1 January 2016. He would not go into detail, but it was mostly to maintain the compatibility of the document with the TDEAS, with a few other small clarifications throughout, and the members would see that in the attached document.

THE CHAIRMAN asked if the members were happy with the updates. Clearly, WADA had to update its technical documents routinely.

DECISION

TD2016RMR approved.

9. Legal

– **9.1 Legal and investigations report**

MR NIGGLI informed the members that he would be very brief. He highlighted the fact that the members would see the amendments passed by Canada on data protection. He had had many requests from people wanting to see the actual wording of the text.

On the progress of the work being done in Europe with the new legislation coming up, the work was still ongoing but there were some forecasts that it would end relatively soon with a final text. The situation as far as anti-doping was concerned was that anti-doping was an example of what could be considered public interest, allowing ADOs to do their work, but the requirement from the text was pretty clear that that needed to be recognised in national legislation, meaning that every European Union Member State would have to have something in their legislation saying that anti-doping was in the public interest. The European Commission was cooperating with WADA to make sure that the awareness was there on the part of the Member States, and they would need to do something in their legislation so that, when the new text entered into force, there was recognition of public interest. The ball was currently in the court of the Member States; it had basically been given by the European Commission to the Member States to sort out. That was an important fact.

There was a report on cases pending and resolved. He would be happy to answer any questions on that.

It was interesting that there was the new article in the Code about requirements for athletes who had retired to be tested for six months prior to competing again. Since the rule had been in place, WADA had a role to play to grant an exemption when the six months were not respected, and had had nine requests since the start of the year. Four had been granted and four had been refused. The criterion was that the exemption should be granted only when

the athlete had had no opportunity to foresee an event, the typical example being an athlete returning to competition, wanting to qualify and organising their return, and then the agenda being changed by the IF and the qualifier taking place two weeks earlier than planned. On the other hand, WADA did not grant an exemption when the athlete had simply not been aware. It had to be an exceptional circumstance.

MR PENGILLY said that it was good news about the amendment to the Canadian law. He encouraged the European governments to take advantage of that and share the information accordingly. He highlighted concerns about the fact that, under the new regulations, each Member State would need to make anti-doping a public interest issue and the time and difficulty that that could cause, and he encouraged the Member States to keep WADA in the loop. If they did not update their legislation, presumably a consequence would be non-compliance with the Code.

THE CHAIRMAN observed that it was the same issue. The European Commission had never been WADA's best friend in that area, that was for sure. Was it Mr Niggli's view that an edict from the European Commission would be dealt with seriously and understood by the Member States? Would there be an attempt to encourage them to be effectively compliant? Was there anything WADA could do? A declaration of non-compliance would be a pretty heavy sanction for want of a better word. Should WADA be naming and shaming? Should WADA be trying to get European governments to do that? Mr Niggli's advice would be helpful.

MR NIGGLI responded that the change in the Canadian law had worked well, and some European Member States were using ADAMS on that basis, and some ADOs, without authorisation from their data protection agency, had got authorisation. Poland was a recent example of that. He hoped that the Member States would take that seriously and realise the issue. How easy that would be for them he did not know. The European Commission was being helpful and working with WADA on raising awareness. There would probably be two years of transition between the time of approval of the text and its entry into force. If, at the end of the day, it did not happen, WADA would have to look at the practice. Currently, some of the anti-doping organisations had exchanged data and performed their work; even so, technically they would probably be illegal in their countries because of restrictions. If, at the end of the day, anti-doping work stopped because they could not collect information, WADA would certainly be dealing with a question of compliance.

THE CHAIRMAN asked if there was any value in the Executive Committee having regular notification of who had helped and who had not.

MR NIGGLI responded that it was premature to discuss that. When the text was finalised, WADA would see how the Member States reacted. WADA would work with the European Commission and presidencies and try to make sure that there was a clear understanding. WADA would liaise with its European representatives to convey the message and get that sorted before problems arose.

DECISION

Legal and investigations report noted.

– 9.2 Amendments to WADA statutes

MR NIGGLI informed the members that the proposal of statute modification was the result of an earlier discussion on the consequences of non-compliance. The members had a text that, in fact, took the actual text and added a portion relating to the consequences of non-compliance. There had already been consequences for non-payment of dues and consequences for not ratifying the UNESCO convention; one paragraph had been added about consequences for non-compliance. WADA had been approached by the Europeans following the CAHAMA meeting, and they had put forward a proposal for a slight change in WADA's proposal for statute modification. The goal of the European proposal was that the consequences did not occur as stated on 1 January following the decision, but the day after the decision was taken, or immediately. The members would see the wording of the European

proposal, which was almost exactly the same except for the fact that it said that those not in compliance would lose their seats on the day following the declaration of non-compliance. The members had the text before them and could decide which one they wanted him to present the following day. From the text they had, the members would see that the second line, which said 'prior to 1 January 2009', made no sense, and he had proposed that that be removed, and the Europeans were happy with that, and then there were two words next to each other at the end of the paragraph in bold text, 'will automatically be suspended or automatically lose its seat on the Foundation Board' and he suggested WADA keep 'lose its seat on the Foundation Board', which was the current wording. Those were the two things. It was up to the Executive Committee to decide which to put forward the following day to the Foundation Board.

THE CHAIRMAN observed that the impact of the European amendment was a tougher sanction, as he understood it. Instead of waiting for a year to be told that they could not take part, non-compliant parties would be told immediately that they could not take part.

PROFESSOR ERDENER said that the Olympic Movement supported the proposed amendment to article 6.6, it being understood that the consequences outlined affected those members actually representing a government of a country or acting as official representatives of a signatory.

MR GOTTLIEB added his support to the European proposal, which was in more direct and appropriate language.

MS WIDVEY said that she had nothing more to add. She understood that the proposal had been presented by Mr Niggli, and she was happy with that.

MR NIGGLI confirmed that Professor Erdener's interpretation was correct. That was the idea behind the text: it would concern all those officially representing either the country or an ADO.

DECISION

Proposed amendments to WADA statutes approved.

- **3.1 Independent Commission** (*N.B. This item was reported on immediately following Item 9 – Legal on the day of the meeting*)

THE CHAIRMAN informed the members that one of the Independent Commission recommendations had been about compliance. He was quite happy that there had been a compliance discussion before the Independent Commission report. He invited Mr Pound to talk the Executive Committee through the work that had been done, in particular the recommendations made by the commission. He was very pleased that Mr Pound was actually there to do that. Had the weather been such that Mr Pound could not have made it, he thought that his only possible solution would have been to go through the recommendations that affected WADA as opposed to the recommendations that affected other people. It was also entirely appropriate that he should say to Mr Pound that, having established the commission in mid-December 2014, the Executive Committee congratulated him on the very comprehensive work done. He personally had had comments from around the world about the credit to WADA for setting it up and the speed with which it had been developed. He was sorry that, as part of the process, other issues had also been found which had had to be referred to other authorities. He welcomed Mr Pound.

MR POUND thanked the Executive Committee for having set up the Independent Commission; he thought that it had been necessary given the circumstances, and he thanked the Chairman and the Executive Committee for supporting that decision. It had been a bit of a scramble to try and make sure that a fairly comprehensive report would be available for those

meetings, and the commission members were probably guilty of not letting perfection get in the way of what they hoped was something that was very good. The feedback received by the commission had been generally favourable, and certainly the reception of the report by the media the previous week in Geneva had been quite positive, and he thought that many in the media would like the Independent Commission to keep doing more of that kind of work. The commission had done its best to deflect that, as the Executive Committee members would have seen from the replies.

He was not quite sure what the Chairman wanted. There were some recommendations that had been addressed to various parties in the mix, and one of those parties would of course be WADA in its particular role. Did the Chairman want to work through them in any particular order, or should he start off by answering questions that members of the Executive Committee might have in general on the report? There were two parts of the report that were not yet out: one was the portion of the report that resulted in a referral of potential criminal prosecutions. The Independent Commission had taken advantage of the discussions that WADA had had with Interpol over the years and the beginnings of protocols for cooperation and taken the evidence it thought pointed towards criminal actions to Interpol. Interpol did not actually do investigations itself but had agreed to take a look at it and see whether or not it could persuade a member party or government to undertake the project as a direct investigation and possible prosecution. The French authorities had agreed to do that and had been in touch with others as part of that operation, and one jurisdiction in particular that was important for the money laundering and other aspects of extortion of athletes was Singapore, and the Singapore authorities had agreed to cooperate. He thought that that was a very good step. There had been arrests by the French police of people they had found in France, including the former president of the IAAF, the counsel to the former president and one of the IAAF employees. They had all been questioned by the police and then had been subject to an investigation and examination by a panel of three examining judges. The chairman of the panel was one of the foremost criminal prosecutors in France and, frankly, WADA was very lucky that somebody of his quality had taken on that particular file. Where it would end he was not sure. The Independent Commission had indicated that, in principle, it would like to make its portion of the report public by the end of the year. That did not seem to bother them. He thought that they had seized the evidence that they needed and interrogated the witnesses to the point whereby they knew pretty much what the facts were. He was expecting that there would be prosecutions and he thought that was the expectation of the judges and the head of criminal prosecutions in France. There were a couple of people who had not been in the country at the time. One was presumed to be in Russia, and they were not sure whether the Russians would cooperate, but WADA did have a certain amount of leverage and he suggested it use that, and the other was believed to be in Senegal. The former president of the IAAF had had to surrender his passport and undertake not to leave the country. That was one portion.

The other portion came out of a second programme on German television supported by a commissioned scientific paper that the Independent Commission had not yet seen. The media involved and the two scientists from Australia had attached conditions that the Independent Commission found unacceptable to making that report available. The Independent Commission had, however, the same database used by those scientists, and it was being examined by the experts, and he expected to have a full report on that by mid-December. Either there would be three reports, or the two questions could be melded in the discussion of the IAAF.

THE CHAIRMAN said that his preference would be to open the floor up to members of the Executive Committee to ask any questions they wished, and the second part would be to go through the specific recommendations, some of which WADA had taken action on or might take action on, in particular those that specifically affected the World Anti-Doping Agency going forward.

PROFESSOR ERDENER thanked Mr Pound and his team for their really great job. It was really very important for the entire sport family. After the Independent Commission's report had been announced, the IOC had arranged immediate actions related to certain items, and he informed the members briefly about some of them. The IOC had taken note of the content of the Independent Commission report and the subsequent decisions by the IAAF, WADA and the Russian authorities. The IOC would follow up on all decisions taken by the IAAF on the results of athletes competing at the London Olympic Games and would take all necessary measures concerning the individuals and organisations involved pertaining to the Olympic Games. The IOC had also met the previous week with the Russian NOC to discuss the measures to be taken to ensure full compliance for the Russian track and field federation. With respect to the Sochi 2014 laboratory, the IOC noted that the Independent Commission had not called into question the results of the Sochi Olympic Games which confirmed the report of the WADA Independent Observers relating to the Sochi Olympic Winter Games, as well as the report of the experts appointed by the IOC medical commission. Indeed, during the Sochi Olympic Games, four directors of leading WADA-accredited laboratories had been appointed by the IOC medical commission as experts for all three operations at the Sochi laboratory. Of course, should any element come up in the future that would contradict the reports and conclusions, the IOC would conduct a reanalysis of the stored samples, as was standard practice.

MS BOKEL thanked Mr Pound for his report, which had had quite an impact on athletes worldwide, as he could imagine. Her question regarded further investigations. The terms of reference related solely to Russia and track and field and athletes were obviously worried about whether their sport or country was affected. Did Mr Pound feel that it was necessary to carry out more investigations in more countries or more sports in specific countries?

MR VALLINI asked about the recommendation to ship samples that had been taken in Russia to accredited laboratories outside Russian territory. Did that recommendation concern only samples that had not been analysed or also samples currently stored in the laboratory in Moscow?

MR POUND responded that, regarding the Sochi laboratory, he knew that the IOC was happy to rely upon the Independent Observer report and the Independent Commission had not focused very much on the Sochi portion of it, other than to observe that the new KGB had been present in the laboratory, disguised as engineers or whatever it had been, but did not know whether they had attempted to interfere with the analysis or not; they had simply been there, and his guess was that the Independent Observers would not know an FSB person from a hole in the wall and would not have been aware who they were. He had discussed that with the IOC president, and had said that, if that was his conclusion about Sochi, and if the president was happy to rely on those reports, that was not part of the Independent Commission's terms of reference.

He told Ms Bokel that the Independent Commission's terms of reference had been very narrow: one country, one sport, and based on the ARD programme. When one got into it and saw the extent of what had been going on, it was horrifying. It was a complete travesty of what should be happening. His guess was that there were athletes in many other countries with good reason to worry about whether the Independent Commission would do any investigations, and the experience with that was that it was a real turning point for WADA. The Independent Commission had shown that it could do it, that it could be effective and quick, and that it could be done relatively cheaply compared to other investigations, so he hoped that WADA would be willing to do that in the future and thought that the Executive Committee should give thought to that.

As to sample shipping, he could not remember whether the Independent Commission had focused only on samples not yet analysed or all of the samples presently in the laboratory. That was something that WADA could determine, because it would supervise that, both for chain of custody and care of the samples and so on; it would probably not be a bad idea to take them all. He did not think there were that many. There were certainly fewer than there

had been before the laboratory director had been let loose there and destroyed some 1,400 just prior to a WADA visit.

Most of the recommendations were pretty clear. If it was not clear why the Independent Commission had made the recommendation or if it was a bridge too far, the Chairman could make the necessary observations.

THE CHAIRMAN wanted to clear up the issue of samples. His understanding was that, even though the laboratory was suspended, samples that were still there could be retained there in safe custody or they could be moved at the request of the people who physically owned the samples. The current ones were the samples from the European Games in Baku, so it would be up to the EOC to decide to move them if it wished. If not, he thought that they were probably still safe enough where they were.

THE DIRECTOR GENERAL said that the WADA management would come with a recommendation in relation to samples stored in Moscow and would refer to those who had collected and who had ownership of them. It was probably better for them to be moved elsewhere. Those sitting in the Moscow laboratory that had not yet been analysed obviously needed to be picked up and taken to another accredited laboratory. There was a third category of those taken the previous December and sitting in either the Lausanne or Cologne laboratory for possible reanalysis.

MR GOTTLIEB noted his appreciation of the work done by Mr Pound on the matter. In terms of his advice, and it might go to his recommendations, Mr Pound had focused on a number of stakeholders, WADA being one of them. At the conclusion of the report, in the statements regarding WADA, he quoted that 'there is no reason to believe that athletics is the only sport in Russia to have been affected by the identified systematic failures'. He knew that the Independent Commission had not drawn any hard conclusions, because the terms of reference had been limited to athletics in that case, but what was Mr Pound's advice to those members of the Executive Committee, who had a responsibility to protect clean athletes and a responsibility to WADA, in terms of how to determine whether or not that was true? He would hate to lose that opportunity. There was a whole number of clean athletes, at least in his country, and athlete organisations were urging the US authorities, if the rock had been turned half way, to turn it over all the way. He was just not sure what the best mechanism was to do that, so he would be very interested in Mr Pound's recommendations in terms of other sports, in that particular country at least.

MR POUND responded that he was sure that he and members of the Independent Commission would be happy to engage in that dialogue. It had been above their pay grade at that point, but they had not wanted to let it go unobserved. If the members thought that Russia was the only country with a doping problem, they were wrong, and if they thought that athletics was the only sport in Russia with a problem, they were probably wrong. That said, the members had to decide what to do. There were resources, there were other countries that deserved attention in addition to Russia, and that was why the Executive Committee got the big bucks around the table.

MR GENDALL said that he might not have fully understood the impact of the full report but, as he had read it, there had been a pre-screening laboratory dealing with samples that might or might not have gone to the accredited laboratory. If that was so, was there any possibility at all of those pre-screened samples not forwarded to the accredited laboratory being obtained, or had they been lost?

MR POUND replied that the Independent Commission had certainly identified the existence of a second laboratory in Moscow, which had (it thought) roughly the same analytical capabilities as the accredited laboratory, and the Independent Commission thought that one of the uses of that laboratory would have been to bring samples to it and ask it to analyse them. If they tested positive, the samples would be thrown away and not taken to the accredited laboratory; if they were clear, they would be provided to the accredited laboratory.

Not being subject to the Code and the standards, he was sure that the laboratory, if it had positive results, would have destroyed them. He did not think they would be available.

THE CHAIRMAN drew the members' attention to page 312 of the report. Mr Pound had made a number of specific recommendations, and he would not go through them all, but it was interesting to note one or two of them. The first was that the director of the Moscow laboratory should be removed. It would appear that he had resigned almost immediately. That was win number one. The second was that the WADA accreditation be revoked. He had that power to do that and he had immediately provisionally suspended the Moscow laboratory for a period of six months. WADA had established a disciplinary commission, which would do what it had to do in terms of moving forward. There was a comment on the testing requirements thereafter, which was entirely appropriate. There was the question of the status of a newly accredited laboratory in Moscow, which was entirely appropriate. There was a question about that laboratory and probably other laboratories disclosing to WADA the terms of all contracts that they had, which was a wider issue, but it might be a specific one to Moscow. The recommendations for RUSADA included that RUSADA be declared non-compliant with the Code. The Executive Committee members would know the answer to that the following day. Another recommendation was that the non-compliant status should remain in effect until WADA determined otherwise. WADA had already been in touch with the authorities in Moscow, they had been in touch with WADA and WADA was in a position to start that whole process immediately after the declaration the following day on the assumption that RUSADA was declared non-compliant. There was a whole series of recommendations on page 314 that followed from the declaration of non-compliance, and what WADA would then do to have a new RUSADA compliant. There were recommendations with respect to the Russian athletics federation. There was a clear one that the federation should be declared non-compliant. WADA had done that and written formally to the IAAF. It was the IAAF's obligation under the Code to ensure that its NFs were Code-compliant. It was quite clear that the IAAF had in many ways been under much more pressure than WADA had recently, in terms of taking the right steps, and the federation had chosen Mr Andersen to chair an investigative committee. He had been in touch with the IAAF president almost immediately to congratulate him on his decision, and to suggest that the work be conducted with WADA and not via two separate routes. Having spoken to Mr Andersen the previous evening, the Executive Committee members could be assured that that would happen.

Moving on, there were comments to the Russian Federation which he was not sure WADA could deal with there. Clearly, going forward, every one of those would come into play.

There were two recommendations for the IAAF, but they were subject to criminal proceedings with the French authorities.

MR POUND interjected that there would be more extensive recommendations regarding the IAAF, but the Independent Commission had thought it better to make just a couple then and the rest when it finished.

THE CHAIRMAN said that he wanted to focus on the recommendations starting on page 320, with respect to WADA, that it should make all the declarations and take all the actions recommended in that report. He could not imagine that WADA, having set up a commission like that, would then want to ignore its recommendations. It was recommended that WADA ensure that all suspicious test results and any subsequent reports were followed up promptly and thoroughly; he imagined again that that was precisely what WADA would do. It was recommended that WADA should ensure that test distribution plans of NADOs considered to be high risk were sufficiently rigorous to avoid gaps; that was clearly a recommendation coming from what had been discovered in Russia, and a suggestion that perhaps it was not a universal skill. Again, WADA would follow that one up. The Independent Commission talked about compliance and the fact that findings of Code non-compliance were major deterrents to ineffective anti-doping programmes. Sixteen years after the formation of WADA was more than enough time to enable ADOs to develop and implement adequate anti-doping programmes. Failure to have done so amounted to indifference to the protection of clean

athletes. It was actually specifically to deal with those words that he had asked Mr Bouchard to report first on what WADA had been doing to deal with compliance. He hoped that the members might accept that WADA was better at that than it had been not so long ago. Number five, recognising the inherent conflicts of interest that existed within the WADA Executive Committee and Foundation Board, WADA should consider the establishment of an independent mechanism that would have the power to make or recommend such findings of non-compliance. He thought that the work currently being done to establish the compliance group had been well worth doing, the group had worked extremely well, and all of the recommendations had been followed by the Foundation Board. Was it the members' view that the Foundation Board should not take those decisions and that there should be another body to take decisions on non-compliance, or should the existing situation, upon which WADA was working to improve, stay?

MR POUND said that, as the members could see, the Independent Commission had left that door open for the members to decide upon. Maybe the Executive Committee should give Mr Bouchard more work. He thought that that had worked quite well. When one got to the Foundation Board, there was not an even level of expertise around the table, and it was easier for a Foundation Board, if it had a committee in which it had confidence, to say that it would adopt the recommendations. They could be tested and so forth. The Executive Committee could decide whether a Foundation Board that met twice a year was sufficiently nimble to deal with all of those things. If the Executive Committee was satisfied with that, he supposed that, if there was an emergency, it could deal with it. The Independent Commission had simply said that it would have the power to make or recommend such findings. It was the Executive Committee's call, but the most important thing for the Independent Commission was to have that mechanism that did not require the Executive Committee or the Foundation Board to go through all of the details.

THE CHAIRMAN thanked Mr Pound for that. The reason he was labouring that one was because, at the Foundation Board meeting the following day, when the members would be surrounded by the media, that was one specific recommendation that had been made that he wanted to be able to answer when inevitably he would be asked. His feeling was that the system that had been put in place was beginning to work. If WADA needed to have emergency decisions, there were mechanics to do that without necessarily pulling the Foundation Board together from all around the world. He personally thought that WADA was heading in the right direction. WADA used electronic voting for occasional things in the Executive Committee; it was not that much more difficult for a Foundation Board to do it. If the members were happy with that, they could move on. If not, he would be pleased to hear from them.

The next recommendation he felt that the Executive Committee had acted on. It had agreed to change the statutes that morning, so that people from non-compliant countries would not be members of the organisation. The Executive Committee had agreed that no meetings of WADA were likely to take place in Russia or under the influence of RUSADA. WADA might have to find warmer countries in which to have them, but it would certainly not be Russia! There was a question about the mandatory element in the International Standard for Testing and Investigations to complete doping control forms with full and complete disclosure and, if not, to report properly to WADA, again part of the work going forward, and he was sure that would be done. There was a question of taking atypical results in any samples tested by an accredited laboratory to be automatically identified and, if necessary, moved. WADA would insist that RUSADA, along with all Code signatories, comply with its obligation to provide complete and timely data for ADAMS by December 2015. He clearly thought that WADA believed that that would be a major step forward, a question of compulsion to use ADAMS. There was a suggestion that WADA urge the Russian Federation and other government members to accelerate compliance audits through UNESCO and that the WADA Compliance Working Group report to each WADA Foundation Board meeting on specific steps; that was clearly implicit in what the Executive Committee had heard from Mr Bouchard that day. Another recommendation was that any country with Code non-compliant

legislation should be declared Code non-compliant; that was precisely what the Foundation Board would be doing the following day, with the modest qualification that some countries would have four months to become fully compliant. There was a question about destruction of samples which, again, he was sure WADA would want to take up. The Independent Commission had named a number of people, one of them being the laboratory director and presumably a number of coaches from Russia and a scientist, to be added to the prohibited advisors list. Again the answer would be yes, but he thought that they needed to be sanctioned first; so, as soon as sanctions were brought against them, they would be put on the prohibited list.

MR POUND informed the Executive Committee that all of those people had been identified and a sanction package proposed by the Independent Commission to WADA, which had punted, as it had had to, to the IAAF, which had punted, as it had had to, to its national federation. That was being put together and sent to the CAS for proper treatment.

THE CHAIRMAN concluded that that process was under way and so, upon completion of that, they would be added to the list. A question that was obviously extremely relevant was that of developing a whistle-blower system and assistance. There was currently a relatively simple system through the website. Clearly, WADA needed to take that on board and work out how it could be made to work better. There was another one saying that, to make sure WADA could do all of that and manage international investigations, it must hire appropriately qualified staff and allocate appropriate budgets for that purpose. At the end of the day, all of the recommendations that would inevitably land on WADA's desk would cost money and WADA would need to work out some system to deal with that. If Mr Pound had anything he wished to add, he would be delighted to hear it.

MR POUND said that the Chairman might want to consider that perhaps WADA should have the power to declare a national federation Code non-compliant. The way in which it got punted back and forth within the system added a lot of delay and it did not shed much light on a situation that had already been identified. He did not insist on it; he simply thought that it would be much easier to manage the process if WADA were able to do that.

THE CHAIRMAN thought that it was instantly attractive, but wondered whether that would need a Code alteration.

MR NIGGLI noted that the national federations were not signatories to the Code so, technically, WADA had no authority or jurisdiction to declare a national federation non-compliant. That would require the national federations becoming signatories and WADA doing some compliance work with national federations, which would probably be impossible. WADA could find a way of making recommendations. Currently, under the Code, there was an obligation on the IF to ensure that its national federations were Code-compliant. If that was not the case, WADA went to the IF to say that it was not compliant because it was not meeting the requirement under the Code, but was not directly interacting with the national federation.

MR POUND pointed out that the danger there was that the IF would say that its national federations were all Code-compliant. If WADA had the power to do it, even provisionally, subject to appeals to the CAS, WADA had to get to the root of the problem right away. WADA knew whether the national federations were compliant or not. The IFs, especially when they were not nearly as sophisticated as the IAAF, had not the faintest idea what was going on. WADA would therefore be doing itself and them a favour if that system were in place.

THE CHAIRMAN said that perhaps WADA should run that potential possibility as a trial to a group working on the compliance of the athletics federation in Russia. Again, he said without any apology at all that he had been saying to the IAAF for years that the system of passing down doping cases in the first instance to its national federations was one of the reasons why everything was so slow, so expensive and attracted so much bad publicity. It might well be that, when Mr Andersen had finished his report working closely with WADA, WADA might be

able to make that recommendation again to the IAAF. He thought that the IAAF was the only major federation that did that.

MR NIGGLI said that they had stopped it already and were changing their rules. They had been the only ones left.

THE CHAIRMAN noted that it was a very painful way to get one's rules changed.

MR POUND observed that that was often what it took. From WADA's perspective, WADA should not publically buy into any theory that the objective was for Russia to compete at the Olympic Games in Rio. The objective should be that they solve all the problems in a manner that was satisfactory to WADA as the anti-doping organisation and, if they got that done by Rio, good for them, but if they did not, WADA would not rush that, no matter what any other organisation might say.

THE CHAIRMAN assured Mr Pound that the second option was exactly where WADA was. WADA was in the business of having the appropriate body compliant and the ball was very much in their court.

MR MOSES agreed entirely with Mr Pound on that. The IOC and the IAAF could talk about their willingness to have the federation back into the Olympic Games and the Olympic Movement and possibly competing in Brazil if they wanted to, but he did not think that that was appropriate for WADA. Furthermore, the optic that WADA could be projecting with regard to athletes should be very strong because they might think that WADA was not able to come to some solutions from a legal point of view and might not understand that the IAAF was not really accountable under the Code, but they were very sceptical and looking for leadership. In the USA, there had been several different sports going to USADA seeking further investigations, because nobody thought that it was limited to track and field, and there were a lot of sports for which there had been quite a few tests internationally, and they wanted to see some action. WADA should be doing everything possible. Those problems probably needed to be solved going forward. As Mr Pound had mentioned, WADA maybe needed to take another step forward to deal with the issue, because the athletes were learning from WADA's example, watching the IAAF and the IOC, and that was how they were formulating their opinions. He did not think that anybody was really satisfied that everything was being done to stop what was being portrayed as widespread state-sponsored cheating.

THE CHAIRMAN assured the members that he had not said anything that would support that opinion about anything being done too quickly or otherwise. He had restricted anything he had said to specifics, what WADA had the right to do, which was to suspend the laboratory, and nothing else until the following day, so the message coming loud and clear from WADA the following day for all of the athletes who would hopefully look at it would be that WADA had taken decisions that those people would be non-compliant and, once they were non-compliant, they had to become compliant. Full stop. Nothing else, and that was WADA's responsibility.

MR RICCI BITTI had a question that he had been somewhat reluctant to raise, but he thought it was the right time to raise it. Russia was one of the voluntary contributors and he did not know in which capacity, as RUSADA, as a country or a government, but it was a very delicate matter. He believed that it was a matter that had to be considered and he had no solution, but he thought it was very difficult if the recommendations were relaxed about such things. Perhaps he was too strict, but he believed that consideration should be given to countries making contributions.

THE DIRECTOR GENERAL responded that the management had sent the Independent Commission report to UNESCO to say that there were aspects in the report that UNESCO should consider in relation to its compliance programme. WADA had asked UNESCO to look at it from the point of view of government compliance. That was all WADA could do in relation to that. He had discussed that with Mr Ricci Bitti on a number of occasions. It was a question

that the WADA Foundation Board might pick up the following day with the UNESCO representative.

MR RICCI BITTI asked in which capacity the contribution was made. If it came straight from the government, it might be viewed in a better light than if it came from RUSADA or the sport ministry. He did not know, but thought that it was a matter to be considered in the future. He did not know what Mr Pound thought about that.

THE DIRECTOR GENERAL explained that, several years previously, the government had been making a payment to UNESCO of 1.5 million dollars per year, and had decided that that was too much money to be paying to UNESCO and wanted to make half of it available to WADA, and the ministry, not RUSADA, had written to WADA and asked if it could make an extra contribution. WADA had said that it would receive extra contributions as it did from other governments, and that had been an annual event for the third year that year. WADA had received those payments in that way. They could, of course, be spent in any way in which the Chairman of the Finance and Administration Committee might recommend.

MR POUND suggested that WADA might want to think about having a policy to not accept payments from non-compliant governments so that there would be no question of where WADA was parked.

THE CHAIRMAN said that he had wanted the Director General to explain the background as to how those revenues appeared; but, going forward, that was a perfectly reasonable suggestion by Mr Pound. That could be added to the decision taken, that WADA did not want such people on its committees, WADA did not want such people on its Executive Committee, and it did not want to hold meetings in those countries; it was not too big a jump to say that WADA would not accept additional contributions from countries in such a situation, always assuming that they might even be prepared to make them.

MR GOTTLIEB asked whether, before the following day, when the Foundation Board would be the focus of the press and other observers, so as to understand where WADA was going and where Mr Pound's commission was going to go, WADA as a body would make determinations as to non-compliance the following day, after which a number of consequences would follow in terms of Foundation Board membership, etc. Before the end of the calendar year, the Independent Commission would probably release two additional reports, the criminal investigation aspect and then the IAAF issue with the database. If that body or people wanted to go beyond that, whether in terms of Rio or in terms other sports or nations, the posture was that WADA would come back at some point in time based on the rest of the reports and make that expansion of the terms of reference. Was that where WADA dropped it right then in terms of its actions, non-compliance and what followed, but with no decision to expand in terms of other sports or countries?

THE CHAIRMAN responded that the situation was that WADA had a power, which it would exercise the following day to declare (or not) the Russian NADO non-compliant. WADA had a whole list of recommendations that it wished to apply to help them become compliant. The criminal aspects were between the Independent Commission and the French authorities. It was not WADA's remit. The extension of the remit was to deal with a specific leak of a set of data on blood values, and there was a specific question that they would answer. When they answered, that would be it. The Executive Committee had touched on quite a sensitive issue, that of finance. If it were the decision of the Executive Committee, if a body were declared non-compliant, WADA would not accept any voluntary (not regular) contributions from that body.

MR RICCI BITTI answered Mr Gottlieb's question, which was that WADA should stick to its job, which was to take care of RUSADA and the laboratories. That had already been done by the President. The Executive Committee had only to bless what the President had done and take an Executive Committee decision. Without talking about the remit of the Independent Commission, although it made sense not to forget what had happened, he believed that there were some automatic consequences, one of which had already been mentioned, which was

some rules that did not allow people from a country that was suspended to attend WADA meetings in their full capacity. He had mentioned something that had disturbed him somewhat, and that was that perhaps one consequence of what was decided should be that, if WADA decided that a Russian representative could not be represented on a WADA body, it should not accept voluntary contributions, because it would look a little bit strange to be accepting voluntary contributions. There had been some experience in other sports in the past. He did not want to expand on the matter. WADA wanted to stick to its role, but on top of that there were consequences.

THE CHAIRMAN asked the members what they wanted to do. Was it his feeling that the Executive Committee should stipulate that it would not accept voluntary contributions from then on from any NADO or country declared non-compliant whilst it was not compliant?

He thanked Mr Pound for taking the trouble to travel all the way from Montreal to deal with the matter. There had been numerous comments around the table about the members' regard for Mr Pound and his colleagues in the way in which they had handled it. Something similar would be done the following day, although WADA needed to have a clearer statement about how it would accept the recommendations made by the commission as far as they affected WADA and the ones with which it could deal instantly.

DECISION

Independent Commission report noted and Recommendation not to accept voluntary contributions from any NADO or country not compliant with the World Anti-Doping Code approved.

10. World Anti-Doping Code

– 10.1 Compliance

MR NIGGLI stated that the members would have seen in his report that WADA had been planning on tabling a questionnaire to the Foundation Board, but it would not be doing so because, in the course of developing the questionnaire, the management had been encouraged by the Compliance Review Committee to conduct a few pilot projects with the questionnaire and make sure that people actually understood the questions, so that was still work in progress. The pilot project would take place, the management would tidy up the questions and then the members would receive the questionnaire in May in a more definitive format.

In attachment 2, the members would see the process put into place in terms of how WADA proceeded with compliance. That would be part of the ISO accreditation, which was also ongoing.

10.1.1 Compliance Review Committee Chair report

10.1.2 Compliance update

10.1.3 Non-compliance

MR BOUCHARD thanked the members for giving him the chance to report on the work accomplished by the committee to date, particularly since the previous meeting in Copenhagen. Since that date, the Compliance Review Committee had continued to support the WADA task force in the implementation of the compliance monitoring programme, and had met on 26 October and 4 September, and also held two teleconferences, the latest of which had taken place on Thursday 12 November. He apologised in advance, because it was a long report, but he felt it important to give quite a lot of context.

During the sessions to which he had referred, the committee had been briefed by WADA staff and monitored progress made by WADA in the implementation of the different components of the programme. First, it had reviewed progress made with regard to the Code compliance survey, the ISO accreditation process and the IF partnership programme. The committee had established a procedure to bring transparency and clarity to cases related to non-compliance, and it allowed the committee to discuss specific cases of signatories whose rules were not yet in line with the 2015 World Anti-Doping Code and cases of signatories who used non-accredited laboratories for analysis purposes. The committee had also discussed sanctions; a discussion had taken place before lunch, but he would allude to some of the previous discussions, as the committee had put forward a recommendation, which had been discussed that morning, but he wanted to give a little bit of context and convey the feeling of committee members regarding potential sanctions. His report would cover all of those areas, and would provide the members with the views and recommendations made by the members of the Compliance Review Committee. It would also cover the discussions held by the Compliance Review Committee on 12 November on specific recommendations relating to non-compliance made by the Independent Commission in its report released on Monday 9 November.

On the survey questionnaire, in the coming months, WADA intended to send signatories a questionnaire to help determine their level of compliance with the 2015 World Anti-Doping Code. The survey would be one of the tools used to assess compliance. Of course, a compliance programme would be based not only on self-assessment, but that self-assessment would be a good starting point, and that was why it was an important project. Committee members were of the view that WADA staff had done a thorough job with the questionnaire and continued to seek ways to improve it. All recommendations made by the Compliance Review Committee were being implemented and, at the latest Compliance Review Committee meeting on 26 October, members had noted the remarkable improvement made over the course of the summer. Furthermore, they had been informed that testing of the questionnaire would continue in the coming weeks based on one of the committee's recommendations, and had also been informed that it would be assessed by a survey specialist to make it as user-friendly as possible for signatories. The view of the committee was that the challenge for WADA with that project remained finding the right balance between asking the right questions and not making the survey too cumbersome for signatories, especially those with less administrative capacity. It was a fine balance and a difficult task but, as the chairman of the Compliance Review Committee, he assured the members that every effort was being made to keep the process as simple as possible.

On ISO accreditation progress, based on the latest information provided at the 26 October meeting, the Compliance Review Committee was confident that the project was on track to be delivered by mid-2016. The committee had been informed that, pending final agreement, a firm specialised in the area of accreditation process, the British Standards Institution, had been chosen to be the certification body for the next three years. Key milestones until mid-2016 had been well identified by WADA to facilitate assessment of the progress and implementation of the initiative. Finally, it would continue to be covered by the Compliance Review Committee in its upcoming meetings.

On the Partnership to Quality project, at the 26 October meeting, the Compliance Review Committee had been briefed on an initiative undertaken by WADA to reach out and engage with a number of IFs on the Code compliance monitoring exercise. The goal was to ensure that they were well prepared for its launch in the second part of 2016. The initiative was called the Partnership to Quality project; simply put, its objectives were to assist organisations with improving current practices and to develop new ones to ensure full compliance with the 2015 Code and international standards. Such collaborative endeavour had been clearly well received by the Compliance Review Committee. A few of the Partnership to Quality projects had been initiated thus far with the International Biathlon Union, the International Ski Federation, FINA, the International Judo Federation and some other IFs.

Based on information provided by WADA on the project with the International Biathlon Union, the experience looked promising.

In the second part of his report, he would focus on cases of signatories whose rules were not yet in line with the 2015 World Anti-Doping Code, and he would also focus on signatories who used non-accredited laboratories. Those were two very important topics that were the subject of a recommendation by the committee. He would refer to documents 10.1.2 and 10.1.3. Before doing so, he noted that, in May 2015, at the previous meeting of the Foundation Board, there had been 43 signatories whose rules were considered not in line with the Code. At the time, the Foundation Board had approved the Compliance Review Committee's recommendation to declare six signatories non-compliant with immediate effect. Six months later, there had been a significant reduction from the May 2015 numbers, but more needed to be done. The committee felt strongly that, more than two years after approval of the Code, WADA should expect more from signatories. To achieve the goal and facilitate the assessment of compliance, the Compliance Review Committee had established a procedure, which had the benefit of bringing more transparency and clarity to cases related to non-compliance. The members would find details under 10.1.2 and find that it encouraged dialogue between WADA and the concerned signatories. It allowed WADA to assist signatories by recommending corrective measures and allowed for the extension of timelines to enable flexibility. The committee felt that it was a good process that should lead to results; however, if non-compliance issues persisted, two types of recommendation would be made to the Foundation Board: first, a recommendation of non-compliance with immediate effect and, second, a recommendation to put signatories on the so-called watch list with a four-month deadline to fix the issue. If the issue was not fixed by the end of the four-month period, signatories would become automatically non-compliant. The main difference between the two groups was the provision of a timeline. Signatories who had neither solved the issues nor provided a timeline would fall into the first category and should be declared non-compliant with immediate effect. On the other hand, signatories would be put on the watch list if they provided a timeline and there were good indications that it could be respected, either because the rules were close to being in line with the Code and/or there was a real commitment and engagement by the relevant authorities to change and to have changes adopted. Put in simpler terms, the Compliance Review Committee was of the view that, more than two years after the approval of the 2015 World Anti-Doping Code, to have signatories' rules in line with the Code was a basic requirement; it was a minimum. In the view of the Compliance Review Committee, those who did not meet the requirement should be declared non-compliant. For those signatories on the verge of having their rules in line, the committee was of the view that they should be given four more months to do so and would be declared automatically non-compliant if they failed. The ball was in their court to avoid non-compliance. For the other signatories, for whom there was no real timeline, the declaration of non-compliance was to have immediate effect. That said, WADA would continue to work with the signatories even after the declaration of non-compliance to assist them with solving their issues.

In the view of the Compliance Review Committee, there were other signatories who should be declared non-compliant but for a different reason: the use of non-accredited laboratories for analysis purposes. As part of the Compliance Review Committee meeting on 4 September, committee members had been informed by WADA that eight countries were using non-accredited laboratories. As the members knew, the use of accredited laboratories was a very important part of the 2015 World Anti-Doping Code. Signatories must use accredited laboratories to be compliant with the Code and allow for a transparent and reliable fight against doping in sport. It had then been agreed that, for the eight identified countries, WADA would send letters asking for confirmation that such a practice would cease immediately. Those countries had also been informed of a potential recommendation of non-compliance to the Foundation Board. At the meeting on 26 October, the Compliance Review Committee had reviewed the updated information provided by WADA and had been informed that five of the eight countries had provided confirmation that the practice had ceased. Three signatories had not. The Compliance Review Committee was of the view that those signatories should be

declared non-compliant with immediate effect. The Compliance Review Committee was recommending that the Executive Committee declare non-compliant with immediate effect the countries listed under agenda item 10.1.3 attachment 1.

He would go through the list to provide a status report on each signatory. Andorra's anti-doping commission had not provided draft rules or provided a timeline and had sent a letter to WADA indicating that it would be active only after 4 November, the deadline given to organisations to communicate with WADA. Israel's anti-doping committee had provided no timeline regarding drafting and adoption of rules, and the draft NADO rules were not yet in line with the Code. The rules of the two signatories were not in line with the World Anti-Doping Code. Argentina was also on the list, as was Bolivia (the Bolivian NOC, acting as the NADO) and Ukraine. In all three cases, letters and reminders had been sent, and there had been no indication that the practice of using non-accredited laboratories had ceased. In view of the aforementioned, the Compliance Review Committee recommended that the Foundation Board declare automatically non-compliant on 18 March 2016, should the outstanding issues not be solved by then, the countries listed under agenda item 10.1.3 attachment 2. Regarding Belgium's German-speaking community, WADA was waiting for an execution decree to be submitted and had been given assurance that it would be submitted by the end of 2015. Regarding Germany, WADA was waiting for the government decree and the execution decree. WADA should have those by January and February 2016 respectively. Brazil needed to amend its sports code and amend legislation. The Brazilian Government had committed to amend legislation in the first part of 2016. France had adopted an ordinance on 30 September, but needed a government decree, which had not yet been passed. France had indicated that it would adopt the government decree before January 2016 and ensure implementation of the Code before the end of June 2016. Greece's government decree was in line with the Code, and WADA had been told that it would be adopted by the end of November 2015. In Mexico, several pieces of legislation were required, and WADA had been told that the law and the decree had not yet been provided. Spain's draft legislation was in line with the Code but the legislation had not been adopted. There was a commitment and a timeline.

He left the issue of non-compliance to talk briefly about sanctions. There had been discussions about sanctions that WADA could adopt, and he would talk about the discussion that had taken place at the committee level. He thought that the spirit in the Compliance Review Committee was that more could be done. Some sanctions might be adopted by WADA, but people felt that the 2015 Code provided consequences as a result of a declaration of non-compliance to be implemented by many organisations. A number of organisations had already identified sanctions that could be imposed on non-compliant signatories and had the liberty to develop other sanctions and implement them. The Compliance Review Committee was of the view that the effectiveness of the compliance monitoring programme would be considerably increased if, in the event of non-compliance, the consequences provided by the 2015 Code and the sanctions provided directly in stakeholders' regulations were implemented by the relevant organisations.

Going back to non-compliance, he wanted to distinguish between the latest discussions triggered by the tabling of the Independent Commission report, and his remark would be in the context of that report and would address one of the recommendations, which was to have RUSADA declared non-compliant. The Compliance Review Committee had acknowledged the recommendation pertaining to RUSADA. The Compliance Review Committee had followed its process to be in a position to provide a recommendation to the Foundation Board and Executive Committee. On 9 November, the Compliance Review Committee had sent a letter to the RUSADA director, Mr Ramil Khabriev, informing the organisation that the issues mentioned in the Independent Commission report would be discussed by the Compliance Review Committee later that week for a recommendation to be made to the WADA Foundation Board at its next meeting. The purpose of the letter had been to offer RUSADA an opportunity to submit any clarifications and/or documentation to the Compliance Review Committee before it tabled any recommendation. RUSADA had answered on 11 November and provided numerous documents, which had been carefully reviewed by the Compliance Review

Committee members, and the issue of non-compliance had been discussed on 12 November by the Compliance Review Committee at its teleconference. The Compliance Review Committee was of the view that the issue was not to determine whether or not the Russian legislation and rules were in line with the World Anti-Doping Code but, as demonstrated in the Independent Commission's report, the issue was the practical implementation of those rules. Based on the evidence collected, the Independent Commission had indeed identified several significant breaches of the Code and international standards in the implementation of RUSADA's rules. In the documentation provided to the Compliance Review Committee, RUSADA had acknowledged some of the breaches and on many points expressed deep concern regarding the alleged breaches. RUSADA had also expressed full openness and readiness to work with WADA on possible improvements. To date, it was important to note that the Compliance Review Committee had mainly assessed signatories' compliance on the basic requirements of rules and legislation. Apart from the case of NADOs using non-accredited laboratories, the Compliance Review Committee had not yet assessed how signatories implemented their rules and legislation. The work of the Compliance Review Committee had only just begun and that task clearly fell within its mandate; therefore, the assessment of the implementation of rules and legislation would be increased as the work of the Compliance Review Committee progressed. The objective of the compliance monitoring programme was to ensure that signatories who did not respect the Code by not adopting appropriate rules and legislation and by also not implementing those rules properly would be called out. In RUSADA's case, the Independent Commission had released a report that identified issues acknowledged by the Compliance Review Committee. In addition, the Compliance Review Committee noted the fact that RUSADA had not provided the Compliance Review Committee with assurance that the alleged breaches did not exist or were being fixed. The Compliance Review Committee also noted that the situation described by the Independent Commission could possibly exist in other sports disciplines in Russia. The Compliance Review Committee understood that RUSADA had indicated its willingness to work with WADA to solve the issues and encouraged all parties to start working without delay. In the meantime, however, the Compliance Review Committee had come to the unanimous conclusion and would recommend to WADA's Foundation Board that RUSADA be declared non-compliant with immediate effect. Like any other signatory the Compliance Review Committee recommended be declared non-compliant, RUSADA would have the possibility to become compliant again once it had fixed its issues.

PROFESSOR ERDENER noted that the Olympic Movement supported the conclusions of the Compliance Review Committee. He requested that it clearly define what needed to be done for the relevant signatories to avoid automatically becoming non-compliant, if they were on the watch list, by 18 March 2016.

MR GENDALL said that New Zealand and Australia, on behalf of Oceania, agreed. The time had come for action.

MR PENGILLY asked what would happen to the athletes in those countries declared non-compliant. In terms of the athletes being part of an effective anti-doping programme, would the IFs take on that role? Who would pay? Were there any answers to those questions? He asked about procedure relating to compliance issues. Top to bottom, it was ten months, and he wondered how the ten-month timeline had been reached, in particular in light of the Independent Commission wanting to speed up such things.

MR BOUCHARD responded to the comment about the delay, referring to the three months plus three months plus four months. WADA had been dealing lately with the four-month delay. It had been decided that, after two years, the signatories had had a chance to adhere to or adopt rules and legislation in line with the Code, so the committee had been quite generous with the four months. At the same time, when WADA had engaged with a number of the signatories from the time of the May meeting of the Foundation Board, it had been clear that the approach had changed, and all of a sudden a number of signatories had been more engaged than they had been prior to that May meeting. In some cases, the level of

engagement and commitment had been such that they had provided a timeline and said that they were committed and that they would achieve the target, so it had been determined that, if they were given an additional period of four months, they would be given more time to do what they had said they would be doing. At the same time, if they failed, they would be declared non-compliant based on the recommendation being formulated. The Compliance Review Committee was balancing a number of issues: to make sure that they would become compliant in a very short period of time and to put the onus on them to do so. The committee had felt that putting some countries that were very committed and engaged and providing a timeline in the same basket as those countries that were not committed was not necessarily fair. That was how the committee had come up with the four-month period, and that was why the list had been divided into two categories: the ones for which it felt non-compliance should be immediate and the ones to whom four-months would be given before they were declared non-compliant.

PROFESSOR ERDENER said that the Olympic Movement would also be interested to hear about the consequences for laboratories, and any ongoing analyses.

MR GOTTLIEB thanked Mr Bouchard for his fantastic and thoughtful presentation. The Executive Committee had heard specific concerns about Kenya, and he noticed that Kenya was not listed as one of those nations that were not compliant; and he wondered how that squared with what had been heard earlier and where that particular country stood in terms of compliance.

MR BOUCHARD responded to the first question asked that had to do with making sure that signatories declared non-compliant on 18 March knew what to expect and what to do to become compliant. He reassured the Executive Committee members that there was ongoing discussion between WADA and those signatories, and of course the signatories knew what they needed to do. From the start, he had talked about a two-pronged approach, an approach that would be harder but an approach that would keep the communication lines open and provide assistance to the signatories, and it was in the spirit of that second approach that the Compliance Review Committee was keeping the communication lines open and was being very precise. He was referring more to the WADA staff than to the Compliance Review Committee, although the Compliance Review Committee communicated by letter and could send a letter where necessary.

His understanding with regard to Kenya was that the rules and legislation were in line but that it was more a matter of implementation practicality. He reminded the members of the Executive Committee that the Compliance Review Committee had only started its work. With respect to RUSADA, the Independent Commission report had triggered the Compliance Review Committee's foray into new territory; quite frankly, the Compliance Review Committee could not ignore that report. Maybe a similar kind of judgement would take place with other countries in due course and the Compliance Review Committee would be in a position to make that kind of assessment through the monitoring programme. WADA was not quite there yet, and he assumed that Kenya fell into that category.

MR NIGGLI added that Kenya had entered into that process and had received letters from the task force, and there were several outstanding questions in terms of compliance; the issue might well reach Mr Bouchard's committee fairly soon. Kenya had been a whole saga; the authorities had been working with the Norwegians and the Chinese, but things had not progressed as WADA had wanted. The Kenyan authorities had recently received a clear letter from WADA; since then, WADA had received many different commitments and engagements. Either they would happen or Kenya would go through the process.

Regarding laboratories, there was a clear provision in the WADA international standard which stated that, for the laboratory to maintain its accreditation status, the NADO and/or NOC should be Code-compliant. In order for a laboratory to have its accreditation maintained, therefore, the NADO from the country needed to be compliant. Would that happen automatically? The answer was no. There was another provision in the ISL which clearly

indicated that suspension of accreditation was a separate decision that was taken by the Chairman of the Executive Committee. The suspension was for a maximum of six months. After six months, if the issue was not fixed, revocation could be determined by the Executive Committee. It was not an automatic consequence; it was a further decision that was required.

THE CHAIRMAN noted that a response to Mr Pengilly's question about athletes was missing.

THE DIRECTOR GENERAL said that the issue related to athletes in countries in which the NADO was deemed non-compliant. WADA would work with IFs to ensure that athletes at the elite level were put into registered testing pools for IFs. WADA would also work with NADOs in those countries to which athletes were travelling so that the NADOs hosting athletes for training or other purposes could also do testing. Finally, WADA would look at engaging private testing companies to do the testing within those countries at the expense of the countries (not at WADA's expense), so WADA was developing that strategy and that would be part of correspondence into which WADA would enter when it advised as to the non-compliant decisions that might be taken the following day.

MR RICCI BITTI hoped he had understood correctly, because the Brazilian case was important, that, in the final instance, the laboratories could be retained even if the NADO was not compliant. Certification could be a separate issue. It was not automatic.

PROFESSOR DE ROSE said that Mr Ricci Bitti had asked the question he had been about to ask. He very much appreciated the report. It was correct, and WADA should do something in relation to compliance. He was 100% in favour of that. When he saw the list of automatic non-compliance, he saw that there were seven laboratories, including Russia, eight, and those laboratories, according to the previous year's statistics, had performed 16,000 doping controls, so WADA should also consider some flexibility for the laboratories once it was clear that a laboratory should be independent from the NADO. That had always been a pillar of the laboratory structure. The laboratory was accredited because of its science and ethics and should lose its accreditation for scientific or ethical reasons. Especially in the case of Rio, although he did not want to dispute the situation of the laboratory, it would be very difficult if there were a six-month suspension in March. It would be very difficult to perform doping controls without the Rio laboratory. First, blood testing would be very difficult. All the operations would be insane. He was not against the fact that WADA was doing the right thing, but thought that perhaps there should be some flexibility, considering that laboratories were not NADOs. It was not fair. The laboratories had not been given accreditation because the NADOs were in line with the Code and they should not lose their accreditation because the NADOs were not in line.

MR BOUCHARD said that he wanted to make sure that he had been understood. On the list of signatories to be declared non-compliant immediately, Andorra and Israel were to be declared non-compliant not because of the laboratories, but because of their rules. Then there were Argentina, Bolivia and Ukraine, which were to be declared non-compliant for their laboratories. With respect to Brazil, should WADA remain silent about the fact that there was no legislation and the rules were not in line with the Code? WADA had very little choice but to indicate, as it did for the other signatories, that Brazil could be declared non-compliant if it did not fix the issue by 18 March. Then there was the issue of the laboratories. He was assuming that testing could be conducted in laboratories other than the one in Brazil.

MR PENGILLY thanked Mr Gottlieb for the question about Kenya. It was good to hear that Kenya was on the right path. Obviously, the Rio Olympic Games were less than ten months away. He would be interested to know where Kenya was on that path because, obviously, if there were issues with compliance, Kenya would need to be up-skilled and updated before the Rio Olympic Games.

MR NIGGLI responded that WADA had received information the previous day that the whole process had started and the president had agreed to provide funds. He would keep the members updated and would follow the matter very closely. He could not say that things had

changed, but it seemed that things were moving forward. WADA would monitor it closely, was on to it, and it was clearly on the radar.

THE CHAIRMAN asked the Executive Committee to take a decision to submit to the Foundation Board the following day. One could tell from the number of papers that, as soon as it became public that something would happen at a date, it was amazing how many NADOs and governments came to the table. The members had before them a very clear recommendation from an independent commission suggesting declarations of non-compliance on three countries immediately, on two countries for using non-accredited laboratories, and on five countries or six NADOs after a period of four months until 18 March with clear indications to all of them on what they had to do to be made compliant. Were the members happy for that proposal to go to the Foundation Board the following day? He thanked Mr Bouchard.

DECISION

Compliance Review Committee Chair report
and update noted and recommendation
approved.

– 10.2 Technical Document for Sport-Specific Analysis - amendments

THE CHAIRMAN informed the members that the updated technical document fell into the Code discussion, which was the second part of compliance.

MR RICKETTS said that the Executive Committee members would recall the technical document from the previous year. There had been a number of presentations on it throughout the year, and a substantial amount of development had gone into it. It had been approved in September 2014 and had come into effect on 1 January 2015. The technical document was a mandatory document that required all ADOs to conduct a minimum level of analysis on sports under their jurisdiction for specific substances, specifically growth hormone, growth hormone releasing factors and erythropoiesis stimulating agents. Given that it was a substantial new document and would result in some major changes to ADO programmes, WADA and the expert group that had developed the technical document had agreed to review it in its initial implementation. There had been a consultation process conducted in July and August that year and WADA had received a number of comments back from organisations. The expert group had met in late August and reviewed the feedback together with the six-month report of data from ADAMS to see if any enhancements could be made. The group had concluded that there should be no major changes to the minimum levels of analysis listed in appendices one and two given the short period of implementation and that more time and data were required to make a full assessment, and a further review would require firstly every signatory to implement it effectively and then a review of the relevant data, so it was likely to take a few years and would be part of WADA's compliance programme moving forward. The result was essentially that a few changes were proposed to the technical document as outlined in the papers, and a number of operational improvements to ADAMS and to the supporting non-mandatory documents, to come into effect on 1 January 2016. In addition, some further work had taken place to assist ADOs with the implementation of the technical document. Three new testing guides had been developed, one for each of the prohibited substances, to assist ADOs in understanding how each of the substances worked and providing testing strategies to optimise targeting and testing resources for the substances. He would provide a brief summary of the impact of the technical document as part of his department report the following day, so he would not go into it at that point, but he would be happy to take questions on the technical document.

THE CHAIRMAN observed that that had been a formidable piece of work, and had to be updated regularly. He thanked Mr Ricketts.

DECISION

Technical Document for Sport-Specific
Analysis approved.

11. Communications

– 11.1 Communications strategy

THE CHAIRMAN noted that he had asked Ms MacLean some time ago to present some strategy on how WADA dealt with its communications going forward.

MS MACLEAN said that she had joined WADA just less than one year previously, the very week that the ARD documentary had come out. To say that it had been a tumultuous year would be an understatement. Nevertheless, it had been wonderful learning ground for her. Just before she had joined WADA, a communications audit had been performed by an external agency, effectively evaluating the communications' effectiveness in supporting WADA's business priorities. One of the key outcomes of the audit had been that WADA needed to develop a stronger, clearer and more persuasive voice in protection of the clean athlete, and that was known and recognised internationally as the leading voice. While WADA was first and foremost a regulator and a monitor, it had also high-value activities that she wished to promote through the process, and those could be anything from science to research to investigations. The members knew them all. She had taken the necessary time to get the lay of the land and had embarked on a communication strategy exercise. Her presentation was the result of that exercise.

The members would see on the screen the general sequence of the presentation and the way in which the department had approached the strategy, to identify where WADA was, where it wanted to go, how it planned to get there and how it planned to measure whether or not it was being successful. WADA had been formed in 1999; as a brand, it was still relatively young. The brand had been conceived to be optimistic, emotional and aspirational in fighting doping. The slogan, Play True, stood for the pleasure of sport and competition within the rules, and without any enhancements. Since 1999, the sporting environment had changed dramatically. She had seen the changeover that year. WADA wanted to evolve along with its partners and continue to provide the reach and resources necessary to protect clean athletes.

Looking at the changing environment that she supposed she felt she had inherited, she had come in shortly after Agenda 2020 had come into being, just over a year after Mr Reddie had become President of WADA, and the Strategic Plan had been signed off the very week the ARD documentary had come out, with all that had entailed in the year that had followed and just three weeks before the Code had come into being. Since then, there had been a tremendous number of external pressures that potentially threatened the confidence in WADA's ability to achieve its business objectives. She knew the pressures very well, and they included fatigue with cheating, austerity measures, a lot of media coverage, budgetary constraints, disillusionment and, even more recently, athletes feeling vulnerable with requests to provide blood samples. She believed the pressures had the potential to hurt the WADA brand and define its reputation. She showed the members some of the articles that had appeared over the previous year.

Taking a step back and looking at what the brand was versus reputation, the brand was ultimately what WADA said about itself and how WADA behaved; it was the expectation WADA created, and its reputation was what others perceived of WADA based on shared perceptions. It was their experience of WADA. For the purposes of that strategy, she had decided that the intersection of those two was WADA's purpose, and its purpose was to protect the clean athlete. WADA wanted people to expect that it would protect the clean athlete and wanted people to experience that WADA was protecting the clean athlete. Therein lay WADA's purpose. When a brand had purpose, great things could happen. She was quite proud of the visual. Communications would express the brand and stakeholders would start living it; they started being ambassadors of the brand. Employees saw themselves in it, and

she said employees but that included everybody around the table, anybody who had an association with or was a representative of the WADA brand. WADA had to ensure that employees were aligned, that they understood the brand strategy and that they were all going in the same direction. Ultimately, the brand helped to relieve the pressure that could be seen in the earlier slides. WADA needed to carve out a place in the minds of its stakeholders that it was a brand that was improving society through protection of the clean athlete. She thought everybody could get behind that notion.

In terms of how it reached its stakeholders, WADA was a business-to-business brand; it had direct and indirect channels, but it worked primarily through those stakeholders in the grey box. WADA also indirectly reached its stakeholders through its outreach activities, but it could not do that alone; it had to be by partnering with all of the stakeholders.

The plan was to revitalise the brand as a purpose-driven business-to-business brand that would drive the organisation forward, that would resonate with the varied stakeholders, and WADA did have varied stakeholders, a brand that needed to speak to governments, sport and young people. WADA would inform and engage its people as ambassadors, as she had said earlier, reinforce sport and government stakeholders as partners in the initiative, educate and engage and protect the clean athlete. WADA wanted athletes to feel protected. WADA would counter threats to confidence in clean sport, in particular in terms of WADA's ability to deliver on its leadership role in clean sport, and the brand would underpin everything that was being done in terms of positioning.

The evolution that she believed WADA needed to make in the minds of its stakeholders was from where it was as an anti-doping regulator and collaborative partner to being truly the leader of clean sport. There would be some basic guiding principles that WADA would follow, and they came largely from the feedback that had come out of the communications audit, centring on leveraging employees more as brand ambassadors, being as proactive as possible, not finding itself on the back foot quite so often, and delivering simpler and more accessible messages. WADA's documents could be quite cumbersome, and its communications did not need to be, so it was about finding a way to simplify the message. Being positive and constructive, focusing on quality versus quantity; WADA produced a lot of material, so had to make sure it was targeted material reaching the right stakeholders with the right message at the right time, and increasing collaboration.

In terms of how WADA would approach that, the members could see the backbone of the strategy, and it was about taking a step back and revitalising the brand through four steps. The first step was research and positioning, expanding upon the existing research that WADA had, and she had made reference to the audit as being one source of data, but also there were metrics associated with all of the channels which could be leveraged. Conducting a stakeholder survey, which she proposed take place on an annual basis, probably in the first quarter that year and thereafter ideally in every first quarter, really getting a sense of the voice of the customer, the stakeholders, and their level of appreciation for what WADA was doing, and by that she was not referring strictly to communications but was talking about the WADA activities. The department would conduct an audit of all that was being said about WADA and how WADA was being positioned across all of its different channels. The foundations of the brand (the vision, mission, values and personality) would be revisited to ensure that they were really representing who WADA wanted to be going forward and, from there, they would clearly and simply articulate the new positioning. With that, it would not be a revolution; it would be an evolution, as there was plenty of good work already being done.

In step two, the research phase would be translated into real life, concrete positioning, establishing positioning in all of the areas of activity aligned with the new brand, and then all the other things that came with that, around guidelines, visuals, video etc., everything that aligned with the brand.

In the third phase, WADA would engage with its stakeholders. There would be a launch, but it would be an ongoing reveal, which was to say it was more like a house renovation

where one room was renovated at a time as opposed to a massive 'aha', but she would plan for a reveal in September, recognising that the Olympic Games would be the show on which everybody would be focused, so something would be done in September and stakeholders would be engaged around that.

The fourth phase was about ensuring that WADA developed a measurement strategy to continually measure and adjust on an ongoing basis.

In terms of how communications would lead that shift, the way she saw it, in terms of communications objectives, her group had four objectives when it came to supporting the business strategy: it needed to inform and build awareness and confidence in WADA's anti-doping activities, lead cooperation with anti-doping stakeholders, facilitate compliance with the Code and international standards, and ensure consistency across all that WADA did. Her group oversaw six areas of activity and would be approaching them through an integrated approach. She would not go into great detail, but said that each area of activity had a work plan, and those activities fell outside the day-to-day work. Each area needed its own strategy, so media relations had to have a proactive strategy, and social media had to have a proactive strategy. She identified a few ideas. One thing WADA was currently lacking was an issues management database, so that would contain high-level messaging, proof points and questions and answers related to every issue that WADA confronted, a database that could then be shared by members of the leadership team and allow the department to produce briefing books at the push of a button on any given day. She made it sound easier than it would be, but that was the desired outcome. Another idea that could turn out to be a good media activity would be to develop, launch and promote an annual clean sport report card to quantify exactly how WADA was protecting the clean athlete and promote it thereafter on an annual basis, and hopefully the results would improve year on year. She showed the members that there was an action plan in place.

In terms of athlete relations and communications, there needed to be an overarching plan to better leverage the Athlete Committee members. A very basic idea that had come up during the latest Athlete Committee meeting had been to have a social media strategy for the Athlete Committee. They had good reach and WADA needed to start leveraging that more.

In terms of the Athlete Outreach model, the department needed to explore ways to get further reach. There were currently WADA Athlete Outreach activities at major events, but it was necessary to recognise that those activities targeted elite athletes at a handful of major events per year.

The Legacy Outreach model had also been introduced, through which WADA partnered with IFs, shared the finances associated with that and then they were equipped with an outreach programme of their own so that they could carry on thereafter. It was a nice sustainable model. She would like to see WADA doing more of the Legacy Outreach programmes, but also trying to find ways of getting greater reach with the model. One idea there was around developing an online store called the Play True Store, through which WADA could make available its branded collateral to stakeholders wishing to purchase and potentially cobrand material. There would be tremendous cost sharing associated with that. WADA was currently incurring the cost for the design, production and shipment of such collateral. That could potentially bring in some income. The department would also explore opportunities around sponsorship and cobranding under athlete relations and communications. Under the third channel, web and digital, if there was one area upon which she received feedback of a more constructive nature, it was probably the website. People felt that the WADA website fell short of expectations; on that front, a certain amount of capital had been put aside to embark upon a Web 2.0 plan that would hopefully result in a website that met stakeholders' expectations. Under ADO engagement, the idea was to have an overarching plan with regard to stakeholder communications. There were a few points she would like to consider, including instituting an annual survey to measure WADA's impact on satisfaction levels with stakeholders. Also in terms of partnering, she would like to look, either through some kind of an ad hoc communications committee or some other type of network, at

the communications group engaging with its communications counterparts in ADOs, both NADOs and IFs, to share information and partner.

Corporate communications was a big bucket of opportunity; she was already very engaged with the other department heads at WADA to develop communications strategies, related to the new ADAMS, Athlete Biological Passport, supplement use or education, the latter being a big area of opportunity to which insufficient support was currently being given. She would not go into any more detail on those areas but there was plenty of work to be done that would help promote WADA's activities.

WADA needed to ensure that it was embedding formal measurement into all communications as a matter of course. The work had already begun; WADA had already received at least anecdotal feedback (more from its media stakeholders) in terms of its positioning having been refreshed over the past year. Leadership had taken on prominence through channels such as WADA Talks. Ten WADA Talks video interviews with leadership had already been produced, and an Op-Ed series had been introduced that had gained significant reach internationally. The Legacy Outreach model had been launched, and so on. One of the biggest areas that would help the department deliver was the creation of efficiencies, in particular around restructuring the team. The department had outsourced translation, allowing it to bring on a new coordinator to support media relations activities, had promoted another member of the team who provided more support to the Athlete Outreach group, and realigned roles and responsibilities, so she thought that the department was in good shape to deliver on the purpose of the brand.

THE CHAIRMAN said that, at a recent meeting, there had been numerous questions, and he was really grateful that such a professional piece of work had been prepared. He thanked Ms MacLean for the effort she had put into it.

MR RICCI BITTI congratulated Ms MacLean on the wonderful presentation. Was something planned for how the decisions would be put forward? It seemed like a very important job over the next few days. He assumed everything was already prepared.

THE CHAIRMAN said that he thought that WADA was heading in the right direction. The members could see the sheer volume of work that needed to be done. It was being done by four or five people. WADA was heading strongly in the right direction. Yet again, there would be a resource issue. One of the big challenges that any executive committee had was where it spent its money but, if WADA wanted to be well appreciated and well understood, clearly communication was very important.

DECISION

Communications strategy noted.

12. Anti-Doping Administration Management System (ADAMS)

DECISION

ADAMS update noted.

13. Any other business/future meetings

THE CHAIRMAN thanked the members. It had been a long day, but there had been a few things on the agenda that were not standard committee items. He really wanted to thank the members very much.

MS BOKEL said that she had not been sure where to bring up the matter. She had heard allegations about Kenya, the Independent Commission report, and about more sports, possibly in Russia, and more countries; the members knew the terms of reference and had set criteria for directing immediate investigations, so her question about protecting clean athletes was that WADA had started to open what could be Pandora's box, and it seemed

important not to wait too much longer until WADA received more information to protect those clean athletes. That was WADA's purpose, so she wondered if there was more that might be done in the field of investigations.

THE CHAIRMAN responded that the answer to Ms Bokel's question was that of course there was. However, apart from the public comments he had read recently about Kenya, sitting there, he could not list the number of other possibilities that there were. All he could say was that, when the Foundation Board had taken definite decisions on the report the following day, it would be necessary to see the reaction to that situation and thereafter WADA would have to consider what priority should be given to any particular investigation and, if that happened, under the new criteria established, it would be necessary to go to the members and tell them that he was exercising his discretion, regrettably, and ask them if they were happy. Those decisions would go to the members instead going to them via him, and he was happy enough to accept that, but he could honestly not give Ms Bokel a complete answer. He was certainly very well aware of an investigative group of journalists who had already started work on Kenya, and would regard it as a sort of ordinance that WADA immediately go to Kenya because then they would be able to claim credit for encouraging WADA to do everything that it had done in the past. He was sorry that he could not give a definite answer, except that people would clearly expect WADA to do more, and WADA would have to wait and see where the requests came from and what they were. Mr Ricci Bitti thought that, if the members got through the following day, they would have done enough.

PROFESSOR ERDENER commented on one of the meeting dates. There was to be an advanced team physicians course in Cape Town on exactly the same date as the WADA meeting to be held in Glasgow the following year.

THE CHAIRMAN responded that he was aware of that clash. The management had gone to the Glasgow people in advance of knowing about the clash and, having booked facilities, he was afraid that the members would have to live with it and he would encourage Professor Erdener to have a splendid and equally erudite representative there. He would miss Professor Erdener. He could not guarantee beautiful sunshine in Glasgow the following year. He thought it highly unlikely, however, that the airport would be closed because of snow. He could see no other way round it. He understood that there were clashes of dates right, left and centre for everybody. They would just have to press on.

He thanked everybody for their attendance, hard work and the good work done that day. He thanked the interpreters and looked forward to seeing the members later that evening. He warned the members that the following day would be a big day and asked them all to remember that it would be an open meeting. There would be a much bigger press attendance than ever before so, if the members intended to issue difficult or combative statements, they would be lovingly recorded by the media and the members could get some worldwide media attention.

DECISION

Executive Committee – 11 May 2016, Montreal,
Canada;

Foundation Board – 12 May 2016, Montreal,
Canada;

Executive Committee – 21 September 2016,
Warsaw, Poland;

Executive Committee – 18 November 2016,
Glasgow, Scotland;

Foundation Board – 19 November 2016, Glasgow,
Scotland.

The meeting adjourned at 3:45 p.m.

FOR APPROVAL

SIR CRAIG REEDIE
PRESIDENT AND CHAIRMAN OF WADA