

Note: The Executive Committee meeting minutes are published on WADA's website once they have been approved by the Executive Committee, generally at their subsequent meeting. The minutes are 'intelligent third-person, verbatim transcriptions', i.e. slightly edited for readability.

Minutes of the WADA Executive Committee Meeting 14 and 15 September 2020, via videoconference

Day 1 of the meeting began at 7.00 a.m. (EDT).

1. Welcome, Roll Call and Observers

THE CHAIRMAN warmly welcomed all the Executive Committee Members and observers to the WADA Executive Committee meeting. Before starting with the day's agenda, he asked the Members to take a moment to remember one of WADA's former Presidents, the Honourable John Fahey, from Australia. It was with a heavy heart that he informed the Members that Mr. Fahey had passed away that Saturday. He had not personally worked alongside Mr Fahey but, from what he had heard, he had been an exceptional man, greatly admired and respected in politics and sport, fully committed to WADA and anti-doping, and a true leader who would be missed by everyone who had worked with him at the Agency. On behalf of WADA, he extended heartfelt condolences to Colleen, Mr Fahey's wife, and to his family, friends and colleagues. He asked the Members to stand for a minute's silence.

MR COLBECK said that Mr Fahey had been a wonderful gentleman, a fantastic premier of the state of New South Wales and had served as the WADA President from 2008 to 2013. He had been immensely proud of the work that he had done for WADA and Australians were immensely proud of his work. He had also served in the Australian Parliament as minister for finance, and he had been one of the Australians who had been very much involved in the successful bidding process for the Sydney 2000 Olympic Games. His famous, "flying" leap on the successful announcement of that bid was something that had gone down in Australian folklore and history. He had received the Companion of the Order of Australia in 2002 and had been a very highly respected member of the New South Wales and Australian parliaments. M. Colbeck said he was pleased to have known Mr Fahey as a friend; he had made a huge contribution to his state, country and the anti-doping movement globally. He also extended his condolences to Mr Fahey's family. On behalf of Oceania, he recognised the great service of Mr Fahey to the anti-doping movement. He had made a contribution in a number of spheres and it was quite right to remember him very fondly as a significant contributor.

THE CHAIRMAN thanked Mr Colbeck for his words.

PROFESSOR ERDENER stated that the Olympic Movement was deeply saddened about the great loss of Mr Fahey to the anti-doping community. Mr Fahey would be unforgettable in the anti-doping family, and the Olympic Movement expressed its sincere condolences to his family and friends.

THE CHAIRMAN thanked the Members for their statements.

When the Members had last met in May, he had hoped that the next meeting would be a face-to-face one, but here they were again meeting by videoconference. Most of the Members had got used to the virtual meetings and all understood the difficult and challenging times with COVID-19. There were two deputies attending the meeting: on behalf of CADE, Mr Díaz and, on behalf of Mr Kejval, Ms Grossenbacher.

He hoped everybody would be able to get back to the normal, in-person meetings as soon as possible.

The following Members attended the meeting: Mr Witold Bańka, President and Chairman of WADA; Ms Yang Yang, Vice-President of WADA; Professor Ugur Erdener, IOC Member, President of World Archery; Ms Hannah Grossenbacher, representing Mr Jiri Kejval, President, National Olympic

Committee, Czech Republic; Mr Ingmar De Vos, Council Member, ASOIF, IOC Member, FEI President; Mr Nenad Lalovic, Executive Member, GAISF Council, UWW President, IOC Member; Ms Danka Barteková, IOC Member and Vice-Chairman of the IOC Athletes' Commission; Ms Amira El Fadil, Commissioner for Social Affairs, African Union, Sudan; Mr Marcos Díaz, representing Ms Andrea Sotomayor, CADE President, Ecuador; Mr Kameoka Yoshitami, State Minister of Education, Culture, Sports, Science and Technology, Japan; Mr Dan Kersch, Minister of Sport, Grand Duchy of Luxembourg; and Mr Richard Colbeck, Minister for Youth and Sport, Australia.

The following Standing Committee Chairs attended the meeting: Mr Ben Sandford, Chairman of the WADA Athlete Committee; Hon. Mr James Wood, Chairman of the WADA Compliance Review Committee; Ms Kady Kanouté Tounkara, Chairman of the WADA Education Committee; Mr Ser Miang Ng, Chairman of the WADA Finance and Administration Committee; and Mr Lars Engebretsen, Chairman of the WADA Health, Medical and Research Committee;

The following representatives of WADA Management attended the meeting and contributed during various items: Mr Olivier Niggli, Director General; Ms Dao Chung, Chief Financial Officer; Mr René Bouchard, Government Relations Director; Mr Tim Ricketts, Standards and Harmonisation Director; Mr Tom May, Director of Programme Development and NADO/RADO Relations; Mr Frédéric Donzé, Chief Operating Officer; Mr Gunter Younger, Director of Intelligence and Investigations; Mr Julien Sieveking, Legal Director; Dr Olivier Rabin, Director of Sciences; Dr Osquel Barroso, Deputy Director of Science; Ms Amanda Hudson, Director of Education; Mr Rafal Piechota, Director of the President's Office; and Mr Sebastien Gillot, Director of European Office, and International Federations.

The following guest speaker was present during a relevant agenda item: Mr Francois Kaiser, Kellerhals-Carrard, Legal Counsel.

The following observers were present: Michael Vesper, Richard Budgett, Andrew Ryan, James Carr, Carlos Roy, Philippe Gueisbuhler, Santiago del Pino, Anthony Jones, Alexandre Husting, Sergey Khrychikov, Robert Auguste, Sarah Elsayed, Toyooka Hiroki, Arai Tomohiko, Clayton Cosgrove and Darren Mullaly.

– **1.1 Disclosures of conflicts of interest**

THE CHAIRMAN asked the Members if they wished to disclose any conflicts of interest. In the absence of any request for the floor, he would continue.

2. Minutes of previous meeting - 15 May 2020

THE CHAIRMAN drew the Members' attention to the minutes of the previous meeting. The draft minutes had been included in the documentation sent out a few weeks previously to the Members. There had been one small request from the Japanese minister, Mr Kameoka, in relation to page 15, the third line from the top, to remove the word 'errors'.

PROFESSOR ERDENER said that the Olympic Movement fully supported the approval of the minutes of the previous meeting.

THE CHAIRMAN concluded that the minutes were approved.

DECISION

Minutes of the meeting of the Executive Committee on 15 May 2020 approved and duly signed.

3. Director General's Report

THE DIRECTOR GENERAL updated the Members on a number of points. WADA had not yet received a formal decision from the Swiss authorities on the revised statutes (discussed at the previous meeting), which was no real surprise. It was taking some time, but he was hoping to receive a decision before the November meeting so as to conclude the matter and post the new statutes on the website. WADA had not heard any further concerns from the Swiss authorities.

He thanked both China and the IOC for their extra contributions. As the Members would recall, in Katowice, the IOC had pledged to provide five million dollars of extra funding, half for scientific research and half for investigations. WADA had received one million dollars from China, and that money had been matched by the IOC, meaning one million dollars for research and one million for investigation. Without that extra funding, WADA would simply not have been able to fund its research programme for that year. The 19 scientific research applications selected were all very good projects and, he reiterated that without the additional funding, WADA would have been unable to finance them.

The Intelligence and Investigations Department would immediately make good use of the extra funding and start a project to create an investigation unit in relation to compliance. WADA currently had one million dollars, and the hope was to get more, but the Department would start on a smaller scale with the money already available and would therefore be able to make an immediate difference. There were still two million dollars for research and two million dollars for investigation on the table. He encouraged the public authority Executive Committee Members to talk to the authorities in their regions to encourage the additional contributions because, for every dollar invested by the Public Authorities, a dollar would be invested by the Olympic Movement. It was a very good investment in the anti-doping system and he encouraged additional contributions for research and investigations as it was critical to maintain the current level of research.

Russia was a recurring item on the agenda, and he proposed that the matter be discussed further down under the legal section, where it would be possible to discuss ongoing matters, including recent events that had occurred in relation to RU.S.DA. The same applied to the IWF.

DECISION

Director General's Report noted.

– **3.1 COVID-19 – Anti-Doping Impact Update**

THE DIRECTOR GENERAL said that WADA had been hoping to have an in-person meeting and he certainly regretted that that had not been possible. He was also sorry that the WADA Education Conference in Australia would not be taking place. It had been postponed by a year. He looked forward to it next year and thanked the Australian friends for their flexibility.

From an operational point of view, most employees were still working remotely in Montreal as the government requirements were that no more than 25% of staff could be present in the office at the same time. Internal policies had been put in place to protect the health of employees, and most staff were working from home. That had been working well since the beginning, everybody had adapted, and WADA had been able to maintain an almost normal level of productivity, though the staff members were certainly missing one another.

In terms of the global fight against doping in sport, the Members had the update in their documentation, and Mr Ricketts would be able to provide an update in terms of testing as well as the creation of the Strategic Testing Expert Group, set up to have more thinking about how to be innovative in terms of anti-doping.

In terms of finance and the consequences of COVID-19, he proposed discussing the matter under the finance item further in the agenda.

MR RICKETTS shared his screen with the Members. Following on from the presentation he had provided at the May meeting on the topic, he was happy to provide a quick update on the impact that COVID-19 had had on testing, as well as two other important initiatives that would assist the anti-doping community in dealing with similar situations in the future.

In relation to the impact on testing, the graph on the screen represented a comparison for samples collected between January and August 2019 and 2020. The number of samples related to urine samples, blood samples and blood Athlete Biological Passport samples, and was represented by the columns. The graph also showed the number of testing authorities that had collected those samples, and those were the organisations that had requested or authorised samples to be collected from athletes under their jurisdiction. Those figures were represented by the lines. The green columns and line were for 2019, and the black columns and line were for 2020. Looking at the start

of the year in 2020, the figures were quite consistent, a little bit more compared to 2019, and that was just before the pandemic had taken hold. Then, there had been a sudden drop in March, and April was where it had bottomed out, at a total of 550 samples collected by 33 testing authorities. There had been a steady increase from April to August. WADA was currently at 13,000 samples, which had been collected by around 125 testing authorities. The number of samples and testing authorities was on the increase, trending in the right direction, and he hoped that that would continue over the coming months as further countries started to deconfine.

Looking at the number of samples collected in August, as he had mentioned – just over 13,000 – that equated to around 50% of the figures for the same month in 2019, so there was still a way to go. Looking at who had collected them, 71 NADOs had collected around 10,000 samples and, compared to the same month in 2019, 84 NADOs had collected around 17,000 samples. Looking at the IFs, 45 IFs had been responsible for collecting 2,700 or so samples compared to 71 IFs and 7,800 samples for the same month in 2019. Looking at the regions in which the NADOs had collected the samples, Europe was clearly leading the way with over 7,300 samples, followed by Asia, Oceania, the Americas and Africa.

WADA's Regional Offices were working closely with the NADOs and IFs to encourage them to restart their testing programmes as quickly as possible and, in doing so, adopt the enhanced health and safety procedures, which WADA had developed whilst taking into account national government and health policy as well.

In an effort to better understand the impact that COVID-19 had had on the ADOs and to seek feedback on a number of documents and procedures developed and issued by WADA to assist stakeholders through those difficult times, WADA had developed a survey, which had been distributed to ADOs on 2 September. The deadline to respond was 18 September. He would, of course, update the Executive Committee and Foundation Board in November on the outcomes of the survey and some of the findings would also be passed on to the Strategic Testing Expert Group touched on earlier by the Director General.

WADA had established and announced the establishment of the Strategic Testing Expert Group, comprising ten external experts from IFs, NADOs, laboratories and athletes, so there was a good mix of medical, scientific, legal and testing expertise to assess a number of areas. The Group would have five virtual meetings, and four of those would focus on the specific impact of COVID-19, as well as looking at some of the innovative and modified testing programmes that several NADOs had implemented in earlier parts of the pandemic. The meetings on COVID-19 and the impact would start in early October. The other meeting would focus specifically on the Technical Document for Sport-Specific Analysis and would be held that coming Wednesday.

WADA would continue to support and provide guidance to all stakeholders, in particular through its Regional Offices, and there was also a dedicated COVID-19 section on the WADA website.

MR KAMEOKA appreciated the significant effort made by WADA to resume testing during the COVID-19 pandemic and, as mentioned in the Director General's Report, WADA had released guidance for ADOs and was conducting an online survey with a view to making further improvements. Sport activities in Japan were gradually resuming, exemplified by the restarting of football matches in July. Doping Control Officers were required to take PCR tests and were engaged in testing whilst observing strict measures to prevent COVID-19 infection in accordance with WADA guidelines. The number of tests had increased from August onwards. With the resumption of sport activities, he expected and encouraged that WADA would continue to demonstrate its leadership by ensuring a good balance between taking precautions against the coronavirus and conducting testing.

MS EL FADIL said that it was good to see her colleagues, albeit virtually. She hoped that the next meeting would be in-person. She gave her condolences on behalf of Africa and the African Union on the death of Mr Fahey.

The role played by WADA during the pandemic had been much appreciated. The pandemic was still ongoing and affected everybody, in every continent and country. Nobody knew when it would end. Africa had done its best to ensure that the sport sector would be less affected by the pandemic. There had been many ministerial meetings convened by the African Union and WADA had been invited to attend some meetings. The WADA African Office had also been invited, and the African

Union had worked with NADOs and RADOs, but the effect of the pandemic on the sport sector was huge, also in relation to anti-doping issues. She wanted to say that it was necessary to work together to make sure that the sport sector would be less harmed by the pandemic. The work being done for clean sport would continue regardless of the challenges, but governments and the Sport Movement should work more closely together. Nevertheless, the African Union appreciated what had been done thus far and was ready to cooperate.

THE CHAIRMAN thought that everybody had learned lessons from the COVID-19 situation. WADA wanted to make sure that its stakeholders were properly guided through the state of emergency but also wanted to better prepare for similar situations in the future. He hoped that the Members shared the approach.

DECISION

Update on COVID-19 Anti-Doping noted.

– **3.2 ONDCP Report and Rodchenkov Act Update**

MR BOUCHARD said that he would start with the ONDCP Report. The US Government had been a member of the WADA Foundation Board since the creation of WADA. It had been an important ally in the protection of clean athletes and he hoped that the cooperation would continue.

On the ONDCP Report, he would provide a little bit of background. The previous June, the ONDCP had sent a report to the US Congress on the governance reform efforts undertaken by WADA. The Report had been highly critical of WADA and had been made publicly available. In its Report, the ONDCP had underlined three benchmarks for progress by WADA to be evaluated by the ONDCP. The ONDCP was threatening to reduce or withhold the US annual financial contribution to WADA to incite WADA to adopt reforms. The US contribution to the WADA budget in 2021 is to be 2.9 million dollars. The 2020 contribution was 2.7 million dollars and had already been paid by the US Government. WADA felt that the ONDCP Report was inaccurate and contained what it thought was misleading information and had often not provided relevant contextual information. WADA had not been consulted during the drafting of the Report or prior to its release to the US Congress and the public. It had been felt by WADA that the Report was an attack on the credibility of the Agency that could not be left unanswered. As a result, WADA had provided an answer through a detailed, annotated document, which had also been made public. In July and August, there had been exchanges of letters between the WADA President and the US representative on the WADA Foundation Board. The Members had copies of the letters in their documentation packages. In a letter dated 6 July, the ONDCP had indicated that the desire was to help WADA reform from within rather than from the outside. The ONDCP stood by its Report and wanted to work with WADA but it was prepared to withhold WADA funding to encourage reforms within the organisation. In a letter dated 10 July, the WADA President had indicated that he was committed to ensuring that the long-standing partnership with the US Government was maintained, had talked about the collaboration between the Sport Movement and the Public Authorities as a key principle upon which WADA operated in order to be a strong anti-doping regulator and, by way of a proposal for governance reform, suggested that the US Government be part of a constructive dialogue with the Foundation Board rather than placing WADA under threat of withholding funding. In pretty much all of the letters exchanged, WADA and the US Government had both expressed a desire to hold dialogue at the most appropriate time. The US Government had suggested that such a meeting take place after a conversation between the U.S. and the Public Authorities of the world, an offer that had been agreed to by WADA. The meeting with the Public Authorities had taken place on 11 September.

Before he concluded, he wished to address a point that was quite important in relation to the current debate, and it had to do with the possibility of the US Government becoming a member of the WADA Executive Committee. It had been reported on several occasions by different media that the US Government could not hold a seat on the Executive Committee to represent the Americas because there was no position of sport minister in the US Government. It was important to mention that there was no such rule in the WADA statutes or regulations. Over the years, there had been a number of representatives of the US Government on the Executive Committee and, to his knowledge, none had held the position of sport minister. Also, it was his knowledge that there was no such rule in the statutes or regulations of the Americas Sports Council. He had thought it important for the

benefit of the conversation at the Executive Committee to provide some clarification on the matter. That concluded his report.

THE CHAIRMAN highlighted a couple of issues that were important from his perspective. He stressed the importance of working with the US Government. As he had assured the Members on many occasions during the meetings, be they bilateral or in larger groups, WADA and he were open to constructive dialogue with the US friends. He had assured James Carroll many times about such openness, inviting him to a meeting, and he hoped that it would happen soon. Maintaining unity at WADA was important to him, especially as multilateralism was being questioned by some world leaders. He was glad that the US partners had decided to discuss the matter with other Public Authorities and he was also glad that they did not insist on their recommendation that linked representation at WADA with the level of financial contribution made by WADA member governments. However, he recalled that there was still a recommendation on the table to reduce the number of sport organisation representatives in the current WADA governance structure. The organisation had been built on the basis of equal partnership. The proposal was to change the DNA of the organisation or to create a new organisation that was based on different principles. Therefore, he wanted to hear from the Members, especially the Public Authorities, as to whether they wanted to change the current structure of WADA. Several governments had contacted WADA to express concern about the threats from the US Government to withdraw funding from the Agency. The governments had identified what they considered to be a weakness in the WADA rules. They had asked WADA to consider amending the rules. The view expressed was that the governments that refused to meet their agreed funding commitments should face significant consequences under the International Standard for Code Compliance by Signatories. He would consider the suggestion carefully. WADA did not want other countries to do the same just because they did not agree with the sanctions imposed on their athletes or other steps taken by the Agency. The WADA management would get back to the Members with some concrete proposals at the next meeting in November; however, he wished to make it clear for the record that, if WADA were to follow the suggestions, he would never let clean athletes become hostages of political games. Under the International Standard for Code Compliance by Signatories, there were many possible consequences that would not affect the athletes. He apologised for the lengthy introduction to the discussion.

MR KAMEOKA wished to comment on the ONDCP Report on behalf of the Public Authorities. As the Chairman of One Voice group representing the WADA Public Authorities, he had sent an official letter to Mr Carroll on 7 August and had invited the U.S representatives to the One Voice virtual meeting held on 11 September to have direct dialogue with them. At that meeting with the US representatives, there had been an active exchange of opinions and it had been possible to confirm the content of the letter to the U.S. dated 7 August. To be specific, it had been possible to confirm that it was imperative for the U.S. to continue to be an active participant in the WADA governance reforms in the international anti-doping field. He had mentioned that it was necessary to remember the fact that the Members had selected the President of WADA as the candidate to the presidency of the Agency because of his commitment to international anti-doping enhancement and the involvement of athletes. It had been possible to confirm that it was important to continue the partnership between the U.S. and the other Public Authorities so as to move forward with international anti-doping enhancement and the involvement of athletes, Public Authorities and direct communication with the WADA President. Those were all very important elements. He was talking about finding measures to defend and further understanding by all stakeholders in the governance reforms. That was what the Members expected of the WADA President in his leadership, from the Public Authorities and the Sport Movement side, and he was fully committed to continuing his support.

PROFESSOR ERDENER thanked Mr Bouchard for his very comprehensive report and the President for his explanation. His comments would cover both issues, but mostly the ONDCP Report. The Sport Movement was very concerned about the effects of the ONDCP Report and the Rodchenkov Act (and therefore fully supported the actions and public statements made by the WADA administration and the President), not only on the cooperation built between the Sport Movement and the Public Authorities through WADA to tackle doping in sport, but it also put WADA at risk, as well as the efforts invested over the past 20 years. The Olympic Movement requested clarification on the consequences and wanted to know whether or not the U.S. would pay its contribution in 2021, and that it would not be compensated for by other governments. The Sport Movement supported WADA

publicly raising these concerns expressed by the Executive Committee as a conclusion of the meeting. Furthermore, the Olympic Movement thanked the Public Authorities for raising concern and awareness on the risks of the Report and the Rodchenkov Act in an effort to continue the global fight against doping and he encouraged further dialogue.

MR KERSCH supported what had been said by his colleague Mr Kameoka. He was well aware that it was a very sensitive issue, but he also wanted to avoid any negative escalation among the stakeholders. It was necessary to keep everybody on board around the table and the One Voice platform, if strengthened and improved, would be a good place to exchange with the U.S. colleagues to see how to respond to their legitimate requests for better governance and better representation of athletes. There should be a strong WADA and any divisions within WADA would only benefit the cheats. To answer the question asked by the President, he was obviously in favour of the current equal representation existing between the Sport Movement and the Public Authorities within WADA. That was not the question; the question was how to have better athlete representation.

MS EL FADIL thanked the Chairman for the efforts made. She reiterated Africa's position. Following the regional meeting with the WADA President, the African position was still the same: Africa supported WADA and its efforts to ensure governance reform, acknowledged the factual inaccuracies in the U.S. Report and supported the actions of the WADA President to put the facts forward, especially those aimed at ensuring that funding should not be a determining factor in being part of the WADA governance structure, and she was pleased to hear from the President that the issue had been dropped. Africa supported continuous engagement with the U.S. authorities and suggested that dialogue continue between the Public Authorities on the WADA Foundation Board and the U.S. authorities. There would be an impact in terms of loss in revenue should the U.S. decide to follow through on its threat to withhold contributions. There would be an impasse, but the main position was to support whatever decision was taken by the WADA administration, but also more negotiation and more dialogue in favour of having a country such as the U.S. as an active member.

MR DÍAZ offered the condolences of CADE to the WADA family and Australia in relation to the death of Mr Fahey.

He also thanked Mr Bouchard for his report. CADE had recently distributed a letter among the Members. It had been caught by surprise by the ONDCP Report, since its contents and incongruencies had been followed by different letters, including a letter from CADE and some sub-regional councils of sport from Central and South America. None of the statements in the Report had actually been expressed or presented by the U.S. governmental official at CADE meetings, assemblies or any other public authority regional meeting. Some of the requests or statements had been heard only in the media, expressed by a non-governmental official and, in particular, governmental officials approached had separated themselves from the statements made public by the U.S. NADO. Since the Report had been formally presented by the governmental official, CADE had reached out to the ONDCP and was very pleased and optimistic about the position of the ONDCP representative to work closely with CADE, and the U.S representative present at the One Voice meeting, expressing the desire to work closely with the Public Authorities to figure a way out. He wished to express deep concern when a country unilaterally decides not to pay its annual contribution to WADA. CADE understood that to be a significant concern, since the U.S. in particular contributed to half of the regional contribution of the Americas to WADA. He also wanted to adhere to the proposal being put forward by the WADA President. He felt that, if a country unilaterally decided not to contribute to WADA, then WADA should be protected from that possibility, and so he encouraged looking into ways of protecting against such threats.

Finally, he supported Mr Kameoka's and Mr Kersch's desire to maintain dialogue and involve the U.S. to try to figure out the best possible way to solve things.

MS YANG said that she had been very happy to see that the WADA President had clarified that athletes would be protected in the future. The news had been flying all over the world over the past couple of days, so it had been very nice to hear that clarification. She very much agreed with the equal partnership to move forward. That was the best way of protecting clean athletes and the fight against doping. As an organisation, WADA fought against doping not only by sanctioning; it was also necessary to provide education and work with the entourage. It was necessary to think about the

purpose of WADA when taking decisions. She encouraged dialogue with the U.S., which was the best way forward for the fight against doping.

MR COLBECK said that he thought it was necessary to be reflective of the fact that a strong relationship between WADA and the U.S. was very important for the future of sport and the protection of athletes, and the U.S. involvement in the organisation was vital to its future. Oceania and Australia were disappointed that, rather than deescalating, the issue seemed to be continually escalating, and he did not think that was useful for the organisation or for addressing the issues that fundamentally lay at the base of the discussion. All of that was borne out of the desire of the U.S. to see governance reform progressed within the organisation. He took the point made by the President of WADA that he did not agree with some of the points made in the Report. That was a reasonable observation to make; but addressing those back to the U.S. in a proper manner and then moving on with the process of governance reform (which he thought that everybody supported) in the interests of ensuring that athletes did have the opportunity to compete in sport in a clean way was very important. Therefore, rather than a continued escalation of arguments in public, it was necessary to address the issues that sat at the base. He was concerned at suggestions that WADA might start to take action against somebody who did not pay. Looking at those who had not yet paid their contributions, there were over 60, so it was necessary to be very careful about going down that path. It was necessary to really look at the basis for the existence of the whole argument and find ways to properly deal with the issues and then move on those. In the circumstances in which there was a significant surplus in the budget, there was an opportunity for WADA to perhaps accelerate the governance reforms and athlete representation; he thought that everybody agreed on those, and those things should be moved forward in a positive way. WADA should work to deescalate the circumstances, as it was not in anybody's interest to continue to escalate. He found it a bit difficult that there were unnamed parties listed in a press release criticising another party who was named; that was not an appropriate form of addressing the issue. From his point of view, if he wanted to say something to somebody, he would come out and say it. People should be prepared to have their name listed if they were going to make such criticism. There was reference to some correspondence provided and, in the interest of transparency, he would like that to be shared with all parties so as to undertake the discussion in a fully transparent way. In the best interests of all, they should be engaging, and he was prepared to offer his services as an intermediary if necessary, to engage with the U.S. The offer made previously remained open. It was in all the Members' best interests and WADA's as an organisation to address the underlying issues. He would be happy to participate in the process so as to deal with the issues and then get on with the role WADA actually had, which was to ensure that the interests of athletes were properly supported. He thought that WADA was starting to get lost in the argument rather than dealing with the issue, and WADA ought to get on with the job that it had, which was to look after the interests of athletes competing in clean sport.

MS BARTEKOVÁ said that the good dialogue with the counterparts in the U.S. on various levels and on an athlete level should be continued. She commended the WADA President on his efforts to make sure that athletes could prepare calmly for the Olympic Games the following year without any pressure being placed on them or fear of not being able to participate in the events. It was important to protect clean athletes no matter what. She commended the President on what he had said. Athletes could end up being hostages in disputes and everything possible should be done to make sure that they were all aware of that. Dialogue should be supported and continued with the U.S. to solve the problem so that the organisation and the athletes would be calm.

THE CHAIRMAN thanked the Members for a fruitful exchange of views and for their remarks and statements. He hoped that everybody agreed that, in this critical time for anti-doping, unity was needed and not division. He stood ready to work with the U.S. Government and he hoped it would continue to contribute to the global anti-doping programme.

MR BOUCHARD gave an update on the Rodchenkov Act. WADA had continued to follow developments in the U.S. Congress in relation to the act; the potential approval of the bill by the U.S. Senate was an issue of significant concern for WADA considering the negative unintended consequences it might have on the anti-doping system worldwide. He would not spend time on the content of the bill, as the Members had been briefed on the matter by Professor Haas, although he highlighted that, following the previous Executive Committee meeting, WADA had invited five Members of the U.S. Congress to attend the September Executive Committee meeting, as a follow

up to an offer from the ONDCP for receiving a briefing directly from representatives of the U.S. Congress. WADA had responded positively at the time, and so extended the invitation but unfortunately, it had not received any response. However, he was aware the process to approve the Bill was moving forward. The Bill required the approval of the U.S. Senate and the U.S. President. Although it was not possible to predict with certainty if or when the Bill would be approved, he thought that it was more a matter of when than if. The U.S. Senate was in session that week and approval of the Bill could happen quickly. The Bill had been outlined the previous week, in a procedure used to bring a Bill to the floor for a vote, to determine if there was last-minute opposition. If there was no opposition voiced by senators, the Bill passed. It essentially allowed for sidestepping of the formal vote. That procedure reinforced the expectation that the approval of the Bill was a matter of days away. WADA's views on the Bill had been clearly expressed to relevant U.S. Congress committees and requests to be heard by U.S. Congress committees. dealing with the bill had been unsuccessful. For over a year, WADA had indicated that it supported measures in the Rodchenkov Act that facilitated the sharing of information between U.S. law enforcement agencies and USADA. But WADA had also expressed deep concerns about the potential extraterritorial implementation of the Bill and the danger of other nations introducing similar legislation, making athletes, including U.S. athletes, vulnerable to geopolitical impetus. WADA had repeatedly indicated its willingness to cooperate with the U.S. Government and provide any explanation or advice to ensure that the Bill was complementary to WADA's effort to better protect athletes worldwide. There was currently no indication that WADA's views had been seriously considered.

THE CHAIRMAN thanked Mr Bouchard for his update. He really regretted that there was no chance to discuss the legislation with U.S. Congress representatives that day. There were still concerns that the Bill would undermine WADA's ability to conduct investigations and disrupt the harmonised rules around the world which the U.S. had helped to create since 1999 and could result in other nations enacting similar legislation in retaliation. WADA was concerned that the legislation would affect the anti-doping system. It would affect the work done by anti-doping bodies, but he was also concerned that around half-a-million elite U.S. athletes would not be covered by the Rodchenkov Act. It represented about 80-90% US athletes. This was the result of an amendment to the initial draft of the Bill, as the amendment excluded all major leagues and academic sport from the scope of the act. He wanted to know why that had happened, which was why he had been hoping for a constructive discussion with the U.S. Congress representatives that day.

MS GROSSENBACHER thanked Mr Bouchard for his report. As stated by Professor Erdener, she had grave concerns about the extraterritoriality dimension of the Act. She encouraged and welcomed the Public Authorities seeking to engage and facilitate the exchange of information between ADOs and law enforcement bodies. In relation to extraterritoriality, the Sport Movement wondered if the Public Authorities had given any consideration to the impact that that would have on general cooperation and the efforts to protect clean athletes.

DECISION

ONDCP Report and Rodchenkov Act Update noted.

– **3.3 Policy for Acceptance of New Code Signatories**

THE CHAIRMAN informed the Members that the item was for decision.

MR GILLOT stated that he was pleased to present the item. He hoped that the Members had had an opportunity to look at the documents shared. To summarise the policy currently enforced, only IF Members of GAISF could become Code signatories. That had led to a conflict and a case before the Swiss courts against the IMMAF, since WADA had declined its status as a Code signatory on the basis that it had not yet been granted the status of GAISF observer. A working group had been put together with representatives from the Sport Movement and the Public Authorities to come up with a revised policy that would give WADA the opportunity to accept as World Anti-Doping Code signatories organisations that were of sufficient relevance in the world of sport and that were committed to protecting clean athletes regardless of their status in the Sport Movement. He thanked all those who had contributed to the work of the working group, which he had had the pleasure of leading over the past few years. In short, with the revised policy, an applicant would be assessed by the WADA

management and the newly-formed Signatory Expert Group which would be convened on a case-by-case basis. The Signatory Expert Group would comprise one member from the Public Authorities, one member from the Sport Movement and an independent chairman to be proposed by the WADA management and approved by the Executive Committee. In relation to the role of the independent chairman described in the terms of reference of the Signatory Expert Group, WADA had already initiated discussions and contacted two potential candidates: Professor Jean-Loup Chappelet and Mr André Chaker. If approved that day, the process would start with those two candidates and obviously with the involvement of the Nominations Committee for WADA to be able to present a candidate by the time of the Executive Committee meeting in November.

On the process, the WADA management and the Signatory Expert Group would determine whether the applicant in question met a number of criteria in relation to legitimacy, governance and significance for a given sport. If there was disagreement between the WADA management and the Signatory Expert Group, the case could be transferred to the WADA Executive Committee for determination. Once the WADA management and the Signatory Expert Group were satisfied that the applicant met all the criteria, the next phase would start: the review of the applicant's anti-doping programme by way of a Code compliance questionnaire and the revision of the applicant's anti-doping rules. In parallel, the applicant would be put in contact with any existing signatories active in the same or clearly similar sport to seek synergies between ADOs, ultimately with the possibility for an existing signatory to take over the anti-doping programme of the applicant. If there was no agreement between any existing signatory and the applicant, and once the applicant had been declared compliant with the Code, it would be accepted as a signatory. That concluded his brief presentation. As a reminder, he asked the Executive Committee to approve the revised policy and related documents, including the terms of reference of the newly created Signatory Expert Group, as well as to grant the WADA management the opportunity to restart the process with the IMMAF under the criteria of the new revised policy.

MR LALOVIC thanked Mr Gillot for his very precise and brief presentation. The Sport Movement supported the adoption of the policy for acceptance of new Code signatories and thanked WADA and the working group for drafting the document. Nevertheless, two names to be proposed had been mentioned and, while there were no objections to the two people being vetted by the Nominations Committee, the Members had also just learned that the Nominations Committee would also be allowed to make further suggestions of independent candidates. He thought that the Sport Movement might also make a proposal.

MS EL FADIL stated that Africa supported the policy. The expectation was that the policy would ensure that more sports could be monitored for compliance and hence ensure a stronger programme.

MR COLBECK thanked Mr Gillot for the report and the work. Among the Public Authorities, there was unanimous support for the policy, which was good. It was important to have as many people under the umbrella of WADA as possible so that there could be progress in the interest of athletes. There was also unanimous support for the management reconsidering the application of the IMMAF to become a Code signatory. There was clearly strong support for that to move forward. He had one question, and that was on the significant increased costs for application. In the current environment, that could become an artificial barrier, so he would be pleased to receive some further clarification from the WADA management about the rationale for that. He did not think WADA ought to be putting those sorts of barriers in place. He noted some discussion in the report about costs borne by WADA. It was also important to ensure that there was as strong a coverage as possible for the organisation in the interest of athletes and so he thought that there should be some further discussion and consideration of the significantly increased costs, particularly in the current environment.

MR KERSCH had a small question to ask of his colleague Mr Lalovic. What did he mean by the committee proposing candidates? He was very supportive of the Nominations Committee, but the current terms of reference did not allow the committee to propose candidates. He agreed about the vetting of the candidates, but there was a problem.

MR LALOVIC responded to Mr Kersch. He had been thinking that the two names had been heard and it was definitely necessary to propose people through the WADA administration; so, if the Nominations Committee took part in the proposals, or eventually the Sport Movement, because there was no doubt in his mind about the quality of the candidates, it was just the procedure. He did not

have the feeling that the Members knew precisely how the procedure would take place. He still appreciated the proposal and policy for acceptance of new Code signatories.

MR GILLOT thanked the Members for their questions and comments. Going back to what had been discussed, it was clear in the terms of reference of the Signatory Expert Group that it had always been WADA's intention to put forward names of candidates for the role of chairman of the group to be vetted by the Nominations Committee. The management had initially thought of the two candidates who had experience and expertise in sport governance. He had wanted the Executive Committee to hear it first since the Executive Committee meeting was taking place; but, obviously, any other candidate who might be of interest for the role would also definitely be put forward to the Nominations Committee for vetting.

In relation to Mr Colbeck's question on the increase in associated costs, he fully understood that it was a significant increase in the current context. Having said that, it was also necessary to remember that the fees currently in place had been set in 2007, almost 15 years previously, and the cost of living had changed and activities and in particular compliance monitoring had been much strengthened over the past few years. In relation to the new policy, the assessment of the applicants would be much more thorough than it had ever been, and obviously the monitoring of the compliance of the applicant, who would become a signatory, would be stronger. There were also some signatories already struggling to pay the fee and they then had even more difficulty putting in place a quality anti-doping programme. The question had been discussed a great deal in the framework of the work of the working group and, although the increase was significant, it was necessary to make sure that the applicants were solid and committed to protecting clean athletes and putting in place a quality anti-doping programme with meaningful resources for that to happen. That was the background of the discussion that had taken place in the working group for those figures to come into play.

MR LALOVIC concluded that the second part of his intervention had been a little premature, given Mr Gillot's explanation.

THE CHAIRMAN summarised that the Executive Committee needed to approve the policy, its application to the IMMAF and the terms of reference of the Signatory Expert Group. Did the Members agree?

For the record, the Executive Committee had approved the policy, its application to the IMMAF and the terms of reference of the Signatory Expert Group. He thanked all those who had contributed to the drafting of the policy; at last, it was possible to find a consensus for the good of the athletes. Everybody wanted more athletes to have the possibility to compete under the Code rules, so the goal for the Code was to cover as many sports and athletes as possible. WADA Management would reach out to Members to see if there were other possible Chair candidates which they wished to submit to the Nominations Committee. He thanked the Members.

DECISION

Proposed policy for acceptance of new Code signatories, application to the IMMAF and Signatory Expert Group terms of reference approved.

– **3.4 Private Funding/Sponsorship Proposal**

THE DIRECTOR GENERAL said that, after the discussion on the fees for new signatories, the question of money was very important and at the centre of everything being done. The opportunity to find some extra sources of funding had been discussed by the Executive Committee for a number of years. The Executive Committee had already agreed in principle some years previously that that was something WADA should be doing. There had been a presentation from the Boston Consulting Group at the time on the various options and possibilities. Since then, a number of years had gone by and things had not been easy in terms of the climate for raising private money. WADA had created a U.S. foundation, but that had coincided with the issue with Russia and it had probably not been the best time in the U.S. to go and meet private investors. WADA wanted to intensify its fundraising efforts and the President had mentioned that during his election campaign. The goal was to build on the principle already agreed, that WADA would seek private funding within the framework of a policy

already agreed upon and proposed by the Finance and Administration Committee some years previously to follow a number of basic procedural rules.

MR PIECHOTA informed the Members that the private funding initiative dated back to 2017, when the Executive Committee had endorsed the proposal of the WADA management and the external experts to seek private funding. The current approach to private funding outlined in the paper tabled for that meeting comprised three strong pillars. The aim was to build the private funding strategy on those pillars. One was obviously the anti-doping solidarity fund. The idea of the fund, as Mr Niggli had explained, had initially been proposed by the WADA President. It had been created as a specially dedicated account within WADA to support solidarity projects. The idea of anti-doping solidarity was based on the need to fill the gaps in the anti-doping system, as there were countries and regions that were less resourced and needed some assistance to build their anti-doping capacity. Five priority areas had been identified for the fund to support, one of which was the development of anti-doping programmes at national and regional levels. In other words, WADA wanted existing NADOs to be stronger in terms of testing and other activities, and to encourage countries that did not have NADOs to establish one and, if that was not possible, at least to have strong RADOs assisting those countries.

The four remaining priority areas were assisting in establishing new laboratories, developing anti-doping education programmes, stimulating social science studies and strengthening the capacity of Code signatories to comply with the Code and International Standards. The investments in those areas should help to achieve the goal of the fund: a robust anti-doping programme worldwide that provided for a level playing field. One of the tools that WADA wanted to use for the purposes of the fund was the partnership projects between the stronger and less strong anti-doping organisations. The fund would support those partnerships and other projects in the priority areas through grants. The second pillar focused on a more individual approach to possible private donors, based on a project-by-project tactic. WADA planned to select a number of projects to be implemented under the WADA Strategic Plan, in particular in areas such as education, research and programme development, and would look for private partners interested in partnering with WADA in the implementation of those projects. What was important was that WADA did not want to start new projects that were not part of the Strategic Plan only because there were partners ready to get involved; WADA wanted private partners to contribute to the strategic agenda and support it financially. However, each partnering company would have the possibility to pick a project from those selected that best reflected its values and goals.

The third pillar was more linked to the WADA brand. WADA would be looking for a limited number of potential strategic partners, and they would have an opportunity to be associated with the brand in exchange for a contribution in an amount corresponding to what WADA determined was its value for possible market research.

To conclude, he was aware that the private funding exercise needed to be carried out in a very careful manner to best align the business goals of individual partners with WADA's mission and vision, so had decided to follow the protocol for voluntary contributions in the process of requesting and accepting additional contributions from private companies. In accordance with the protocol, WADA would decline any donation that arose in whole or in part from activities that might compromise its integrity and autonomy in its mission to lead the collaborative worldwide movement for doping-free sport. WADA intended to come up with a list of industries that might be compatible with WADA's mission and seek Executive Committee endorsement of such list. That would be part of the work WADA undertook in relation to the brand renewal project, and there were also plans to develop a recognition scheme to recognise donations made by private funders; however, that work was still in progress as it was also linked with the brand renewal project.

That was enough by way of an introduction, and he would be happy to answer any questions.

THE CHAIRMAN said that private funding was a very important issue for WADA when looking at how far anti-doping had come since WADA had been founded in 1999. Great progress had been made; however, he believed that more could be done, especially with the new Strategic Plan in place, but doing more would require greater resources, so he was very keen on exploring some private funding opportunities in accordance with the Executive Committee decision taken in 2017. He believed that it was necessary to insist on third-party funding of WADA, especially in the critical time of the COVID-19 pandemic.

On behalf of the Olympic Movement, MS GROSSENBACHER welcomed the initiative to secure additional funding and explore possibilities within the private sector. She looked forward to seeing the developments with the new strategy. In relation to the comment made by the Director General, the U.S. Foundation for Clean Sport had been mentioned. She would welcome some clarification as to the progress or current status of the Foundation, what it had been doing, and whether there were still resources within the Foundation to help with the strategy currently being developed. On a more technical level (and she would be happy to assist the WADA management after the meeting), she wished to draw WADA's attention to ensuring that no WADA sponsorship opportunity encroached upon rights granted by signatories to their own sponsors, so that was just for awareness and, of course, if further clarification were required, she would be happy to discuss the issue separately.

MR KERSCH said that, although he was personally somewhat sceptical about mixing private companies and anti-doping, as the European representative, he supported the initiative to attract private funding to WADA; however, he had a few remarks he would like to be taken into account. The term 'private funding' should probably be clarified, because Sport Movement funding was also private, and it was therefore important to make a distinction between the three forms of funding. It was also important to ensure the necessary guarantees with a view to avoiding any real or potential conflict of interest. He also wished to propose a provision that would allow the Executive Committee to approve or refuse funding from private sources as well as to monitor its standing. Finally, he would like to be sure that WADA would develop specific terms of reference for the solidarity fund and other frameworks for attracting voluntary contributions with a view to ensuring transparency, accountability and integrity of the fund-raising and use of funds and avoiding any conflict of interest.

MS EL FADIL said that any additional funding would be very good for WADA's budget and future, but also it was necessary to make sure that proper research was conducted into potential sponsors, how WADA would generate more private resources and sponsorships and to avoid conflict of interest. That was very important. She was sure the WADA administration would work on implementing the measures, but Africa's position was to support the generation of additional funding.

THE CHAIRMAN thanked the Members for their comments and asked the Director General to respond.

THE DIRECTOR GENERAL responded that not too much had happened with the U.S. Foundation, which had been created mainly as a vehicle to allow companies that would want to provide funding to get some tax deduction within the U.S. territory. The climate in the U.S. had not been very favourable for requesting private company funding, so there had not been much progress. The Foundation still had a board in place but had used the resources given to it at the time by a pharmaceutical company. The Foundation was not requiring any funding and WADA was not providing any funding to it. There was still an ongoing discussion with the Foundation and if there were opportunities, it was a vehicle that existed and would allow any donor to reduce taxes in the U.S. but it was not the primary vehicle for the work WADA wanted to do. That was the current situation. Not much was happening at present, but times might become more favourable.

MR PIECHOTA responded to some of the questions and comments. He thanked the Olympic Movement representative for the question. He was aware of the recognition scheme and the rights granted by signatories to their own sponsors, in particular in terms of events, and would of course look at it carefully whilst developing the recognition scheme to avoid any confusion. There was no doubt about that.

To Europe, he wanted to clarify that the way WADA defined private funding did not include Sport Movement contributions, be they regular or voluntary. As to the Executive Committee approving or refusing the funds, the intention was to follow the protocol already in place for voluntary contributions which made clear that WADA would decline any donations that arose in whole or in part from any activities that might compromise the integrity and autonomy of the agency in its mission, so the issue of cautiousness in relation to private partners was already addressed in the protocol. He also wished to address a practical issue that was very important when dealing with private donors. Approaching a sponsor was a long-term process and building trust was an important part of that, so it was quite difficult to define a moment in time when such approval should be considered by the Executive Committee, and he did not think that engaging potential sponsors and then withdrawing the offer due to a lack of approval by the Executive Committee was reasonable. As to monitoring the

spending of the solidarity fund under the remaining two pillars, it would be part of the regular budgetary exercise and the fund would work mostly through grants. There would be a regular process in place for that, with approval of the projects, as was done with the other grants, such as the grants for the social science research projects. Lastly, the plan was to report to the Executive Committee on a regular basis on private funding developments, including the sponsors approached and agreements made with them. One remaining point was the terms of reference. Again, he believed that the document tabled for that day's meeting provided a framework for future fundraising activities. The document included detailed information on the areas of activity WADA would like to prioritise, and it also described the working methods of the fund and the entities to be supported by the fund. Also, once the brand renewal project was completed, WADA would finalise the value proposition and, for the potential private partners, as part of that exercise, WADA would also develop the recognition scheme. All of that would be shared with the Executive Committee.

THE CHAIRMAN added to the response, in particular in relation to the remarks made by Mr Kersch. The intention was not to ask for Executive Committee approval for each and every contribution. It would not be possible from a logistical point of view. As the WADA President and the person who would approach the sponsors personally, he would need the autonomy to be effective. It was a matter of trust for him. As President of WADA, he assured the Members that any action would be undertaken with the best interests of the Agency at heart and he would report on agreements achieved at every Executive Committee meeting.

THE DIRECTOR GENERAL said that the management wanted to come back to the Executive Committee with a list of industries that it thought were compatible or incompatible with the WADA mission and agree on that with the Executive Committee. The framework would be agreed upon, after which the President would act within that framework.

MR KERSCH thanked the Director General for the specifications. It was a little clearer. It was not a question of autonomy or trust; it was also a question of protecting the President, who might be approached by some strange sponsors, which was why he had said what he had said.

THE CHAIRMAN thanked Mr Kersch. He thanked the Members for their positive attitude towards the idea of private funding. He was aware that it was a time-consuming project, but progress had already been made and he was prepared to spend his time to make a difference.

DECISION

Private funding/sponsorship proposal
approved.

– **3.5 Honorary President Proposal**

THE DIRECTOR GENERAL said that the Members would have seen the proposal received by WADA with regards to creating a new position of Honorary President, which did not currently exist in the constitution, and it was for the Executive Committee to advise the management what it wanted to do. If it were to be done, the statutes would have to be amended to foresee the position. One of the questions that came to mind was whether it was a proposal that would automatically apply to all former Presidents or whether there would be criteria put in place to decide who was eligible. It was not entirely clear what the WADA management was being asked to do. He asked the Members for instructions. If the decision were to go forward, it would require some work to prepare amendments to the statutes which would then be submitted to the Executive Committee for approval to be submitted to the Foundation Board.

PROFESSOR ERDENER thanked the Director General for the explanation. The Sport Movement supported introducing the possibility to appoint individuals to an honorary position, as mentioned. In particular, the Sport Movement strongly supported making Mr Richard Pound Honorary President of WADA in recognition of his outstanding merit in the fight against doping in sport and his contribution to WADA. He had been the founding President of WADA and, in the opinion of the Sport Movement, the Honorary President could be invited to WADA Foundation Board meetings with some speaking rights. The quorum for election should be a two-thirds majority. It should not be a paid position.

MR DÍAZ said that the Public Authorities wished to point out that the position raised the question of modification to the WADA statutes and subsequent validation by the Swiss regulatory authorities

and therefore asked the WADA management if any alternative ways to recognise Mr Pound had been explored.

MS EL FADIL stated that Africa supported the proposal, as Mr Pound was a proponent for an independent and strong WADA and, personally speaking, she echoed the observations made by the previous speakers.

THE DIRECTOR GENERAL said that it would require some changes to the statutes, which would not be a major obstacle, but it would take a bit of time. The Public Authorities had asked whether the management had thought of anything else, and the answer was no: the proposal had been made and was on the table. If the Public Authorities had another suggestion, the WADA management was willing to listen; but, as far as he was concerned, management had simply relayed the request received.

MR COLBECK observed that it was interesting that they were having that conversation after having an earlier conversation about the balance of representation on the Foundation Board. WADA was in the process of implementing some governance reforms, and yet there was an unsolicited proposal for recognition of somebody who he thought clearly deserved some form of recognition; but, going back to the point during which everybody had been discussing issues earlier in relation to the U.S. and had talked about the need to maintain an appropriate balance of representation, representation came in a number of forms. Voting was one thing (and he knew that the proposal did not include a vote), but voice was a very important part of that process as well, so he would be concerned that WADA would again be considering a process in which it might tip the balance in the context of voice, and he did not in any way want to diminish what he knew to be an extraordinary piece of work and leadership by Richard Pound in the establishment of the organisation. It was, in a way, deserving of recognition; however, the concept of an honorary presidential role raised a whole host of questions that had not been considered in any of the processes, including the governance reform process: it had not been a recommendation in that process. There was plenty of opportunity to seek out the voice of people like Richard Pound, and it was really important to continue to consider that, but he wondered if there was another way to do that, another way to form appropriate recognition of somebody of his contribution rather than that proposal that had come to the Executive Committee. Was there a better way of doing that, of maintaining a connection with somebody who had made a significant contribution? Could WADA look at the Working Group on WADA Governance Matters or use some of the processes that were currently in place to find a way to make an appropriate level of recognition for somebody who had clearly made a significant contribution? He found it slightly difficult talking about the matter in the context of the loss of Mr John Fahey over the weekend, somebody else who had made a significant contribution, but was creating an Honorary President position the right thing for that organisation? What was the appropriate form of recognition that the Executive Committee might undertake? He would prefer that the Executive Committee go back and look at the structure, what it was actually trying to achieve and come back with a considered recommendation that it could then apply to appropriate recognition of significant contribution to the organisation.

THE CHAIRMAN thanked Mr Colbeck for his comment and for sharing his views. The discussion was really important, as it was necessary to have 100% support to move the proposal forward. Any other proposals would be welcome. Perhaps a decision might be taken in May, when the meeting would hopefully be in Montreal. He hoped that the Members agreed.

MR DE VOS said that Mr Colbeck had a point and he fully agreed with taking that to the working group to look at how it might be dealt with in the best possible way.

DECISION

Honorary President proposal to be given further consideration.

– **3.6 Memorandum of Understanding with Europol**

MR YOUNGER said that he was pleased to inform the Members that, with the proposed Memorandum of Understanding, there were agreements with all the relevant international police organisations such as Interpol, the World Customs Organisation and Europol. Over the past four

years, the Intelligence and Investigations Department had collaborated with 11 law enforcement agencies with great success and had enlarged its network worldwide. The Memorandum of Understanding with Europol, the European police agency representing 27 member states, would further strengthen WADA's ability to fight doping and trafficking in Europe. Europol gathered and analysed information from 27 member states and could help WADA in certain cases to identify the right law enforcement agency; therefore, he was very pleased that Europol not only recognised the Intelligence and Investigations Department as a strong and reliable partner, but also wanted to strengthen the collaboration by signing the Memorandum of Understanding.

Operation Viribus, coordinated by Europol and supported by the Intelligence and Investigations Department, had already demonstrated the importance and efficiency of good cooperation between sport organisations and law enforcement agencies. Over the coming years, WADA would continue to strengthen its law enforcement network, but would also invite ADOs to join in and work closely with their respective law enforcement partners. However, due to the strict data protection policy, Europol was not able to receive any personal data outside of its secure information exchange network application system (SIENA). It had therefore been necessary to identify a law enforcement agency that functioned as a door-opener. Given the excellent cooperation with the Swiss police, he was very grateful that the Swiss federal police, FEDPOL, had offered WADA that service for future cases. The Memorandum of Understanding was for formal approval by the Executive Committee. If the Members had any questions, he would be happy to answer them.

THE CHAIRMAN asked the Members if they agreed with approving and signing the Memorandum of Understanding with Europol.

He congratulated Mr Younger on his work.

DECISION

Proposed Memorandum of Understanding
with Europol approved.

4. Governance Reforms

– 4.1 Update on Governance Reforms

THE DIRECTOR GENERAL informed the Members that he would split the discussion into two different but totally interrelated subjects. He would give an update on the situation in terms of governance reforms, which had been central to many of the discussions that had taken place that day, and he had been very pleased to hear that it was the main concern in the discussion with the ONDCP and not the partnership between the Sport Movement and the Public Authorities. The Members had in their documentation package ongoing reforms or reforms that had already been implemented. In terms of what was to come, there were the independent members to the Executive Committee who would be formally elected, the creation of a working group to continue potential reforms which would be discussed in the second part of the item, the ongoing work conducted by the Athlete Committee and a sub-group of the Athlete Committee on athlete representation, the work on a Code of Ethics and the formation of an independent ethics board. It was very important and would be really helpful, as a number of different sources were saying that perhaps the governance reforms were not being implemented fast enough, to hear whether the list of what was coming up could be done faster or whether everybody was comfortable with the timing and the upcoming reforms. He wanted to make sure that everybody was on the same page, and then he would propose discussing more specifically the creation of the working group.

MS EL FADIL said that she believed in small working groups because a small working group would be less costly and more efficient and would also save time. A big working group would take more time, cost more and would not be as efficient as the Executive Committee wanted it to be. That was her position and also the position of Africa. The establishment of a small working group would be more useful.

MS BARTEKOVÁ referred to the composition of the working group and wanted to make sure that there would be proper athlete representation. The working group should consult, if not regularly,

properly with the Athlete Committee to ensure that the athletes' voice and all the expertise that the athletes had would be incorporated in the work of the working group.

MR DE VOS said that it had been a nice attempt to try and split both topics, but they went hand-in-hand. The Sport Movement supported the idea of starting by analysing the implementation of the governance reforms through the creation of a working group, and there had been a very good suggestion by WADA to have it chaired by Professor Haas, and he also agreed with Ms El Fadil that the exercise needed to be simple and efficient and the working group should be small. It was necessary to look at cost efficiency, and he thought that the financial investment in governance reform had already used a lot of resources. The group should be small to be able to move forward quickly and be efficient. It was not a new governance reform; it was an evaluation of a current one, to identify if something might move faster. Of course, the working group should consult with all the relevant stakeholders; that was clear and he referred to the comments and suggestions made in an earlier stage by the Nominations Committee. They should also be looked at because there had been some good proposals put forward. The working group should be efficient, and there should not be too much bureaucracy. It should be more of a technical than a political review. He did not want to jump the gun, but he believed that the working group should be small, and therefore proposed having an independent chairman, two representatives of the Public Authorities and two representatives of the Sport Movement, and also an athlete representative. Of course, that did not prevent the working group from consulting the Athlete Committee. That, in a nutshell, was the proposal from the Sport Movement.

MR KERSCH said that Europe supported the implementation of governance reforms justifying the establishment of the working group but insisted that the group remain a technical advisory group to the Executive Committee. Its unique mandate required a tailor-made structure not based on previously existing groups. It was also important to ensure a certain degree of transparency in relation to the work of the group. The number of members should be increased to include up to three representatives from the Public Authorities and three from the Sport Movement and at least one NADO representative, in addition to an independent chairman, two independent experts and a representative of the athletes. Europe also invited WADA to consider involving the Nominations Committee in the process to designate the independent members of the group. In accordance with the terms of reference, the Nominations Committee could not propose candidates, but it could be involved in examining their skills and independence. Europe also wanted WADA to consider proposing several candidates as chairman of the group and not just one. Europe agreed on the principle of the working group but asked for improvements in the group's operating structure.

MR COLBECK noted that it was a really important item and he would not be doing justice if he did not repeat the comments made earlier about the opportunity to progress the process, given the conversations held earlier that day. He supported the comments of the European representative in relation to process but also nominations for various positions. It was necessary to be careful that the process was seen to be independent and those involved were seen in that light, and he would caution against the nomination of the chairman given some of the other opinions and conversations held earlier. He placed some caution on the table in relation to that discussion and proposal.

As he had failed to split the discussion, THE DIRECTOR GENERAL drew his own conclusion that the Members were comfortable with the timing of the reforms in the document; otherwise, they would have expressed that. Therefore, that was the timing that would be followed, and he hoped that there was an understanding that WADA was not being slow in the reforms and that the Executive Committee was comfortable in terms of how the reforms were being progressed.

On the main topic of the comments, clearly, the aim was to keep the group as small as possible to be as efficient as possible. There had not been a great experience in the previous group, trying to have all the different parties represented; as always, they had been imperfectly represented and it had taken two-and-a-half years to reach some conclusions. It was necessary to have something that was much more agile. It was a group of experts, not political representation, and in the same way as WADA was doing with the Code, the group of experts would make proposals and recommendations to the Executive Committee and the Executive Committee would be the steering group and would have the required political input. The Executive Committee really needed to bear that in mind and stick to a group of experts that would be able to bring some good proposals and turn them into

appropriate legal wording in an efficient way, and of course there would be consultation. That was key. A group of experts would undertake broad consultation, to allow everybody (athletes, NADOs, IFs and all stakeholders) to comment and make proposals so nobody would be excluded from the consultation process. That would be impossible and unmanageable in a big group. In that sense, his preference would be to have a group that was as small as possible, so two plus two plus a chairman and an athlete representative would be manageable. He would be very reluctant to go above that number. Again, this would not be political representation. The Sport Movement and Public Authorities would need to nominate experts and not representatives of a country or a region; they would be there for their expertise. Therefore, two experts from the Sport Movement and two from the Public Authorities plus a competent chairman and an athlete would constitute a group that would be able to perform well. That would be his preference in terms of efficiency and cost.

He asked Mr Colbeck about this comment concerning Oceania being reticent to the chairman being proposed. He would obviously be vetted by the Nominations Committee. The reason his name had been put forward was that he had been involved in the previous reforms, so he understood the matter very well and he could bring views together as the chairman. He had also been involved in the Code revision, and the WADA management had thought that it would be helpful to have someone with overall vision. WADA simply thought Professor Haas had the competence to do the job.

MR DE VOS said that he had raised his hand too quickly because he could not agree more with all the comments made by the Director General about an efficient, pragmatic and technical working group reporting to the Executive Committee. In the end, any further governance changes would be taken by the Foundation Board. The group should be technical and not political, so he fully supported what the Director General had said. He apologised for intervening, but he had not realised that the Director General would be so eloquent!

MR KERSCH said that he had a mandate to ask for three representatives of the Public Authorities and three from the Sport Movement, but he thought that the compromise proposal made by the Director General was a good one and he would therefore defend the proposal before the EU institutions.

THE CHAIRMAN stated that he was convinced that the group should remain small. Its task was not to decide on subsequent reforms but rather to act as a secretary of reform proposals submitted to WADA for decision and an area for consultation among the stakeholders. Appointing a large group such as that proposed in 2016 would program WADA for failure, so he thought that the common goal was to accelerate further governance reforms and not to extend them over time. The signatories expected such acceleration, so the priority was that it should remain a small group and involve the athletes' voice. He welcomed the Members' approach on this issue and thanked them.

DECISION

Update on governance reforms noted and proposal related to the structure, and the chairman, of the working group approved.

– **4.2 Executive Committee**

4.2.1 Independent Member Process Update

THE DIRECTOR GENERAL said that there had been a number of discussions on the topic, in particular with the Nominations Committee, and he thought that there had been clear progress, although there were some parts that might not be clear to some people, so he would try to clarify. The Members had received a letter from the Nominations Committee that made it clear that there were at least two candidates eligible as Independent Members of the Executive Committee. One of the candidates was from the Sport Movement, Ms Patricia Sangenis, and the other was from the Public Authorities, Ms Gabriela Battaini-Dragoni. The Nominations Committee had looked at and interpreted the independence criteria in the rules adopted and had come to the conclusion that both of the candidates were eligible. A little less clear was the recommendation in relation to another candidate put forward by the Public Authorities, Professor Kamal Al-Hadidi from Jordan, so the Nominations Committee had been asked about its position, because he had not been mentioned in

their letter. The Nominations Committee's response was that Professor Hadidi's independence had not been formally assessed by the Nominations Committee. He held senior positions in a national and regional ADO and, while the Committee assumed that the position was pro bono, there had been no confirmation on that point and so the Committee had not put his name forward. The understanding and interpretation were that it was up to the Public Authorities to decide whether they wanted to provide further clarification to the Nominations Committee, to enable it to say whether or not he met the independence requirements. There had also been a question as to the process. The idea was to have the election; WADA would not postpone that, as it was important to move things forward. He did not know what the position of the Public Authorities was. They had a valid candidate and might have another one if they wanted to follow the process, but whatever they wanted to do needed to be done relatively quickly so that the matter could be concluded and the candidates put forward formally to the Foundation Board for election in November. If the Public Authorities wished to provide something more to the Nominations Committee, it would be necessary to do so over the next two weeks.

MR DE VOS spoke on behalf of the Sport Movement to note that he really appreciated the analysis and clarification provided by Mr Richard Young and was grateful for the work of the Nominations Committee. He could not help with the Public Authorities' proposal, but he could be very clear in relation to the Olympic Movement, which clearly supported recommending to the Foundation Board the election of Dr Patricia Sangenis as an Independent Member of the Executive Committee proposed by the Olympic Movement. Again, he wished to use the opportunity to thank the Nominations Committee for the proposals made during the process in relation to governance reforms, and it was very important that the working group look at those.

MR KERSCH said that he had been sceptical about the nomination process for the two independent candidates to the Executive Committee and he was also totally lost after reading the letter from the chairman of the Nominations Committee, and his opinion was shared by the EU coordination. He welcomed the explanation about the third candidate from Jordan, who was no longer mentioned as an independent candidate in the letter, but it would be interesting to have further explanation as to why the Committee had not accepted him. More generally, what was the situation after the critical letter from the chairman? What was the follow-up envisaged by the Nominations Committee? What were the recommendations from the Nominations Committee? Was the Committee proposing relaunching the call for other possible candidates before November? The topic of governance was an important topic for WADA: it was on governance that WADA was currently being challenged. He wanted to avoid giving the stick to be beaten, that time maybe for very justified reasons.

THE DIRECTOR GENERAL said that he could only repeat some of what he had said to Mr Kersch in particular. The reason Professor Hadidi had not been mentioned in the letter was because the Nominations Committee had felt that, given the information in its possession at the time, he would not meet the independence criteria, but the Nominations Committee was willing to receive further explanations and look at the matter further if that would help. The Nominations Committee neither had the authority nor the desire to decide as to whether or not it should be reopened. As far as the Sport Movement was concerned, it was clear: it had a candidate who would go forward in November, but it was for the Public Authorities and the Executive Committee to decide if they wanted to allow further candidates. He understood that, potentially, the Public Authorities would want to nominate more candidates. It was in the Members' hands, and the Nominations Committee would look at the candidates, as long as it could be done within a relatively short timeframe so that the work could be done in time for the November meeting. One of the Public Authorities candidates put forward was acceptable and met the criteria; the other might, but further information was necessary and, if they wanted to put forward more candidates, the Public Authorities could certainly do so, but there should be agreement on a relatively short timeframe. That was how he would interpret the response received. The Nominations Committee had insisted in its letter on a number of points that needed to be improved in the future, and WADA would take that on board immediately with the Working Group on WADA Governance Matters. He did not think he could provide any further information.

THE CHAIRMAN asked if there were any other comments. As the Director General had said, the decision could not be delayed and had to be taken in November that year by the Foundation Board. Did the Executive Committee agree that more candidates could be put forward? If so, they had to be

put forward within ten days or two weeks to enable the Nominations Committee to undertake its work. He was of the opinion that there were already two qualified candidates, so he asked the Members, in particular the Public Authorities, to let him know what their decision was.

THE DIRECTOR GENERAL pointed out that the Public Authorities could discuss among themselves but more names and information, if proposed, should be submitted within the coming two weeks.

MR COLBECK noted that he was circling back a little to the point he had made at the previous meeting. He thought that the comments from the chairman of the Nominations Committee in relation to ongoing governance concerns constituted a very important issue to be addressed. He noted the comments about referral into the further governance review process and very much appreciated that. He was concerned that WADA was in a situation whereby it was effectively having to accept something about which a genuine and legitimate concern had been raised by the Nominations Committee at the previous meeting. There had been a process to move that on. A lot of the things discussed that day went back to governance, and that was a point of concern for WADA as an organisation which really needed to be dealt with and, if it was not dealt with properly, WADA would continue to receive criticism. WADA really needed to be cognisant of what the Nominations Committee was saying; he had made that point at the previous meeting when questions had been raised about the independence of the nominees being put forward. He still had those concerns, but he was comforted to a certain extent that the issues raised by the chairman of the Nominations Committee would be addressed by the governance review process. He would stress that it needed to be done quickly and it was necessary to listen carefully to those put in positions of importance, such as the Nominations Committee, in making the assessments they made from all perspectives, be they from the Olympic Movement, the Public Authorities or the athletes. It was necessary to be very cognisant of the advice that WADA had sought by people put in those positions to give that advice.

THE CHAIRMAN thanked the Members.

DECISION

Independent member process update noted.

4.2.2 Proposed Rotation for 2021

THE DIRECTOR GENERAL informed the Members that, in the governance reforms adopted last year, Members of the Executive Committee were to be elected for a three-year period which had not been the case in the past; therefore, as had been done in the past with the Foundation Board, in order to avoid having all the Members changing at the same time after three years and potentially starting with a completely new Executive Committee every time, the WADA management was suggesting staggering the lengths of the first group of Executive Committee Members so as to have about one-third of the Committee renewed every year, thus allowing for continuity in terms of know-how and work. There were different options being put forward. He knew that the Public Authorities found that difficult, but he wished to make it clear again that the position on the Executive Committee was allocated to a region (for each of the regions, there was a seat on the Executive Committee) and not to an individual, so if a region had two or three years left, and there was a change in the individual for whatever reason, the new person could complete the remaining time of the mandate allocated to the region provided they were elected by the Foundation Board (because the Executive Committee was formally elected by the Foundation Board); so, even if there was some rotation, it did not prevent governments in having a change in individual within the duration of the term. It should be straightforward. The idea was to try to avoid losing all the Members at the same time.

MR KERSCH observed that it could indeed sometimes be difficult to implement rotation by representatives of Public Authorities for whom changes were often frequent and difficult to predict; nevertheless, he had been asked to support the principle of rotation, although it could sometimes be difficult to carry out.

PROFESSOR ERDENER said that the Sport Movement supported model/option A, with independent Members of the Executive Committee ending their first term at the same time after two years.

MS EL FADIL said that, in relation to the issue of rotation, it was not necessary to hurry to implement it without having enough time to consult and discuss further. Independent Members needed to be on board. She would prefer the same Members to start together and end together, not to have new Members coming in the middle. It was necessary to take time to understand the WADA mechanisms; so, if the rotation period was short, that would not be good. A longer term would be better, and the independent Members should be considered.

THE DIRECTOR GENERAL clarified that it would be only for the first term, after which the mandates would be for three years per the new rules, and people could of course be re-elected, so they would not disappear automatically after three years. It was just to start the mechanism. If the principle was agreed upon, it would be up to the Public Authorities and Sport Movement to work out how they would like to organise it for the following year so that, when the names were put forward, the management would know who would serve for one, two or three years. People might stay on for a much longer period of time and, once started, the process would be regular for everybody (terms would then always be three years).

THE CHAIRMAN thanked the Members for their comments. He saw no reason why the rotation should not include the Public Authorities and he thought that the same rules should apply to all.

DECISION

Proposed rotation for 2021 approved.

– **4.3 Code of Ethics /Independent Ethics Board Update**

MR SIEVEKING said that the recommendation made in 2018 by the Working Group on WADA Governance Matters had included establishing an Independent Ethics Board and adopting rules on ethical conduct. It had been determined that the first step would be to draft the Code of Ethics, so the Members had a draft before them. It had also been reviewed internally, as well as by the WADA Ethics Expert Group, which had provided some useful comments. The draft had also been shared with the Covington legal firm who, in its report related to the allegations of bullying at WADA the previous year, had recommended a code of conduct and complaint policy. Covington had reviewed the draft Code and concluded that its adoption would meet the criteria set out in its recommendation. The concept of an independent ethics board and Code of Ethics had been added to the revised WADA statutes, which were currently being reviewed by the Swiss authorities for approval, as mentioned by the Director General. He indicated that Mr Francois Kaiser, WADA's Counsel from Switzerland would present the draft Code to Members.

MR KAISER briefly presented the main issues of the Code so as to summarise the events related to it. Reference to the Code of Ethics had been introduced in the WADA statutes, in article 6 paragraph 9. It had been felt too early to discuss in detail the content and the scope of a Code of Ethics, which was why it had been only a reference and the project had been delayed by one year. The scope of the Code, regarding people and then activities, was that the people concerned by the Code would all be WADA officials, which would comprise a fairly broad group of people: all the Members of WADA bodies, committees and employees, and it would also extend to consultants, agents and contractors, provided that their contract contained a clause which would make them respect the Code of Ethics. There was also the possibility of having voluntary submission to the Code. The Code would cover the activity of Members acting in their own capacity, including Foundation Board, Executive Committee or committee Members, but also covering them acting outside their WADA activity, provided only that their actions undermined WADA's interest. For example, in the course of their professional activity, a WADA official accepting a bribe or being involved in any kind of unethical behaviour which could definitely impair or undermine the interests of WADA would also be something that could fall under the Code. In terms of the actual ethics principles, he gave only an example, because the scope of the principles was extremely broad: honesty, fairness, integrity and transparency, impartiality,

respect of human dignity, no harassment, no discrimination in terms of race, gender, etc., , but it was the reflection of society, so obviously there would be changes over time.

In terms of how WADA wanted to implement the Code, the duty to report a fact that might constitute a breach of the Code would fall to WADA officials. It was not an open door to anybody in the world who wished to bring some kind of breach. The bodies that would be in charge of implementing the Code included the ethics officer, the Independent Ethics Board and the Executive Committee. The ethics officer would be an independent person who would be appointed by the Independent Ethics Board with the help of the Nominations Committee, which would assess and vet the candidate selected by the Independent Ethics Board for that position. The initial term would be five years and it could be extended for another five years, if they wanted to continue serving, and they would report directly to the chairman of the Independent Ethics Board. The second level was the Independent Ethics Board, which would comprise seven individuals, all of whom would have to be fully independent from WADA, to be appointed by the Foundation Board, but in accordance with the recommendation or assessment made by the Nominations Committee. The Olympic Movement and Public Authorities would of course be entitled to submit candidates, who would be vetted and assessed by the Nominations Committee for appointment by the Foundation Board. The Independent Ethics Board would report to the chairman of the Executive Committee, because the whole functioning of the Code of Ethics would be within the Executive Committee, because it was much more an executive issue than a Foundation Board issue.

In terms of how a complaint would be investigated and the different steps involved, the first stage was the ethics officer stage, and the ethics officer would be responsible for conducting the investigation. Their first duty would be to inform the person concerned about the complaint filed. They would then be in charge of collecting the information or consulting the relevant documentation, including private documents in relation to the complaint, as well as bank statements and, in order to access such documents, the Code provided that the person concerned was deemed to have consented to the collection of such documents and information, otherwise the work of the Independent Ethics Board would be very difficult indeed. The officer would also collect all oral and written observations from the person concerned; depending on the difficulty of the case, it might only be written or both oral and written. Of course, the person could be assisted by legal counsel throughout the proceedings. At the end of the investigation, the ethics officer would have to decide whether there was a likelihood of a breach of the Code. If the officer found that there was a likelihood, they would report the result of the investigation to the chairman of the Independent Ethics Board.

Moving on to the second stage, there was a first part of the second stage in which the Independent Ethics Board would decide on the jurisdiction. Either the Board would confirm the likelihood of a possible breach of the Code, in which case the Independent Ethics Board would examine the case, or there would be no likelihood, and obviously the Independent Ethics Board would render a final decision, subject to appeal by WADA or the person concerned. In certain situations, the person concerned might like to have a formal arbitration decision to clear the rumours or the complaint filed against them. Once the procedure had determined that there was a likely breach of the Code of Ethics, who would examine the case and decide on the complaint based on the investigation carried out previously? There were two alternatives submitted to the Executive Committee for decision. The first alternative was that the decision would be made by the Executive Committee, and the second was that the decision would be made by the Independent Ethics Board. The first step, which was the ethics officer's investigation, would remain unchanged, and the officer would carry out an investigation in either case. If the Executive Committee were to decide, there would be three steps: first, the investigation by the ethics officer as previously described , and then, in the event of likelihood of a breach of the Code, an examination of the case by the Independent Ethics Board, which would of course be based on the collection of information received from the ethics officer. The Independent Ethics Board would create a panel of three members, and for practical reasons, it had been suggested that one of them would act as rapporteur, and then the panel would proceed with an oral or written hearing depending on the type of case, always compliant with the principles of due process, and the assistance of a legal counsel would be guaranteed to the person concerned. In that scenario, the Independent Ethics Board would only issue recommendations on measures or sanctions and would address those recommendations to the Executive Committee for decision. The Executive Committee would not start all over again, because there would be a very important examination already done by the Independent Ethics Board and the ethics officer, but the

Executive Committee would give the person concerned the right to be heard, only in writing, since the person would have had plenty of opportunity in advance to be heard orally if necessary. Based on the examination by the Executive Committee, it would decide whether or not there had been a breach of the Code and would also decide on the measures or sanctions to be taken in the event of a breach. The decision of the Executive Committee would be final, subject of course to an appeal to the CAS.

In the event of an examination of the complaint and decision by the Independent Ethics Board, the investigation conducted by the ethics officer would again remain unchanged, and the same system would be applied in that the Independent Ethics Board would have a panel of three members with one acting as rapporteur. Again, there would be written or oral proceedings depending on the complexity of the case and, of course, guaranteed assistance by the legal counsel if the person so desired. What was different, given the importance of the decision to be adopted by the Independent Ethics Board, was that the decision would be adopted by a majority of the panel provided all members were present for the decision. That was sometimes impossible, which was why provisions had been made for a mechanism. In the event of absence of one or two members, there would be a new meeting of the panel during which the presence of all the members of the panel would no longer be required. In such case, the Independent Ethics Board would take a decision not only on whether or not there had been a breach of the Code but also on the measures and sanctions and, in such case, the decision rendered by the Independent Ethics Board would be a final decision, again, subject to an appeal to the CAS. The possibility (but not the obligation) had also been introduced to publish the decision in a form left to the discretion of the Independent Ethics Board: it could be anonymous, a principle, a summary, it could mention the name, depending on the situation and giving due consideration to privacy and policy and to the fact that such a publication could be judged as a second sanction, which might be excessive. All of that would have to be carefully reviewed and assessed by the Independent Ethics Board after giving its decision. On the sanctions and measures, the Members would have seen in the draft, and he recalled that it was a first draft of the Code, that provision had been made for a broad range of measures and sanctions which went from a warning to removal from office, and a range of other appropriate sanctions. For example, in the event of a conflict of interest, the person concerned might say that there was no conflict of interest, and the decision could be that there was a conflict of interest and the person would not be allowed to participate in the decision on the issue concerned. That would not be a sanction as such, but a measure taken as a result of a breach of the Code. The group had also provided for provisional measures, which might be ordered by the chairman of the Independent Ethics Board as, during the proceedings, there might be some decisions to be taken that might involve the person concerned and could be detrimental to the interests of WADA if such measures were not taken, and that would entirely depend on the situation. The person concerned would of course be entitled to have legal counsel to assist them and to protect their rights.

MR SIEVEKING indicated that he had shared the questions with Mr Kaiser which had been submitted by the Olympic Movement and suggested starting the second part of the session with Mr Kaiser giving his initial feelings on the questions submitted by the Olympic Movement.

MR KAISER said that he did not have answers to the questions, but he could provide his views on them. The first related to the fact that people could be subject to the WADA Code of Ethics but also to other codes of ethics (federations, the IOC and others), and of course it should be clarified that that was the WADA Code of Ethics and not that of other Sport Movement organisations or governmental organisations. That was quite clear, and he had taken due note.

The Code should be made clear to any person made subject to it. That was a prerequisite for adopting a code. When it was adopted, communication should be made to all those who might be affected by the Ethics Code, and he could imagine it would be published on the WADA website.

In terms of whether there was any link with the potential issue of compliance of a signatory, his understanding was that there was not; that was at least the way in which the code had been drafted.

On the scope of application, considering the discussion to include an honorary position within WADA, such position should also be subject to the Code of Ethics, and that was absolutely correct. If introduced in the statutes, that person would be a WADA official and would obviously be subject to the Code.

On confidentiality, the issue raised by the Olympic Movement was that the risk was that the representatives of the Olympic Movement and Public Authorities might be prevented from reporting to their stakeholders on information that would fall under the definition of confidential by nature, and that would of course require clarification. That was a very good remark. At that stage of the first draft, a complete comparison with the WADA governance regulations had not been conducted, and it would be necessary to make sure that those definitions matched completely and also matched those of the various internal organisations in relation to confidential information. That was duly noted.

On article 4.3, in relation to the ethics officer, there were a number of questions that the Olympic Movement had asked: was the ethics officer a staff member and was the position remunerated? The officer was not a staff person: the whole idea was to have somebody who was totally independent from WADA, and he could imagine that a certain remuneration would be required. That had not been the purpose of his assignment and the issue had not been discussed with WADA. The next question on the involvement of the Nominations Committee if the officer were a staff member would therefore not be applicable, since the answer to the first question was no.

In the event that there was only an ethics officer in the first step, would it be feasible to have the person reporting to the WADA President? The idea of the ethics officer would really be one part of a whole process. It would not be an institution per se. The officer would have an investigation function only, not a decision-making function, and would have to facilitate the work of the Independent Ethics Board on the next level of examination of a possible breach of the Code, so it would not in fact make much sense.

On 4.4.2, on the composition of the Independent Ethics Board, there would be seven members including a chairman. If there were to be an even number, not seven but fewer, which could happen, it might be useful to have the chairman having a deciding vote if necessary. That was a very good comment and could certainly be included in the Code.

On 4.4.5, on reporting, the Sport Movement saw a breach of independence in the current wording, which required clarification. While the Independent Ethics Board could present an annual report to the Executive Committee and Foundation Board, as it was independent, it could not report to the Executive Committee. The position had been taken that the system of the Code of Ethics would be better and more efficiently run if it was organised with the Executive Committee and not the Foundation Board because, in the event of an alleged breach of the Code, it was necessary to act quickly, which was why it had all been sent back to the Executive Committee and not the Foundation Board. Reporting to the Foundation Board would be in the form of yearly reports on what had happened during the year, the main issues, the types of case handled, etc., to give the Foundation Board a general understanding of the work carried out.

On sanctions, the Olympic Movement had also requested clarification in article 5 that the sanctions would be proportionate and adapted to the objective being pursued. That was a very good comment; however, it was a basic principle of sanctions. As the Members were aware from CAS precedents, most of the time, when sanctions were criticised, it was because they were found not to be proportionate and not adapted. That could certainly be put in the Code, but he was sure that the Independent Ethics Board and the CAS on appeal would apply those principles in any case.

Those were his views on the questions which of course were debatable.

PROFESSOR ERDENER thanked Messrs Sieveking and Kaiser for the very comprehensive presentation. A letter had been shared with the Members, as had been mentioned. The Sport Movement supported and of course recognised the need to implement a Code of Ethics as well as its monitoring. The solution must remain pragmatic and proportionate to the size and structure of the organisation; therefore, he wished to discuss the possibility of having only an ethics officer without an ethics board. Such officer would ensure that the Code of Ethics was respected, provide guidance on conflicts of interest, education and training on ethical behaviour and the WADA Code of Ethics. After one year in office, the ethics officer would provide a report to the Executive Committee summarising the work conducted and the main issues handled, together with an analysis of any areas for improvement. He gave the floor to his colleague Mr De Vos, who would provide further explanation related to the idea.

MR DEVOS informed the Members that the main point was that he believed that it was necessary to start with an independent ethics officer before starting with the ethics board, because it was very important to send out a clear message to the outside world that WADA was moving ahead swiftly and wanted to put it in place as soon as possible. Everybody knew, given the time it took to agree on the composition of other WADA bodies, that it would probably take more time to reach an agreement on the composition of the Independent Ethics Board. That was why the Sport Movement proposed starting with an ethics officer to report back on best practices and experiences after a certain period of time, for example six months or one year, and also consult with the Working Group on WADA Governance Matters, because that all fitted together. Such a swift approach would enable WADA to implement ethical best practices and develop a model that best suited the organisation.

On the preliminary comments and requests for clarification, he thanked Mr Kaiser, who had answered almost all the technical details; however, when it came to the two scenarios proposed, he believed that the Ethics Board should not be a disciplinary panel. That should remain with the Executive Committee. Also, in relation to the proposal for the chairman and already allowing for provisional measures to be taken, he believed that was something that needed to be done by the Executive Committee. On the question as to whether there was any link with potential issues of compliance by signatories, if a signatory did not implement the sanction imposed further to the Independent Ethics Board's proposal to the Executive Committee, would that then result in non-compliance? That was another question or example that could be given. In relation to the ethics officer, they would not be a staff member, but what would be the status of the person? That needed to be further developed in order to understand the terms of reference and independence, and also the financial clarifications. He proposed that the ethics officer report to the WADA President, mainly while awaiting the creation of the Independent Ethics Board, maybe not necessarily on specific cases, but on the workload and type of cases, more of an operational form of reporting rather than a report on the specific cases. As to financing, he believed that WADA should develop a policy. Why was the officer not entitled to report a complaint to criminal or other authorities? It was necessary to make sure that the ethics officer was not in breach of legislation. He thanked everybody for their work. It was moving in the right direction, although it should not be too complicated from a procedural perspective.

MR DÍAZ spoke on behalf of the Public Authorities, who took note of the IOC letter and expressed the importance of the item and had agreed to consider it prior to the next meeting of the Foundation Board in November 2020.

MS EL FADIL said that her question related to the Independent Ethics Board. Was it going to be a permanent committee, or would it be called upon only when there was a case? Africa's position was that it was a good initiative, which would ensure that all potential conflicts were resolved internally. Africa supported the proposal.

MR SIEVEKING said that, in relation to the ethics officer, under the current set of rules, it made no real sense to have an ethics officer alone. As to whether the proposal should be changed to have an officer before there was an Independent Ethics Board in place, that was something to be discussed; but, as the current draft rules stood, that would not be an option. In relation to the timeline set out in the paper, before there were rules adopted, it would be difficult to have an officer. The proposal was to have two rounds of consultation and then a decision on the rules the following year, so the immediate appointment of an ethics officer would be quite complicated.

On compliance, he shared Mr Kaiser's opinion in that there was no direct link between the ethics rules and compliance, given that compliance was with the World Anti-Doping Code and International Standards. If somebody did not cooperate fully with the investigation of the ethics officer, that question would have to be looked at in more detail. Perhaps each signatory should be obliged to comply with investigations run by WADA. There might be a link, but it should be looked at in more detail.

In relation to a signatory not enforcing a decision taken by the Independent Ethics Board and what would happen from a compliance standpoint, he had no immediate answer to that question, but it would be looked at.

On having a policy on the financing of the project, he had taken note.

He thanked Mr Díaz and Ms El Fadil for their support. The Independent Ethics Board would be permanent and would work on a case-by-case basis every time there was a potential violation of the Code of Ethics to be dealt with.

MR KAISER responded to Mr De Vos on reporting to the criminal authorities in the event of a breach of the Code also constituting a criminal offence, such as a bribe or corruption. Under Swiss law, there was no obligation for the organisation to denounce the person to criminal lawyers or prosecutors. It could do so but was not obliged to do so. At the same time, the complainant could also report the case to the judge or prosecutor but was not compelled to do that; there was no obligation. That was clear under Swiss law. He had not checked under Canadian law, but he was sure that Mr Sieveking would have done so or would do so if necessary.

MR COLBECK said that he had been going to make some of the points made by Mr Sieveking about the proposal from the Olympic Movement being opposed to the presentation on the structure and the way in which the positions would fall, particularly the independence of the committee, but also the independence of the ethics officer and the fact that the officer would be appointed by the Independent Ethics Board. The proposal by the Olympic Movement raised the question as to who would then make the independent appointment of the ethics officer, and it did not seem to him to fit into the structure that had been put to the Members in the context of setting up an independent ethics process. He was supportive of the timeframe of the process that would give a decision by May. That was a relatively quick process, but the structure given in the context of setting up a genuinely independent process was important, and the proposal submitted by the Olympic Movement seemed to be at counter purposes with what had been proposed in the presentation.

THE CHAIRMAN observed that it was quite reasonable to stick to the initial plan and adopt the Code first and then appoint the Independent Ethics Board, which in turn would appoint the ethics officer. He did not know if it made sense to appoint the officer at the start of the process without a Code. There were two rounds of consultation ahead, so he would of course be open to hearing the Members' views on that.

Day one of the meeting concluded at 10.40 a.m. (EDT).

Day 2 of the meeting began at 7.00 a.m. (EDT).

THE CHAIRMAN welcomed the Executive Committee Members and observers to day 2 of the WADA Executive Committee meeting.

MR DE VOS said that he had wanted to clarify the position of the Olympic Movement in relation to the WADA Code of Ethics discussed the day prior under item 4.3. The Olympic Movement had asked for a second model to be presented in November with a single independent ethics officer, so that two models could be properly discussed. During the meeting the previous day, Mr Kaiser had made it clear that the currently drafted rules did not apply to a model with only one ethics officer, and he remembered that Mr Sieveking had asked the Olympic Movement to clarify whether it wished WADA to present a second model. That was why he wanted to clarify that. He would be grateful if a second model could be developed for discussion in November together with the model presented the previous day. That would still allow sufficient time for discussion and the timelines proposed by WADA would still be respected. Without wanting to go into too much detail, there were still concerns about whether the current model proposed for the Independent Ethics Board was really tailored to the organisation. The proposed model appeared to be complex and costly and there was not sufficient background to understand whether it was tailored to WADA. The first Working Group on WADA Governance Matters had not had an opportunity to discuss that, so it would be important that the questions related to the Code of Ethics and the creation of a permanent ethics board should be carefully assessed by the new Working Group on WADA Governance Matters. He agreed that WADA could not wait until a new working group had conducted the review; for those reasons, the Olympic Movement proposed the two-stage approach, similar to the exercise that the Council of Europe was currently conducting. He sought confirmation that two models would be proposed in November.

THE DIRECTOR GENERAL responded that more models could be put on the table and the lawyers could be asked to prepare another model. The plan proposed comprised two consultation periods. November would be in the middle of the first consultation period. There could be a discussion of the model, but the consultation would be ongoing on what was already on the table. The November comments could be included in that. He simply wanted to point out that there would be an overlap.

MR DE VOS said that the Olympic Movement would be happy with that, as long as it could be considered together with the other model. He did not want to prolong the timeline proposed but did wish to include an additional concept in the deliberations.

MS YANG observed that she would welcome the opportunity to discuss two different options at the next meeting in November. It was important to strengthen governance and exchange views with more options on the table.

DECISION

Update on Code of Ethics/Independent Ethics Board noted.

– **4.4 Expert Groups and Working Group Review**

THE DIRECTOR GENERAL reported that the Expert Groups would be reviewed to make sure that they were still relevant to the work being done. That had been one of the requests in the governance review. There had been a survey conducted with the chairmen of the groups and discussion with the staff members in charge of the groups and the work, and a number of interesting comments had been received, in particular from the chairmen, in terms of how to change the structure or slightly modify things, which management was reviewing. A proposal would be put forward in November to make the system even more efficient. The work was ongoing.

DECISION

Expert Groups and Working Group review noted.

– **4.5 Standing Committees 2021 – Call for Nominations**

THE DIRECTOR GENERAL informed the Members that the paper was simply to remind everybody of the deadline to propose candidates for the various Standing Committees, which was 25 September

for all Committees, except for the Public Authorities represented on the Compliance Review Committee, for which the deadline was 26 October.

DECISION

Standing Committees 2021 call for nominations noted.

– **4.6 Executive Committee and Foundation Board Memberships 2021**

THE DIRECTOR GENERAL said that item was a reminder to start looking at Memberships for 2021 at Executive Committee and Foundation Board level and recalled the deadline so that the submissions could be included in the November Foundation Board meeting documents.

DECISION

Executive Committee and Foundation Board Memberships 2021 noted.

5. Science and Medicine

– **5.1 Health, Medical and Research Committee Chair Report**

PROFESSOR ENGBRETSSEN drew the Members' attention to four items. On the laboratory issue, audits were required at the end of the suspension and end of the probationary phase, but they were currently delayed by the pandemic. The Health, Medical and Research Committee would decide on a case-by-case basis following recommendation from the Laboratory Expert Group on how to handle that.

In relation to financial support to research, 19 projects were recommended that year. The annual research fund was only 900,000 US dollars and would cover only five of those. The special fund from the IOC and China amounted to about 900,000 dollars as well and would cover nine other projects, meaning that there would be no funds for the remaining five projects recommended by the Committee. The Executive Committee was being asked to approve using the unallocated cash reserve, which also meant that the Health, Medical and Research Committee would not have funds for potential new interesting projects in 2020. One of the interesting projects was actually something that had come up during the Health, Medical and Research Committee meeting. The members had expressed an interest in having WADA further explore the concept of doping muscle memory, as preliminary results seemed to indicate that that might exist, leading to the persistence of doping benefits for several years. Further research in that field would be considered which might lead to questioning sanctioning length in the future.

The Medical Department continued to monitor, evaluate and review TUEs, although there had been a 29% decrease in applications in the first half of 2020 due to the virus issue. The Department staff members were fully engaged with the Code implementation support programme and were providing webinars and other educational material to different stakeholder groups in preparation for the new Code and TUE regulations.

THE CHAIRMAN asked if there were any comments or questions.

DECISION

Health, Medical and Research Committee Chair report noted.

– **5.2 2021 Prohibited List**

DR RABIN guided the Members through the draft 2021 List of Prohibited Substances and Methods, which had been prepared by the List Expert Group chaired by Dr Audrey Kinahan and reviewed and recommended that day by the Health, Medical and Research Committee chaired by Professor Lars Engebretsen. There were three main changes for 2021, and he would guide the Members through the document that they could see on their screens. The first change had to do with the document

design; the second was the identification of substances of abuse in line with the 2021 Code requirements; and the third change was the extension of the prohibition of glucocorticoids to all injectable forms. The document was before the Members.

The first consequence of the redesign of the Prohibited List was the introduction of a table of contents, which also made reference within the section to a few key medical conditions for the relevant categories of substances. It had been felt important, in particular by the athletes, that it would make the Prohibited List a bit more user-friendly. For example, if an athlete went to a physician and was diagnosed with asthma, when consulting the Prohibited List, it was more likely that the athlete would remember that they had asthma than that they had been prescribed salbutamol, so it would help athletes search the Prohibited List, in particular electronically.

The introduction itself had not really changed: it was the standard WADA introduction to all WADA International Standards. However, there had been the introduction of a few key definitions taken from the Code, as some stakeholders had felt it important to have the important definitions in the Prohibited List without having to refer systematically to the Code itself.

There was no particular change in S0; however, he drew the Members' attention to the banners that they could see on the screen which had been completely redesigned, and also the "prohibited at all times" status and the "specified versus non-specified" status of some categories.

There was no change in S1 other than the presentation. There was no change in S2 either, other than a few adjustments with the introduction of a new HIF agent, which was not a medicine but could be found, unfortunately, in some dietary supplements.

In S3, besides the introduction of two examples, arformoterol and levosalbutamol, he drew the Members' attention to the introduction of a new ultra-long-acting beta-2 agonist that went by the name of vilanterol. It was a recent treatment that had been approved, and WADA had the possibility to introduce in the Prohibited List a maximum therapeutic daily dose for the substance which would allow a lot of athletes to use the new beta-2 agonist without having to apply for a TUE. That had been considered to be a great improvement by people dealing with athletes with asthma and in particular with TUEs. A note section had also been introduced.

In S4, there was no real change other than the merger of two sub-sections, because all of them dealt with the same final biological effect, which was the modification of the oestrogen metabolism. To simplify the Prohibited List, two sub-sections had therefore been merged.

In S5, the diuretics and masking agents section, it had been clarified that ophthalmic use referred to topical ophthalmic administration, because some stakeholders had thought that it could be for ophthalmic diseases, but it had been clarified that it was the local administration of those diuretics that was not prohibited.

In the methods section, there had been no particular change other than the introduction of infusions, which were currently specified methods to be in line with the Code recommended for introduction in 2021. For stimulants, there had been a few small modifications, nothing major; but, at the request of some stakeholders, WADA had clarified some of the allowed imidazole derivatives by the different routes of administration, so that was only a clarification and did not change the status of those substances. There was no change in the narcotics or cannabinoid section.

One of the main changes, as indicated in the introduction, was to S9, and basically meant that all injectable forms of glucocorticoids were prohibited, in particular for intraarticular, periarticular and peritendinous routes of administration, and he believed (and there had been a lot of work by the experts) that that would facilitate the result management of cases related to glucocorticoids. There were three main consequences to the proposed changes. First, there would be fewer adverse analytical findings reported by the anti-doping laboratories, simply because most of the reporting values (except one) had been increased compared to the current situation. Second, there would be guidance on wash-out periods for the athletes and the physicians, which meant the time between the last administration of the glucocorticoid injected and the return to competition. There was a strong recommendation in the explanatory note to the Prohibited List that indicated the recommended period of time between the last administration and the return to competition, which provided much more guidance than was currently the case. That would probably mean that some

athletes would need to be more careful when taking glucocorticoids close to competition, and it was very likely that an increase in the number of TUEs requested would be seen and, of course, like any year when there were changes made to the Prohibited List, WADA would closely monitor the evolution of the situation once the new rule was implemented in 2021.

In P1, there was the introduction of a new beta-blocker, nebivolol, and finally the index, which had been a recommendation from the athletes, and he thanked Mr Sandford for his recommendation to make the list much more searchable. With the index at the end of the Prohibited List, it was possible to see all the substances and methods referred to in the document classified by alphabetical order and with references to the relevant section in the Prohibited List itself.

Those were the changes. The final design of the Prohibited List would be completed over the coming days because WADA was working with a communications company and could not make all the changes in-house. That would probably take a couple of days.

Moving on to the monitoring programme, he highlighted the fact that there had been minimal changes other than to the beta-2 agonist section because of the changes to levels. First, all the information needed had been gathered the previous year from the monitoring programme on the low levels of beta-2 agonists, because there had been a concern about the possibility of some athletes doing what was known as stacking, meaning taking several beta-2 agonists at low doses, but that had not been seen, which was very reassuring, although WADA wanted to continue monitoring salmeterol and the newly introduced beta-2 agonist vilanterol at low levels to ensure that there would be no risk of abuse with the two beta-2 agonists.

That constituted the main changes to the draft 2021 List of Prohibited Substances and Methods and the monitoring programme, which were being recommended to the Executive Committee for approval.

THE CHAIRMAN thanked Dr Rabin for his comprehensive report and presentation.

MR KAMEOKA said that he had a few comments about prohibiting the different routes of administration of glucocorticoids. During the consultation process in Japan, feedback had been received expressing concern that the prohibition might create confusion among national federations, athletes and medical staff since local glucocorticoids were used to treat acute inflammation in Japan. At the One Voice meeting, concerns had also been raised by some of the other regions in relation to the significant changes on glucocorticoids being introduced so close to the Olympic Games and Paralympic Games in Tokyo and Beijing. Specifically, that could generate challenges among athletes, doctors and ADOs, leading to a considerable rise in TUE applications and consequently increasing the burden on ADO workloads. In relation to the 2021 Prohibited List, the governments believed it was necessary to discuss the topic further, taking into consideration the lead time to ensure that the changes would be acknowledged and understood by all relevant stakeholders to avoid confusion on a working level. It was really important to continue discussion on the matter.

MS BARTEKOVÁ commented on the changes introduced to the Prohibited List. She referred to communication to athletes and doctors to prevent any unintended anti-doping rule violations, as had been the case in the past. It was really important to increase communication to the athletes and doctors to make sure that everybody was aware.

MR KERSCH supported the comment made by Mr Kameoka, who had expressed concern about the introduction of significant changes so close to the next edition of the Olympic Games. He supported delaying entry into force of the prohibition of glucocorticoid injections until 2022.

Europe invited WADA to reconsider its approach to substances of abuse and remove cocaine, ecstasy and heroin from the Prohibited List. He knew that there were some other ideas and was sure that it would be possible to reach a compromise.

He also expressed disappointment with the outcome of the consultation process, since the proposals and comments submitted by Europe had not been taken on board. Nevertheless, Europe approved the 2021 WADA List of Prohibited Substances and Methods and the monitoring programme.

PROFESSOR ERDENER said that his first comment related to glucocorticoids. He suggested not changing the Prohibited List in January as normal, nor just after the Olympic Games in Beijing in 2022, so either on 1 January 2022 or 1 January 2023.

In relation to stimulants, substances of abuse were a category welcomed by most stakeholders due to case management difficulties when low concentrations of stimulants or narcotics were found. Even if the use of cocaine was likely to have been out of competition, there was no option but to hand down a four-year sanction reduced to two years. It had become an issue, partly due to the very sensitive detection methods used by WADA laboratories. He suggested asking the WADA Legal Department to explain the challenges of case management. The priority was to protect the athletes; there was no doubt about that. Narcotics and stimulants were prohibited in-competition only and, if an athlete could show that use had been outside sport and not related to competition, they should not be sanctioned for a disproportionate two to four years. Those substances were still prohibited; it was a matter of giving some flexibility to disciplinary committees and helping athletes through educational rehabilitation programmes. That had been supported in previous discussions, as everybody knew.

MR SANDFORD thanked Dr Rabin very much for his work on the Prohibited List and for making it much more user-friendly and thereby athlete friendly. For a long time, it had been a bit of an issue for athletes to navigate and the work done on it had been really good. As pointed out, having some sort of index with all the substances in alphabetical order made them easier for athletes to find, so he thanked Dr Rabin for that on behalf of the athletes. Personally, he knew where he could find insulin on the Prohibited List, so that helped him a lot.

Substances of abuse had been an issue for a long time. Athletes were very much in support of the changes proposed to the Prohibited List which followed on from the changes to the Code, and that represented a significant step for athletes. The work that had been done on that was excellent. Talking to athletes, especially over the past six months since the change had gone through, they were very pleased that WADA had made the change and looked forward to its implementation.

MS EL FADIL said that she had no observations on the Prohibited List but echoed the congratulations to the team that had worked on the process.

MR DÍAZ thanked Professor Engebretsen and Dr Rabin. CADE wished to support Japan's request and also expressed concern about the radical change on a political level about the substances of abuse. How did WADA plan to communicate and educate about that issue and the possible political impact that might have when talking about sensitive substances?

MR COLBECK added his congratulations in relation to making the Prohibited List more searchable for athletes. That had certainly been an issue faced in Australia and his region, so that was an important piece of work enabling athletes to easily search the Prohibited List and find substances that were prohibited and act appropriately.

In relation to substances of abuse, Oceania supported the position of the paper. It noted and was very cognisant of the comments made by other authorities that it was open to those Public Authorities to have their own legislative frameworks to deal with those issues. That was important for the Executive Committee to recognise. Public Authorities could deal with those in their own jurisdictions and should. Countries could pass their own criminal laws and he was sure that they would do in relation to their own political circumstances. He did, however, think that the point made about education was important, as the message clearly needed to be properly communicated not only to the athletes but also to the communities. In the context of the management of the substances and the reality that they were largely used for recreational purposes, if they were used for performance-enhancing purposes, sanctions systems could and should apply. In that context, Oceania was prepared to support the paper as drafted. He acknowledged the comments made in relation to glucocorticoids. In relation to substances of abuse, Oceania was supportive of the paper as it stood and so supported the process to approve the 2021 International Standard for the Prohibited List, including the monitoring programme for 2021.

DR RABIN thanked the Members for their comments on the Prohibited List. He would group them into different themes. Starting with glucocorticoids, there might be an impression that that was a new change or a new point on the Prohibited List; in fact, that point had been discussed by the List

Expert Group and the Health, Medical and Research Committee for the past 15 years. Technically speaking, it was not a new topic, although the change to the Prohibited List was new. The Prohibited List was circulated among all stakeholders. Generally speaking, there had been a lot of support by the stakeholders, and the List Expert Group and Health, Medical and Research Committee considered that it was probably a good time to make the change to the Prohibited List. He respected the view of the Olympic Movement and, if there was a feeling that it was not an appropriate time, perhaps the decision should be taken to introduce the change the following year; but, from the feedback received from the stakeholders, it was well supported and well understood. It would be accompanied by a good communication and education strategy on all levels and the Science Department staff had already contacted their Communication and Education colleagues to make sure that scientific publications were submitted to explain the change, but also appropriate messages were shared with the stakeholders, in particular with the physicians and athletes to make sure that the change was well understood. Technically speaking, the Members should bear in mind that it was an increase in reporting values compared to the current rule, so meant less chance of having adverse analytical findings reported, and also the wash-out period, which was a second safety level for athletes when it was well understood and observed. There would probably be an increase in TUEs; nobody could know by how much, but it was believed to be an important consequence to the change proposed.

On the substances of abuse, before he gave the floor to his colleague, Mr Sieveking, because it was more an adjustment to a requirement in the 2021 Code, and the fact that there had been some comments during the consultation phase, in particular from Europe, the rule would apply only to a handful of substances. Four substances were recommended that year, and a couple more might be recommended the following year, but that would apply to a very small number of substances and would not change their status. That meant that they were prohibited; the majority were prohibited in competition and that would not change the status and the related sanctions.

MR SIEVEKING stated that the idea of having a specific solution for substances of abuse was nothing new and had been discussed for several years and, during the Code revision process, the changes had received vast support from the majority of stakeholders. Everybody knew that, in society, there was widespread use of certain substances, which was regrettable, and that was also the case among athletes. Substances with no relation to sport were used in a social context and science could determine that the substance had no performance-enhancing effect when detected in an athlete's sample after a competition. Laboratories were able to detect very low levels and the consequences for ADOs were that they had to deal with cases with tiny traces or very low levels. That gave them a lot of work and athletes were sanctioned and had to go through an adjudication process for regrettable behaviour but behaviour that had no influence on performance. The vast majority of stakeholders, including athletes, supported the changes. Everybody knew that anti-doping resources were limited, and the changes remained relevant to the mission to protect clean athletes. There was no effect on the protection of clean athletes because athletes testing positive for substances of abuse could be given a lesser sanction if they could establish that the use had been unrelated to sport. Those substances remained prohibited. The List Committee had to identify from the Prohibited List, and he referred to the wording in article 4.2.3 of the Code, "the substances that could be considered substances of abuse", so it meant that the substances were still prohibited in sport and if any athlete used them as doping agents, the sanction could still be up to a four-year ban. That was clear. WADA was not removing the substances from the Prohibited List but offered ADOs and athletes the opportunity to deal differently with cases in which no performance enhancement was established and the use of such substances was unrelated to sport and had been in a social context.

DR RABIN said that that concluded the answers to the questions raised by the Executive Committee Members. He would leave it to the Chairman to see whether the Prohibited List would be approved. Professor Engebretsen might like to talk about the time of introduction of the glucocorticoid change because he was also from the Olympic family and, during the discussion, there had been the sense that the members representing the Olympic Movement had felt that it was a good time to make the change to the glucocorticoid family.

PROFESSOR ENGBRETSSEN said that he was also a knee surgeon, and he had been injecting knees for 30 years and knew his colleagues had been doing it for years and sport doctors were using it all the time. The problem with using the substance intraarticularly was that the serum level of the

corticosteroids was much higher than when injecting subcutaneously or in the muscles, so he had thought it strange for a long time that it was possible to inject it intraarticularly but not in other ways. There was no reason not to abandon that rule and have intraarticular at the same level as the others. When it came to timing, most sport doctors were aware of the fact that it had been on the table for about 15 years, and he thought most of them agreed with it, although he agreed with his Japanese colleague that, in Japan and other countries, it was being used as anti-inflammatory medication for patients, although not so much for elite athletes. From a medical point of view, there was no doubt that the proposal should be approved and, as to the timing, he agreed with his colleague from the IOC that, only six months prior to the Olympic Games in Tokyo, it might be difficult to teach most of the sport doctors to remember that, but it should at least be possible over the coming 12 to 18 months.

THE DIRECTOR GENERAL observed that, when lawyers started intervening in scientific discussion, it never simplified things, but he wanted to make two remarks. Before the Members took a decision, they should reflect a little bit on the proposal. The rule had been under discussion for many years. In his view, the glucocorticoid rule as it stood was very hypocritical. The scientific reality was that it was not possible to distinguish from the analysis which route of administration had been taken. That meant that, when athletes were caught for glucocorticoids, if they said it was a permitted route, they would get away with it and, if they were honest about it, they would be punished. Only those who were honest about the mistake they had made got punished, and all the others got away with it. He had always felt that the rule did not work properly. The status quo was certainly not very satisfactory from a sanctioning perspective.

If WADA said that six months before Tokyo was not a good time, if the change was introduced the year after, there would be an even shorter period before the Olympic Winter Games and, to avoid that, WADA would have to delay entry into force by another year. It would be very close to the Olympic Winter Games (only two months before the start of the Olympic Games). Would WADA not have the same problem again if it delayed by one year?

MS GROSSENBACHER clarified that the Olympic Movement would like to receive clarification as to whether WADA was confident that sufficient communication could be provided prior to the new Prohibited List entering into force and that it would be possible to avoid the same situation as that faced with meldonium. The main concern of the Sport Movement was to ensure sufficient communication prior to the entry into force of the new Prohibited List.

MR KAMEOKA said that it was important to start communication immediately as to when the rule would become effective. If it became effective as of 2022 and all the relevant parties were notified and fully understood, that would avoid a lot of confusion. If there were only six months before the rule entered into force, there would be confusion. It was necessary to have a well-organised communication plan and to notify the relevant stakeholders as to the date of entry into force.

MR KERSCH said that Mr Kameoka had expressed his concern and he had supported him, but he wanted to know what the decision was.

THE CHAIRMAN responded that there were two options on the table: the Executive Committee could approve the International Standard for the Prohibited List and the monitoring programme as proposed and ask the team to focus on communication as to the changes, or the Executive Committee could postpone adoption and agree that it should enter into force on 1 January 2022. Were there any other comments?

THE DIRECTOR GENERAL clarified that the entry into force on 1 January 2022 would apply only to glucocorticoids.

THE CHAIRMAN asked the Members what they wanted. From his perspective, he supported approving the Standard and monitoring programme without the proposed changes on glucocorticoids and placing greater focus on communication, but he was open to the Members' opinions.

MR KERSCH stated that Europe's position was clear. Europe was against any modification at this time and recommended postponing the glucocorticoids modification until after the Olympic Games.

MR KAMEOKA said that he had some grave concerns about glucocorticoids. It was an issue that had generated heated debate in Japan and the substance was used quite regularly by the athletes,

so he thought it would be difficult to approve the proposal without an opportunity to further discuss the matter.

THE DIRECTOR GENERAL suggested that, if WADA were to postpone the entry into force of the proposal on glucocorticoids alone until 2022 for the reasons mentioned by the Japanese representative, to have more time to properly communicate, would the Executive Committee decide that that would enter into force in 2022 so as to start communication and not waste time? For the sake of consensus, and unless the Sport Movement was against it, perhaps the entire Prohibited List could be approved for entry into force on 1 January 2021 with the exception of the change in relation to glucocorticoids, which would enter into force on 1 January 2022.

PROFESSOR ERDENER stated that the Olympic Movement supported the proposal.

MR COLBECK thought that the suggestion made by the Director General was a good one and gave an opportunity for the communication requested by Japan, but the rest of the Prohibited List would enter into force on 1 January 2021. It was a good proposal and would make it possible to move that forward but allow the necessary time to communicate on glucocorticoids.

THE CHAIRMAN concluded that the Executive Committee would approve the 2021 International Standard for the Prohibited List including the monitoring programme for 2021 with the small change proposed by the Director General, which was that the modification on glucocorticoids would enter into force on 1 January 2022. He thanked the Members. He thought that they had reached a really good compromise.

DECISION

2021 International Standard for the Prohibited List including the monitoring programme for 2021 to enter into force on 1 January 2021, with the exception of the change in relation to glucocorticoids, to enter into force on 1 January 2022 subsequent to appropriate communication.

– **5.3 Annual Research Projects 2020**

DR RABIN shared with the Members the presentation on the research projects for 2020 to guide them through the submissions received during the year. A total of 72 grant applications had been received, representing a significant increase compared to the previous year, when WADA had only received 53. WADA always saw good diversity in terms of the origin of the projects, which was very reassuring. As always, there were some projects that would be reviewed with an increase in the budget because sometimes the Expert Groups required more from the applications, but most were usually decreased. Nineteen projects had been submitted for about 2.6 million dollars, which was about a 26% success rate, lower than in previous years for obvious financial reasons.

Guiding the Members quickly through the projects received, he started with anabolic steroids, which was still a very active field of consolidation of the research since the implementation of the long-term metabolites of anabolic steroids and the steroidal module of the Athlete Biological Passport. Three projects had been selected in that field. One project on the detection of autologous blood transfusion and dried plasma had also been selected, capitalising on that new matrix, and the Members had heard a lot about dried blood spot and dried plasma spot; soon, they might hear about dried urine spot. It was becoming an interesting derivation of the classical matrices that were being used in research. There were three projects in the area of peptide detection, always a very active field of research, either to consolidate the current testing or to better prevent tampering with peptide analysis in routine control. There was also improvement of detection methods, which was a constant concern in anti-doping, and there were three projects proposing to enhance the analytical capability for hGH with a very new marker discovered very recently, as well as the consolidation of the Athlete Biological Passport, in particular the performance module, and the detection of two beta-2 agonists: salmeterol and formeterol. There were two projects connected to the development of the dried blood spot approach to which he had just referred, and three projects assessing the impact of confounding factors in some specific areas of application of analytical methods to facilitate the interpretation of

the results. That summed up the 19 projects, which had been selected by the independent review panels and by the project review panel and were recommended by the Health, Medical and Research Committee for approval at the meeting.

In terms of funding for the 19 projects, as mentioned by Mr Niggli and Professor Engebretsen, WADA was in a very worrisome situation: with the current fraction of the annual budget, WADA could cover only five projects. In other words, with the organic budget in science, WADA could cover only five of the 19 projects recommended. Luckily, in 2020, an exceptional contribution had been received from China, and also the special support announced by the IOC President in Katowice, which would allow WADA to cover nine more projects, which were highlighted in yellow, for a total of about 1.15 million dollars, if the special fund for research were used. WADA would fall short of covering the 19 projects whilst still having five projects for a total amount of \$567,000, and the Members would see on the screen the five projects selected that could not be covered unless the 2020 unallocated cash were used (about half-a-million dollars). If all three budgets were combined, the 19 projects selected that year by the scientific committees could be covered. That meant that there would be no money to invest in 2020, and some targeted projects would have to be delayed until 2021, and WADA would be left with the question of how to cover research needs for 2021, but at least the 19 projects being recommended would be funded.

THE CHAIRMAN thanked the Members for approving the research funding proposals for 2020.

THE DIRECTOR GENERAL asked if the Executive Committee also approved the use of the unallocated cash to fund the remaining important five projects. As the Members would hear from the Finance and Administration Committee, there would be a surplus at the end of the year. With the extra funding received from the IOC and China, plus the budget, some funds would have to be used to cover the 19 projects.

THE CHAIRMAN thanked the Members for approving the proposal.

DECISION

Proposed annual research projects 2020
approved.

– **5.4 2021 International Standard for Laboratories**

DR BARROSO presented the main changes to the 2021 ISL. As the Members might remember, an ISL version had been approved in November the previous year and, at the time, it had been said that urgent changes had to be made to the ISL which could not wait until the review process for 2021. He would present the new version, version 11 of the ISL, which had been modified to make sure that it was completely in line with the 2021 Code and the revised International Standards. Version 11 of the ISL followed the consultation process with the WADA stakeholders from December 2019 to April 2020. Following the consultation process, a lot of comments had been received and reviewed by the ISL working group. In terms of the composition of the working group, it comprised three members of the Laboratory Expert Group led by the Chairman of the Laboratory Expert Group, Dr Terence Wan, two external counsels and two members of the WADA Science Department. The working group had held six three-hour teleconferences to address the comments submitted by the stakeholders, and he would present the final draft produced as a result of the 18 hours of teleconference. By way of a general comment, the format and definitions in the International Standards had been modified to be in line with the new Code. There had been quite a few footnotes, about which people had not been too happy, and they had been moved to comments in the main text. There had also been some reordering of articles, specifically in section 5, to make sure that they were in line with ISO/IEC 17025 as well as to follow the sample analysis flow in the laboratories. Section 4, the laboratory accreditation process, was one of the main sections in the Standard and was something that had been mentioned at the beginning by Professor Engebretsen. In relation to on-site assessments, the new version of the ISL had opened the door to alternative ways of performing on-site assessments, as well as remote and documentary audits. It was important to note that, for accreditation decisions, on-site assessments were still the preferred way of conducting laboratory audits. In terms of candidate and probationary laboratories, there had been a few changes, the most important being that these laboratories would not conduct any doping testing activities for signatories or WADA to avoid their misuse by some ADOs to test their athletes before

big competitions when the laboratories had not yet received WADA accreditation. Candidate laboratories were encouraged to increase their cooperation with already existing accredited laboratories for mentoring and training and in preparation for the accreditation process. In relation to compliance with the conditions of laboratory independence, candidate laboratories would present plans to ensure compliance while probationary laboratories should already have measures in place to make sure they were compliant with the conditions of laboratory independence. The provision in the ISL had been modified to make sure that there was no reference to political influence or political parties. Several stakeholders had expressed discomfort in relation to the mention of political parties in the provision. As a result, the deadline for compliance with the new provision on laboratory independence had been extended slightly to 1 January 2022.

In section 4, on the disciplinary process for laboratories in cases of non-compliance with the ISL or the technical documents, it had been clarified that analytical testing restrictions or suspension did not imply the automatic withdrawal of the ISO accreditation, which was decided by the accreditation bodies, which were members of ILAC, and therefore had their own independent assessment of the international accreditation.

He made an important clarification in relation to analytical testing restrictions when they might affect all samples received in the laboratories, and they should be analysed with the laboratory standard menus. The clarification was that, in that case, the ATR did not apply. It had to be a full suspension of the laboratory because, of course, if it affected all samples received in the laboratory, it would mean that the laboratory would have to contract analysis for all of the samples, so that was, in fact, a de facto suspension.

In relation to challenges before the disciplinary panel, it had been clarified that, when the Laboratory Expert Group proposed a suspension of the laboratory due to the reporting of a false adverse analytical finding with consequences for the athlete or when the laboratory reached the maximum allowed number of penalty points, that suspension could not be challenged before the disciplinary panel; however, that challenge might occur if the recommendation of the Laboratory Expert Group was for the revocation of the laboratory. Laboratories might nevertheless continue to operate and perform their analyses for the Athlete Biological Passport or serve as athlete passport management units if those activities were not affected by the decision of analytical testing restrictions or suspension.

There had been a situation recently in which a laboratory had self-suspended. It was not the first time, but it had been the longest period of self-suspension; therefore, the new ISL clarified the conditions for a self-suspended laboratory: the laboratory had to maintain adequate performance in the WADA proficiency testing programme and, if the laboratory was unable to pursue its operation after 12 months, the laboratory accreditation would be revoked.

Section 5, on analysis of samples, was probably one of the most important sections, if not the most important section, in the ISL. One important change had to do with the implementation of the laboratory information management system, which was currently mandatory, and the system should have audit trail capabilities to make it possible to detect if any manipulation had occurred to data or information in the laboratory quality management system.

In relation to sample analysis and in line with the new Code, it had been clarified that laboratories might perform some analysis on doping control samples that did not target prohibited substances, and that referred first of all to the WADA monitoring programme, as well as to the analysis of some substances that were important for the interpretation of results and results management, for example confounding factors of the steroid profile or non-prohibited substances that shared metabolites with some of the substances on the Prohibited List. Laboratories might also perform some tests for testing authorities as part of their code of safety or qualification requirements and so on, as well as performance of analysis for quality assurance or method development in line with further provisions in the ISL.

The issue of confirmations for A and B samples had been further clarified, and every single step taken during A and B confirmation had been described in specific bullet points and in specific sub-articles. In relation to the B confirmation in particular, which was the most important, and the one requiring more clarifications for the ADOs, it had been established that sample B notification should

be given to the laboratory within 15 days following the reporting of the adverse analytical finding for the A sample. The ADO would have to tell the laboratory within 15 days whether or not the B confirmation was needed and, following such notification, the B confirmation should be performed by the laboratory as soon as possible. That had been implemented to make sure that the timing of the B confirmation was not manipulated by some athletes in the hope that the substance might have degraded in the sample so that the B confirmation returned a negative result.

Another important change had to do with further analysis, and it was in line with article 6.5 of the Code, which dealt with the issue of laboratories performing analysis on samples from athletes when the ADO had already charged the athlete with a Code article 2.1 anti-doping rule violation. According to the Code, once the athlete had been charged, the sample could not be further analysed unless there was consent from the athlete or a request from an arbitration body. That had huge implications for laboratories because, in some cases, ADOs requested analysis such as EPO or IRMS or even confirmation of the steroid profiling, which required more time. That was particularly important during major events such as the Olympic Games, when laboratories were required to report results very quickly. There had to be an important communication to laboratories and ADOs to make sure that they could check athletes had not been charged with an anti-doping rule violation if they were waiting for analysis to be performed on the sample.

On the reporting of test results, the most important change was that laboratories would not report results in ADAMS for tests performed for non-signatories. In the ISL's code of ethics, laboratories were allowed to do that kind of analysis for professional leagues or horse racing, for example, but such analysis for non-signatories was not to be reported in ADAMS and laboratories could not claim WADA accreditation status to perform or report on such analysis.

In relation to the reporting of non-threshold substances and exogenous threshold substances, it had been clarified that the laboratory should establish only the presence of the substance and there was no need for quantification or estimation of the concentration during the B analysis.

For long-term storage of the samples, it had been clarified that samples might be stored for a long time either within the laboratory facilities or in an external storage facility under testing authority control. That was in line with the plan of the IOC to have an external long-term storage facility to be managed by the ITA in order to store Olympic samples for a long time. The different requirements applied to the facilities were described in the new version of the ISL.

There was a better description of the conditions for the use of samples for research or quality improvement purposes for the laboratories, and he was awaiting a guideline or technical document to complement the provisions to make clear the steps that the laboratories should follow to use the samples once the analytical process had been completed for research or quality improvement purposes.

He brought to the attention of the Members a recent change in the ISL version that did not appear in the version they had received. It was a technical change and had to do with the expression of z-scores (a way of assessing quantitative results of laboratories as reported during a proficiency testing programme), which would be expressed to one decimal place instead of two significant figures to make it easier to understand by everybody.

In relation to the ISL's code of ethics, athletes subject to doping control should not participate in research studies that included the administration of prohibited substances or methods. The testing for non-signatories was not to be reported in ADAMS and there was to be no claim of WADA accreditation or approval by the laboratory.

There had been further clarification as to the conditions under which laboratories might perform analysis for commercial materials (such as herbal or dietary supplements), and that could be done only as part of the research management or adjudication process, as part of a legitimate anti-doping research programme or, if that test had been requested by the athlete, there had to be ADO agreement so that the test could be performed by the WADA laboratory.

Annex B, for major events, was basically the same as in the previous version, but was in a separate annex. The requirements were applicable only to those major events that would require a

significant increase in laboratory capacity or the use of a laboratory satellite facility. Not every major event as defined in the Code would qualify for those additional requirements.

Lastly, in annex C of the procedural rules, two new articles had been included to describe the expedited proceedings that might be performed by the disciplinary panel or as part of single hearings before the CAS, for example during the Olympic Games.

THE CHAIRMAN asked if the Members wished to approve version 11.0 of the 2021 ISL to come into effect on 1 January 2021.

DECISION

2021 ISL approved for entry into force on 1 January 2021.

– **5.5 Technical Letter 22, Postponement of Effective Date**

DR BARROSO said that he would give a brief verbal presentation to the Members. As the Members might recall, there had been a Technical Letter 22 approved by the Executive Committee in May that year, and it dealt with the reporting of morphine findings that could result from the administration of the non-prohibited substance ethylmorphine. When the Executive Committee had approved the Technical Letter, the effective date had been 1 September 2020. However, the reason for issuing the technical letter was that the laboratories had to develop a methodology to be able to detect not only morphine but also one of the associated metabolites of ethylmorphine: norethylmorphine. The Japanese delegation in particular had expressed concern about the ability of the laboratories to obtain the reference material. However, WADA had been in direct contact with the supplier, Toronto Research Chemicals, which had assured that the reference material would be available. Actually, the reference material was not available: the company had said that it had serious delays in the production due to the COVID-19 pandemic, as well as a request from Health Canada to provide a license amendment for approval of the sale of the narcotic, and that meant that the laboratories had not been able to obtain the material and develop the method in time for the effective date, which was why the proposal was to extend the date to 1 January 2022, conditional of course on the availability of the reference material, and that was something that WADA would continue to monitor.

THE CHAIRMAN asked if the Members could formally approve the postponement of the effective date of that letter.

DECISION

Postponement of effective date of Technical Letter 22 approved.

6. Finance

– **6.1 Finance and Administration Committee Chair Report**

MR NG said that the Finance and Administration Committee had held its virtual meeting on 21 August with full attendance and he thanked the WADA President for joining the meeting. The Committee had reviewed the 2019 audited accounts, which had already been approved by the Foundation Board in May, and no deficiencies had been found in the internal control system, so all had been deemed satisfactory. The Committee had then discussed some significant events that had happened and would continue to happen, as they had a major impact on the financials as well as the budget. The Committee had approved the 2020 budget and the 2021 draft budget. A number of points had been raised by Members in relation to high litigation costs and how to mitigate them, and also achieving greater transparency in certain areas. The treasury policy put in place in 2014 would be revised and updated to deal with current financial market and economic realities. The challenges of currency fluctuation and operational efficiencies during COVID-19, as well as the future and the new normal would also be discussed in greater detail in the following sections on finance. The ongoing

Strategic Plan would include the operational plan as well as the KPIs. Those were some of the key areas on which the WADA management would be working and proposals would be made.

DECISION

Finance and Administration Committee Chair Report noted.

– **6.2 Government/IOC contributions**

MS CHUNG informed the Members that there had been a slight change in the numbers the Members had in their papers. There had been an update and, as of 11 September, WADA had received 91.6% from the Public Authorities versus 95.4% at the same time the previous year. WADA was short by close to 1.6 million dollars or 8.5% of the budget. At that time of the year, WADA was usually at 96% or 97% based on past years. From Europe, WADA had received 95% but was still missing close to 500,000 dollars from Spain. The situation at the same time the previous year had been close to 100%. The Americas was at 86%, and WADA was missing contributions from Mexico and Brazil. There was a very high chance that Venezuela would not pay, and it had not paid for the past five years. Asia was at 90%. One big contribution to come was from Kuwait. The figure the previous year had been much lower, at 86%. The change in the papers concerned Africa. It was sitting at 45.1% compared to 52.5% the previous year. 100% had been received from Oceania. In terms of additional contributions, 271,000 dollars had come from Australia, Japan, the City of Lausanne and the Canton de Vaud. Their support was greatly appreciated.

DECISION

Government/IOC contributions Update noted.

– **6.3 2020 Quarterly Accounts (Quarter 2)**

MS CHUNG said that, for the first six months of the year, spending had been on the low side, and had been even more so that year because of the pandemic, which had been quite disruptive, so in-person meetings and events had been cancelled or postponed. The Olympic Games had been postponed to 2021, and the trend would follow in the third quarter, although what would happen in the fourth quarter remained to be seen. The total expenditure was at 38% of the budget. The previous year, there had been the annual symposium, etc., so the total expenditure had been at 50%. Total spending was at 15.6 million dollars versus the budget at 41.1 million. The one area in which spending had been high was the Legal Department, and the figure was at 66% after six months, mainly due to litigation and legal fees for high-profile cases such as RUSADA, which consumed a lot of time and money, not to forget the case concerning a Chinese swimmer and the related appeal. Expenses were low but activities were still ongoing and very much so. Depreciation was in line with the budget, currently sitting at 50% of the budget. Overall, the capital expenditure was at 50% with some variations in spending in some departments, so WADA was at 1.3 million dollars versus 2.5 million dollars of the budget. The surplus after the first six months was at 17.9 million dollars but was not representative. More would be seen in the next section on the revised budget.

DECISION

2020 Quarterly Accounts noted.

– **6.4 Revised 2020 Budget**

MS CHUNG noted that the Members had the details in their documentation packages. For the 2020 budget, total income had been 39.5 million dollars; in the revised budget, it had been necessary to bring it down to 37.7 million dollars, about 95% of the budget, for the reasons she had mentioned earlier related to contributions, as the contributions from a number of large countries, including Spain, Mexico and Brazil, were still missing. That was why it had been necessary to decrease the contributions to 37.7 million dollars. Overall spending was down for the first six months of the year and would continue in the third quarter. All of the meetings had been cancelled, as had conferences in all of the departments. Again, because of the high costs in litigation, it had been necessary to increase the budget for litigation by about 600,000 dollars to 1.6 million. Depreciation had also

increased by 390,000 dollars, mainly due to the acceleration in depreciation of the current ADeL platform, which would be replaced by a new one in 2021. The current one was unsustainable and would become obsolete because of the technology, and the security functionality was not being maintained, which represented a risk to ADeL users and their data, so it needed to be replaced. Capital expenditure would be increased by 200,000 dollars, mainly for the new platform, as there was room that year to do so, and an important point was that it had been decided that there would be no expansion of the Montreal office in light of COVID-19. That represented important cost reductions for that year and future years. That was WADA's way of adjusting to the new normal with teleworking from home and reduced running costs of the space. For the surplus for the revised budget, with all the savings that WADA had made, WADA was looking at 2.4 million dollars compared to a deficit of close to 2 million in the budget. In terms of cash, and it all boiled down to cash, there was a surplus due to the extraordinary circumstances (the pandemic), although an uncertain future was still looming, and the surplus would allow WADA to increase the operational reserve. There had been a recommendation by the Executive Committee in 2015 to maintain an operations reserve equivalent to six months' operations. The upside of the pandemic had allowed for a one-time saving and a good opportunity to put a little more into the operational reserve, so WADA would put 2.5 million into it and 500,000 more into the litigation reserve, as the volume of high-profile cases might call for the use of reserves. Once WADA had allocated money into the operational reserve and litigation, it would still have 385,000 dollars to go into the unallocated fund. Dr Rabin had mentioned earlier that the money could be used for research, as WADA was pretty much at the bottom of the barrel in terms of research funds, so that would help to fund the five projects mentioned earlier. That summed up the 2020 revised budget. The Finance and Administration Committee had reviewed and approved it. She would be happy to take any questions.

MR KERSCH supported the proposal that the savings made in 2020 should be used to credit the reserve fund and encouraged WADA to see that the savings made during the lockdown period could be continued on a sustainable basis in the future.

DECISION

Revised 2020 Budget noted.

– **6.5 2021 Draft Budget**

MS CHUNG said that the Members would see all the supporting information in their documentation. In terms of contributions, WADA had discussed at length the U.S. situation and the fact that the USA might pull out from its 2021 contribution, so a 2021 budget had been prepared with two scenarios: one was the budget as it was with an 8% growth, as approved by the Foundation Board in 2017, and the other was a scenario without the U.S. contribution. In terms of contributions, the version as it was with the U.S. included and an 8% growth amounted to 43.4 million dollars, with the IOC and Public Authorities each contributing 20.22 million dollars, along with other funders of course. For Montreal International, the agreement would be renewed and the annual contribution had been increased from 1.5 to 2.44 million dollars, and that would be from 2021 to 2031. Of course, the additional contributions of 250,000 dollars were fairly recurrent thanks to Australia, Japan, the City of Lausanne and the Canton de Vaud. They were all assigned to specific projects and activities. Those involved in preparing the 2021 budget had been very cost-conscious. It had gone through a few screenings and iterations to make sure that it was aligned with the Strategic Plan. The strategic projects had been prioritised as well as staff hiring. A decision had been taken not to go ahead with renovations to the Montreal office, and that represented a major cost savings. It was a fixed cost for the long term, which was a really great thing. The management had opted for more virtual meetings when possible, so all that was cost effective and would increase efficiencies that year and in the future.

On the draft budget version without the U.S. contribution, contributions would go down by 2.9 million dollars (the U.S. portion); however, WADA would seek additional contributions from the Public Authorities of 1.5 million dollars to be matched by the IOC to compensate for the U.S. shortfall.

In relation to expenditures, all the information was in the members' documentation. WADA was looking at 44.4 million dollars in expenditures, and the Olympic Games and Paralympic Games would happen in 2021 so the budget also included those events, as well as the continued implementation

of the Strategic Plan, starting that year with a lot more moving into 2021, across all areas, and the Members had seen the brand renewal and education projects in relation to the new International Standards, emerging drugs and doping prevalence in science. All of those were part of the strategic projects for 2021 and coming years. The Members could see that all the projects sought primarily to serve the sporting communities and also internal cost efficiencies, the general guideline being to push to convert to at least one virtual meeting when a department had more than one. Capital expenditure would decrease by close to 200,000 dollars from the revised budget. With that scenario, WADA would end up with a deficit in the 2021 budget, but the cash would remain positive at 280,000 dollars. That was mainly because capital expenditure would be reduced and because of timing in expenditure, with less cash required for 2021 in that scenario.

Moving into the scenario without U.S. involvement, the deficit and cash situation would be worse. There would be a shortfall of 3 million dollars in terms of income at the end of the day. WADA was looking at a cash negative at 1.2 million dollars and, to bring it down to a one-million-dollar level, it would need to cut all areas further by about 250,000 dollars. In order to make that happen, WADA was looking to further delay hiring to the second half of the year, change the travel policy from business to premium class, further reduce in-person meetings and push to accelerate digital processes and automation, which would allow for cost savings and cost effectiveness in the long run. She did not want to put a damper on things, but it was necessary to think ahead to 2022 and beyond should the U.S. pull out. While she hoped that private funding would materialise successfully, it was still necessary to plan for extra cost-cutting measures should that the situation with the U.S. happen. That was something that might have to be considered to down-size the organisation and reduce staff and, even in terms of activities, it would be necessary to reassess everything, including reducing the number of audits and being more critical in selecting cases, and it might also be necessary to tap into the operational reserve. That was what WADA needed to look into as part of the plan.

In relation to the cash positions and the unrestricted or unallocated cash to be paid out for all commitments, WADA would still be at 10.9 million dollars for unallocated cash and, should the U.S. pull out, it would go down to 9.4 million dollars.

In terms of investments, WADA was doing well, as 95% of the portfolio was in bonds of high quality, and WADA continued to invest in secure investments as per the no-risk policy. WADA had had a fair amount of interest revenue and, as of June, had received 240,000 dollars in interest. In terms of foreign exchange, WADA had been lucky, as it had been in WADA's favour; however, there had been signs of weakening over the past few weeks, although there were some fluctuations and she did not know what the final result would be, so WADA would continue looking at options to make sure that it would be able to mitigate some of the fluctuations and would also update the policy to take all of that into account.

THE CHAIRMAN thanked Ms Chung for her very comprehensive report.

MS GROSSENBACHER thanked the Chairman of the Finance and Administration Committee and Ms Chung for their detailed report. On behalf of the Sport Movement, she expressed support for the proposed draft budget. It had been mentioned during the report that consideration had been given to increase virtual meetings and she wondered if any consideration had been made in that regard for Foundation Board meetings and whether the management thought that one Foundation Board meeting a year could perhaps be feasible or valuable for the organisation in terms of savings, but also to minimise travel during the current situation. Of course, the Sport Movement valued in-person meetings, but was ready to play a part in cost saving.

She also wanted to highlight the discussions that had taken place during the Finance and Administration Committee meeting and welcomed the discussion regarding good governance policy and the fact that the Finance and Administration Committee would be coming forward with a proposal to address over-expenditure.

MR COLBECK spoke on behalf of the Public Authorities to commend the extraordinary effort in very difficult times and with some uncertain circumstances. He expressed support for the 2021 budget and congratulated those involved on the work done to prepare it and the efforts of those that had been working on it. It had been a very uncertain year and there were still uncertain times ahead

but, with the considerations discussed during the previous items, he commended all those who had been working towards having sound finance for the organisation.

THE CHAIRMAN thanked the Members for their comments and proposals. WADA would of course consider the proposal made by the Sport Movement. He thanked the Members for their strong support. WADA was prepared for different scenarios, but he believed that the worst case would never happen and he was open to good dialogue with the friends from the U.S. and working hand-in-hand with them.

DECISION

2021 Draft Budget to be recommended to the Foundation Board in November.

7. Athletes

– 7.1 Athlete Committee Chair Report

MR SANDFORD thanked the Members for giving him an opportunity to make a presentation. The WADA Athlete Committee had not had an official meeting since the previous Executive Committee meeting, but it had had a number of smaller meetings on several issues. As the Members would see from the report, the athlete Anti-Doping Ombudsperson Working Group was up and running and, as part of the Athlete Committee engagement with athletes, it was something that was highlighted and that, universally, athletes were really excited about. They really saw the value of having an ombudsperson or persons to go to in order to get information that was independent of anti-doping organisations and that would have some sort of review function. It was a small working group, but there was a good range of knowledge and people on the Group, and it was currently working on the objectives and scope of the office and how it was likely to work. As that moved forward in the coming months, he would keep the Members updated. For many athletes and for anti-doping, it was something that would be quite transformational, so it was something to watch for the future.

As the President had said, although not a lot of sport had been happening that year, it had been a busy time for the WADA Athlete Committee, and the slow-down in sport had probably been an opportunity to reach out to athletes and committees in ways it had not done before. That had been done through engagement and meetings with athletes virtually, but the Athlete Committee had also been running webinars and, through WADA, had an athlete webinar series, the first of which had been presented on COVID-19 and clean sport, with over 900 people registering. The second one had been on major changes to the Code and the World Anti-Doping Programme, and there would be another the following month on the Athletes' Anti-Doping Rights Act. The Committee had also participated in other webinars aimed either at athletes or ADOs. That continued to be progressed and worked on.

DECISION

Athlete Committee Chair Report noted.

7.1.1 Athlete Committee Working Group Update on Athlete Representation

MR SANDFORD said that the main focus of his report to the Members that day would be on the work of the Working Group on Athlete Representation, and that had been touched on during the meeting the previous day. The Working Group had been reformed at the start of the year. There had been one functioning the previous year, but it had not been making an enormous amount of progress, so it had been reformed and there were currently five members on the Working Group, which was making good headway on a challenging topic and something the Working Group was trying really hard to get right.

The first point was progress to date, with an outline of the purpose of the Working Group. It wanted to come out of that with the best possible and most effective representation of athletes within all levels of WADA and the anti-doping movement, the fundamental principle being that athletes should be choosing their representatives. Further down the page, there were other principles that were being considered. There were three models that the Members had in their papers. They were

being referred to as the ex-officio model, the composite model and the independent model. He shared a presentation with the Members to show them in visual format.

Broadly speaking, in all three models, members would fall into three categories, generally elected ex officio, so members on another athlete committee and, because they were on that, they would be able to become members of the WADA Athlete Committee and appointed. There were several things that were consistent between the three models and he would try and highlight them as he went through the different models.

Model A was the model called the ex-officio model, in which the majority of members would need to be elected members of another athlete committee. There would be six ex-officio members nominated from the IOC and the IPC, and they would need to be elected members of those athlete committees. There would then be an election and the people in the selection would be members of IF athlete committees. That would be the elected three members of that group. Then, there would be four appointed members and they would be from an NOC, an NPC, a professional sport union or another athlete committee. With the ex-officio model, there would be 13 ex-officio members and then space for two athletes to be appointed on a skills or diversity basis. One of the things he needed to highlight was that one of the similarities between all of the models was the suggestion to move from 12 to 15 members. Before the start of the year, the committee size had been 17. This figure had dropped to 12, but everybody had agreed that the ideal size would be 15. The terms were similar between the three models.

The second model, model B, was a composite model, with eight elected athlete representatives, two ex officio members (one from the IPC and one from the IOC) and then space for five appointed members to make up the skills and diversity required of the athlete committee. One of the things that was generally recognised was that, with the process of having elections, the required skills and diversity might not be achieved, so it was necessary to have space to be able to appoint athletes to make up for any skills or diversity that were not there. All three models had an election that would take place online, and it would be a three-year term. The Group was not proposing that the election would be for every athlete under the Code, as that would be an enormous number of athletes. Nor was it not proposing every athlete in ADAMS or in a registered testing pool. For the three models, the proposal was for the athlete committee concerned to get the vote, whether it as an athlete committee attached to an IF or an ADO, or even, as he would explain in model C and model B, if an ADO did not have an athlete committee (a lot of NADOs did not have athlete committees), they could either set one up or, for model B, they could nominate an athlete committee they thought was representative in their jurisdiction to have that vote.

Model C was one ADO, one vote, which was similar to model B. There would be a three-year term, with 15 members, again like model B, the majority of members would be elected and, in that case, there would be nine and then six appointed, and the six appointed would be appointed for skills and diversity. The main difference between model C and model B was that model C did not have the ex-officio members and there was an increased level of independence that was required of the members as part of that model. That had come about because, as the Members would have seen over the past couple of years, there had been calls from many quarters and athlete circles for greater independence; therefore, model C went in that direction and also would help potentially solve a problem further down the track. He would not be talking about it at that meeting, although he made the Members aware of the fact that it was a two-step process in which athlete representation would be improved within WADA and, once decided, representation on WADA's governing bodies would be sought. If it was independent, it might be more successful and might solve problems later on.

Comparing the models in terms of what they had in common, each had shared diversity requirements, 15 members, the same term lengths and utilised what was being called a nominations panel, so the nominations panel was the WADA Athlete Committee chairman, one person from the WADA Athlete Committee and one person from the WADA Nominations Committee, and that three-person group would be in charge of nominations and appointments and also help oversee the running of the elections and anything else in relation to eligibility and nomination requirements and so on. The Members would see a comparison on the screen of the three models' side by side to give them a visual idea of what they looked like in terms of elected, ex-officio and appointed members. Model A had 13 of the 15 who were ex officio but, within that, there were three elected ex-officio members,

the six full ex-officio members, who were the IOC and IPC members, the four ex-officio appointed members who would come from the NOC, NPC, etc., and then the two who were purely appointed. Model B had two ex-officio members, nine elected members and five appointed members, and then model C had nine elected members and six appointed members. Hopefully, that would clarify the actual make-up of the models. The last slide had been included to compare how the nominations panel would have to work between the three models. The consistent thing was appointments and eligibility criteria over the three models.

He concluded by saying that there was no decision to be taken that day. The information was not being presented to the Members for them to make a decision, but he sought their feedback on the direction being taken. The Group was providing the information to the Members as an update and their feedback was very valuable. It would go to the Working Group and then to the Athlete Committee. Any feedback the Members had would be gratefully received. He would be happy to answer questions about the models, the process and also any of the other part of his report.

THE CHAIRMAN thanked Mr Sandford for the report. He was glad that such progress had been made and was also glad that the topic of the athletes' anti-doping ombudsperson was being taken up. There were long discussions ahead, but everybody was aware of the importance of the project, for which he kept his fingers crossed, as well as other projects, especially athlete representation. He wanted to get involved, as it was also a priority for WADA.

MS BARTEKOVÁ expressed her sincere gratitude to Mr Sandford on the tremendous work done. It had been great to work under his leadership. The WADA Athlete Committee had done a great deal to contact athletes through the webinars, something that the athletes had very much appreciated. She also encouraged the work on the ombudsperson, which was a really important topic, and athletes would be pleased to have support. She knew the work was ongoing and wished the Athlete Committee luck. She looked forward to hearing about progress.

On the models presented, she welcomed the fact that the Working Group had been transformed and was currently fully diverse, meaning that various views were incorporated in the feedback. She thanked Adam Pengilly for his great work, because she knew that the working group met regularly, and a lot of work had been done.

In terms of athlete representation, the IOC Athletes' Commission had principles in place on athlete representation which it considered very important, and those included elected athlete representation, which was very crucial and gave legitimacy to the elected body. The Committee also believed in diversity, managed and secured by appointing other members, which was also incorporated in some of the proposals and models presented by Mr Sandford, and also really strongly believed that the athletes should be active or recently retired. She acknowledged that some active athletes might not have enough time to work, but still believed that athletes on the field of play knew what it meant to be under the Code and what it meant to be monitored by WADA, and it was really important for them to then bring forward all the issues that athletes had. The IOC Commission had been building up the network of athletes' commissions and tried to empower them, which was also a great base for athlete representation on WADA, so the clear preference on her side and some of the members of the WADA Athlete Committee and working group was model A; however, she was not saying that the other models should be discarded. There was always a way of making sure that there were principles on which everybody agreed which could be put forward. She knew that there had been some consultation process already with the Public Authorities. She suggested moving forward with the consultation with the of the Sport Movement Members on the Executive Committee. She thanked Mr Sandford again and suggested further consultation with the Members of the Sport Movement so as to incorporate the feedback from everybody.

MR KERSCH spoke on behalf of Europe to thank Mr Sandford for his presentation and the members of the Athlete Committee and Working Group for their work and for proposing models of athlete representation. It was a crucial and very important question for WADA. Europe already had a strong preference for models B and C and encouraged the Committee to improve its models to be ready for the next meetings. He thought that model A was a bit of a status quo and it would be impossible for WADA to act in a model of status quo.

MS YANG thanked Mr Sandford and his team for their hard work. She had a question on models B and C, which seemed to rely on the NADOs for the athlete elections. Everybody knew that NADOs did not really work with athletes, so it would be quite hard from an operational point of view. Had that been considered? She thought that it would be necessary to have some kind of result that day, because WADA could be criticised for not really moving forward, so WADA had to be working on that and accelerating the process.

MS EL FADIL thanked the WADA Athlete Committee Chairman and the Committee members for their work. Africa took note of the report and was grateful for the efforts undertaken. She congratulated the WADA Africa Regional Office on the different webinars held with stakeholders; there had been a specific one geared towards athletes held on 7 September.

MR DÍAZ congratulated Mr Sandford and the Athlete Committee members on the work. It was very important to move forward on that very important matter. He was happy to hear from the IOC Athletes' Commission expressing its satisfaction with the work done by the WADA Athlete Committee. Although he had certain opinions on the models, he wanted to support the model with which the athletes were more comfortable and the one that they felt was the most democratically representative model.

MR LALOVIC thanked Mr Sandford for his excellent presentation and congratulated the WADA Athlete Committee Working Group on its work. He supported what his colleague Ms Barteková had already said. The IFs thought that model A was the most appropriate model for the Athlete Committee. According to the experience of IFs in elections of athletes' commissions, models B and C seemed unfeasible and a little difficult, besides the fact that they were against the spirit of the structures, and the proposed compositions in models B and C did not proportionately represent the athlete community under the World Anti-Doping Code. They relied too heavily on NADOs, which were operational and not political and representative bodies of athletes. Perhaps model A might be upgraded in some way to incorporate some new ideas, but he definitely thought that model A was the most appropriate.

MR COLBECK congratulated Mr Sandford and the Athlete Committee on the work done to prepare the presentation, which was quite thought-provoking. Listening carefully, the point made in the context of the desire of athletes for some independence of process was an important point to be listened to. A lot of the conversations over the past six months or so had been in the context of how to deal with independent members of the organisation. He was supportive of other Public Authorities with respect to looking to a process that provided that capacity for independence. The Executive Committee had talked about governance reform and should have an eye to that in establishing those processes. He would be concerned that option A was perhaps too institutionalised in that context, so the opportunity for athletes to be able to express some independence through a process that would continue to be developed by options B or C would be much more attractive to Oceania, and the option that provided the greatest independence would be the most favoured.

MS GROSSENBACHER supported what Mr Lalovic had said. The Sport Movement strongly supported model A and thought it would allow the WADA Athlete Committee to benefit from the athlete network built throughout the years by the athletes. That would bring great value to the work WADA was conducting. She thanked Mr Sandford for his report and thanked Ms Barteková for suggesting a consultation meeting with the Sport Movement; that would be much appreciated. Understanding that there were differences of views, because there were three models, the consultation meeting might take place with the entire Working Group so as to hear all the different voices. Had the three models all been developed with the consensus of all the Working Group members or was there one model to which all the members had been able to contribute?

THE CHAIRMAN suggested that it might be useful to identify the principles from the three scenarios presented by Mr Sandford. It would be helpful to reach consensus, without which it would be difficult to move forward.

MR SANDFORD thanked the Members for their valuable comments on the models. He realised that it was quite a complex area and, judging by the views of the Executive Committee Members, there were different views on the best sort of model of representation.

Starting with the last question asked by Ms Grossenbacher, he would definitely take her up on the consultation suggestion. Consensus-wise, one might say that there was no consensus since three models were being presented, but the Group had worked on all three together in a spirit of cooperation, because all three had had issues and had good points and bad points, and the Group had been working on each to ensure that they were all as strong as could be. Eligibility still needed to be worked on but, in terms of getting the models to that stage, there was not one that everybody agreed upon. However, the process was that he would take the comments from the Executive Committee and they would obviously feed into the process and that would need to be fed into the Athlete Committee, and the Athlete Committee would eventually have to decide on the model or models that it brought forward to the Executive Committee. In terms of speeding up the process or making it work, it was necessary to take the time to get it right because it was quite complicated and, although he would love to say that it could be sped up and completed by the end of the year, he did not think that that would be possible. The Group needed to take the time to get it right. The Group was on track to do that and, hopefully, by May the following year, the Group would have a final model or models to present to the Executive Committee.

In response to Ms Yang, in relation to NADOs and models B and C, both said that, for the athlete committee or athlete body from the ADO, whether that was a major event organisation, an IF, an Olympic committee when there was no NADO, or the NADO in countries with functioning NADOs, that vote would go to their athlete body. He understood the point that most NADOs did not currently have athlete committees, so proposals had been included about what those might look like. In New Zealand, his NADO did not have an athlete committee, and probably the closest athlete committee to the NADO would be the New Zealand Olympic Committee's athlete committee, of which he was also a member, so it would have a chance to delegate that vote as the representative body, or it would be able to set up another ad-hoc system, which was the sort of system in model C, which could include the representative from the NPC, so there would be a wide variety of athlete representation. It was a complicated issue, but something that the Group was dealing with, and it would continue. Ms Kanouté was also on the Group and he thanked her for the tremendous amount of work she had put into it as well.

MS YANG observed that non-Olympic sport athlete representatives appeared to be missing and reminded Mr Sandford to think about that.

THE CHAIRMAN thanked Ms Yang for her pertinent remark.

DECISION

Athlete Committee Working Group Update
on Athlete Representation noted.

– **7.2 WADA President's Report on his activities with Athletes**

THE CHAIRMAN referred to a new initiative under his presidency. There was so much good work being done by WADA for athletes that he wished to further highlight it under that item and at future meetings. It was all about the athletes, as he hoped that everybody would agree and, over the past few months, he had launched an athlete engagement strategy, in which he had met with different athlete groups from around the world. He intended to listen and engage and build a stronger relationship with athletes worldwide and build bridges for future dialogue on the different views of the international athlete community, and he wanted to hear the many voices that were out there. He would be listening to many different voices.

WADA could only get stronger. While WADA was already doing good work in that area, it could do more and could be most effective by listening to athletes about how WADA could support them. Since April, he had had an opportunity to speak to the WADA Athlete Committee and a number of individual athletes, including the athlete representatives on the Foundation Board and Standing Committees, every continental association, the IPC athlete council and the chairmen of IF athlete commissions.

He had been working closely with Mr Sandford and was pleased that he had joined him and had showcased his vision for the WADA Athlete Committee at most of those meetings. Mr Sandford and

he shared a number of ideas that they would like to see progressed and he was pleased their objectives were aligned.

At the end of the month, he planned to continue the round table discussion started the previous year in Warsaw and Katowice, which had included different athlete associations, players' unions and other groups of athletes who had asked to meet with him.

WADA could not be afraid of its critics, and should engage and communicate with its critics, understanding that everybody had the same end goal: clean sport. He would be happy to receive constructive solutions to improve the global anti-doping system but he also wanted athletes and representatives to be vocal when supporting WADA's efforts. WADA wanted to build on its strengths and athletes had to be a part of that.

He also intended to meet with other athlete groups, such as those within the NADO system. It all took a lot of time, but communication was key and his intention was for WADA to be athlete-centred, which was in line with the Strategic Plan. That was a top priority of his presidency, as the Members knew from the Strategic Plan, and he would also be looking at how WADA could engage and communicate with athletes in other more innovative ways. He also welcomed the Executive Committee Members' ideas in that respect, as they had experience engaging with athletes in their own countries or sport. The meetings provided clarity on the issues for athletes and, in particular, they created two-way communication and dialogue.

WADA had to be prepared to listen and relate and had to be approachable. He hoped to be making stronger partnerships along the way which would benefit WADA and all athletes with an interest in clean sport. The next aspect of the plan was still under development, but he was committed to continuing to make athletes a priority, and that was only the beginning of that effort. Almost two weeks previously, he had published an open letter to athletes with his remarks about the past and the future strategy.

MS BARTEKOVÁ complimented the President on everything he had been doing. It was very important to engage with the athletes and collect their feedback and also inform them about how WADA was progressing in its effort to be athlete friendly. She encouraged the President to reach out to existing athlete representative bodies, which was really important in terms of the athletes in the system who were aware of the system and could also provide great feedback on how to improve and where to go further. She encouraged him to reach out to the IF, NOC and continental association athlete commissions, and to reach out to the professional athletes' unions working with the respective IFs.

The IOC Athletes' Commission would hold its biannual forum the following year, with around 350 athlete representatives, including the WADA Athlete Committee, and it would be a great opportunity to interact further. The WADA Athlete Committee would deliver a full-day anti-doping session and there would be a chance to interact with all the athletes present. She was very excited about making that happen. She extended the invitation to the WADA President. If there was any chance that he could attend, the athlete representatives would be grateful to have a chance to talk to him.

THE CHAIRMAN thanked Ms Barteková.

MS YANG said that, as the President's teammate, she could feel that his heart was with the athletes. She was very excited about that. She 100% supported his work and encouraged him to do more for the future. She strongly supported what he was doing.

MS EL FADIL thanked the President. She was pleased with his report and about his engagement with ANOCA and the athletes and thought that he was for the athletes, being a former athlete himself. She could attest to his enthusiasm and engagement with them, trying to understand their point of view. She had some constructive criticism: she believed in the Sport Movement, athletes and the governments working together to get better results. She thanked him for his report; he had honoured the commitment he had made when campaigning.

THE CHAIRMAN thanked the Members for their comments and remarks.

DECISION

WADA President's Report on activities with Athletes noted.

8. Compliance

– 8.1 Compliance Review Committee Chair Report

MR WOOD gave the Members a brief update on the Compliance Review Committee report. Since the previous Executive Committee meeting, the Compliance Review Committee had continued to be significantly focused on the impact of the pandemic on testing and Code compliance. It was encouraging that testing had been ramping up and there had been evidence of positive work by a number of signatories in completing corrective actions. It was of concern that there seemed to have been a surge in infections in some parts of the world, but that would need to be kept under close watch by the Committee.

In relation to the Code compliance monitoring programme, the Committee received regular reports from the task force. It had supported the concept of virtual audits developed by the management to compensate for the inevitable reduction in the number of in-person audits that could be undertaken. It also supported the plan for the conduct of further desk audits for the remainder of the year. The Committee had also supported the adoption of a number of flexible measures for those signatories seriously affected by the virus, including the postponement of some deadlines and the issue of soft corrective action reports, that is, reports without deadlines to allow signatories more time to work on issues. That was not intended to flag the abandonment of a robust expectation as to compliance, for example, in the case of a serious non-conformity in which it was believed that the signatory could deal with it, the Committee would favour the use of a fast-tracked compliance procedure. That approach had been assessed and confirmed at the Compliance Review Committee meetings in March, June and August that year and would be revisited in a short-term and long-term perspective at the forthcoming October meeting, and that was in light of the COVID-19 situation and in relation to monitoring activities and enforcement procedures. In due course, the Committee would give close consideration to the lessons learned from that experience so as to better prepare for the emergence of a similar set of circumstances that might pose an equivalent challenge, and that might include the consideration of the need for some possible revisions or new roles to be dealt with on an emergency basis.

There were two areas that the Compliance Review Committee was monitoring closely and in respect of which it had sent updates: first, the change in leadership at RUSADA, and second, the IWF situation. However, since those had been dealt with elsewhere or would be dealt with later, there was nothing more he could say about them other than that they would remain under close consideration. Also, the requirement for operational independence of NADOs under the 2021 Code would be the subject of specific consideration at the next meeting of the Committee. The Committee had noted that, while the revision and adoption of anti-doping rules in line with the 2021 Code was progressing well generally, there were still a number of Code signatories yet to submit their rules to WADA. That situation was being monitored closely and the Committee supported the work of the WADA staff in encouraging and assisting all signatories to act as soon as possible so as to meet the end-of-year deadline.

The Compliance Review Committee would, at its October meeting, give further consideration to the potential changes to the system and prioritisation policy in light of the benefit-risk assessment conducted. The Committee would work towards finalising a report at the October meeting for the Executive Committee to consider at its November meeting, giving particular consideration to the timing and commencement of any changes in a way that would best accommodate the benefits expected but also the likely impact on WADA and on signatories.

THE CHAIRMAN thanked Mr Wood for his report.

DECISION

Compliance Review Committee Chair Report
noted.

9. Education

– 9.1 Education Committee Chair Report

MS KANOUTÉ echoed the comments made by Ms El Fadil and thanked the President for all his efforts. She knew that in Africa it had been a struggle to bring anti-doping to the table as a common topic because it was quite taboo, so to have legitimate communication with the athletes was critical. She thanked the WADA Regional Office in Africa for the previous webinar, which had been very successful, and many athlete representatives had anti-doping as a key topic on their agendas.

She started by providing some background to the work of the Committee since the previous meeting. She would take the Members through some key achievements before highlighting some of the key programmes that the Education Committee and Education Department had been working on, and would focus on what was at stake for WADA, the new strategy for social science research that was being proposed to the Executive Committee for approval.

Due to the COVID-19 situation, the Committee had held three virtual meetings in April, May and June, and those had been an opportunity to reset the focus of the Committee with the new members coming in, the new Education Department and herself as a new chairman. Some of the key areas had been on reporting and the WADA Strategic plan, an overview of the Education Department and its key priority programmes, including the CISP (the Code Implementation Support Programme), ADeL redevelopment and the guidelines for education and learning and developing training programmes, and also the social science research. Key achievements had been the approval of the recommendation of the social science research panel to postpone the call for proposals for the social science grant programme until October, because of the strategy being put in place, and the endorsement of the ISE guidelines, which had been published the previous day.

She had some really exciting news from Education, and, despite the pandemic, there had been some exciting times. The Committee had taken note of the postponement of the Global Education Conference (which was not very good news but necessary) due to COVID-19 and in respect of public health. The members had developed ADO guidance for remote education programmes in light of the COVID-19 situation, published in June. The Committee had established a draft working plan and had already started implementing the plan in relation to finding some agreement with the IOC education programmes, including the Athlete365 platform to see how to embed more anti-doping content in collaboration with the IOC. The Committee had endorsed the Social Science Research Strategy presented for approval that day to the Executive Committee. Ms Hudson, the new Director of Education, had mentioned the Strategy in November 2019, and it had been due to be presented the following month, but some great work had been done and it would be possible to present it at that meeting. The Committee had agreed to meet again virtually in October.

Going into some of the key priorities that the Education Committee had been working on, she started with the CISP, the Code Implementation Support Programme, a new initiative led by the Education Department launched in May to support ADOs transitioning to implement the 2021 Code. The CISP had reached over 10,000 interactions, which was a very impressive achievement for a new programme, so the Education Department and the CISP team should be commended for their efforts in an increasingly complex world of anti-doping regulations. The efforts were really paying off. The majority of CISP resources were available in French and Spanish and the CISP team had focused its attention on updating some of the existing resources available for stakeholders to be in line with the Code prior to January 2021.

Another key priority for the Education Department had been the learning and development framework and the Global to Local training initiative. The development framework was the next evolution for the anti-doping industry; it could be identified in the recently published WADA Strategic Plan as part of the impact strategy, because it was articulated through two key initiatives, and the

establishment of a global learning and development framework in relation to training to help support anti-doping practitioners working in the industry by ensuring that they had the opportunity to access training and professional development. It would be implemented through the new version of ADeL, and it would include the Global to Local education and training network, which would increase resources in the region, focusing on the development of people for the education of athletes and their entourage through more local and targeted support to ADOs in their education programmes. A pilot project had already started in relation to Global to Local and would be implemented in one region, Europe, and that would be possible as part of the partnership project mentioned earlier by the President in relation to private funding being targeted to specific projects.

Another exciting point, and it would be welcomed by the athlete community, as athletes were the major users of ADeL would be the redevelopment of ADeL 2.0, and she was pleased to report that plans for the redevelopment of the platform had been confirmed. ADeL would have a brand-new look and feel, which was overdue. It had been described as obsolete in the finance report and she could confirm that and thought athletes would really welcome the redevelopment of ADeL. It would have three functions, including education solutions for ADOs to use to educate their athletes and entourage with more courses being developed to do so. It would also have an ADO resource bank in relation to the CISP project, for example, with helpful resources to assist ADOs in developing their anti-doping programmes, and it would also have a training centre for ADO practitioners. It was also important to highlight that, through the CISP and the release of new education programmes such as ADeL for medical professionals and for athletes and coaches going to the Tokyo 2020 Olympic Games, WADA had reached over 100,000 registered users on ADeL, and seven out of 10 users were athletes.

She touched on the Social Science Research Strategy, which was proposed for decision that day, and gave the Members an overview before Ms Hudson, the WADA Education Department Director, would provide more detail on the Strategy itself. The Education Committee, on behalf of the Social Science Review Panel and the Education Department, was presenting its first-ever Social Science Research Strategy. Extensive work had been undertaken to develop the Strategy, which would move WADA's social science efforts from a grant programme to a broader and more robust social science research programme with a clear direction for the coming four years. The Strategy was in line with the new WADA Strategic Plan on many points that Ms Hudson would develop later on. A lot of work had been done to be able to present it to the Members early and the Strategy also entailed an increase in funding that would be requested for social science research from an annual amount of 200,000 US dollars to 500,000 dollars. The investment would be more than worth it if the Members could appreciate the significant impact that social science research had enabled since the inception of the programme in 2006. It had enabled a better understanding of the behaviours that WADA was seeking to reinforce and prevent through education. The new strategy would further improve WADA's ability and the global clean sport community's capacity to develop effective policies and practices by enhancing the sporting experience for all. The research had evolved over the years and more in-depth understanding of the behaviour of athletes towards doping was still needed. One key example was that social science research had enabled the shift of the simplistic narrative of athletes using prohibited substances to improve their performance to a growing body of evidence in relation to athletes who had no intention to cheat but still found themselves in a vulnerable position due to situational and environmental factors that could increase their risk of committing an anti-doping rule violation, so a lot had been done, but WADA still needed to invest and better understand all the behaviours and mechanisms to ensure it had the right programmes to propose to athletes and support personnel to prevent doping in sport. She gave the floor to the very hard-working and committed Education Department Director, Ms Hudson.

DECISION

Education Committee Chair Report noted.

– **9.2 Social Science Research Strategy 2020-2024**

MS HUDSON said that she wanted to give her support to the recommendation that the Executive Committee approve the Social Science Research Strategy 2020-2024. It came at a critical time with the recently published WADA Strategic Plan and the proposed increase in investment that would come into effect the following year subject to approval. The aim was to make sure that there was a clear longer-term view of the investment. As mentioned, the Education Department had been due to

present that in November that year, but she was pleased to bring it sooner to the Executive Committee Members so as to operationalise the Strategy as soon as possible. She highlighted a few points of the Strategy targeting the areas in which the department was aware of challenges with social science research that had been raised by the community or academia over the years and to reinforce the point that the Strategy moved WADA beyond just implementing a social science research grant programme. The main premise of the Strategy was to make sure that WADA could realise the potential of social science research and how it could have an impact on clean sport efforts. Obviously, the core of social science research was understanding why people did what they did and their behaviour, and it was an essential research field for the protection of clean sport. With the introduction of the prevention model in 2021, social science research had a role to play in helping get ahead of the curve and using social science research and data to help contribute more to the prevention of doping. Typically, social science research efforts to date had focused on improving education programmes and their impact. That was important, but it was not the only way in which social science research could help. The Strategy deliberately broadened the role social science research could have for the benefit of the system and also possibly wider public policy. The Social Science Research Strategy had consciously divorced social science research from just applying to education programmes and had remarried social science research to the broader anti-doping system.

She went through some of the challenges and how the Strategy was trying to address them. One key challenge was the geographical imbalance that had existed for the grant programme. The Education Department had been honest in its assessment of the allocation of prior research grants and quite bold in the Strategy in terms of how to address that. The Members would have seen that the ambition was to allocate 35% of social science research funding to non-European countries. Another core element of the Strategy, again trying to address the challenges, focused on the poor adoption of research outcomes. The challenges were largely due to the poor dissemination practice of research outcomes, a lack of awareness, the academic nature of publications and, in particular, the limited engagement of ADOs and indeed athletes, and those were all factors that contributed to the challenge of adoption of research. The challenge was not unique to WADA. WADA was trying to address the gap between research and practice by more overtly encouraging applicants to the grant programme to engage with ADOs and athletes as part of a co-creation process, and had also amended research agreements so that those that WADA funded had to work with WADA to produce dissemination resources outside a traditional academic journal, so that WADA could try and communicate research outcomes to the community in a way it understood and was more likely to adopt. In addition, and subject to the governance review process of working groups, there had been a recommendation that the Social Science Review Panel be converted to an expert group and, if that were achieved, it would allow WADA to extend the membership of that group, and a proposal had been put forward that would make it possible to add an athlete researcher to the group. There were several dual-career athletes engaged in research and it was felt that they would be of real added benefit to that group. The industry was still quite young so, through the Strategy, the idea was to try and nurture and invest in the next generation of social science researchers and attract researchers to the industry. There were simple initiatives such as talent laboratories and very cost-effective digital ways to engage with those early-career researchers, so hopefully they would choose clean sport as their area of study. WADA needed to play its part in the Strategy and had also committed to increasing monitoring and evaluation aspects of the programme and taken more of a leadership role in the social science research field as it related to anti-doping. WADA was trying to publish monitoring results.

From a leadership perspective, in March that year, a range of organisations had been brought together which supported or had a role in or directly funded social science research, and she was pleased that they had accepted the invitation. The group had met four times. The social science collaboration platform, as it was currently informally known, consisted of various departments from the IOC (the Olympic study centre, the scientific and medical department, the chairman of the Education Commission), the Partnership for Clean Competition, UNESCO, the Council of Europe, the European Commission, the Asian anti-doping fund and the WADA Social Science Review Panel. Bringing the organisations together made it possible to learn from one another. They had similar challenges and worked as a community of practice. It also made it possible to understand possible dissemination channels for research outcomes and reduce any potential funding duplication that

might exist within the system. The main goal was to raise the visibility of social science research and the impact it could have.

The Social Science Research Strategy had six key priorities. The aim was to take a leading role in coordinating the research agenda, do more to contribute to global insight, share what was known in a way that was understood, lead by example through monitoring and evaluation of WADA's own programmes, invest and develop research capability, in particular in non-European countries, and establish strategic research partnerships to leverage synergies with other research organisations. The Members had a lot of paperwork. She hoped to have brought some of the Strategy to life, and she hoped that the Executive Committee would approve the new Strategy so that her department would be able to conclude the work and start the operationalisation of the Strategy and launch the revised grant programme in October.

THE CHAIRMAN thanked Ms Hudson and Ms Kanouté for the very important document; he was very glad that the Strategy had been drafted. He appreciated Ms Hudson and her team and everybody involved. It was a very comprehensive document and, personally, he was very happy that the emphasis was on sharing the outcomes and setting up the research partnerships. It was a topic he had personally addressed many times. He asked the Members if they approved the Social Science Research Strategy for 2020-2024.

DECISION

Social Science Research Strategy 2020-2024 approved.

10. Legal

MR SIEVEKING said that he had indicated that he would be giving a verbal update on Operation Puerto. Unfortunately, he would have to postpone that until the November meeting.

On the criminal cases in France against former IAAF officials, the hearing had taken place in Paris in June. The decision was expected the following day, and it was an important decision.

On the case of Mr Sakho, the settlement discussions had almost ended, and he hoped in his next report to be able to inform the Members about a settlement on the case.

In relation to the IMMAF case, a hearing date had been set for January the following year, and he would see if, with the adoption of the new policy for the acceptance of signatories, a solution could be found to ensure that the procedure did not move forward.

On Sun Yang, a very complicated and lengthy case, a second claim had been filed by the athlete with the Swiss Federal Tribunal. All the papers had been exchanged and a decision was expected, so hopefully there would be a decision by the November meeting.

– 10.1 Revised 2021 International Standard for the Protection of Privacy and Personal Information

MR SIEVEKING said that the Standard had been reviewed and amended and approved in Katowice to enter into force in early 2021. However, afterwards, WADA had received a letter from the European Data Protection Board with some observations, which had been reviewed by the Standard drafting team. It had been too late to make the changes for Katowice, but they had since been made and circulated among stakeholders. That had led to three changes in three articles and also in the Annex. The changes were listed in the documents that the Members had. He did not wish to enter into detail; it was quite technical, but it had been considered sufficiently important by the drafting team to have the amended version of the 2021 Standard submitted to the Executive Committee to have it entering into force with all the other Standards in early January. He had seen from the paper that the Olympic Movement and the governments had supported the changes but would be happy to take any questions.

MR HUSTING apologised on behalf of Mr Kersch, who had had to leave for another meeting. Europe approved the revised International Standard and thanked WADA for taking into account several remarks from the EU on data protection. He had been asked to point out that the doping

control form templates should be updated to make sure that the doping control data and samples were not used for another purpose that went beyond anti-doping, for example, for gender determination.

MR SIEVEKING responded that he had taken due note. The doping control form issue would have to be discussed; however, WADA was always updating the doping control form. On the use of doping control data for athlete gender determination, for example, as the Members knew, there was a comment in the 2021 Code that it was possible; WADA did not close the door, but it was unrelated to anti-doping so, should an ADO wish to do that, it should be made clear in the ADO's rules and athletes should consent to it. Obviously, WADA did not want doping control data to be used for other purposes, although they might be legitimate, without it being made clear in the rules and without the consent of the athlete.

THE CHAIRMAN asked the Members if they were happy to approve the revised Standard.

DECISION

Revised 2021 ISPPPI approved.

– **10.2 RUSADA CAS Update**

MR SIEVEKING said that the Members had information in the Report. It was a complex case with thousands of pages exchanged among the parties and on which the counsel hired to defend the position of WADA was working. The hearing was still planned for early November and that would hopefully not change.

On the follow-up of the LIMS case, also a complex subject, the WADA Intelligence and Investigations Department had sent LIMS packages, to 27 IFs. According to the result management guidelines, cases should be dealt with within six months. The WADA Legal Department was following up on a quarterly basis and had sent a letter to the IFs enquiring about the status of review of the cases. WADA had received information and responses to the correspondence. Some IFs were doing a very good job. Some had not even responded or given news since April. The Department was working in close cooperation with the Intelligence and Investigations Department and following up accordingly. It was complex, and the Intelligence and Investigations Department was monitoring the work being done by the IFs. Any decision taken by IFs in each of the cases was being duly reviewed by the Legal Department. Some decisions had already been reviewed and in some instances, the Department had accepted that the case had been closed. Before taking any decision however, the matter was reviewed internally, and his Department liaised with the Intelligence and Investigations Department and external counsel so as to take everything into consideration. He would provide a more detailed update in his November report on the follow-up of cases.

MR YOUNGER said that he would provide an update on the status quo of Operation LIMS after refreshing the Members' memory about how the target group had been selected. In order to extract the most suspicious cases of the LIMS database, a method had been applied by developing specific criteria, and 298 athletes had thus been identified as the target group. The target group had been related to 27 IFs and one major event organisation. The composition of the target group was based on a top-down strategy. In other words, athlete number one had multiple suspicious presumptive adverse analytical findings, saved e-mails and manipulated steroid profiles, while athlete number 298 might have only an alleged manipulated steroid profile. Therefore, it was very unlikely that all cases would end up as an anti-doping rule violation. However, it had been important for the Intelligence and Investigations Department to present all suspicious cases to the concerned IFs and the major event organisation. It was also important to understand that some evidence had been altered or permanently deleted to protect the doped athletes. For an investigator, missing evidence could become circumstantial evidence. Why would somebody delete or alter relevant information if the information itself was not relevant? Regardless, the information alone might not be enough to sanction the athlete, but the question needed to be answered by the CAS or any other hearing panel and WADA supported all the ongoing cases. In addition, although a full package of evidence had been provided to the IFs, including affidavits and multiple statements, there were still some additional tasks to perform, such as consulting a laboratory expert about the raw data provided. Finally, from an investigation point of view, an assessment of which case was weak or strong was a very challenging exercise and the assessment kept moving, since it depended on cases currently pursued

by some IFs, such as the IWF or the IBU, which might be affected by the CAS decision versus RUSADA. However, he believed that, in the absence of samples, cases with chances of success at the hearing panel or the CAS were those for which it had been possible to find or recover confirmation procedure raw files, including a positive laboratory expert assessment on the prohibited substance. WADA was still waiting for some IFs to provide the results of their assessments. There were some very active IFs that had already considered anti-doping rule violations against some of their athletes, and had sometimes identified suspicious athletes who had not been part of the WADA target group but had come out as a result of the investigations. He was also satisfied with the IFs that had done their homework and had closed their cases based on the results. There was always internal consultation on the best decision. Unfortunately, WADA also worked with some IFs (fortunately very few) that were not keen on following up on WADA cases. For instance, if WADA provided raw data, it expected a laboratory expert to look at the raw data and provide an assessment before closing the case. Regardless, he assured the Members that WADA would not give up and, if he was convinced that more could be done, the expectations would be made known. It was still too early to make a final assessment. Finally, for the 57 adverse analytical findings of the reanalysis programme of the 2019 Moscow samples taken in April and the eight adverse analytical findings for the 2014 Moscow samples, meaning seized in 2014 prior to the scandal, he was satisfied with the commitment of RUSADA, which had already notified all the athletes, and results management was ongoing with the support of the WADA team. The Intelligence and Investigations Department was also continuing with the reanalysis programme, and he was confident that the programme would be finished before the end of the year.

MR MAY said that he would give an update on the current situation with RUSADA in relation to governance and staffing. To provide some context as to the current situation, he would give the Members an update on the structure of RUSADA. RUSADA existed in terms of the founders, the Russian Olympic Committee and the Russian Paralympic Committee, and the founders had overall responsibility for the organisation. They had established the organisation, approved the financial audits and also reviewed and approved supervisory board recommendations. The next level was the Supervisory Board, created to provide that independent link between the founders and the management and staff. The supervisory board was made up of seven members, three from the authorities in Russia, one from the Olympic Committee (ROC), one from the Paralympic Committee (RPC) and one from the Ministry of Sport. There were three independent members, and one of those was the chairman, and one independent international expert recommended by WADA who sat as a full-fledged member of the Board. To date, that member had been from the Council of Europe.

In terms of what had happened over the past few months, he went back to April 2019 when the founders had refused to accept the 2018 audited financial statements presented by the RUSADA management, and the reason provided was that the RUSADA management had not followed the required process set out in the statutes in terms of appointing an auditing firm for the finances. The decision had been to open up another tender process to appoint, according to the procedures, a new financial audit firm. Moving ahead to February 2020, the founders had approved the appointment of a new auditing firm called FinExpertiza, selected to conduct the audit for the 2018-2019 finances. It was to be an additional audit for RUSADA; therefore, it had been decided that the Olympic Committee would cover all costs related to the audits and contract the firm directly to conduct the two audits. He had come to learn that, in addition to the standard financial audits that the company was to be contracted to perform, the Olympic Committee had also asked the firm to conduct an additional audit with a larger scope than a typical financial audit to look into the effectiveness of the management and internal controls within RUSADA. Neither the Supervisory Board nor the RUSADA management had been informed of the extended scope. It had been conducted and the report had been provided directly to the founders. Around 13 and 14 July, the additional scope audit had been published on the ROC and RPC websites and contained a number of possible issues, most very speculative, and there had been very few concrete conclusions coming out of the audit report. At the same time, WADA had known that the Supervisory Board was going to start considering the audit report, so had written to the chairman of the Supervisory Board on 17 July, and he had responded on 21 July providing some additional information. Moving on to the detailed recommendation (and he would not provide all the details given the amount of time available), on 5 August, the RUSADA Supervisory Board had met and discussed and made a recommendation to dismiss the current director general, Mr Yuri Ganus. The recommendation had been supported by six members of the Board, and the one

member who had disagreed and had not accepted the recommendation was the independent international expert from the Council of Europe. It was important to note that the Supervisory Board, in the information provided to WADA and the official decision, had not relied only on the larger scope audit that contained various hypothetical and speculative issues. The Board had identified numerous additional management issues and violations of the RUSADA governance documents, including the statutes, and that had been presented as part of the recommendation to dismiss the director general to the founders. At the same meeting, the Supervisory Board had changed its statutes in terms of the appointment process for an acting director general and had begun to foresee, if the founders agreed with the decision to dismiss the current director general, that a process would need to be in place to appoint an acting director general. The statutes had indicated that the deputy director general at the time would assume that responsibility, but the Supervisory Board had determined that that was not the process that it wanted to follow, so had decided to change the statutes to remove the clause to not allow for the appointment of the deputy director general to the post of acting director general. The Supervisory Board met again on 17 August and discussed how to proceed with the appointment of an acting director general should the founders agree with the recommendation to dismiss Mr Ganus and had decided to nominate two potential candidates to the founders for consideration if needed. On 21 August, the independent international expert on the Board had resigned due to concerns about the loss of independence of the Supervisory Board and the lack of proper process in the entire situation.

WADA met the independent Compliance Review Committee on 24 August to provide an update on the situation and continued to do that and, on 27 August, the deputy director general of RUSADA had also resigned, as she had not wanted to be part of the process going forward. That had all led to the meeting of the founders on 28 August at which they had accepted the recommendation of the Supervisory Board to dismiss the director general, and the Board had appointed an acting director general, who had been the RUSADA head of legal affairs at the time, and he was currently the acting director general for a maximum period of six months. Throughout that period, WADA had been in continuous communication with the Supervisory Board chairman and others involved, and had written again on 9 September to the Supervisory Board chairman to seek more information on the status of the Board in terms of the appointment of an independent member as well as the process to be followed for a permanent director general.

In summary, there had been constant conflicts between the previous RUSADA director general (currently dismissed) and the founders, related to the director general's public statements and criticism of the system within Russia, the independence and transparency of RUSADA, as well as the international cooperation of RUSADA with various parties in terms of investigations. The founders' decisions and the Supervisory Board recommendations had been outlined as falling within their responsibilities and authority as set out in the statutes and other governance documents. Whether due process had been followed (and on paper it did not appear to have been) was a different consideration, but it fell outside the scope of what WADA could currently look into. WADA was continuing to gather as much information as possible and closely monitor the activities and programmes of RUSADA to ensure that the operational independence was not compromised.

The current CAS case included a Compliance Review Committee recommendation that one of the conditions of RUSADA's eventual reinstatement would be that WADA remained satisfied that RUSADA's independence was respected and that there was no improper outside interference in its operations. WADA would continue to monitor accordingly through continued communication with the Supervisory Board chairman and acting director general; it would review the international independent position on the Supervisory Board to determine how and when to recommend a new representative to sit on the Board; it would monitor the director general recruitment process and try to ensure that it was done in an independent and transparent way; it would continue to ask for full monthly programme activity reports from RUSADA which it had been receiving over the past two or three years; it would monitor the implementation of test distribution plans, so there was no concern in terms of revision of the plan based on outside interference; it would continue to monitor result management decisions; and, finally, it would continue to provide regular updates to the internal compliance task force and the Compliance Review Committee to ensure that, if any further action were required, those bodies could recommend it, and WADA would develop a further plan for the post-CAS decision period in terms of if and what WADA needed to do to ensure that RUSADA continued to remain independent in its operations.

MR DÍAZ thanked Messrs Sieveking, Younger and May. The Public Authorities' consensus position had been answered in part by Mr May's report. What was his opinion on the situation, following the dismissal of the director general in particular, and on the independence and integrity of its operations, as well as the procedure at the CAS?

MR MAY responded that he was concerned about the decision in terms of the potential impact on the independence and integrity of the RUSADA operations; but, at that point, in terms of the information available, WADA kept in close contact with RUSADA staff and monitored programmes and activities, so had not seen any impact on the independence and integrity of operations. As he had mentioned, WADA would continue to monitor the matter very closely and ensure that there was enough information to be confident about protecting RUSADA's operations and independence.

THE DIRECTOR GENERAL said that the decision on the director general did not really affect the CAS case. As mentioned earlier, there was already a recommendation from the Compliance Review Committee that the independence of RUSADA be considered as a criterion for reinstatement. He was just hoping that it would be part of the CAS decision, so that WADA could then enforce that and ensure that independence was preserved. WADA would be closely watching what happened with the appointment of the new director general and the process followed but would also potentially be looking at the rules and structure in place to ensure that it was comfortable with those.

DECISION

RUSADA CAS Update noted.

– **10.3 International Weightlifting Federation Update**

MR SIEVEKING said that, in late spring, an investigation report had been published by Professor McLaren on the IWF. He would give information on the part concerning the outstanding cases. Professor McLaren had identified some 50 outstanding cases that had not been duly adjudicated. WADA had been informed of the existence of the cases but was still missing the names of the athletes, despite many requests sent to the IWF. For some of the cases listed by Professor McLaren, WADA had already had the decisions; for the others, WADA was following up closely with the IWF and in particular the ITA, which was responsible for the management of all the IWF cases. WADA was doing its utmost to ensure that all the outstanding cases would come to a decision to ensure that justice was served. Unfortunately, six of the cases were already time-barred; for five of them, WADA still did not know the names of the athletes concerned and, for one of them, WADA had learned the name of the athlete thanks to information provided by Professor McLaren, so it was not an easy task, and WADA had been unable despite several requests to get the names of the athletes concerned. WADA was still working on that. Several follow-up letters had been sent to the IWF and the ITA to make sure that the cases were properly adjudicated.

DECISION

IWF Update noted.

– **10.4 Meat Contamination Update**

MR SIEVEKING said that the Members had the paper in their documentation package. The meat contamination issue was complex, but WADA was headed in the right direction. The first step had been the publication of the clenbuterol notice in 2019, but it applied only in cases arising from three countries in which the use of clenbuterol in the cattle farming industry had been established, and it meant that, for those cases, an athlete could avoid having their result disqualified if it could be established that it had been the result of meat contamination. However, there were still other countries in which meat contamination from other substances was alleged and it was not easy from a scientific and legal standpoint to accept them all, because WADA needed evidence, studies and, in particular, data from the local authority recognising the problem. It was a specific point on the agenda of the working group on non-contaminants, which was made up of both scientists and lawyers, and hopefully it would be possible to provide an update, if not some intermediate solutions, to the Executive Committee and Foundation Board in November.

WADA knew that it was an issue for which it needed to find better solutions for the athletes and was working on it both legally and scientifically.

DECISION

Meat Contamination Update noted.

11. Other Business

THE CHAIRMAN asked if there was anything the Members wished to raise under the item. Before closing the meeting, he gave the floor to Mr Kameoka, who wanted to address the Members.

MR KAMEOKA informed the Members that there would be a new prime minister and a new cabinet in Japan. That meant that that would be his last meeting on the WADA Executive Committee. He thanked the President very much for his support, and he also extended his sincerest gratitude to all of his fellow Executive Committee Members. Japan would be hosting the Olympic and Paralympic Games the following year, and he hoped that the Members would all be able to travel to Japan so that he would be able to see them in person. He wished for the continued growth and development of WADA and its initiatives.

THE CHAIRMAN thanked Mr Kameoka for his great contribution to the work of the Agency. WADA would certainly miss his experience, knowledge and wisdom, his unique approach and his willingness to work with all the Members. That had always been greatly appreciated.

12. Future Meetings

THE CHAIRMAN gave the Members an overview of the situation in relation to future meetings.

WADA hoped to be able to take a decision soon in relation to an in-person meeting in Turkey in November 2020 but was still assessing Member feedback on the survey and would advise the members accordingly. Australia had confirmed that it would host the WADA meetings in November the following year. The dates and city were to be determined and would be announced shortly. WADA was grateful for that kind offer, and he thanked Mr Colbeck very much. He thanked the Members for their participation in the two-day virtual Executive Committee meeting and thanked the dedicated staff for planning and supporting the conduct of the meeting. He wished everybody well as they navigated extraordinary times.

DECISION

Executive Committee – 11 November 2020, Istanbul, Turkey
Foundation Board – 12 November 2020, Istanbul, Turkey
Executive Committee – 20 May 2021, Montreal, Canada
Foundation Board – 21 May 2021, Montreal, Canada
Executive Committee – week of 13 September 2021, location TBC
Executive Committee – week of 15 November 2021, city TBC, Australia
Foundation Board – week of 15 November 2021, city TBC, Australia

Day 2 (and the final day) of the meeting adjourned at 10.55 a.m.

FOR APPROVAL

MR WITOLD BAŃKA
PRESIDENT AND CHAIRMAN OF WADA