

**Minutes of the WADA Foundation Board Meeting
18 May 2017, Montreal, Canada**

The meeting began at 8.30 a.m.

1. Welcome, roll call and observers

THE CHAIRMAN welcomed the members to the WADA Foundation Board meeting on a beautiful spring day. He reminded the members that, by tradition, the meeting was an open one; it was open to the public and there were members of the media in the room. He mentioned that in case any of the members wished to modify the contributions that they would make. They would certainly be recorded for future use.

There was an apology from Ms Battaini-Dragoni from the Council of Europe, who had had to go to Cyprus for an important meeting, and Mr Ricci Bitti, whose doctor had refused to let him travel. He welcomed to their first meeting Ms Roldan from CONSUDE, Mr Wario Arero from Kenya, Mr Matesa, representing the NOCs, Mr Taylor, the new Chairman of the Compliance Review Committee, and Mr Rolland, the President of FISA.

There were several deputies. Mr Ryan would deputise for Mr Ricci Bitti (for ASOIF, not as WADA's Finance and Administration Committee Chair); Mr Carr was representing Dr Aján from ASOIF; Dr Budgett would represent Ms Ruggiero from the IOC athletes commission; Mr Kimura would represent Mr Mizuochi from Japan; Mr Godkin would represent Mr Hunt, the Australian minister; Mr Patel would represent Ms Crouch, the UK minister, who was absent as there was an election process under way; Ms Attard would represent Mr Agius from Malta; Mr Ngokila would represent Ms Assele from Gabon; Mr Okyay would represent Mr Kılıç from Turkey; Mr Arango would represent Mr Infante from CONCECADE; and Ms Tjongarero would represent Mr Ekandjo from Namibia.

There was a fairly long and very interesting agenda.

The following members attended the meeting: Sir Craig Reedie, President and Chairman of WADA; Ms Linda Hofstad Helleland, Vice-Chair of WADA, Minister of Culture, Norway; Dr Toni Pascual, Chairman, IPC Anti-Doping Committee; Mr Nenad Lalovic, Member of the IOC, President, United World Wrestling; Mr Patrick Baumann, Member of the IOC, Secretary General, FIBA; Dr Robin Mitchell, Member of the IOC, President, Oceania National Olympic Committees; Mr Richard Pound, IOC Member; Ms Rania Elwani, ANOC Representative; Mr Fabio Pigozzi, President, International Federation of Sports Medicine; Mr Andrey Kryukov, Executive Board Member, Kazakhstan National Olympic Committee; Mr Zlatko Matesa, President, Croatian Olympic Committees; Mr Carr, representing Dr Tamás Aján, Member of the IOC, President of the IWF; Professor Ugur Erdener, Vice-President of the IOC, President, World Archery; Mr Jean-Christophe Rolland, President, FISA; Mr Ryan, representing Mr Francesco Ricci Bitti, Chairman of ASOIF; Mr Anders Besseberg, President of the IBU; Dr Budgett, representing Ms Angela Ruggiero, IOC Member and IOC Athletes Commission Member; Mr Adam Pengilly, IOC Member and IOC Athletes Commission Member; Ms Kirsty Coventry, IOC Member and IOC Athletes Commission Member; Mr Tony Estanguet, IOC Member and IOC Athletes Commission Member; Mr Patel, representing Ms Tracey Crouch, Minister for Sport, United Kingdom; Ms Attard, representing Mr Chris Agius, Parliamentary Secretary for Research, Innovation, Youth and Sport, Republic of Malta; Mr Philippe Muyters, Flemish Minister for Work, Economy, Innovation and Sport, Belgium; Mr Okyay, representing Mr Akif Çağatay Kılıç, Minister of Sport, Turkey; Ms Tjongarero, representing Mr Jerry Ekandjo, Minister of Sport, Youth and National Service, Namibia; Mr Sosthène Ngokila, representing Ms Nicole Assele, Minister of Youth and Sport, Gabon; Mr Hassan Wario Arero, Cabinet Secretary, Ministry of Sports, Culture and Arts, Kenya; Mr Michael K. Gottlieb, Assistant Deputy Director, White House Drug Policy Office, Executive Office of the President, USA; Ms Carla Qualtrough, Minister of Sport and Persons with Disabilities, Canada; Ms Clara Luz Roldan, President of the South-American Sport Council (CONSUDE); Mr Arango, representing Mr Pedro Infante, President of the Central American and Caribbean Council of Sport (CONCECADE), Venezuela; Mr Kimura, representing Mr Toshiei Mizuochi, State Minister of Education, Culture, Sports, Science and Technology, Japan; Mr Mohammed Saleh Al Konbaz, President, Saudi Arabian Anti-Doping Committee, Saudi Arabia; Mr Yingchuan Li, Assistant Minister, General Administration of Sport, China; Mr Godkin, representing Mr Greg Hunt, Minister for Sport, Australia; Mr Jonathan Coleman, Minister for Sport and Recreation, New Zealand; Mr Olivier Niggli, Director General, WADA; Mr Rob Koehler, Deputy Director General, WADA; Mr Tim Ricketts, Standards and Harmonisation Director, WADA; Ms Catherine MacLean, Communications Director, WADA; Dr Olivier

Rabin, Science Director, WADA; Dr Alan Verne, Medical Director, WADA; Mr Julien Sieveking, Legal Affairs Director, WADA; Mr Gunter Younger, Intelligence and Investigations Director, WADA; Mr Benjamin Cohen, European Regional Office and IF Relations Director, WADA; Mr René Bouchard, Government Relations Advisor, WADA; Mr Frédéric Donzé, Chief Operating Officer, WADA; Ms Maria José Pesce Cutri, Latin American Regional Office Director, WADA; Mr Rodney Swigelaar, African Regional Office Director, WADA; and Mr Kazuhiro Hayashi, Asian/Oceanian Regional Office Director, WADA.

The following observers signed the roll call: Seulkie Jeong, Akaash Maharaj, Jiri Kejval, Lisa Studdert, Valérie Fourneyron, Shin Asakawa, Warwick Gendall, Scott Tibbitt, Michael Johnson, François Allaire, Takahiro Mori, Joanna Zukowska-Easton, Przemyslaw Zawistowski, Marko Todoroski, Valéry Genniges, Sergey Khrychikov, Rafal Piechota, Marcin Stanczyk, Hidenori Suzuki, Kaori Hoshi, An Vermeersch, Rune Andersen, Victoria Katukula, Jessica Jossob, Jan Åge Fjørtoft, Marcin Krupa, Joseph de Pencier, Elda Moreno, Ichiro Kono, Eva Bruusgaard, Keiko Uchitani, Tatsuya Sugai, Chen Zhiyu, Zhang Xiaoning, Jens Nymand-Christensen, Olivier Fontaine, Daniela Hernandez, Japhter K. Rugutt, Kari Töllikkö, Max Cobb, Insang Jeon, Sang-Hoon Suh, Kijoo Han, Linda Beauparlant, Simon Cléroux-Campeau, Jose Villegas, Walter Palmer, Paul Melia, Marie-Genevieve Mounier, David Bedford, Witold Bańska, Johann Koss and Hannah Grossenbacher.

– **1.1 Disclosures of conflicts of interest**

THE CHAIRMAN asked the members if they had any specific conflicts of interest in relation to any of the items on the agenda. In the absence of any disclosure, he would move on to item two.

2. Minutes of the previous meeting on 20 November 2016 in Glasgow

THE CHAIRMAN drew the members' attention to the minutes of the previous Foundation Board meeting, held in sunny Glasgow on 20 November 2016. The very full minutes had been circulated, and he was not aware of any comments on them. Were the members happy that they were an accurate record of the meeting and that they could be signed?

DECISION

Minutes of the meeting of the Foundation Board
on 20 November 2016 approved and duly signed.

3. Director General's report

THE DIRECTOR GENERAL started by giving the members an update on the previous day's Executive Committee meeting. There had been a long and fruitful meeting, during which the Executive Committee had taken a number of decisions and made recommendations for decision that day by the Foundation Board.

He gave the members an overview of the decisions taken by the Executive Committee. The Executive Committee, following discussion, had approved the renewal for one year of a grant to INADO for 100,000 US dollars. The Executive Committee had approved a series of technical documents relating to the way in which the laboratories conducted their work. There were documents on decision limits, HCG, minimum reporting levels and 19-NA. If anybody had precise questions on the magic formulas in the documents, they could always have a word with the science people in the room. The Executive Committee had approved a few changes to the technical document on the TDSSA. The Executive Committee had also approved the continuation by WADA of the Operación Puerto file over the coming weeks.

There were several recommendations that the Executive Committee would be making to the Foundation Board during the meeting. The first was a recommendation to accept the process that would shortly be presented on the development of a standard for the consequences of non-compliance. There was a recommendation from the Executive Committee to approve the 2016 accounts, to be presented later by the auditors. There was a recommendation by the Executive Committee to approve the development of an International Standard for Education and Information. There was a recommendation and there had been discussion on a process for a Code revision. The Executive Committee had requested that the management come back in November with a detailed plan of the scope of the revision and the specific area to be looked at in terms of Code revision. While in principle there had been support for the revision, the management would come back in November with a more detailed plan on the areas concerned. Finally, there was a recommendation to approve the investigation policy and the appointment of an independent supervisor for the department. That would be presented to the members later.

As the Chairman had said, there was a long agenda, so he would be relatively brief with his remarks on his report. Since meeting in November in Glasgow and approving a number of important

directions for the way in which the fight against doping in sport should move forward, a lot of work had been done, and the members would see that in the reports from the various chairs or experts of the committees that had been put into place, and he thanked all of the members of the committees for the work they had done. The amount of work that had taken place over the past six months was actually quite impressive.

On the McLaren report, a lot of things had been said and heard over the past few months, and it was necessary to make sure that everybody was on the same page in terms of the mandate given to Professor McLaren. It was exactly one year from when an article had been published in the New York Times with revelations from the former Moscow laboratory director, Mr Rodchenkov. The mandate given to Professor McLaren had been to find out whether the allegations made by Mr Rodchenkov were supported by evidence. That was what he had done. The members had the report on all the evidence. As part of the work he had done, he had of course come across the names of a number of athletes implicated in the scandal or whose names had appeared in the scandal. That did not mean that there was evidence on each of the athletes that would lead to an anti-doping rule violation. Professor McLaren had given the list of the names he had seen as part of his reporting. He had only the evidence given to him by the whistleblower. Professor McLaren had no means of getting further evidence, in particular out of Russia, to support his report. What he had got was what had come from those willing to share evidence with him. Everybody knew that, based on the evidence received, there was some evidence that was sufficient for cases to be going forward for athletes and, in many instances, there was not enough evidence. That was the reality that WADA faced.

The members would hear later that day on Russia. He highlighted the fact that a lot of work had been going on to work with Russia and make sure that a credible system was built up in Russia and safeguards were put into place to ensure the transparency and independence of the Russian anti-doping agency. The members would shortly hear about progress made.

DECISION

Director General's report noted.

– 3.1 Updates from the Way Forward (November 2016)

3.1.1 Consequences of non-compliance

3.1.1.1 Potential development of an International Standard for Compliance and stakeholder consultation process

3.1.1.2 Interim measures

On the way forward and the different elements discussed in Glasgow, THE DIRECTOR GENERAL said that Code compliance was the most important topic and there was consensus around the table that WADA, as a global regulator, had a primary responsibility to make sure that it had a valid and efficient compliance programme. There were two discussions going on in parallel and it was important to make that distinction. One was about the operational aspect of compliance, how WADA was going to conduct the compliance process and what it was putting in place to do that, and the other was about the legal framework that had to go with it, the consequences of non-compliance, who had to make the decisions and so on. The members would hear about both discussions, but mainly about the legal framework, and that would be presented by the Chairman of the Compliance Review Committee.

On the operational side, there was already a programme in place; WADA had already set up a process more than one year previously which was ISO-accredited. WADA had created the Compliance Review Committee, which was working very well; it had sent a questionnaire to all the ADOs, and the members would be given a report on the situation (the responses were due over the next few days); and WADA had also started its audit programme. That was all already ongoing. Then it would be necessary to ensure that the framework was put in place.

On the whistleblower programme, the members would hear later from Mr Younger, but the policy and legal framework had been approved at the Foundation Board meeting in Glasgow. It had since been put into place. It was called Speak Up! It had already proven to be a success and the members would hear about how it was being handled.

The members would hear from the Chairman of the Independent Testing Authority, Ms Fourneyron, and he thanked her for taking time out from a very busy electoral period in France to come and report to the Foundation Board on the compromise she had managed to achieve at a meeting in Paris on 4 May.

The members would hear about the work done by the laboratory group. There had been two meetings that year and the preliminary findings would be reported on.

On governance, an important topic discussed in Glasgow, a group had been set up and the composition and terms of reference had been approved by circulatory vote by the Foundation Board members. The group had met in March for the first time and would meet again in July to discuss further. There would be a detailed report on the discussion that had taken place from one of the experts. There had been a very constructive discussion at the first meeting. The meeting had been a very open one, the idea being not to limit discussions to any specific topic, but to allow people to put on the table their thoughts and ideas on how governance could be improved, and the role of the experts would be to narrow down the issues and come back with more concrete proposals. One very important element he wanted to highlight was the fact that the governance work was not just about the governance of WADA (although everybody at WADA was open to looking at how to make WADA more transparent, efficient, and so on), but the main thing was to come up with key principles of good governance that would have to make their way into the Code so that they would apply to all ADOs around the world and so that they would become part of the compliance programme. Until the principles were in the Code, they would not be part of the compliance review, and that was the best way to increase the quality of anti-doping around the world, by making sure that the structures put in place met the requirements.

There would be a discussion on finance that day. Unfortunately, the Chairman of the Finance and Administration Committee was not present. WADA would work hard on preparing budgets for the coming years, as requested in particular by the public authorities. The members could see from the documents already that there were several priorities that would call for more funding, and that would come as no surprise to anybody around the table. Taking the example of compliance, the current capacity for auditing was about ten audits a year, while WADA had 300 signatories. The members could do the maths to see how regularly each would be audited. There was a scale issue that would need to be addressed. There was no miracle; such work required human resources. The management wanted a constructive discussion during which priorities would be identified. WADA wanted to help the public authorities with their budget timing; he understood the difficulty, but everybody had to be aware of the expectations put on WADA and the level of work required. If the members had no figures in their folders, it was simply because process was sometimes as important as substance. There would be a Finance and Administration Committee meeting in July, after which very detailed figures would be produced and provided to the members as early as possible, and ideally earlier than the usual documents sent out for the Executive Committee meeting in September. Then there would be a discussion in September with the Executive Committee, followed by other opportunities to fine-tune things before the November meeting. The budget would be looked at over a period of time, not only for 2018 but also for subsequent years, so that it could become part of government planning. That was the big picture on funding.

THE CHAIRMAN asked if the members had any questions, in the knowledge that detailed presentations would be coming on many of the headings he had mentioned.

MR GODKIN thanked the Director General for his very comprehensive report. He briefly advised the Foundation Board that a meeting of the public authorities had been held on Tuesday that week, and the outcomes had been summarised in a communiqué which he understood had been disseminated among the group. Members could consider it at their leisure. He wished to highlight some of the key outcomes from that meeting. The public authorities had agreed to strengthen collaboration across the public authorities group in support of WADA's mission to protect clean sport and clean athletes. To that end, the public authorities would develop, under an initiative from Vice-President Helleland, a formal collaboration framework for introduction in 2018. The public authorities group had also noted and endorsed the very positive developments in strengthening anti-doping compliance, about which more would be heard shortly. The public authorities had also been pleased to note the very positive developments in relation to the Independent Testing Authority following the recent steering group meeting in Paris. The group had also noted the wide scope of potential work for WADA and emphasised the importance of a targeted and clear focus on prioritisation for the budget, focused on outcomes. There had been strong support for WADA remaining the independent international regulator for anti-doping and the group welcomed the ongoing work and considerations of the Working Group on Governance Matters. The public authorities had also noted the important of the upcoming MINEPS VI and UNESCO conference of parties meetings, particularly in the post-McLaren environment, in which many compliance issues remained unresolved. Finally, the public authorities supported the ongoing role of INADO in representing the NADO network, noted the criticality of hearing the voice of athletes, and supported the commencement of discussions with Montreal International in relation to the renewal of the host city agreement.

MR POUND stated that he had one question and one observation. The question arose out of the note under item 3.7 in the Director General's report. He was curious to know what kind of progress was being made in relation to the monitoring of compliance with the UNESCO convention.

His observation came out of point 4, the clenbuterol matter. He had been disappointed to see the hit that WADA had taken in relation to its involvement in that particular episode. The context had been targeted retesting of samples from Beijing – targeted and retested for a purpose. Trace amounts had been found. The WADA position was that the levels found were consistent with meat contamination. They were also equally consistent with having taken deliberate dosages of clenbuterol that might not have cleared the system of the athletes by the time of the Olympic Games. With the greatest of respect, when one had retesting for that purpose and one found something for which there was no tolerance, there was a duty on the part of the responsible parties to ask the question of the athletes. He thought that WADA might have jumped the gun by saying that, if a defence had been offered, it would have been from ingestion of tainted meat. One might have made the decision not to pursue and appeal to the CAS, but the athletes should have had to answer the question as to how that had got into their systems. WADA had appeared lax in collaborating with a position that had avoided asking that question, and that affected the reputation of WADA.

PROFESSOR ERDENER thanked the Director General for his very comprehensive and detailed report on behalf of the Olympic Movement.

MR PATEL informed the members that his minister, Ms Crouch, was unable to attend the meeting that day due to commitments in the UK, but she passed on her best wishes to the Chairman and to her fellow Foundation Board members. He thanked the WADA team for organising that day's meeting and the preliminary meetings leading up to it; it was quite a big undertaking. He also thanked the city of Montreal as it celebrated its 375th birthday. From a public authorities perspective, he thanked his colleagues in the EU and Council of Europe and his Australian colleagues for the work they had done in coordinating a public authorities position leading into that meeting.

He wanted to make three points in relation to the Director General's report on the McLaren investigation. The public authorities in Europe had discussed that and raised concerns about the length of time it had taken to investigate the cases identified and urged WADA to take all necessary steps to accelerate the process as soon as possible. He also asked that the process be effectively coordinated and not broken down into several investigations and, recognising that IFs were not all of the same size and scope, proposed that assistance be provided to those IFs that faced particular challenges when it came to investigating such cases.

THE DIRECTOR GENERAL told Mr Pound that he would be hearing a report later in the agenda on compliance with the convention. In terms of clenbuterol, it was a matter to be examined in a more global context. It would be a mistake to focus on a specific event or result. It was not simply a matter of doping, it was a matter of public health. There was no test that made it possible to distinguish between the intake of clenbuterol for doping purposes and ingestion of clenbuterol in contaminated meat in a normal diet. It was necessary to live with that and deal with it pragmatically. There had been over 400 cases over the past few years which had resulted in adverse analytical findings for clenbuterol and had been compatible with meat contamination, and none of the cases had resulted in sanctions, for the simple reason that one could not, in fairness to the athletes, hold them accountable for eating meat when they had absolutely no control over what was in the meat. In relation to the cases from re-testing, there was no question that everybody had agreed that the cases could not be won before a court. The question that the athletes would be asked was 'were you in China at the time?' and the answer would be 'yes'. The samples had been spread throughout the duration of the Olympic Games, the levels had all been compatible with that and, by going further with the cases, one would have opened B samples and destroyed any possibility of any re-testing should a test come to fruition. There were several research projects ongoing and he hoped that, at some point, it would be possible to get the scientific means to sanction. He was not saying that that was satisfactory, but that was the situation. WADA wanted to find the best way forward. There would be a discussion over the coming weeks to see whether, from a legal standpoint, there could be a recommendation on how best to deal with the cases and he hoped that science would deliver the answer needed to deal with them. The cases had been treated in the same way as the 400 other cases and he did not think that that would have got WADA any further.

He thanked Professor Erdener for his words.

In relation to the UK point, there was a little bit of confusion. There was no investigation ongoing. What was being asked of the IFs was that they review the evidence found by Professor McLaren and placed at their disposal through various mechanisms, in particular a website, and they could decide if there was enough evidence for each case. WADA was asking the IFs to see if there were any other elements in their files that might add to the cases, but it was in most cases unlikely that there would

be further evidence on those particular athletes from previous records. There was no investigation per se; it was a matter for the IFs to take what was in there and take a decision on whether they had enough to go forward with a case or not. WADA was reviewing all the decisions and had a right of appeal to the CAS, and would decide whether or not it concurred with the conclusions or whether it thought that the cases should be appealed. As he had said earlier, the cases had to be looked at realistically. There were many cases for which there was not enough evidence, and the reason was that the evidence had not existed or had not been provided to Professor McLaren or had been destroyed through sample destruction. The bottom line was that they were not there, and WADA had to accept that from the legal point of view. WADA was working hard with the IFs to ensure that they followed the process. WADA was providing the IFs with support to find the evidence, and it would review the decisions taken, but it would take time to review them. It was not, however, an investigation and it was important to make that distinction. The only way in which WADA would get more evidence in that whole saga would be through Speak Up! and if more evidence were provided by whistleblowers, but that was not currently the case as far as he knew.

MR RYAN came back with some additional information on the UK point. He thanked Mr Niggli for his very clear explanation as to the way in which the IFs were handling the McLaren report, particularly in relation to individual athletes, but the value of the McLaren report was that, for the athletes who were still competing and who were referred to in the McLaren report, it gave WADA a steer towards its intelligent testing. Although there was not sufficient evidence in the vast majority of cases to build a legal case, it did give very valuable information that made it possible to target those athletes in the future.

THE CHAIRMAN thanked Mr Niggli for his report and asked Mr Taylor, the Chairman of the Compliance Review Committee, to make his presentation on what WADA planned to do and then seek the members' approval to ensure that WADA actually did it.

MR TAYLOR said that he was very pleased to be present at his first meeting of the Foundation Board. There was a paper in the members' files and he had a short presentation to summarise the key principles that it might help to refer to. Everybody accepted that the first iterations of the Code and compliance with the Code had been about putting together the building blocks, making sure that people had statutes, regulations, rules and processes in place to implement the Code and in particular ensure compliance by individuals under their jurisdictions. There were provisions in the Code on compliance by signatories, monitoring it and sanctioning non-compliance, but those had never really been tested. He would not say that they had been an afterthought but, clearly, the focus had been on ensuring a level playing field by ensuring compliance by individuals.

In 2015, when the Russian scandal had broken, those provisions had been put under the microscope and stress-tested, RUSADA had been declared non-compliant by the Foundation Board and the IAAF council had suspended the Russian national athletics federation. In 2016, the responses to that situation had shown that the Code left it to each signatory to determine within the scope of its own responsibilities how it would react to non-compliance and what measures it would take, and it had been a fractured approach for different reasons, which had really exposed some uncertainty about people's rights and responsibilities and some weaknesses in the current Code provisions. It had also exposed the issue that, if one declared a NADO non-compliant, one in some ways compounded the injury by creating a gap in coverage by freezing testing and other anti-doping activities, causing a difficulty, which WADA had tried hard with the help of UKAD to solve. At the previous meeting in November, the Foundation Board had approved in principle a framework for a determination of graded and proportionate consequences for non-compliance. The members would recall the paper, which had been presented by his predecessor, Mr Bouchard. What should WADA do to implement that decision in principle by the Foundation Board? Looking at that, the Compliance Review Committee, together with the WADA Compliance Task Force, had identified, very much in response to statements and concerns expressed by stakeholders, the need to review the provisions in the Code, to avoid the fragmented approach in the Code, to develop that framework for a range of graded proportionate and predictable consequences for signatories, and to bring it into effect and ensure a clear and transparent procedure for imposing consequences in cases of non-compliance, being clear that the main part of that procedure was about avoiding non-compliance and supporting stakeholders where non-conformities were identified to correct those non-conformities and to avoid a situation of non-compliance. One way of encouraging compliance was to ensure that there was an effective mechanism for dealing with non-compliance. What had certainly been made clear at the WADA symposium in March, when stakeholders had been asked to identify the main priority, had been Code compliance and a demand by the athlete representatives and many stakeholders there that, if WADA wanted a level playing field, it had to deal with individuals and their compliance with their obligations under the Code, but WADA had to ensure that there was an effective mechanism

for ensuring compliance by signatories as well; that was the only way of delivering a level playing field.

Some work had been done in terms of determining how to implement the decision in principle taken the previous November. It would be necessary to amend the articles in the Code in relation to compliance to put into effect the decision and in particular article 23 of the Code. It would also be necessary to put together an international standard on Code compliance by signatories that would support the amended provisions in the Code to provide the detailed procedures and the detailed rights of stakeholders as they moved through the process and, in particular, a detailed procedure for how, in cases in which, despite opportunities given to correct non-conformities, there remained issues and how it was that there was a declaration of non-compliance and a determination of a sanction then enforced by all signatories. The Compliance Review Committee's view was that WADA should as much as possible mirror the process already in the Code for determining and sanctioning non-compliance by individual athletes and athlete support personnel. If they breached their obligations under the Code, there was a clear procedure for determining that non-compliance and those sanctions, and the Compliance Review Committee believed that it was possible to mirror that process in dealing with non-compliance by the signatories. There was a lot of text on the slide. In the first stages WADA worked very hard with signatories where a non-conformity was identified to assist them to correct those non-conformities. Only if that was unsuccessful would it move to the Compliance Review Committee, where there were again opportunities for the signatory to correct the non-conformities. However, if, after that process, there was still a situation of material non-compliance, then the proposal would be to come to the Foundation Board and recommend that WADA assert to the signatory that it was non-compliant, identify the nature of the non-compliance and degree of its severity, categorising it as critical or important, whichever category it was, specifying from the range of sanctions approved in principle in November which it suggested was the appropriate sanction for that non-compliance and then inviting the signatory to accept the assertion of non-compliance and the sanction proposed or to dispute it. That was the same process as the one that happened when an IF or NADO asserted an anti-doping rule violation by an athlete or athlete support personnel, proposed the sanction that applied under the Code for that non-compliance and invited the individual athlete to respond. Just as the individual athlete could accept the assertion of the anti-doping rule violation and the sanction proposed and that became the final decision, which was then enforceable by all signatories, so too in that situation the proposal would be that the signatory could accept the asserted non-compliance and the proposed sanction, in which case it would become a final decision enforceable by all signatories. However, if they disputed the assertion of non-compliance, just as an individual case would go to a hearing panel, so the proposal was that WADA would take the asserted non-compliance and its proposed sanction to a panel, and it would be for the independent panel to take the decision. In addition, just as, in an individual case, there would be a possibility for either side to appeal the decision of the first instance hearing panel, so too there the proposal was that either side could appeal the decision of the first instance hearing panel on non-compliance by the signatory to the CAS. What was key was that, once there was a final decision, either because the signatory accepted WADA's position or because it was disputed but the first instance panel upheld WADA's view of non-compliance and the proposed sanction or because, on appeal, the CAS upheld the asserted non-compliance and the proposed sanction, once there was a final decision, just as article 15 of the Code required signatories to recognise and enforce final decisions in relation to individual athletes, so too the proposal there was that, once there was a final decision confirming non-compliance by a signatory and the sanction from the range approved by the Foundation Board in November, all signatories must recognise and enforce the sanction within their respective spheres of competence. In the final step, just as with individual athletes and athlete support personnel there were conditions to meet to be reinstated following a period of non-compliance and a sanction of ineligibility, so too would there be conditions of reinstatement for a non-compliant signatory.

That, in very broad terms, was the proposal. It was necessary to be clear about what was proposed, not only about the process for avoiding non-compliance, but also the process for enforcing and ensuring effective action was taken once non-compliance was identified and was not corrected. In relation to the proposal about timing, because an article of the Code needed to be changed, there would be discussion later about proposals for a broad Code review, although that would take time and the changes would not come into effect at least until 2021, so the view of the Compliance Review Committee, based on the clear messages received from the stakeholders, was that that was too long to wait. The stakeholders expected WADA to act more quickly to address the deficiencies that recent scandals had exposed in the Code, so the proposal was to open up a round of consultation on 1 June and issue proposed amendments to the Code articles and the proposed international standard, put them out for consultation (two months) to the end of July, take the comments and put out revised articles and a standard at the beginning of September, asking for responses by mid-October. If the Compliance Review Committee found there was a broad consensus and was able to achieve that

consensus through the consultation process, the objective would be to come back to the Foundation Board in November and ask for approval of the amended Code articles and the international standard, and any changes to the Code would come into effect three months following approval. That was an ambitious timetable. It was there for a reason. It was the Compliance Review Committee's judgement that the stakeholders required and expected WADA to respond to and address the deficiencies identified. For athlete representatives in particular who were required to comply strictly with the Code as a way of achieving a level playing field, they said the same should apply to signatories because, if all signatories were not complying, there would not be a level playing field. It was a challenge to WADA and also an opportunity for WADA to show that it could respond decisively and efficiently when issues were raised. Obviously, there would need to be broad consensus. The Compliance Review Committee had drafted the provisions with a view to ensuring and understanding the concerns and issues raised and trying to anticipate, address and forestall any concerns so that people could see quickly that there could be consensus behind the proposals made. If there was not that consensus, if that was too ambitious a timetable, the Compliance Review Committee would come back in November and ask for approval to continue the process with a view hopefully to coming back that time the following year, in May, with agreement. It was a challenge and the Compliance Review Committee thought that WADA should try and seek to achieve that consensus between then and the next meeting of the Foundation Board. It was not about short-circuiting proper consultation. The process would be committed to ensuring proper consultation with stakeholders, giving them a proper opportunity to comment so that the Compliance Review Committee would be able to consider and act upon their comments. If the Compliance Review Committee were unable to achieve that timetable, it would ask to extend it; but, if it did not try, it would never achieve. There was an opportunity for WADA to respond to a clear demand from its stakeholders to act quickly and decisively and he urged the Foundation Board to give the Compliance Review Committee the chance to do that.

Those were his comments about the proposed way forward. He needed in the interim to make sure everybody was clear and to have in one place an explanation of what the current position was and the approved practice on a case-by-case basis, so there was nothing new in the next few slides, but he wished to remind people of the current position and developed practice and ensure that the Foundation Board was reminded and comfortable with that. Those were the actions WADA could take in cases of non-compliance. They were approved policies of the Foundation Board. The practice had developed of trying to ensure that damaging gaps were not allowed to continue in anti-doping activities during non-compliance, so to find third parties to help fill the gaps, allow the non-compliant ADO in particular circumstances under supervision and control to continue to conduct activities, and the members would hear from Mr Koehler later about how that had happened in the case of Russia. As a reminder, under the current Code, he had mentioned the current article, which allowed and indeed gave a responsibility to stakeholders to determine within their sphere of competence what they would do in terms of sanctioning non-compliance. There was nothing new in those slides but it was as well, while looking to the future, to make sure that everybody was clear and comfortable with the current position. He asked the Foundation Board to note and confirm that as well. Those were the proposals of the Compliance Review Committee.

THE CHAIRMAN asked the members if they had any questions.

MR BESSEBERG advised that WADA amend one special article that clarified the situation of National Federations (NFs) if their NADOs or NOCs as signatories were not compliant, because it was known all too often that an NF normally had no influence on the mistakes made by the NOC or the NADO. The IFs had rules and regulations whereby a national member federation would have consequences if those were not followed, but there was a gap. There were the athletes and the signatories, but the gap as he saw it was the NFs in between, and the question had been raised by many in relation to the McLaren report and the discussions related to Rio.

MR ESTANGUET welcomed the presentation, which was on an important subject for the athletes given what had recently happened. Athletes had high expectations in relation to sanctions taken against non-compliant bodies. He understood what was at stake: the objective was to reach a consensus. There was an ambitious calendar of events, but it was necessary to respect the positions of the stakeholders in trying to reach the consensus. WADA needed to be transparent and show independence, and he wondered how it would be possible to ensure that the sanctions would be determined for the non-compliant parties. Would it be in the hands of a more independent group or organisation and not carried out by WADA? For the athlete community, it was important that there be a proper separation of powers between those who established and enforced the rules and those who sanctioned.

MR BAUMANN thanked Mr Taylor for the clear and thorough presentation and the work that had been carried out. On behalf of the Sport and Olympic Movement, he said that he was absolutely in line with the basic statement made and what the Working Group on WADA Governance Matters would

say, that the role of WADA was that of the global regulator in the fight against doping in sport, and he fully supported that. He also fully supported the point raised by Mr Taylor that there was definitely a need and it was probably the right time, having gone through the processes over the past 18 years, and of course recent experience had shown that, and there was a need for better guidance on sanctions and coordination among signatories and the only body that could provide uniformity was the regulator, so that was an appropriate role for WADA to set that framework. He also supported that WADA codify that framework for graded and proportionate consequences for non-compliance, probably more in terms of ranges rather than a very specific sanction for a particular form of non-compliance, similar to what happened in some existing criminal law. He sought, as Mr Estanguet had said, to ensure that, as explained, the sanctioning power would be delegated to an independent body, which would be independent from all the stakeholders. Obviously, the Olympic Movement felt that the CAS, with a disciplinary chamber, could be the appropriate body to do that, so he put it on the table as food for thought. He also sought to ensure that the range of sanctions or graded framework would apply and that the key element of the process would be codified in the Code rather than in international standards. The same would also apply to the key conditions for reinstatement that would need to be followed by a non-compliant signatory at some point in time.

Finally, as to the timetable, he would probably prefer it to be done within a general framework of Code review, also because there were more issues, such as the consequences of non-compliance for organisations over which there was not total control as they were under different jurisdictions. On the other hand, he understood the point raised by the athletes and, given what had been said, that there was urgency, but consensus should prevail over urgency. Finally, he obviously supported the interim measures outlined by Mr Taylor.

MS HOFSTAD HELLELAND thanked Mr Taylor for a very good and most interesting update on the work of the Compliance Review Committee. On behalf of the public authorities, she said that it was crucial to support the Compliance Review Committee's proposal in relation to establishing an International Standard for Compliance with the appropriate changes to the Code articles as soon as possible. She underlined that monitoring compliance was WADA's core objective and establishing the standards contributed to following up on the recommendation approved by the Foundation Board the previous year. For the public authorities, it was essential to have something in place hopefully at the start of 2018 and not wait until a full Code review, because that would mean that WADA would not have any meaningful tools in place before 2021, and WADA could not wait that long. The public authorities knew that it was a very ambitious time schedule but thought it was necessary, which was why they supported it. She was sure that everybody agreed that it would be too late to wait for a full Code review. The public authorities strongly supported the immediate start of the process after the meeting.

On behalf of the athletes, MS SCOTT supported the timeframes outlined and established by the Compliance Review Committee. It had been a priority for the athletes for a very long time, it had been something they had been calling for, and she reminded everybody that one of the very first endeavours of WADA and the anti-doping movement had been to establish sanctions for non-compliance by athletes. It was time to raise the bar and set the same expectations for everybody in the anti-doping movement, not just athletes, so she really felt that that was critical for athletes to ensure a level playing field, and it was very important that the process be expedited and done as efficiently as possible.

MR POUND said that he certainly favoured the fast-track proposal, and WADA should give it every opportunity to be done as quickly as possible. WADA needed to be able to show that it was able to respond in real time to identified problems and not have to postpone them until a general review of the Code.

His second observation, and he differed to a certain extent from his friend Mr Estanguet, was that, in every sophisticated regulatory scheme almost anywhere in the world, the regulator had the power to impose at least interim sanctions if necessary; they were all subject to appeal, in WADA's case, to the CAS. He did not see why WADA needed the intermediate body identified, and setting up yet another level of organisational process seemed to him to be a waste of time and energy.

MR COLEMAN stated that New Zealand strongly endorsed the proposals that the Compliance Review Committee had come up with and also the timeline. Looking at the big picture, the credibility of international sport was on the line and, looking back to the summer Olympic Games, the lack of leadership on sanctions had been very disappointing. It was very important to have the regime in place before the Olympic Winter Games and collectively for WADA it was necessary to look at how to make that happen rather than find reasons to delay it over technicalities, and he certainly urged the IOC to take a firm leadership position in that regard because it needed more than in principle support: it needed a faster timetable. WADA could not wait for the review of the Code, because

failure to put that in place before the Olympic Games would once again raise questions about international leadership in sport and about the commitment to really making sure that there was a level playing field right across international competitions. He could not emphasise enough the need to press that through as quickly as possible, so he firmly supported the Compliance Review Committee's timetable.

MS COVENTRY echoed what had been said. To ensure that WADA regained some of the athletes' trust, it would be in WADA's best interest to ensure that the process was done effectively and swiftly.

MR WARO ARERO referred to bureaucracy and suggested being careful not to add another layer of complication. Especially if one came from a third-world country, things were already very complicated. It should be made easy for people to comply.

MR PENGILLY said that he thought his athlete colleagues had already been very clear. He confirmed what they were saying and what the IOC athletes commission was saying: swift action was what the athletes wanted, and that was what had been heard from the constituency.

THE CHAIRMAN noted that there had been a number of clear identical messages on the pace, but there were one or two specific questions to which Mr Taylor should try to respond before moving ahead as quickly as possible with the whole package so that people knew exactly what they were being consulted on.

MR TAYLOR thanked everybody for their very helpful comments.

He agreed with Mr Besseberg that it was an interesting position that the NFs were in. Under the present system, if one looked at it in two different ways, it was for IFs to monitor and enforce compliance by NFs. NFs were at the mercy of their IFs and their NOCs to comply and, in many ways, that was important leverage to ensure that signatories did comply because their members required them to do so. Those structures had been put in place a few years previously and had not been tested until recently. There was an opportunity to look at those issues and there would be full opportunity to comment and make sure that the position of the NFs was dealt with in the proposals. He would not be more specific than that but acknowledged that it was a point that deserved attention in the process.

He thanked Mr Estanguet for his comments. He understood the principle of separation of powers and the proposal was very much to respect that principle. It would be the position that just as, in the event of non-compliance by an individual athlete or athlete support personnel, the IF or the NADO would assert non-compliance and propose a sanction, but if disputed it would go before a hearing panel and eventually an independent CAS. So there too, if the assertion of non-compliance and proposed sanction by WADA was not accepted by the signatory, it would be an independent tribunal or the CAS that would make the decision.

Responding to Mr Pound, he quite accepted that an extra tier was being proposed. It might well be that, in consultation with stakeholders, if it was a disputed situation, it would go straight to the CAS and a one-stage challenge would be enough, and if that was the consensus then he would certainly welcome it. The proposal was to track, for easy understanding, clarity and for people to understand that WADA was respecting the principle of separation of powers – the same process as happened with individual athletes. If the consensus was that it could be truncated, there would be no resistance from him. WADA would also have to address the situation of interim measures in an urgent situation and there would be proposals in the document that went out to address those situations.

He thanked Mr Baumann for his comments and agreed about the range of sanctions. As in any rule-making compliance situation, with sanctions one wanted predictability and flexibility, and the key was to try and get the balance between the two, so the agreement in principle by the Foundation Board in November did provide a range. He would make it very clear what that range was and that there were principles that provided predictability for everybody (a clear requirement) and principles that allowed for flexibility within those principles to ensure that the sanction was proportionate to the case at hand.

It was clear that there was support for speedy and effective action, and consensus should prevail over urgency – there was no disagreement from him on that. The challenge was for the drafters to try and capture what they understood already to be common principles emerging from the public debate to ensure as much consensus as quickly as possible moving forward. If the consensus were not achieved, there would be nothing to approve in November. That was the challenge for the Compliance Review Committee in its proposals and for all stakeholders in responding to see if that consensus could be reached, because there was no doubt that the world was watching and wanted WADA to achieve that consensus and achieve it quickly.

THE CHAIRMAN asked the members if they were happy with the proposal as outlined by Mr Taylor, to which would be added all the other information discussed at previous meetings. That package would go out for consultation on 1 June and there were clear expressions that WADA should move quickly on that. The Foundation Board was required to approve that. There was a lot of work ahead. Two weeks of hard work would be required to put the package together.

DECISION

Proposal to develop an International Standard for Compliance and stakeholder consultation process approved.

3.1.2 Governance Working Group – report from the expert

MR MAHARAJ said that he was reporting on behalf of the Working Group on WADA Governance Matters. Along with Mr Huw Roberts of Bird & Bird, he was one of the two experts appointed to the Working Group to assist it in producing recommendations for the consideration of the Executive Committee and Foundation Board. Professionally, he served as head of the Global Organisation of Parliamentarians Against Corruption and he was a former equestrian athlete for Canada and member of the Canadian Olympic Committee.

All of the members had a copy of the summary of the proceedings of the previous meeting of the working group which contained 68 items. He did not propose to go through each of them individually, but sought instead to provide a broad arc of the genesis of the recommendations, how they had been arrived at, where they were going and how the process was likely to unfold from that point forward. Most importantly, he sought to give the members a sense of the major conclusions drawn to date and give the members an opportunity to offer their contributions and ask questions.

It was important to acknowledge that the context that had given rise to the working group had been the revelations of institutionalised doping in Russia as documented by the Pound and McLaren reports. The context shaped the motives and expectations surrounding the individuals involved in the working group and surrounded the working group itself. Irrespective of how the working group had come into being, it was a valuable exercise for an organisation that was nearly 20 years old to step back and take stock of where it was, how it was executing its mandate and how it could strengthen that mandate. No matter how much foresight WADA's founders had had, it was inconceivable that they could have foreseen the world in which it operated, and it was therefore appropriate to ask how to alter structures to meet the challenges that had grown up around international sport during that period and that WADA was likely to face in the coming years.

The Foundation Board had created the working group, which was chaired by Judge Kam from Burkina Faso and included representatives of state, sport and athletes and supporting organisations. He commended the members of the working group for the spirit of cooperation brought to the task thus far. Given the context and evolution of the working group, it would have been all too easy for the participants of the working group to retreat into entrenched positions, mouth the words passed to them by other constituencies and use it as a locus of confrontation to play out tensions across the sporting system. Instead, the members had worked diligently to foster a consensus and develop a meeting of minds, which everybody hoped would advance the cause of WADA and sport integrity and the different constituent organisations that shared in the sport system. The first meeting had been held on 20 March, and the summary that the members had before them had been circulated for approval and comments. The next meeting was scheduled for 20 July and it was his hope to produce an agreed set of detailed recommendations that would come back to the Executive Committee and Foundation Board for the members' consideration.

While he would be focusing on the question of how WADA's structure could be strengthened and therefore necessarily identifying what its weaknesses were, WADA had been a signal success in the international sporting system and, indeed, one of the very reasons that the working group had been called together was not because WADA was weak but because it was strong. WADA's willingness to expose and condemn institutionalised doping in national systems would inevitably come to be seen as one of the seminal victories in the fight for sport integrity and whatever inefficiencies and shortcomings WADA had had, they should not blind the members to the fact that, before WADA had been created, absolutely nobody had stood up to the chamber of horrors in the East German doping system. It would be folly for anybody in the room to delude themselves and believe it would be possible for any organisation to stand up to some of the most powerful and indeed corrupt actors in sport and not expect those actors to strike back. The objective of the working group was to ensure that the strength that WADA had brought to bear over the past 18 years continued over the next 18 years and beyond. From a personal perspective, as somebody who was involved in diplomacy and international affairs, one of the great frustrations was how difficult it was to do justice in the

international arena because, typically, strong actors were not just, and just actors were not strong. WADA's ability to articulate a series of principles and norms for the system and to stand up for them and back them up with meaningful sanctions either itself or through its partners was a signal achievement in the history of global affairs.

One of the very first questions that the working group members had confronted was what the essential purpose and character of WADA was. There had been a consensus among the working group members across the sectors that the essential character of WADA was and must remain as the regulator of the sport system, as distinct from being a service provider. Unless there was a meeting of minds over the essential character and objective of the organisation and its role in the international sport system, nothing else could work, and there had been and was a clear consensus among the members of the working group that it was the role of WADA to be a regulator and not a service provider. That was not a trivial or semantic question. Just as state institutions drew their legitimacy from the consent of the population but the regulator then had an obligation to regulate strongly individuals within a society, so too was the role of WADA as a regulator one that drew its legitimacy from the consent of all the members around that table, but its essential character was to regulate that system. Flowing from that were certain individual tasks, many of which were subject to debate, but fundamentally WADA existed to enforce the rule of law in international sport; it did not exist to serve individual constituents by providing services at the beck and call of individuals.

Looking at the essential structure between the Executive Committee and Foundation Board, the delineations between the two were highly ambiguous, muddled and had led to a good deal of duplication and repetition. Perhaps one of the most unfortunate indicators of that was that the members of the Executive Committee would be hearing his presentation for the second time in two days. The working group believed that the duplication of mandate and function had led to a confusion of the elements of governance, oversight and operations, and it was important that, as a first step, the functions be disentangled. The agendas for each of the bodies did not allow for a strategic long-term vision. That had fed into the perception and indeed a reality of conflict of interest among the members of those bodies, and had provided for insufficient engagement across the breadth of anti-doping constituencies.

Beginning with the Foundation Board, the view was that it was at once too large to allow for constructive deliberation and production of consensus, yet at the same time it was too small to be fully inclusive of all the actors who played a role in the sport system. The working group's recommendation was therefore to expand the Foundation Board's membership but to narrow its mandate, so that it continued to be a body that upheld accountability to funders, who should continue to have a seat at the table. The Foundation Board should continue to be the locus of meeting WADA's legal requirements under Swiss law; but, by increasing the number of constituents at the table (perhaps NADOs, laboratories, Para sport, professional sport and so on), there could be a greater number of voices heard and more constituencies would feel that they had a chance to influence the environment, but the Foundation Board should not play the role of being a traditional board of directors involved in management oversight and detailed strategy creation. The working group felt that that role should be given to the Executive Committee and the Executive Committee should become responsible for many of the roles traditionally associated with a board of directors; for the development of strategy and management oversight, and the Executive Committee should henceforth be primarily forward-looking rather than retrospective. Rather than receiving reports about things carried out in the past, it should look towards what WADA should be doing and what kind of an international sport system it wished to create, and its retrospective role should be carried out only to ascertain that WADA was meeting its objectives. To achieve that, the working group believed that some percentage of the Executive Committee members should be chosen for their expertise and governance and not for their representative functions. If the Foundation Board became the primary locus for representation of all of WADA's constituencies, the Executive Committee should become the primary engine for management oversight and strategy. There was an ongoing discussion within the working group about the correct balance between independent members with governance expertise and the continued presence of some members who were representative of the sport and state sectors in particular. The thoughts that had been tossed about ranged from as much as 100% of all members being independent experts to as little as 25%. His suspicion was that the consensus that would emerge would be that some percentage, perhaps a third of members, would be independent, with one third from state and one third from sport.

On the subject of committees, following a similar vein, the working group's view was that the committee members should be chosen entirely based on expertise; therefore, the means by which the job descriptions of committee members were laid out and the search for those members should be professionalised, so that there was a clear correlation between the individuals chosen to lead and populate those bodies and the specific functions of those bodies. The committees should be viewed

as technical organs rather than representative organs. Within that context, the group felt that there should be increased rotation of committee members to avoid stagnation, and there should be greater geographic and gender diversity. Along those lines, for the Foundation Board and the committees, there were three constituencies that bore special mention. The first was athletes. Everybody was accustomed to hearing phrases to the effect that everything that was done was for the benefit of athletes. That was an ideal that was too often honoured in word rather than in deed. The working group felt that the strongest way of ensuring that WADA lived out that ideal was to have increased representation of athletes across the apparatus, in particular in the Foundation Board. For state representation, there was a mechanism to ensure a diversity of geographic representation of states across the regions as defined within the sport system. The feeling was that, while that had been valuable and should continue, it had not been adequate to reflect the true diversity of states, their size, nature and extent of participation in the sport system. In other words, there should be a mechanism developed to ensure that states of different needs and expectations and contributions were also represented within the apparatus. To give a simple example, Australia and Tonga were in the same region and the USA and Saint Lucia were in the same region but, arguably, Tonga and Saint Lucia had more in common with one another and Australia and the USA had more in common with one another than either of those had with the countries within their own region. He understood that the states were themselves considering setting up a working group. He welcomed that activity and hoped that, if they did set up such a group, there would be a dialogue between them and his working group. Finally, on gender diversity, there was no better argument for improved gender representation across WADA than a quick glance around the room. To the extent that WADA earned and was worthy of the support and respect of the people it sought to govern, WADA had to reflect those people. WADA's institutions did not look like the people it served and, while that persisted, WADA's legitimacy would be in peril.

On the question of officers and the election of officers, especially for the presidency and vice-presidency of WADA, the posts must incarnate the maximum possible independence. While there was an open debate about how much independence was the appropriate level on the Executive Committee, there was no debate about the absolute need for the reality and perception of the presidency, the vice-presidency and indeed the director general to be seen to be and to be independent, to have an unvitiated loyalty to WADA and its mandate. There should be term limits, though the precise number was still under discussion. Some people had argued for as little as six years, some for as long as nine. Age limits would be appropriate in line with prevailing norms across the sport system. There had been mention of a post-office cooling-off period, and people leaving organisation should not be able to be picked up by other organisations immediately afterwards. Similarly, there had been talk of induction training, tools for improved governance culture, the possibility of remuneration for the officers given that they would be asked to give up a great deal to serve, and the certainty of the need to create a nominations committee so that the search for potential candidates was rigorous and mated to the specific skills needed to serve the organisation. The working group had defined independence as meaning individuals not currently holding a paid or senior voluntary role with a sport or state actor or who were under similar obligations of duty to others.

On the question of funding, it was important that WADA carry out a zero-based budgeting exercise. Rather than building each year's budget retrospectively by incremental changes to the preceding budget, WADA should carry out an exercise to develop a realistic estimate of the total cost of fulfilling its mandate. In the absence of that, the risk was that WADA would continue down a path in which it had a colossal mandate and pygmy resources. It was the Governance group's hope that WADA would be able to raise sufficient resources to meet its entire mandate; but, realistically, if it was unable to do that, WADA must be capable of having an intelligent and honest debate about which aspects of its mandate should be shed. It was better that it do a few things well than many things poorly. If WADA's funders were not prepared to meet the cost of achieving WADA's full mandate, its funders should carry accountability for the fact that its mandate would not be achievable. The Governance working group believed that all of the constituents who funded WADA should continue to have a seat on the Foundation Board in order to maintain their accountability back to their citizens and members, but it also believed that non-funders should have a place at the table; in other words, the members should not have to pay to play, and the number of votes that an entity had at the Foundation Board should be decoupled from the level of its funding. The working group had made recommendations about potential avenues to diversify funding, for example through sport funders and professional sports; but, if pursued, there must be strict criteria to ensure that funding would not distort WADA's policies or practices and WADA would not become an economic hostage to new sources of revenue.

Finally, there had been some discussion going into the working group meeting about having a broadcast levy, a levy on sport broadcasters to assist WADA with funding, and he thought that it was

fair to say that, although much debated, that had not attracted consensus of support from the working group.

It was important, as the members sought to improve and strengthen WADA, to reflect on what WADA had achieved. WADA had made an immeasurable contribution to integrity across the sport system in a way that had implications far beyond the world of sport. One of the oldest dreams in international affairs was to create a world in which the laws that bound the weak and the powerless no less bound the great and the powerful, and WADA was one of the very few institutions that had not just spoken to that ideal but had made meaningful steps towards achieving that.

THE CHAIRMAN said that, since the working group dealt with a number of things, one of which was the position he currently held, it was entirely inappropriate that he attend any of the meetings, but he would like to speak privately to Mr Maharaj about the cooling-off period, which sounded as though it might be quite an attractive thing to do.

The members could see the scale of the problem. It had all come out of the pressures that WADA was under, and claims that the system was broken and needed to be fixed. The encouraging message from that working group was that perhaps it was not as far broken as it had been said. His own view had always been that, as an organisation that had worked with the same structure for effectively 16 or 17 years, it was entirely appropriate to look at it and see if it could be done better. He thanked Mr Maharaj and would also thank Mr Roberts for his work. He opened the floor for observations.

MR KIMURA thanked the Director General for his report. He appreciated the efforts made towards building a more solid global anti-doping system in which Japan should play its part. In that context, Japan was building its own anti-doping capacity to make the Tokyo Olympic Games and Paralympic Games a clean event. A comprehensive anti-doping law was being drafted in Japan to be adopted at an early stage. The draft law recognised doping as illegal, aimed to build capacity to share intelligence among relevant authorities and promote education, international cooperation, public awareness and research and development. In order to strengthen intelligence activities, a new contact office would be set up. He appreciated the presentation of the report on governance reform and, since the discussion was going on in the Working Group on Governance Matters, he did not wish to go into details. He supported paying more attention to the voice of athletes and promoting good governance. It was important to maintain what was functioning well; for example, the Executive Committee played a complementary role to the Foundation Board by making necessary decisions on the operational activities of WADA in a flexible and timely manner. That function should be maintained, and the appropriate presence of the public authorities as major funding contributors in the decision-making process in the Executive Committee and Foundation Board was important. Lastly, in consideration of governance reform, the importance of independence, effectiveness, transparency and accountability should also be taken into account in a balanced and focused manner on order to achieve a tangible improvement in the functioning of the system as a whole. Japan would like to take part in the working group discussion to achieve effective and legitimate reform.

MR RYAN said that, on behalf of the Olympic Movement, it was important to acknowledge that the institutions represented in that room should be extremely proud of what they had done in the past. It did not mean they could not do things better. He thanked Messrs Maharaj and Roberts and the members of their working group for the work that they had done to date. It was an ongoing process and he wished to raise five points that the Olympic Movement felt it should put on the table. Those were not areas that could not be further discussed. Some were support, some were slightly different positions. He believed it was particularly timely carrying out a review of what was done at WADA because, in terms of governance, he was the first to admit that the sport world had been severely hit recently by governance accusations, particularly about the IFs, which had led his organisation, ASOIF, to begin a major piece of work to reform the governance of the 28 Olympic summer sports, and that would eventually flow down through the other IFs involved in sport. It was timely, it was something that he believed organisations should do periodically, not on too regular a basis, but it was certainly the right time for WADA to get to grips with that.

As to the five points, he believed that the Foundation Board was always going to be a political body, which was very much in line with the summary provided by Mr Maharaj, but it was sufficient for it to be a foundation board of the founders of WADA, the public authorities and sport, paying the money that enabled WADA to operate and supported in a broader sense the fight against doping in sport, so he did not have a particularly strong position on that, but he believed that the Foundation Board was fine. However, moving beyond the Foundation Board was where the attention should be placed; in particular when talking about wider consultation of stakeholders, it should be achieved more through the standing committees of WADA, which was where it was essential to see much greater gender equality and much greater cultural representation, so no particular language or cultural group became too dominant. There should also be greater sport diversity in those groups.

WADA was blocked very much, and he accepted that, by the fact that the Executive Committee and Foundation Board accepted the people that the stakeholders appointed to those positions, but that was not the case in the standing committees, and it was there that WADA needed to collect people who were experts and represented every aspect of society, and that would help WADA get closer to reflecting global representation as it stood in the world at that moment which he believed WADA did not currently do. It was also the case that WADA did not need to spend money on additional activities beyond what WADA was doing gathering people together if it got the representation on the standing committees.

On the Executive Committee, the Olympic Movement supported having experts in the fields of anti-doping, legal, finance and other services and sports as well, gathered specifically together in the Executive Committee to make it a much leaner, quicker body that could take very fast decisions. Therefore, in particular, he believed that WADA should be very careful not to let the Executive Committee grow too much. It should be lean, mean and hungry, empowered to take decisions and also have a great representation of expertise rather than political representation.

The Olympic Movement was in favour of having a neutral chair and vice-chair of WADA, and those people should not hold multiple functions, in particular through sporting areas, so the chairman's cooling-off period was a very good idea. On the other hand, he was realistic and knew how attractive it was to be on WADA boards but feared that, if people were told they had to drop everything else they did, there might not be so many volunteers, so it was necessary to be realistic and balanced in terms of how that was approached.

In the appointment of the chair and vice-chair, the Olympic Movement also thought that it was still necessary, and WADA could always do that, to reach a consensus on who those appointments should be. Further to that, the chair and the vice-chair should be the same for the Foundation Board and the Executive Committee.

The issue of elected athlete representatives could be debated, perhaps during a coffee break; however, from the relevant bodies, they should be integrated not only in the top bodies but also throughout the processes and political bodies and working groups that WADA appointed, so athlete representation was key to WADA. He did not believe that the members were a million miles away from agreement on how to achieve that, but athlete representation was key.

In summary, and that was not a statement specifically from the Olympic Movement, if WADA did not address it fairly quickly, it would become increasingly remote from the global stakeholders in sport and the fight against doping in sport and would run the risk of eventually being accused of being too pale, too male and too stale.

MR GOTTLIEB thanked Mr Maharaj and his team for their outstanding work. He offered a word of encouragement and a few observations. The endeavour involved a number of complex issues and balancing of priorities and principles, and he was hopeful that the working group could continue its work in July to build consensus and capitalise on the momentum that clearly existed. He understood that the world was watching and that WADA wanted to get it right, but also wanted to take action sooner rather than later. His colleague had just mentioned the important of the athlete's voice around the table. That was critical. He also wished to emphasise a principle contained in the report and included in a public authorities communiqué, which had been mentioned earlier and developed by consensus earlier that week. The public authorities looked forward to working with the governance group and, as public authorities within their structure, to review and frankly improve the way in which they identified, allocated and selected representatives to key bodies of WADA. The process currently employed by allocating representatives for purely geographical regions had been in existence for nearly two decades and many times it yielded illogical results. Many around the public authorities table from across various regions looked forward to working with the committee and believed that the changes that the public authorities intended to make in that regard would enhance WADA's work and the public authorities' participation, and they looked forward to contributing to that important endeavour.

DR BUDGETT echoed the words of his colleagues and expressed support for the governance review and paid tribute to Mr Maharaj and Mr Roberts. He was privileged to be part of the group and looked forward to the next meeting. There was general consensus on the principles behind that review, and it was merely the details such as the size of the Foundation Board, the percentage on the Executive Committee and the way in which WADA addressed diversity that needed to be sorted out, along with the position of elected athletes and the key position of athletes on the Foundation Board and through the committees, so he was very confident that consensus would be reached on that and looked forward to the next meeting in July.

MR WARIO ARERO congratulated Mr Maharaj and his team. He revisited the issue of diversity. Looking around the table again, fewer men would be better in the future, with more geographical distribution. WADA should be careful not to overburden the committee with everybody else and keep the Executive Committee as an exclusive club. He would like to see more Africans represented across the board.

MS HOFSTAD HELLELAND thanked Mr Maharaj for a good presentation. The work of the group was important and she looked forward to the final report and recommendations. She also thought it important that the very competent group be given the chance to continue to work and present everything on which it was working.

On the discussion of good governance, the principles of democracy, human rights and rule of law were vital. As part of the discussion on good governance, she believed that transparency was fundamental for international sport. Also, when it came to hearing and appeal panels in sport, it was a sound and basic principle for all hearing and appeal panels in sport that they adhere to an open and transparent process, and she hoped that those principles would be considered in future discussions of the group.

MR PENGILLY thanked the vast array of Foundation Board members who had highlighted their support for thorough athlete representation moving forward within WADA's bodies. That had been discussed internally and the conclusion had been reached that, when it came to more of the detail, a percentage of at least 20 would be a suitable figure in terms of the percentage of athletes within those bodies. Following on from that, or perhaps related to that, did Mr Maharaj believe that athletes were regarded as part of the sport movement or as a stakeholder in their own right?

MS ATTARD stated that Europe would like to support and thank the working group for its excellent work and continue with its proposals; however, Europe suggested that the proposals not be limited to issues related only to WADA structures but that they should also focus on the procedures governing the functions of the organisation and its major bodies as well. Many IFs were looking at their governance and Europe proposed that all bodies making up WADA should look at their governance as well.

MS SCOTT responded to the Olympic Movement's comments about elected versus appointed athletes within WADA. It was her feeling that the Athlete Committee should be treated like every steering committee within the organisation, and members should be selected and appointed based on expertise, skill and experience. The strength of any committee lay in the strength of its members and the Athlete Committee had a very strong membership. She personally felt that it should not be jeopardised by putting it out for election. The committee had demonstrated that it was independent and it had always done a very good job of representing the voice of the clean athletes, so she was not sure why there was such a proposal for change at that time.

MR POUND said that, by the sheerest of chance, that was a point he had wanted to pick up on as well. The WADA Athlete Committee was one of the best and most fearless on the face of the planet. It was absolutely second to none, it had been rigorous in calling for the opening of investigations and the accountability of Russia, and he believed it important that WADA continue to recruit and attract the best athlete representatives it could find. The recommendations were solicited from and came from all kinds of sources, and selections were then made. He had been struck by the difference in approach to the Athlete Committee and the proposal for the Independent Testing Authority. It seemed to work for the Independent Testing Authority, but perhaps not for the athletes. That was a particular area of concern, and WADA had to make sure that it did the right thing to get the right people in place.

THE CHAIRMAN thanked the members for their contributions. He told Mr Maharaj that WADA had said it would not be an easy task. He asked Mr Maharaj to respond to the observations that would assist him in boring down to the next stage of the governance review and the recommendations that the group would make.

MR MAHARAJ responded to Mr Pengilly's direct question. He could respond only as an individual, because the question of whether athletes should be considered part of the sport movement or a separate stakeholder group had not been discussed at the last meeting of the working group, but he asked Mr Pengilly to raise it for the meeting in July. His own sense was that sport was a broad term and, if he was being asked whether athletes were intrinsic to sport, obviously, almost every constituency in the system was dispensable other than the athletes. If there were no athletes, there would be no sport, but athletes certainly had interests, needs and vulnerabilities that were distinct from those of sport institutions and so, from that perspective, it was fair to say that they should be treated as a separate stakeholder group rather than as a subset of other institutions.

To Mr Kimura, the question on independence and accountability struck at the very heart of an issue that WADA often talked about but never addressed directly, which was that those terms, 'independence' and 'accountability', dropped from people's lips very easily, often without them pausing to ask the question of what they actually meant, and indeed 'independence' and 'accountability' were meaningless unless they were followed up by 'independent of what and accountable to whom'? As a result, bringing in more independent actors had to be balanced against mechanisms to ensure that the independence and expertise they brought in (which was absolutely valuable) did not attenuate accountability to sport stakeholders, and that was why he felt that a greater disentanglement between the Foundation Board and the Executive Committee would allow for independence as embedded in the Executive Committee and accountability as embedded in the Foundation Board.

To Dr Budgett and Ms Attard, the questions raised about the details were important. He had outlined the principles embraced by the working group. There was an old expression in theology and politics that, when somebody said they were in favour of something in principle, it meant they had absolutely no intention of putting it into practice, and the challenge was to take the principles and come up with detailed structural proposals to implement them. The group would be meeting on 20 July, prior to which it would be producing a series of detailed options to incarnate those principles which the working group would have a chance to debate and decide which it wished to approve. Those that were approved would go forward to the Foundation Board for a final decision. He did not want to underestimate that challenge but, although they were details, the devil always lurked in the details and there was often a long journey from good intentions to good outcomes, but the group would do its best bearing in mind that it was a relatively short space of time.

Mr Gottlieb and Ms Hofstad Helleland had raised the question of human rights and the world watching. He absolutely agreed with them; the reason there was a public interest in sport was not just because sport was something that excited passions, but also because there was a public good to sport. Sport could take bitter enemies and bring them together as peers around a shared passion, it could champion and incarnate the ideal of equality of opportunity in the pursuit of excellence, and it could excite hope in the midst of despair, and there was a reason why, in virtually every culture, the phrase 'level playing field' had become a universal metaphor for fairness and meritocracy. WADA needed to be conscious that, at its worst, sport could be perceived to be little more than a drug-addled carnival of false glory and mindless chauvinism; it could be and it had been a currency for tyrants to buy a place at the table of international affairs and a veneer of respectability, and that veneer had been sold to them by actors in the sport process. It could be the pretext for kleptocrats to plunder their states and to brand dissent as being unpatriotic and it could be a tool to stupefy populations who might otherwise rise up against their oppressors. The question the world would be asking as WADA went through the process was, which side did WADA stand on? Whether WADA was able to create an organisation that had both the capacity and the political will to stand up to the powerful and stand up for the just could be answered not in words but in deeds.

DECISION

Governance Working Group update noted.

3.1.3 Laboratory Accreditation Working Group – report from the Chair

THE CHAIRMAN informed the members that they would all be aware that there had been difficulties over the past 18 months with a number of the accredited laboratories.

PROFESSOR ERDENER said that the main idea of the working group was global perspectives on the future of laboratory accreditation, and he would present some preliminary recommendations together with his colleague Dr Rabin. As everybody knew, the decision about the working group and its mandate had been taken at the previous Foundation Board meeting; its mandate was to review the current status of WADA accreditation of anti-doping laboratories and determine if the current laboratory accreditation system adequately provided stakeholders with the quality of service necessary to support the present and future of anti-doping strategies. His colleagues in the working group were Professor Christiane Ayotte, who was the president of the World Association of Anti-Doping Scientists and director of the Montreal laboratory; Dr John Miller, who was the former chairman of the WADA Laboratory Expert Group; Professor Peter Van Eenoo, who was the director of the Ghent laboratory; and Mr Richard Young, who was a lawyer and had great experience in all WADA and laboratory issues. Of course, all the activities of the working group were supported by the WADA Science and Legal Departments.

The working group had had two in-person meetings to discuss different ideas. The first had been held in that room in January, and the second had been held in Lausanne on 21 and 22 March. Also,

the WADA departments had arranged a survey for the WADA-accredited laboratories. He wished to ask Dr Rabin from the WADA staff to provide more details of the work to date.

DR RABIN said that there had been several key points identified and addressed by the working group, one of which was the status and composition of the network of WADA-accredited anti-doping laboratories. There were 34 WADA-accredited laboratories around the world (the majority were located in Europe for historical reasons), and three WADA-approved laboratories were doing blood analysis in support of the Athlete Biological Passport. A survey had been conducted to support the review and conclusions of the working group. First, there was a strong feeling that there was no need for more WADA-accredited laboratories at that point in time. There was a need to reinforce the status of existing laboratories through more investment. It was clear that many of the laboratories were not working at full capacity, and so the working group recommended investing in the existing laboratories before thinking about adding laboratories to the network. Interestingly, part of the survey had concluded that quality was more important than the geographical position of the laboratories. The network of laboratories should not be closed but should remain open to high-quality candidates, bearing in mind that geographical distribution was not a major issue but was something that would be important in terms of how WADA progressed in the future.

One of the key elements discussed by the working group had been the independence of laboratories. In the ISL, there was a request for laboratory independence vis-à-vis the anti-doping organisations and sport organisations. In parallel to what was being done, WADA accreditation was also based on the ISO accreditation process, and the standard was being reviewed with more emphasis on the impartiality of the laboratories. The working group proposed reinforcing laboratory independence, in particular by adding administrative independence to the operational and financial independence already in the International Standard for Laboratories.

One of the mandates of the working group had also been to look at the long-term strategy for laboratories, and it had proposed a number of recommendations, starting with new laboratories. As he had mentioned previously, the system had to remain open to high-quality laboratories, but the working group recommended that emphasis be placed on the need for a strong business plan when the laboratories approached WADA to be candidate laboratories or approved for entry into the accreditation system and, of course, independence. There was a need for long-term support in terms of financial and human resources in anti-doping laboratories. Some recently approved laboratories had reached the level expected by WADA but had not continued with the same dynamic and had faced issues shortly after accreditation.

Another situation that could be faced concerned the laboratories in the process of accreditation; and quality and confidence in the results of the laboratories was absolutely essential to the anti-doping system and the anti-doping community. The working group therefore recommended implementing all the mandatory analytical methods in the laboratories and in the probationary laboratories and making sure that the accreditation process was completed within a maximum period of three years to ensure that there was a sufficient dynamic, as well as investment in the resources (also human) of the laboratories to be successful. Of course, once successful, the laboratories would become WADA-accredited. When they came back into the system to be reinstated, it was the strong view of the working group that there should be some control over their ability, at least for a certain period of time, and that the adverse analytical findings that were reported by those laboratories being reinstated should be controlled by other accredited laboratories before they were fully validated.

Confidence in the system was absolutely essential at the analytical and also ethical level for the laboratories. Some recommendations had been proposed by the laboratories (learning from experience), and the new proposal made by the working group was to have a systematic exchange of samples between anti-doping laboratories. That could be done on a systematic basis, for example, randomly swapping 10, 20 or 30 samples between the laboratories. WADA would decide which samples should be exchanged, and they would be reanalysed in other WADA-accredited laboratories to ensure that they had been properly analysed in the first place. That would be systematic retesting, but there was also targeted reanalysis, and that was valid in particular when investigations were undertaken or samples were seized for reanalysis in other laboratories. There was the possibility of having samples analysed for quality assessment purposes.

One of the things WADA had learnt was useful was to have regular site visits to the anti-doping laboratories. WADA learnt a lot through the on-site visits, could provide useful guidance when visiting the laboratories and could occasionally uncover some elements to be addressed by laboratories.

One of the issues that had arisen frequently over the years had to do with the potential differences in analytical capability between the laboratories. It was impossible to have absolutely identical laboratories around the world and that applied not only to anti-doping but also to any

analytical system around the world. WADA had to recognise that. It could certainly try to improve on the differences and try to reduce them, and one of the philosophies proposed by the working group was to align all the laboratories on best performance and highest quality of practice. In the past, there had been a group of 34 laboratories, and WADA had looked at improving the system by looking at them globally, saying that there might be a few dragging slightly behind, and setting the bar high enough so that they could catch up with the others to maintain the progress of the group. The philosophy proposed by the working group was to take the top five to ten performers and say that all the laboratories should be aligned with the top laboratories around the world. That would not go without sharing knowledge within the system, and the working group had discussed the possibility of creating clusters of laboratories in which one leading laboratory would help a group of five other laboratories to facilitate the transfer of knowledge and information.

WADA was in an active field; anti-doping was growing tremendously, and he had to say that some laboratories sometimes, because of language or resources, found it hard to follow the pace, and WADA needed to encourage them to keep up the pace and provide strong support and guidance to ensure that they could meet the changes when implemented in the anti-doping system. The clusters could be a good way of achieving that particular goal.

The concept of two tiers had been discussed in the past but the idea was to have only one group of excellent laboratories around the world. WADA did not want any differences between the laboratories. Not all the confirmation methods or specific methods should be implemented by all the anti-doping laboratories for cost reasons, and also because some laboratories received requests only three or four or five times a year, which was not worth the investment. The idea was therefore to have some particular methods implemented only in some laboratories. For example, for gene doping detection, there would not be a massive market for gene doping analysis in the future. That was unlikely to be a front-line method. That was something WADA intended to implement in some and not necessarily all the laboratories. The same applied to isotope ratio mass spectrometry (IRMS) analysis of some very specific analytes, analysed only three or four times a year in some of the laboratories; it was probably better to concentrate the knowledge, for cost and knowledge reasons, in a few laboratories. All the laboratories would be equal, but there would be some speciality laboratories for some very specific methods.

Security in anti-doping laboratories was very important. It was necessary to acknowledge what had happened recently with cyber-attacks. That was an ongoing threat around the world and had to be taken very seriously by anti-doping laboratories as well. There were some preventative measures that had been discussed and the group had made the clear distinction between routine operations in the laboratories, which needed to be protected of course, and major events, during which staff and pressure were increased, when specific measures should be adopted on a case-by-case basis. There was a discussion about whether there should be an addition to the ISL addressing security, or a model of best practice in the form of guidelines (probably not a technical document) to help the laboratories address the issue of security.

The working group had looked at transparency and communication, in particular in the light of the recent suspensions of some laboratories. It had been perceived that the usual sentence or simple mention that the laboratory had broken some ISL rules was not good enough and WADA should provide more information not only to the public and stakeholders but also to the other anti-doping laboratories, some of which wanted to know what had happened to a suspended laboratory so as to learn from the experience and also adjust some procedures if necessary.

All the recommendations were preliminary recommendations. They had been presented to the Executive Committee. The idea would be to collect any comments from Board members, provide the comments back to the working group and allow them to finalise the working document that was being prepared, and then circulate it during the (northern hemisphere) summer and possibly up to September to collect feedback from all the stakeholders. A final version would then be prepared to be put to the Executive Committee and Foundation Board in November. There would be an extensive consultation phase on the conclusions coming out of the working group. It was very clear that, if and when those changes were adopted, there would be an impact on the ISL and that would be the time for another consultation when modifications to the ISL would be proposed not only the laboratories, but also all the anti-doping community stakeholders. That concluded his presentation, and he would be pleased to entertain any questions the members might have.

MR ESTANGUET thanked Dr Rabin for the presentation. The laboratory matter had been discussed by the IOC athletes' commission and he wished to remind the members that the issue was a big priority for the athletes. He referred to the issue of more independence for the laboratories. There was some concern about it, and it was good to see that the group had established that as a top priority. The athletes' commission had also been discussing the issue of exclusive relationships

developing between a sport body and an anti-doping laboratory. How could one prevent that from happening to reduce potential cheating between a NADO and a laboratory?

In terms of quality, he understood that it was also important to increase quality, but how should WADA balance out the handing out of the various tests so that laboratories would have enough testing activities so that they would be top-quality, top-notch, and meet the highest standards quality-wise?

Although he did understand that geography was not as important an issue, could Dr Rabin guarantee that a top athlete, no matter where they came from, would be tested just like all others? Since there were no laboratories on the African continent, how would it be possible to guarantee that athletes training in Africa would be tested with the same quality criteria applied for European athletes?

MS COVENTRY followed on from what Mr Estanguet had said. Her question was in relation to the laboratory in Africa that had been suspended in May the previous year. It was not very good, as somebody coming from Africa, seeing that, going into an Olympic year, there were athletes who had won medals and had not been tested as regularly as others, and that should not happen leading into any further Olympic Games or world championships. She would be interested to hear how many stakeholders from the regions had actually responded to the survey and from which countries they came.

MR WARIO ARERO said that the tests had been very expensive, because it had been necessary to fly all the samples out of the country; it was painstaking, expensive and risky. Most of the time, it was necessary to go to the villages to find some of the athletes, who were deep in the rural areas, and there was a danger of the samples going bad on the way back. There had been talk about setting up a laboratory in Kenya, either alone or in collaboration with Ethiopian colleagues. Was it a good idea and did Dr Rabin have any advice?

MS TJONGARERO stated that, in that same room the previous year, she had asked about the Bloemfontein laboratory and she had been told that it would be working at the beginning of 2017, and there they were in May again and there was nothing. What was the problem with the laboratory in Bloemfontein? As already stated, it was very expensive to send the samples to Belgium or wherever it was.

MS ATTARD referred to the terms of reference of the group, which covered a number of politically important issues, repeatedly highlighted at previous meetings, at which she had insisted that the composition of the group should also include representatives of public authorities and NADOs, and suggested that that be changed before any work was finalised. She was very sorry that she had not been given any written updates of the meetings; even at that day's Foundation Board meeting, there had been only a verbal presentation, and that made it difficult for proper consultation among the stakeholders.

THE CHAIRMAN told Ms Attard that the group had been appointed at that meeting six months previously, so it had to continue doing its work.

PROFESSOR ERDENER thanked Mr Estanguet for his comment, because independence and quality, as mentioned by Dr Rabin during the presentation, were essential elements for the WADA-accredited laboratories, and he was sure that Dr Rabin would answer the technical questions related in particular to the African situation. The Chairman had answered the question related to the composition of the group.

DR RABIN responded to Mr Estanguet. The working group was well aware of the relationship between the anti-doping authorities and the laboratories; it recommended reinforcing independence by adding the aspect of administrative independence, which was important because one could cut off administrative relations between the laboratories and authorities that might be interested in the outcome of the results. That was a trend found outside anti-doping, because it strengthened the notion of laboratories' impartiality, and the ISL also mentioned that and strengthened the point.

In terms of quality, it had been stated that there were many assessment levels. When testing the ability of the laboratories, the samples sent in by ADOs and the work done by the laboratories enabled WADA to see how well they performed, but the members should remember, and many of the partners had confirmed it, that there was a very strong programme in terms of the laboratories' proficiency. WADA discussed with other international organisations interested in the model used by WADA. If there was some doubt in relation to the results of a routine test, WADA started to investigate to find out if there had been a problem with the sample analysis. The exchange of samples by laboratories was something new and would strengthen trust in the system.

About 37 stakeholders had responded to the survey; that was not massive, but still gave a fairly good overview because of the coherence and consistency of the responses received. He could not specifically say how many had responded from Africa, but that was certainly information that could be found.

The tests could be expensive when they had to be sent outside the continent but, sometimes, in some regions of the world (and Africa might be one of those), it was easier to send samples a bit further away than to a neighbouring country, and the cost of establishing a laboratory was very high. What WADA was trying to do, and he had said that many times, was to have laboratories that served a region, which was fairly extended, to make sure that the laboratories received enough samples and could have a return on investment in equipment or human resources within the anti-doping laboratories.

The Bloemfontein laboratory was working its way to being reinstated. It had had some issues in relation to IRMS and that had delayed reaccreditation. That was something WADA was discussing with the laboratory.

Of course, in Africa and other areas, WADA would like to further develop the approved laboratories, that is, the laboratories doing some analysis in support of the Athlete Biological Passport, and WADA was doing that with Kenya. There was a project currently ongoing, and there had been intense discussion with the Lausanne laboratory to develop an approved laboratory in Kenya, so that was work in progress.

Just to conclude, as Professor Erdener had said, the composition of the group had been known in Glasgow. It was important to start with the technical issues, and that was what the group had done. The political ramifications could certainly be addressed during the consultation phase mentioned earlier. There would now be a stakeholder consultation phase whereby the preliminary conclusions of the working group would be circulated for comment. Of course, the ISL would also be presented for consultation once the principles for any change are confirmed in November. In summary, there will therefore be ample opportunity for all the stakeholders to comment on the change of rules, if any, in the future.

THE CHAIRMAN concluded that, going forward, there would be additional work to do and eventually a final and full paper would be before the Foundation Board for approval by November at the latest.

DECISION

Laboratory Accreditation Working Group report noted.

3.1.4 Independent Testing Authority Steering Group – report from the Chair

THE CHAIRMAN said that he was very grateful to Ms Fourneyron for chairing the working group. He welcomed Ms Fourneyron back. He knew that things were changing fairly rapidly in her country and he was very grateful that she had taken the time to come and see her friends, and he was sorry that she had to rush away again with even more important things to do at home. He was very happy to give her the floor.

MS FOURNEYRON said that she would present the conclusions of the Independent Testing Authority Steering Group, but first thanked the members of the group, many of whom were sitting around the table, for their significant contributions and for the constructive dialogue that had taken place, especially since the previous meeting on 4 May in Paris. She thanked the WADA staff members, including Mr Niggli, Mr Koehler and Ms Withers for their support and encouragement during the process, which had not always been easy. The group had managed to successfully complete the mission given to it by the Foundation Board in May 2016 and she was not ashamed to say (since it had been a collective undertaking) that she was proud the task had been completed, because it had not been a small challenge.

She quickly reviewed the terms of reference of the mission. She thought that everybody around the table was fully aware of the events that had led to the possible establishment of an Independent Testing Authority, which would take charge of anti-doping tests and results for all IFs. The idea had first been proposed by the IOC at the Olympic summit in 2015 to deal with the real or perceived conflicts of interest that existed in relation to IFs and the Olympic Games and results that could negatively affect their image and the very value of their sport, to reinforce the credibility of the fight against doping in sport through good governance, to ensure greater independence of ADOs in the sport movement and national interests, and to restore the athletes' trust in the system, which sometimes disappointed them and led them to feel that the playing field was not level depending on

the country and sport in which they competed. All had felt that it was time to set up a system to ensure transparency and independence in terms of planning tests and identifying and sanctioning cheats. That was not a new idea, but it had come back full force following the various controversies on the efficiency of the anti-doping system in 2015.

She reminded the members that the Independent Testing Authority had to be of service to the athletes; it had to restore the credibility of the fight against doping in sport that had been damaged in the eyes of the athletes, and that was something they were entitled to expect from the anti-doping community. They had to know that, once there was a problem, it should be dealt with. That was the main commitment and the pillar on which the group's reflection had been based. The members had reached consensus, despite the various opinions expressed.

The idea of setting up an Independent Testing Authority had come from the IOC executive board and summit, and the Foundation Board had discussed that in Colorado Springs. WADA, the IOC and IF representatives had set up a technical working group that had met twice, and the group had concluded that, should an Independent Testing Authority be set up, it should, aside from the three objectives mentioned at the Olympic summit, allow for greater efficiency and effectiveness without compromising the efficiency and efficacy of those tests, and increase the overall competence of the staff involved in anti-doping control in some IFs. The group had also concluded that two parallel initiatives should be taken: improve Code compliance rules and principles and establish an Independent Testing Authority for those IFs that would like to delegate their anti-doping programmes to an independent group and replace functions for those not compliant. Based on that, a feasibility study had been carried out by PricewaterhouseCoopers and the conclusions had been submitted to the members of the Foundation Board the previous September. The members had decided to set up the steering group to look at the issue from a broader perspective. The objective of the group had been to discuss fundamental issues on the purpose and scope of the Independent Testing Authority, funding and structure to ensure its independence, certain basic principles, conflicts of interest, how to avoid them and ensure the efficiency of the structure, and competence. The terms of reference were to examine the activities proposed by the technical group along with the cost study given to it by PricewaterhouseCoopers, make a recommendation at the next Foundation Board meeting of WADA (the meeting that day) in terms of whether it should be mandatory or not, make a recommendation to the Foundation Board on the budget for such an authority and its funding mechanism and make a recommendation to the Foundation Board to know which existing or new organisation would manage it. The group had worked in line with the terms of reference set out. As of its very first meeting, the group had concluded that setting up an Independent Testing Authority would not be the single solution to all the problems, real or perceived, existing in the anti-doping world. Setting up an Independent Testing Authority would not miraculously fill all the gaps in anti-doping activities; there were risks involved, including bureaucracy, reinventing the wheel and then throwing out everything that worked well in the fight against doping in sport, and seeking to solve everything but then not solving any or making anybody happy. The French said '*qui trop embrasse, mal étreint*' (do not bite off more than you can chew). The steering group had wanted to avoid all the stumbling blocks and come up with a structure that would be useful, pragmatic, quickly operational, capitalising on what worked well and improving what needed to be improved. The group insisted that the Independent Testing Authority should be one piece in the puzzle; it should be coherent and in line with the other reforms being undertaken, especially given the fact that WADA was talking about governance, anti-doping authorities and improving compliance.

She gave the recommendations of the steering group as written down after the meeting in Paris in May, based on the initial proposal she had sought to develop with WADA and sent to the steering group members. There had been many exchanges since the beginning of 2017 with WADA, government representatives, sport movement representatives and the IOC and its president, Mr Bach. For the Independent Testing Authority to be fully independent, the steering group recommended the setting up of a new Swiss foundation, which would operate the authority. The Swiss foundation would ensure the legal solidity and neutrality of such structure; but, so as to not start off with nothing and so as to not reinvent the wheel, the group recommended that the Independent Testing Authority rely on the model and staff of the SportAccord DFSU and that the Independent Testing Authority completely absorb that particular structure and then become separate from SportAccord. The DFSU had been referenced by the group as being a possible model to be used, since it already carried out a number of activities identified by certain IFs and members of SportAccord. They paid a small fee for the service. The DFSU had limited staff but provided assistance to those members requiring it. It supported the members, mainly the smaller federations, in managing anti-doping programmes and was entirely compliant with the Code.

In terms of governance, the steering group advocated that the board of the Independent Testing Authority be relatively small, at least when it first started out, so that it could work rapidly. It had

been proposed that a board of five members would be appropriate, and the group had thought that, in terms of composition of the board, the five members should be a president (independent, neutral and impartial), a representative of the IOC, an IF representative, an athlete and an independent and neutral expert. The WADA representative would be an ex-officio guest with no voting rights. That had been discussed by the steering group, which had wanted to strike a balance between the need to ensure total independence of the operations of the Independent Testing Authority in relation to WADA so that WADA would still clearly and unambiguously be the arbitrator and impartial monitor when applying compliance rules, and to maintain a strategic link, since there was no organic link, so that the anti-doping community would have no doubts as to the expertise and seriousness of the authority. So as to reach the proper balance, a selection committee would have to be appointed by WADA comprising members with the necessary competence. The committee would then examine all the candidates submitted by the sport movement. The selection committee would also be established in accordance with the initial idea discussed by the working group under WADA's governance. The two independent positions, the president and the expert, could come from the sport movement, a government or the broader anti-doping community. After examining the nominees, the list would be sent to WADA's Executive Committee for ratification. WADA could not be responsible or directly involved in the Independent Testing Authority, because it saw to it that there was anti-doping compliance throughout the world, and that had been very important for the public authorities. The recommendation on the structure and composition foresaw that separation of powers whilst enabling the Independent Testing Authority to benefit from WADA's expertise. The Independent Testing Authority board would then appoint an autonomous director general, who would then set up the structure and determine the mission of the authority. Setting up the new Swiss foundation, the statutes and mechanisms would be approved and then the members would begin their work.

In terms of funding and financing, the group had taken a step back from the recommendation made by PricewaterhouseCoopers. The recommendation of the steering group was that the Independent Testing Authority would be responsible for the initial capital needed. The IOC, on behalf of the sport movement, would be the founding organisation, and the funds required would come entirely from the sport movement and the IOC, since it was the main backer. The sport movement would not ask for any contributions from the public authorities or WADA. That had been quickly accepted by everybody. It did not always happen that way, especially when money was concerned.

Having dealt with the financial aspect, the steering group had worked on the long-term business model. All Independent Testing Authority clients, including IFs and major event organisers, such as the IOC, would pay when using the Independent Testing Authority. It would be a pay-per-use method. During the start-up phase, the group recommended limiting users so as not to overburden the very young structure. In terms of how it would work and its mission, since it would be a centre of expertise, it would be possible to stimulate exchange of information between WADA and the Independent Testing Authority, IF clients and major event organisers and NADOs. Should its ambition be limited to planning and testing activities, should something else be added, such as results management, collecting information and administering TUEs, and what kind of coordination should there be between the Independent Testing Authority and the NADOs? That was still up in the air; however, there should be major improvements in all the fields of activity through efficient coordination among IFs, NADOs and WADA. The group thought that the authority should be more efficient and not duplicate any activities that already existed and worked well. The recommendation was also that a NADO not be part of the Independent Testing Authority, for legal reasons, especially when talking about compliance. However, the Independent Testing Authority could use NADO know-how, especially since the NADOs would be benefiting from the services. That could be done on a contractual basis, taking into account existing commitments. There would have to be a contract agreement with each IF that would use the services to make sure that it could provide the services required. IFs would still have responsibilities so that the Independent Testing Authority could do what it was supposed to do.

In terms of compliance and the mandatory or non-mandatory aspect of use, that had been discussed at length. The Swiss foundation would have to be a Code signatory and therefore Code-compliant, and WADA as a regulator would monitor the Independent Testing Authority activities on the same basis as any other ADO, be it a NADO or an IF. How would the Independent Testing Authority's Code compliance be monitored? It would have to be examined very carefully and in a way that was compatible with the World Anti-Doping Code. According to the current Code, the individual IFs would still be responsible for their own anti-doping activities, whether or not they used the services of the Independent Testing Authority. They would have contractual agreements with the Independent Testing Authority, which would be a service organisation; they would delegate certain powers, but no responsibility would be delegated thereunder. In terms of the mandatory aspect, there was recognition that, legally, it was impossible to force a NADO to use the services of the Independent Testing Authority, even if the NADO was declared non-compliant for various legalities

to do with national sovereignty, the UNESCO convention and the Code. However, NADOs would be able to access or use the services of the Independent Testing Authority if they so chose. The group had noted that an improved compliance framework should suffice to deal with those NADOs deemed non-compliant. To say that it was mandatory to use the Independent Testing Authority for those IFs that were not compliant was a possibility, but then it might be necessary to change the Code and WADA would have to carry out legal analysis. At that point, she could say only that the Independent Testing Authority would carry out tests for member IFs, and not necessarily all IFs.

In terms of the calendar of events, the sport movement representatives hoped that the Independent Testing Authority, even if in a limited form, would be set up in time for the Olympic Winter Games in 2018. She knew that it was a rather tight timeframe, because it would be necessary to do a lot of coordination and planning quickly between the Independent Testing Authority, the IOC and the host city so that all operations could be adjusted. The Asian representatives had raised the point, and she insisted that they be heard, otherwise that would greatly complicate the work of the organising committee for the Olympic Games and might kill the start of the Independent Testing Authority before anything had been done. The Independent Testing Authority would be established formally before the Olympic Games in Pyeongchang. Once the foundation had its statutes, and the Independent Testing Authority was formally set up, the calendar and progress of activities would be the sole responsibility of the board and the financial backers would not have a say in the matter. The steering group, when it had met in Paris, had come up with a specific proposal in relation to the Independent Testing Authority's structure and set aside non-viable options that had been floating around. She welcomed the work done, and knew that much remained to be done and many points had to be discussed, but those were the conclusions and recommendations, and she would be happy to answer any questions.

THE CHAIRMAN thanked Ms Fourneyron. He took his hat off to her and those who had taken part in the discussions. He gave the floor to Professor Erdener to give the IOC's point of view, but did not want the members to suggest a different structure that they might have thought about during the course of the presentation. There was a clear proposal before them and the members needed to approve it or not, and then get on with it.

PROFESSOR ERDENER thanked Ms Fourneyron for her great effort and very detailed report on that difficult and important matter. The Olympic Movement had proposed the Independent Testing Authority to do testing and monitoring independently of sport organisations, especially after the serious doping problems about which everybody was aware. There had, in the past two years, been many discussions on the matter at the Olympic summit meetings and during the IOC executive board meetings and, of course, at WADA meetings and steering group meetings, and it was time to take action. On behalf of the Olympic Movement, he informed the members that the IOC was committed to providing proper financial support as also indicated by Ms Fourneyron.

MR MUYTERS also thanked Ms Fourneyron and the members of the group for all their efforts and welcomed the clear and good report on all the work done. The public authorities were really pleased to note the progress made on the issue at the recent meeting in Paris. They had only one concern. As public authorities, it was really important that the establishment of the Independent Testing Authority not come from the jurisdiction of the NADOs. The Independent Testing Authority should work very closely with the NADOs and not against them.

MR RYAN responded to Mr Muyters. The Independent Testing Authority had been designed initially to encompass much more from the IOC side than it did in the form currently presented. It was no more than an instrument to offer the IFs and major event organisers a way to fulfil their obligations under the Code while avoiding perceived or real conflicts of interest. It was quite essential to the other work being done on governance. It was absolutely clear that the obligations of the IFs and the major event organisers remained the same under the Code. The IFs would have to remain absolutely compliant with the Code; they bore that responsibility. The Independent Testing Authority would do no more than be a service provider or service organisation to help with that fulfilment. There was clearly no intention to go anywhere near the NADOs other than to enhance cooperation with them by the potential sharing of information and intelligence and purchasing services from NADOs which might be important going forward in fulfilment of the testing.

DR BUDGETT congratulated Ms Fourneyron and the steering group on reaching the agreement and achieving the consensus. He had three brief points. The Independent Testing Authority was obviously important for supporting compliance, although the IFs were still actually responsible. The nomination for board members, including the independent board members, should come through the IOC or the Olympic Movement and then go to WADA for ratification, so it was if the nominations were actually approved by WADA and it was not a selection as such. Obviously, any stakeholders could suggest people for nomination by the IOC to WADA. It was very important not to lose the skills and

experience of the IFs and ADOs and to build on that, and that would be a very important detail for the board and the new director going forward.

MR BESSEBERG said that all the members fully supported the Independent Testing Authority, but there was no real definition within WADA as to what an athlete was. In the sport movement, there were many post-career athletes, but what was the limitation? Four years, eight or 12? That needed to be known. With all the appointments and elections to be carried out, there should be a rule in place.

MS QUALTROUGH stated that the work of the steering group had been very impressive, particularly since the issue was so complicated. She was mindful of the comments in framing the discussion on the issue but also mindful of the conversation on governance, during which it had been recognised that there were people not represented at that table. As an organisation, WADA could show leadership by formally acknowledging the equality of the Paralympic movement as new structures were proposed moving forward. She did not know that there was a path to have a Paralympic voice in the new structure and, if WADA could see fit to have an IPC representative, that would be an excellent statement to make.

As a dedicated Foundation Board member, MR POUND said that he had read all of the material and listened to the explanation of the Independent Testing Authority, and was asking himself whether WADA and the Foundation Board were anything more than mere observers to a process that was going on. The legal and Code obligations remained exactly the same, and WADA was really looking at one stakeholder, the IOC, which was offering assistance to another, the IFs, and that did not require approval or did it. Somebody else would decide whether it was a good idea, why it was a good idea, the risks and the benefits, and what in particular would be gained by adding yet another Swiss foundation to the overall sport structure. That was not for WADA to decide upon. He was listening to something that was interesting and about which there had been a lot of noise, but it did not require WADA to do anything other than observe what was going on.

MR SALEH AL KONBAZ referred to the practical view and the relationship between the Independent Testing Authority and the laboratories. The laboratories were currently limited in number and, after the suspension of many laboratories over the past two years, there was some over-testing in some other laboratories. He did not know if the Independent Testing Authority would increase the demand of testing, because new IFs would start doing more tests or holding more events, and he believed that this should be looked into, because any new laboratory needed at least three or four years to become established.

MR BAUMANN added his congratulations and thanks to Ms Fourneyron and, as the chair of SportAccord-GAISF, he welcomed the recognition of the work done by the DFSU and confirmed that the unit was at the disposal of the new entity. The new entity was about assisting the IFs and trying to resolve or at least mitigate the alleged, real or perceived conflicts of interest that might occur, and he looked forward to working in that context with all the NADOs. It was also important to note that, among the ADOs, there should be mutual respect for all those on the ground doing the work.

DR PASCUAL said that having an independent agency could only be welcomed because independence seemed to be good; however, the proposed structure appeared to set a new quality standard. Because there were other approaches and things pending, he was worried about whether it would be mandatory to have an independent system. He linked that up to the Compliance Review Committee and the possibility of developing an international standard for compliance and the influence of such an entity. That had to be clearly defined in the new standard. From that perspective, there was a lot to do in making whatever independent agency was used by an IF compliant with the same standards and not having different points of view.

THE CHAIRMAN tried to answer two questions. He told Mr Besseberg that, if WADA was faced with drafting new regulations and needed a definition of an athlete, WADA would take that on. It was not a question for the Independent Testing Authority. It was a perfectly valid point and WADA would deal with that.

He told Mr Pound that he had been asked at an Olympic summit meeting to study that. The intention at the outset had been that WADA would establish and run it. It had become clear that it was not the wish of the public authorities. At the end of the day, with a great deal of work, WADA was where it was. It was a limited exercise from the original suggestion and he suspected that WADA might not have all that much to do with it going forward. He hoped it would go well and provide a service, and he was sure that Ms Fourneyron would take on board some of the other suggestions.

MS FOURNEYRON said that it was clear that the IFs would not be losing any of their responsibilities under the World Anti-Doping Code. That was definitely of the essence and she had been very specific on that point. In relation to the structure, there had been progress. It would

appear that the issue of the Independent Testing Authority would fit into the debate held in the Laboratory Accreditation Working Group and the Working Group on WADA Governance Matters, and one could not keep separate all the thoughts being expressed, although they were quite different from the outline initially mentioned, because first the aim had been to include all the IFs and national authorities in the Independent Testing Authority. That was no longer the case. She had tried to submit something that might be another step, perhaps step one, and then, given all the tools for the fight against doping in sport, it would be possible to share the experience and intelligence coming from each of the links in the chain.

THE CHAIRMAN concluded that the recommendation was for WADA to establish or arrange for the establishment of an Independent Testing Authority.

DECISION

Proposal to establish an Independent Testing Authority approved.

– 3.2 Ethics Panel update

THE DIRECTOR GENERAL informed the members that he did not intend to comment on the report, but mentioned that the role of the panel was at the centre of discussion among the governance group, and it was likely that the mandate of the current Ethics Panel would be enlarged and that the membership of it would also change. Everybody was aware of that. That was the status quo until WADA carried out the reform, and then WADA would work with the members on making sure that the brief was enlarged and their competence met the requirements of the brief.

THE CHAIRMAN made one statement for the record. The Foundation Board had asked over the past year that work be done on a whole range of matters aimed at making WADA fit for purpose. It had established all the working groups. He hoped that the members understood all the work that had been done and was being done; it was a great deal of work, and that was one of the reasons for which the meetings were longer. He paid tribute to his management team, which had pulled that together extremely well, and everybody involved in the process. He noted that the amount of work required was enormous and it was being achieved.

DECISION

Ethics Panel update noted.

4. Operations/management

– 4.1 New Executive Committee appointment - Europe

THE CHAIRMAN noted that WADA would be losing the service of Ms Widvey, and said that it was a shame that Ms Widvey had been unable to attend that meeting so that the members could thank her in public, but he would make sure that he wrote to her accordingly. Her place would be taken by Mr Bańka from Poland, and the list would be recorded.

DECISION

Mr Bańka confirmed as the new representative from Europe on the Executive Committee.

– 4.2 Endorsement of Foundation Board composition for Swiss authorities

THE CHAIRMAN informed the members that WADA was obliged to return to the Swiss authorities the current membership of the Foundation Board, and he thought it was done almost on a six-monthly basis. Were the members of the Foundation Board happy to send the list for the current six months to the Swiss authorities?

DECISION

Foundation Board composition endorsed for the Swiss authorities.

– 4.3 2019 World Conference on Doping in Sport – host city selection

THE CHAIRMAN said that WADA had run, as the members could see from the papers under a very clear statement of requirements, a contest in the hope that it would attract a whole raft of applications to host the next World Conference on Doping in Sport in 2019 and, at the end of the

day, two of the three candidates had withdrawn, which had left Poland and the city of Katowice as the only candidate. That was the kind of election one always dreamed of having, as he had said to Mr Bańka the previous evening, because one had a very good chance of getting elected if one was the only candidate. He was very pleased to welcome the minister and knew that he would be joining the members formally in the future. He also welcomed Mr Krupa, the Mayor of Katowice. He allowed them to mount the podium, say a few words and show some of the delights of Katowice that the members could look forward to in 2019.

MR BAŃKA stated that it was a great honour for him, as the minister of sport and tourism, to present the offer of the Polish Government and the city of Katowice to organise the World Conference on Doping in Sport in 2019. There were many reasons why organising the event in Poland was an excellent idea, the obvious one being the strong commitment of the Polish Government to the fight against doping in sport and the strong financial and organisational support that it offered to the event. Another important factor was that Poland was a safe and economically stable country in the centre of Europe, a vibrant place with modern infrastructure and dynamic people. Poles were renowned for their hospitality and he was sure that all who attended the important event would be impressed by the warm welcome and friendliness they encountered. Poland was a country of passionate sport enthusiasts. Fans guaranteed a very lively atmosphere in stadia and sports halls across the country. Poland had experience in hosting major international sport events, and he mentioned UEFA Euro 2012, the volleyball men's world championships in 2014 and European men's handball championships in 2016. They backed up Poland's reputation as a hospitable country with the technical and organisational capacity to organise world-class events. Poland also had a fascinating history and was a land of great natural beauty, with its hundreds of kilometres of golden beaches, impressive mountains, forests and lakes, and cities oozing with charm and culture. Rather than talk about it, he showed the members a short clip on Poland to illustrate its beauty.

MR KRUPA said that he was very happy to be present among so many very important people. As the mayor of Katowice, he invited the members to Katowice. He believed that, as the venue for the World Conference on Doping in Sport in 2019, it was an excellent choice for WADA and the region. It was a place that combined tradition with modernity. The city, which had a great industrial past, was one of the most popular places for international meetings and events in Poland. The previous week, Poland had hosted the 9th European Economic Congress. The decision on hosting the UN Climate Summit in Katowice was shortly to be made. The idea of hosting the World Conference on Doping in Sport in Katowice had excited the local community. Silesia was a region in which sport had always been important to people. It was a place where great Polish champions had been born. Poles were hungry for sport, and hungry for clean sport. Katowice was very well located with excellent transport communications with the rest of the country. Three international airports were a short distance away. The transport infrastructure allowed for visitors to combine pleasure with practicality. The members would be able to reach the most beautiful tourist attractions of southern Poland when attending the conference. He invited the members to watch a short film about his beautiful city.

MR BAŃKA reiterated that the fight against doping in sport was one of the major goals of the Polish Government. As a former athlete, the ideals of clean sport and equal chances for all competitors were more than mere slogans for him. From the outset of his work as minister responsible for sport, he had decided that those basic values should be a starting point for all his future actions. He had launched work on a completely new and complex piece of legislation that could serve as a tool to fight against doping in sport. The law on combating doping in sport was to come into effect in July 2017. It had been unanimously adopted by the Polish Parliament on 21 April 2017. The new law would establish the Polish anti-doping agency, a strong organisation with proper competence. His ambition was, however, not only to make the fight against doping in sport more effective in his own country, but also to engage Poland more extensively in international partnerships for clean sport. Close cooperation with WADA was crucial in that regard. Poland would always support WADA's efforts for honest competition and its strong position against those who cheated. He would personally stay strong for doping-free sport no matter what the costs. In a moment, the members would see a video on his country's commitment to the fight against doping in sport. He was proud of it, as well as the fact that Poland had one of the few WADA-accredited laboratories in the world. Poland had also doubled anti-doping investment over the past couple of years.

As the members would see in another video, the main venue for the 2019 World Conference on Doping in Sport in Katowice was really impressive. Some numbers describing the capacity of the international conference centre would also be displayed. The venue was the most modern conference centre in Poland. It had received many awards. The city's main attraction, the legendary Spodek sport and performance hall, was just next to the international conference centre. Spodek would be the venue for major cultural events during the conference. He would let the pictures do the talking.

He thanked the members for their attention. He looked forward to seeing the sport family in Katowice.

THE CHAIRMAN thanked Mr Bańka very much indeed. When planning the presentations, he had probably not realised he would be presenting to such an expert audience, which included Mr Baumann and four members of the evaluation team for the IOC, so they knew all about presentations; but, as the only candidate, Mr Bańka could relax!

DECISION

World Conference on Doping in Sport 2019
to be held in Katowice, Poland.

– 4.4 Operational performance indicators

THE DIRECTOR GENERAL indicated that the Performance Indicators were included in member's files and invited any questions. The item was noted.

5. Athletes

– 5.1 Athlete Committee Chair report

Having noted the full house for the Athlete Committee report, MS SCOTT informed the members that the Athlete Committee had met in Lausanne, Switzerland in March and, prior to that, in December in Sapporo. The meeting in March had been held just prior to the ADO symposium. The Athlete Committee had also invited a lot of IF and NOC athlete committee chairs to the ADO symposium in an effort to strengthen and increase communications and relations with the global athlete network worldwide. She was pleased to report that many athlete committee representatives and chairs had joined the WADA Athlete Committee there.

The Athlete Committee continued to support the whistleblower programme that had been developed by WADA: Speak Up! It was supportive of the investigation process, and called on governments and the Olympic Movement increase funding. The Athlete Committee continued to advocate the mandatory use of ADAMS by all stakeholder groups, and supported the introduction of a mechanism to report on feedback with doping control officers. Some athletes had, in the past, had a questionable experience with doping control officers, and the Athlete Committee had requested an anonymous mechanism for athletes to report on that. The committee really supported the work of the Compliance Review Committee and called for the process to be expedited.

She would spend a few minutes speaking to a project that had been started. It had been rolled out at the ADO symposium and developed by the WADA Athlete Committee as a result of an unprecedented scale of athlete mobility, which had been seen in relation to anti-doping, in particular in response to the findings on doping in Russia. Athletes had come out in numbers never seen before, whether in the form of petitions or letters or phone calls to her or members of her committee, and there had really been a surge and an incredible number of athletes' voices related directly to the revelations that had formed part of the McLaren report. That had been taken very seriously by the Athlete Committee, which had taken a hard look at what had been said publicly or sent in. The Athlete Committee heard the athletes and acknowledged what they were saying and hoped to come up with a meaningful and effective solution to answer the calls and capture the sentiments and help athletes. Looking at all the petitions and communications, one of the strongest themes had been that of athlete rights. Athletes were saying that it was their right to compete on a level playing field and compete in doping-free sport. The Athlete Committee had come up with the idea of a charter of athletes' rights in relation to clean, fair sport and had proposed it at the ADO symposium in the form of a workshop including athletes and NADOs and IFs and other stakeholders in the anti-doping movement. It had wanted to get feedback in terms of whether it was a good idea and then what should be included in the charter. The overall intention was for the charter to be aspirational, but it would also be concrete and legally defensible. The process was in its infancy. The Athlete Committee was taking it to broad stakeholder consultation. The Athlete Committee was refining what it was going to ask and how to propose it to athletes. It would go as far and as wide as possible; the Athlete Committee would seek input and advice and guidance from as many relevant groups as possible and then propose it for ratification at some point hopefully over the coming year. It would engage experts from the legal community and the international sport community, and various other experts who brought value. Mr Koss (who was present) was a member of the working group. The charter of athlete rights was the project upon which the Athlete Committee was currently working. The Athlete Committee hoped to have it in place by the following year.

MR ESTANGUET thanked Ms Scott for the report on behalf of the Athlete Committee and congratulated the committee on all of its work. He had a couple of comments to make. The first had

to do with the organisation of a forum of athletes on anti-doping. He simply wished to remind her about the fact that the Olympic Movement had also decided to invest money in the organisation of continental athlete forums and wished to integrate the issue of anti-doping in those forums. In terms of how to optimise the already existing athlete forums, international forums and continental forums organised in each continent before considering something completely devoted to that issue, the IOC had thought it would be a good idea to work in partnership with the network of athletes.

As to the athlete charter, the idea was particularly interesting and the IOC athlete commission would also like to be involved, because the mandate of the charter was not only about tackling anti-doping but also about moving towards clean sport, hence the need to include the entire athlete community and the IOC athletes.

MR POUND thanked Ms Scott for her report. He thought that the idea of having a go at a charter was a terrific one and he was greatly encouraged by the fact that she talked about rights, expectations and also responsibilities. That was a very useful part of the exercise, so he encouraged her to see where it went. The only people likely to be worried were old guys like him.

On the forum, there was one issue she might want to consider. The option was to add on to one that already existed or have one's own, and therefore control the invitations and the agenda as opposed to becoming a sidebar to somebody else's gathering. She might like to think about that as a possibility.

MR PENGILLY said that there had been some discussion of late about elected versus appointed athletes and he felt it appropriate to make some comments. That was his final year as an athlete representative, his 15th year as well; it had been quite a long time, and he had had the pleasure of being involved in a number of commissions, including the WADA Athlete Committee for the past three years, and it had been active, strong, independent in thought and prepared to speak out when often it would have been easier to remain quiet. Ms Scott had very ably led to the Athlete Committee and it had done its job well. Within the discussion that was beginning about appointed and elected athletes, the Athlete Committee should be very clear that it was not an indictment on the current committee, its work or the chair of that committee. In his time, he had seen excellent appointed athletes and terrible elected athletes, and terrible appointed athletes and excellent elected athletes. The overwhelming priority was to have an active, legitimate and courageous Athlete Committee at WADA.

MS SCOTT thanked the members for their comments and would take them into consideration.

DECISION

Athlete Committee Chair report noted.

6. Finance

– 6.1 Government/IOC contributions update

In the absence of the Finance Committee Chair, Mr Ricci Bitti, MS PISANI, WADA's Chief Financial Officer stated that she would take the members through the finance papers and answer any questions they might have. She noted that all the figures were in US dollars. The latest contributions were tabled and dated to 16 May. There had been an increase in collections since the documents had been distributed on 21 April. WADA had obtained 78.1% of budgeted public authorities' contributions to date compared to 83.36% the previous year. WADA was somewhat lower than the previous year at that stage, although she was hopeful that it would attain the budget.

She gave the members a quick overview of outstanding contributions by region. Europe's total outstanding contribution to date was 1.2 million dollars, made up of outstanding contributions from Spain, Turkey and Italy's shortfall. The total outstanding amount for Asia was 411,000 dollars, made up of Bahrain, Brunei and Thailand. The total outstanding amount for the Americas was 1.6 million dollars, made up of the USA (second instalment only), Mexico and Argentina. The total outstanding amount for Africa was 46,500 dollars, with shortfalls from Libya, Nigeria and South Africa. Those were but a few of the outstanding contributions to date.

MS PISANI noted that the additional contributions received to date totalled 347,319 dollars and she thanked Australia, Japan, Kuwait and Saudi Arabia.

DECISION

Government/IOC contributions update noted.

– 6.2 Special Investigations Fund update

MS PISANI informed the members that the total amount received from the public authorities to 30 April 2017 was 704,903 dollars, and she was pleased to announce that WADA had received matching payments from the IOC. Therefore, the total received was 1,409,806 dollars. The members could refer to the document in their papers for the details of all contributions received. WADA thanked all the stakeholders for their contribution to the success of the special funding endeavour.

DECISION

Special Investigations Fund update noted.

6.3 2016 year-end accounts

MS PISANI informed the members that WADA had obtained 97.93% of budgeted contributions from the public authorities, the lowest level received since 2007. Additional contributions received amounted to 298,747 dollars, as well as a grant from Montreal International totalling 1.4 million dollars. WADA had posted an excess of expenses over income of 729,000 dollars in 2016 against a forecast loss of 144,000. The excess was due to a write-down of assets, in particular ADAMS, which had come in above budgeted amounts, and the cost of investigations such as the independent person's report, despite having allocated 654,000 dollars from the Special Investigations Fund.

Capital expenditure for 2016 had totalled 2.4 million dollars, 500,000 dollars below budget, due to the late start of the development of the new ADAMS with the new developer. The finance overview in the members' papers went into more details in relation to the outcomes of 2016. The overall financial position of the agency was stable; however, as cash reserves were used to supplement costs for special projects, such as the two investigations (the independent commission in 2015 and the independent person's report in 2016), it had become imperative to increase funding. As per WADA's internal policy, cash reserves were not to be depleted by more than 500,000 dollars to fund a deficit.

The auditor's report, the internal control system, had once again been very favourable, with no deficiencies found in the accounting controls and no suggestions for improvements to be made. Page four of the IFRS audited statements was tabled for the members' reference. The description of accounts for the Communications Department and the Education Department had been changed to better reflect the nature of the expenditure.

She introduced Ms Beauparlant, a partner from PricewaterhouseCoopers, who would present the 2016 audited accounts.

MS BEAUPARLANT informed the members that she had been in charge of the audit of the financial statements of WADA for the past few years. She worked with a colleague and partner at the office in Lausanne who was ultimately responsible for signing off on the audited report of the financial statements. She would give the members the status of the audit work and cover the significant financial and reporting matters dealt with during the audit. At that stage, PricewaterhouseCoopers had substantially completed its audit of the WADA financial statements for the year ended 31 December 2016. PricewaterhouseCoopers was consequently ready, subject to the approval of the financial statements by the Foundation Board, to release a report without qualification or references to violations of the law. As auditor of the agency, the responsibility of PricewaterhouseCoopers was to release an audit opinion on the financial statements and confirm the existence of an internal control system designed for the preparation of financial reporting. PricewaterhouseCoopers was in a position to conclude that the financial statements for the year ended 31 December 2016 gave a true and fair account of the financial position, the results of operation and the cash flow of the agency in accordance with the IFRS and complied with Swiss law and the foundation deeds. She also confirmed that an internal control system was in place for the preparation and fair presentation of the financial statements in accordance with the requirement of the Foundation Board. The audit work had been conducted in line with the audit plan. As part of the audit plan, PricewaterhouseCoopers had discussed with the management the key risks as well as the audit area of focus and approach. PricewaterhouseCoopers had reviewed management accounting policies and positions, management judgement and estimates in establishing the financial statements and the financial statement presentation and disclosures. During the year ending on 31 December 2016, there had been no significant unusual transaction to be accounted for other than the write-down of the development cost for ADAMS; there had been no new IFRS standards or disclosures significantly impacting the financial statements, no new accounting methodologies adopted or change in accounting policies, no internal control deficiencies or recommendations for improvement that she believed merited the attention of the Foundation Board and, finally, there had been no uncorrected misstatement identified during the audit. Unless there were any questions, that concluded her report. She sincerely thanked

the agency's management and staff members who had assisted PricewaterhouseCoopers in carrying out its work, in particular Mr Niggli, Ms Pisani, Ms Vizioli and Mr Villegas.

THE CHAIRMAN said that he had read the independent report of the auditors and it was as clear a report as could possibly be obtained. He repeated Ms Beauparlant's congratulations to Ms Pisani and the staff. Were there any questions on the accounts for the year ended 31 December 2016? The Executive Committee had asked him to formally recommend that they be approved by the Foundation Board. Was that agreed?

DECISION

2016 year-end accounts approved.

– **6.4 2017 quarterly accounts (quarter 1)**

MS PISANI informed the members that, as of 30 March, WADA was at 52% of total budgeted income; however, as the members knew, the major portion of funding was received within the first six months of the year, with little coming in in the last half of the year, while expenditure had the opposite trend. The quarterly profit of 9.6 million dollars did not reflect reality or the trend to year-end. The overall budget was on track and there was nothing to draw the members' attention to at that time.

DECISION

2017 quarterly accounts noted.

– **6.5 2018 budget – preliminary planning**

THE DIRECTOR GENERAL said that, as he had mentioned earlier during his presentation, WADA was following its regular process in establishing the budget for 2018 and subsequent years; therefore, the Finance and Administration Committee meeting would take place in July. As discussed in November the previous year, WADA was preparing a clean-slate budget based on priorities and activities and that would be on the table for discussion. A lot of expectations were placed on WADA and it had been asked to look at and work on a lot of new tasks, all of which would be reflected in a budget, which he knew was a concern for some public authorities, because their own budgetary timing was tight or had already started, but there would be a projection over a few years to allow the public authorities to forecast and plan for that. There was a list of what had been identified as key priorities. Those would be more detailed after the discussion. Compliance was one, and he thought the members would all understand why. Investigation was another one. It was linked to compliance because a lot of what would be uncovered could lead to investigations. There was also the Speak Up! programme, which would force WADA to follow up on a number of pieces of information that WADA was receiving, and the members would hear later that WADA was in fact receiving quite a lot of information through that channel. Increasing the capacity of anti-doping worldwide was at the heart of what was being discussed, and that would include possibly supporting more RADOs around the world. If doping activities were to increase, some resources would be required to ensure the right testing and structure were established. For laboratories, quality was at the heart of the debate, and making sure that quality was there would require work by WADA, including auditing. ADAMS was a key instrument for all the athletes around the world. WADA would continue to invest in ADAMS. WADA was faced with IT security being a cause for concern and that would also require further investment to ensure that athletes' information was protected as well as possible. The members would already anticipate from what they had heard that day that there were a lot of good proposals, but nothing came for free. That was the broad picture. The members obviously had to expect that the amount of money that would have to be invested in the fight against doping in sport would increase; there would be no way round that if the members wanted to fulfil all of the expectations.

THE CHAIRMAN stated that those brutal financial facts would be in front of the Finance and Administration Committee in July.

MR MUYTERS thanked the Director General for his explanations. It was necessary to have the priority list. It might be better to have three priority lists. The priority list that reflected what was really needed to be the regulator, the international recognised regulator, that was the first list, namely what was necessary; the second one was what one would like to have; and the third what one would love to have. There were three scenarios and, once the budget was known, the discussion would be easier.

His second remark was a concern, that WADA should also be aware of the fact that special extra funding could raise questions of potential conflicts of interest. It was just a concern; somebody

outside the Foundation Board might find out about the extra funding and ask whether or not it was ethical. That was his concern.

The third point was that, for all public authorities, it was necessary to have the information really quickly. It was necessary to have the necessary consultation before the Executive Committee or Foundation Board meetings.

The final point had been raised, but it was really important. The public authorities made their budgets for 2018 in July up to September 2017; so, when the Foundation Board in November 2017 gave an increase in the budget needed, the governments would have already made their 2018 budgets. That was a problem and one of the reasons the public authorities really needed multiple-year budgets. It was really necessary, since the public authorities were faster in drawing up their budgets than WADA was.

MR COLEMAN said that, before considering future budgets, it was well worth looking at value for money in relation to current spend, and the performance indicators as detailed under agenda item 4.4 very much focused on outputs rather than outcomes. He liked the approach that the governance review was taking, looking back to a zero-based budget and going back to clean-slate budgeting. For governments making a contribution, really understanding the outcomes that WADA was achieving would be very important when going back to their respective finance ministers and lobbying for increased contribution. It was really important that WADA could demonstrate that value for money and the outcomes as opposed to outputs.

THE DIRECTOR GENERAL remarked on the issue of extra funding. That was done in total transparency; it was part of public accounts, and it was often linked to the support of regional activities, so the use of the funds was also reported in total transparency. WADA just had to find the right balance. He was happy not to have extra funding if regular funding increased consequentially. He hoped that Mr Coleman would get a bit of value for money looking at the 600 pages of documents and from the reports he had heard. A lot of that work was being done, but WADA could always try to look for better indicators to have a more calculated way of doing that.

THE CHAIRMAN joked that, if it was helpful, the members should put in an assumed 50% increase in contributions.

DECISION

2018 budget update noted.

7. Education

– 7.1 Education Committee Chair report

MR MOSES said that a fantastic Education Committee meeting had taken place two-and-a-half weeks previously in Montreal. There had been 100% participation and he gave credit to Messrs Koehler and Reedie for selecting and helping select some outstanding people from all around the world with very diverse ideas. The role of education, concepts and major issues were quite diverse, and there were limitations based on the types of organisation, resources and culture, so those had been the big take-aways from the meeting. He wished to go over six major points. The report was in the members' files for information.

The Education Committee had determined that there was a need for all stakeholders to be engaged in education, and that included the national and regional ADOs, IFs, NOCs, NFs and major event organisations, and that it would like to promote more values-based education, the aspects that dealt with ethical considerations, positive and negative behavioural patterns and, more importantly, the positive aspects of fair play and rewards versus penalties when putting the rules into effect.

Stakeholders needed to be made aware that everybody had an interest in promoting clean sport and ensuring a level playing field for athletes and not just the anti-doping organisations. Everybody involved in the running and delivery of sport should work together to promote fair competition, which was directly in line with the anti-doping goals.

The committee had discussed the need to see how the WADA Education Department and the Education Committee could work in collaboration with the IOC education committee, as they were working towards similar goals, especially in relation to values-based education. There was research going on in those areas.

The Education Committee welcomed the report by Ms Scott, the Chair of the WADA Athlete Committee; furthermore, it fully supported the Athlete Committee's initiatives to develop an athlete charter of rights and its call to action.

The committee also recommended several topics for consideration for the WADA Social Science Research programme. Professor Donovan had been at the meeting and had discussed the types of research he would like to do and the parameters. The potential research was provided in detail in the report and would be considered by the Social Science Research Review Committee at its meeting in October that year. The Education Committee had also stressed the need to ensure that all ADOs were implementing research to evaluate their education programmes.

Supported by research that it had carried out, the WADA Education Committee was of the opinion that more still needed to be done to highlight the importance of education and to guide stakeholders on what developing an efficient and effective education programme meant. As a result, the Education Committee recommended that the WADA Foundation Board endorse the development of an International Standard for Education and Information, which would involve the establishment of a small working group to determine the parameters of the project, followed by a call for consultation with all stakeholders. The Education Committee felt that it would be possible to have the standard completed by November 2019 and would like to move forward with that.

Finally, the Education Committee commended the WADA Education Department on the high quality of work, diligence and care and consultation provided to the members. There had been a lot of progress over the past few years with WADA's education programmes, which included the introduction of new resources for parents, the development of a new e-learning platform called ADEL, the implementation of the university e-text book (on which it had been working for quite some time), the training and assistance to stakeholders, the quality of research being gathered and the continuation of the values-based Education Through Sport programme, which the committee was really focusing on.

THE CHAIRMAN asked the members if they had any questions.

DECISION

Education Committee Chair report noted.

– **7.2 International Standard for Education and Information**

MR KOEHLER told the Foundation Board members that he was asking for approval for exploration to develop an International Standard for Education and Information. If the members agreed, a small working group would be established to develop the standard and engage experts from the Council of Europe who had a framework that they had already started to develop.

THE CHAIRMAN said that it would demand a degree of expertise. Education had always been one of the main features of WADA. The suggestion was to develop a proper international standard. Were the members happy with that?

MR KOEHLER added that a review of all of the social science research projects done in the field of anti-doping had been commissioned, and that included WADA research. To save everybody from going through a 300-page document, WADA had worked with Leeds University to summarise the entire review in a five-minute video, which he showed the members.

THE CHAIRMAN commended the terrific video and asked how widely distributed it had been or would be.

MR KOEHLER responded that it was the first viewing. It was being translated into Spanish and French and would be distributed after the meeting.

MR MOSES said that the feel that one got from watching the video was that it was much more values-based. WADA was not saying that, if one took drugs, one would be ineligible and go to jail. WADA was trying to take a much more creative approach and to give age-appropriate options for athletes throughout their careers, and that was how it hoped to be able to promote education at various levels. The approach would be different for a 10-year-old, a 14-year-old and a world-class athlete.

THE CHAIRMAN said that he was glad that the members had agreed to have a standard before watching the video.

DECISION

Proposal to develop an International Standard for Education and Information approved.

– 7.3 Education report

DECISION

Education report noted.

8. Health, Medical and Research

– 8.1 Health, Medical and Research Committee Chair report

PROFESSOR ERDENER informed the members briefly about the Health, Medical and Research Committee's activities. He was pleased to note the increased compliance by anti-doping organisations, resulting in an increase in doping control forms and granted TUEs currently being entered into ADAMS. Although that was good news in terms of WADA's ability to monitor, there had been a very substantial increase in the monitoring work done by the agency.

There had been several major activities carried out in relation to WADA-accredited laboratories in particular. First, there was the work of the Ad Hoc Working Group on Laboratory Accreditation and then the assessment of the situation for several laboratories for the reinstatement of further legal procedures including maintenance of suspension or revocation.

In relation to research, he referred to the major international efforts on OMICs for predictive medicine, and WADA was also active in the field of OMIC biomarker discovery, either directly or in partnership with anti-doping applications. The special fund was currently essential in relation to WADA's research efforts and he urged the Executive Committee and Foundation Board members to consider restoring the research budget to the level of past investment if WADA wanted to avoid major gaps in testing capacity in the future.

DR RABIN referred to research and the annual call for grants. In 2017, WADA had received 85 proposals in relation to various themes selected by the Health, Medical and Research Committee, a fairly similar number to that received in previous years, in particular when taking into account special calls for research activities done over the past few months. WADA had received close to 100 annual research applications, about the limit with which WADA could deal through its current process. The review of the grants had been conducted by the independent reviewers and completed some days previously. As usual, the Project Review Panel would review the grants before they were presented to the Health, Medical and Research Committee at the end of August. The conclusions of the review process would be presented for approval by the WADA Executive Committee on 24 September.

On the laboratories, WADA had had a record number of suspended laboratories: a total of nine laboratories suspended over the past 18 months. Several had already been reinstated. There were still five laboratories suspended and three under review as mentioned previously. The WADA management, with the support of the experts and in particular the Laboratory Expert Group, had been working with the laboratories themselves to review corrective action and to ensure proper resolution of the issues before considering reinstatement of the laboratories or any other legal action if necessary as per the ISL.

THE CHAIRMAN said that he thought that it was right to mention a bid for more research money in the present climate.

MR POUND directed attention to section three and the TUEs. Annoying as it had been to have the Fancy Bears dabbling in the TUE section of WADA's activities, he thought it had been quite helpful to see that the system was working precisely in the way in which it had been intended, for genuine therapeutic needs, and that there had been no TUEs for anabolic steroids, contrary to the justification coming out of Russia.

He had a concern that, at the bottom of the first paragraph, there were still ADOs that used other database systems or for other reasons did not enter information into ADAMS. That impaired the process, and he really thought that WADA should find some way of tightening that up and making sure that they did provide the information.

PROFESSOR ERDENER responded that Dr Verne would be discussing TUEs and addressing that issue.

DR VERNEC informed the members that, as far as TUEs were concerned, he was pleased to see an increasing number of ADOs entering TUEs in ADAMS. In 2015, there had been 1,330 TUEs entered; in 2016, there had been 2,175; and, in 2017, WADA was probably on course for easily over 3,000 if not 4,000. With the compliance questionnaire and everything else coming, WADA was addressing something that had been a concern in the past, that WADA had not been able to sufficiently monitor TUEs. Having said that, and to address Mr Pound's point, when WADA had had a glimpse into the world of TUEs, it had never found any signs of cheating, and there had been no

TUEs for anabolic steroids or EPO. The increase was based on an increase in the entry into ADAMS and was not a global increase in the number of granted TUEs around the world, but it reflected the fact that people were being more compliant and entering TUEs into ADAMS.

In relation to the Athlete Biological Passport, WADA continued to advance the existing modules and future ones. He highlighted just one of a large number of many exciting projects. With the collaboration of the Athlete Biological Passport Expert Group and a small ad hoc group on biomarker discovery, WADA was pushing forward a very large project to look at EPO use and altitude. If somebody said that they had spent some time at altitude, it made the evaluation of a blood passport considerably more difficult, so that was very important work to make the Athlete Biological Passport even more refined and decrease the athletes' ability to cheat. It did require a lot of resources and some time to get some of the research done.

THE CHAIRMAN observed that recording TUEs in ADAMS was a compliance issue, so that might be a very good example of how the revised and updated compliance issue might well work. If stakeholders did not do it, they would not be compliant, and WADA would tell stakeholders how they could easily become compliant, and that was by recording information in ADAMS.

DECISION

Health, Medical and Research Committee Chair report noted.

– 8.2 Science and medicine report

DECISION

Science and medicine report noted.

9. World Anti-Doping Code

– 9.1 Compliance Review Committee Chair report

THE CHAIRMAN asked Mr Koehler to provide his updated report on the situation in Russia.

9.1.1 Russia

MR KOEHLER said that he wished to provide an overview on the situation in terms of the development of the Russian ADO. As everybody would recall, on 18 November 2015, the Foundation Board had recommended that RUSADA be declared non-compliant. Since that time, WADA had been working very closely with the Russian authorities, RUSADA, the ministry of sport, the NOC, the NPC and, of course, the Smirnov commission, tasked with overseeing all of the work. During that time, WADA had also engaged UKAD to ensure gaps were filled through targeted testing. WADA continued to engage two international experts on the ground in RUSADA; they were paid by RUSADA, but they reported directly to WADA. Their term would be extended for an additional year. WADA had also arranged to have a member of the Council of Europe sit on the RUSADA supervisory board, and the international experts worked daily in the RUSADA office to build up the organisation itself and make sure that it was running a credible programme.

The testing that had been done by UKAD had been 100% intelligence-led; UKAD had made sure that every test meant something and that every athlete tested was subject to no-advance notice or quality in-competition testing. No test was done without a reason. UKAD also had oversight of all the whereabouts information within RUSADA and also reviewed and approved all TUEs among Russian athletes, and had approved several and denied several. It was important to commend UKAD for taking on the role and filling the gaps. It had been significant in the development of the Russian ADO.

Looking back at 2016 (and he corrected the first bullet point on the slide), 2,731 tests had been issued (not conducted) in 2016, of which 84% (2,300) had been collected and 16% had not been collected (431). 333 tests had also been conducted across 25 countries and 32 sports had been included in that testing programme. Similar to what he had said at the previous Foundation Board meeting, capacity had always been an issue with the programme. There was limited capacity with the service providers that UKAD was using. The members would see that 2,344 tests had been cancelled and 90% of those had been because of capacity issues. That trend continued in 2017, and he provided an update from what was in the members' papers: 1,261 tests had been planned in Russia, of which 1,037 had been collected, 126 had not been collected and 98 were currently in progress. Of those, 298 tests had been conducted in 23 countries, again across 31 sports. Capacity remained an issue; UKAD had the ability to plan more, but the service providers were unable to fulfil the requests.

Looking at the current situation in Russia and what RUSADA had been permitted to do to date, it had been conducting education programmes. The independent body of RUSADA had been permitted to do result management, and of course the oversight of any case or decision was by WADA through its Compliance Review Committee to ensure that results and decisions were being dealt with appropriately. The international experts oversaw limited investigation. That was what RUSADA currently had the right to do.

In terms of advancements seen since RUSADA had been declared non-compliant, there was a new culture and staff. Recently, UKAD and the Finnish anti-doping organisation had trained 20 doping control officers, who were ready to commence their work. The staff at RUSADA had gone to UKAD and been trained on how to carry out risk assessments and test distribution planning. Education was being conducted with NFs and through athlete outreach programmes and seminars.

Moving forward, the road map had other requirements for RUSADA to complete and, over the coming two months, TUE committee members would start to be trained to ensure they could do their own TUE management moving forward. There would be result management committee and appeals committee training, and phase 2 of the doping control officers training programme would take place at the end of that month, including ensuring that chaperones were trained and had the capacity to deliver a programme. Things were being moved forward and an agency was being developed that had the ability to commence its work.

RUSADA was currently funded by the Russian ministry of finance. The budget had covered international experts and up to 6,000 tests as a starting point for 2017; unfortunately, the capacity was not there to carry out the 6,000 tests. RUSADA had committed to having the international experts in RUSADA until the end of April 2018.

Looking at the overall picture in RUSADA, from an organisational standpoint, the organisation itself had all the necessary elements in place to commence anti-doping work. The independent experts maintained oversight for all the work being done in the agency.

He had presented a report to the Compliance Review Committee in March, and it had come back with four recommendations required of Russia and RUSADA, and he provided an update on those recommendations and what was currently being done. The Compliance Review Committee had made a recommendation that the RUSADA chair and vice-chair be independent. WADA had received full commitment from the Russian authorities that they would accept and implement that and, on the 31st of that month, there would be a meeting to change the statutes to ensure that the chair of RUSADA would be independent.

The development of a conflict of interest policy had already been tabled and would be accepted at the RUSADA supervisory board meeting on 31 May and sent to the Compliance Review Committee for approval and acceptance.

There had been a request to make sure that all stakeholders could have access to the Athlete Biological Passport samples in the laboratory in Russia. Full access was currently provided to those Athlete Biological Passport samples, so that was no longer an issue.

WADA had been working with the ministry of sport and the Russian authorities had already agreed to open the closed cities to doping control officers; several cities were already open and work was ongoing with the mayors of each of the cities to ensure that an expedited process would take place to open all of cities to the doping control officers. Those items were in progress and WADA had been assured that they would be completed by the end of that month.

In summary, RUSADA had come a long way since November 2015. More needed to be done in terms of the road map, so there was still more ahead. The new selection process for a director general was in place. There was a commitment to working with WADA, the IOC, IPC and the IAAF to make sure that development work was aligned.

THE CHAIRMAN noted that Mr Koehler had given a very important report. Were there any questions in terms of the work that was being done over many weeks and many hours?

DR PASCUAL asked whether, because the situation in the written report in the member files had been different, had all the things that had happened, happened over the past two weeks? Everything in the report appeared to have been pending. When had all those important things happened? Were they so recent?

MR PENGILLY made a quick point about the IFs being encouraged to do more testing. He advocated that as well, in particular for the winter IFs in the run-up to the Olympic Games in Pyeongchang. It would obviously improve the credibility of those Russian athletes if they could put their hands up and say that they had had three or four out-of-competition no-notice tests in the run-

up to the Olympic Games. It would improve the confidence of the other athletes against whom they competed around the world and it would improve the perception and view of sport as well.

MR POUND recollects that, following the evolution in the media, an appointment had been made that was clearly a provocation, and one that had been disapproved in advance by WADA. Where did that stand in all of that?

MR BESSEBERG said that his feeling was the same as that expressed by Mr Koehler, because he had been lacking documents about one athlete who had been provisionally suspended. He had always sought to get more documents out of Russia, and had ended up writing directly to the sport department. The previous week, he had received many papers, approximately 100, from the department. He could not talk about the content, but it had been about particular athletes. He had also received a letter from the president of the Russian biathlon union asking the IF to do as much testing as possible on Russian athletes participating internationally and it had been willing to assume the extra costs. That proved what Mr Koehler had been saying: that it seemed that they had started to go the way WADA wanted them to go.

MR COLEMAN acknowledged that, obviously, there had been a lot of excellent work over an extended period of time, although there was still work to be done. However, in relation to the underlying question of state-sponsored involvement in doping, to what extent was Mr Koehler confident that that was truly being addressed so as to avoid a repeat of what had happened for the Olympic Games in Rio at future games?

MR BAUMANN spoke on behalf of a number of IFs. The more they could speed up the process for RUSADA to restart testing, even if on a limited basis and in accordance with any conditions that WADA wished to set, that would be a very welcome fact for all the athletes and the organisations in Russia. The second point was to congratulate all those involved on the work done, which was moving along the lines of what had been established, but he sounded a note of caution: he did not think it was the role of WADA to personalise issues about chairs or criticise chairs appointed according to the statutes of the different NADOs.

MR KOEHLER responded to Dr Pascual. Since the report had been written, WADA had seen tremendous action from the Russian authorities. Some of the items were to be ratified at the supervisory board meeting planned on 31 May, so WADA had seen very quick action.

Mr Pengilly's comment would be noted.

To Mr Pound, he said that the reason the conflict of interest policy was being brought in and the statutes were being changed was to address the issue raised by Mr Pound and that was to ensure that the chair was an independent person within RUSADA.

He told Mr Coleman that the safeguards being put in place and the road map had been developed with the idea of building safeguards for every item to avoid any possibility of such things happening in the future. That included an independent chair, a director general who was being selected with the oversight of the international experts, conflict of interest policies, ethical rationale, etc., so WADA was building the safeguards in with the international experts. WADA had an international expert from Australia who was a former war crimes investigator and a person from Lithuania who was also involved. They would have now been in the office for a full year and they had oversight. The other safeguard was that the audit team for compliance planned to carry out an audit in September and further audits moving forward to ensure that the standard remained as high as possible in the Russian ADO.

MR POUND confessed that he was not quite sure what the answer to his question was. Was the person about whom everybody had complained gone or to be gone?

MR KOEHLER responded that, to be very clear, on 31 May, the person would be gone.

THE CHAIRMAN noted that that had been an encouraging debate and an encouraging report.

The Compliance Review Committee set the rules for the engagements and, as RUSADA was the only non-compliant organisation, he passed the floor to Mr Taylor, Chairman of the Compliance Review Committee, for his observations.

MR TAYLOR paid tribute to what Mr Koehler and WADA and UKAD and the international experts had done in the field to bring the progress report and news of real progress being made. There was a clear road map, and there were conditions to be met to make progress along the path towards reinstatement. There was a need to start the new cohort of RUSADA doping control officer testing again. As Mr Baumann and others had said, WADA needed to bring that capability up and increase testing and start RUSADA on the testing under the supervision of the experts and UKAD. The four conditions mentioned, a change to the statutes to ensure that the chair and vice-chair were selected

from the independent members of the board, a new conflict of interest policy to make sure that the nominees from the NOC, NPC and ministry of sport understood that, when they were on the RUSADA supervisory board, they owed undivided loyalty to RUSADA and not to their nominating body, access to the Athlete Biological Passport samples at the laboratory and, in particular, access to closed cities for testing (an issue that had been ongoing for about five years) needed to be satisfied before that testing began. They were not currently satisfied, but he had been told that they would be satisfied imminently.

His proposal was that the Foundation Board agree that, once the conditions had been satisfied and demonstrated to the satisfaction of the Compliance Review Committee, RUSADA should be allowed to start testing with its doping control officers under the supervision of the international experts and UKAD. Rather than coming back to the Foundation Board or using e-mail, he wondered whether there was a mechanism that would allow the members to agree that that could happen once the Compliance Review Committee had seen the reports and was satisfied that the conditions had been met. That would be his request and proposal to the Foundation Board.

THE CHAIRMAN asked if there were any comments on that suggestion.

DR PASCUAL asked what exactly was being proposed. Was Mr Taylor proposing not to have a circular vote?

THE CHAIRMAN explained that the proposal was that RUSADA be granted the right to start testing when WADA had clear documentation stating that the four conditions had been met. Rather than do it by correspondence, WADA's Foundation Board would take that decision then and, from the information he had, he assumed that, by 31 May, RUSADA would be regarded as capable of beginning its own testing programme. That was the suggestion. Were the members happy with that? He thanked them very much.

The world of sport owed a degree of gratitude to many people, and not just those around that table. The situation had caused (as Messrs Pound and Young would know) all sorts of issues for sport in Russia as well as for sport in the world, and the members had reason to be grateful to the independent commission established by Mr Putin and chaired by Mr Smirnov, the former doyen of the IOC. WADA had reason to be grateful to the sport ministry and new sport minister and other forces in Russia that had considered their options and supported the current situation. He paid particular tribute to Mr Koehler and those in WADA who had been working on it. Without claiming any credit, he had done little else for the past six months to try to get WADA to that situation because, whether they liked it or not, the world of sport would find it very difficult to conduct its ongoing proper policy if the biggest country in the world was permanently non-compliant. There were other issues out there that were not the responsibility of WADA. WADA's responsibility was compliance and the decision taken that day moved that forward very well indeed. The road map would then be followed and final compliance would come before the Foundation Board at a future date. He was grateful to all those who had helped and he hoped that WADA would be able to move forward in a rather more peaceful and considered attitude.

DECISIONS

1. RUSADA to be granted the right to start testing upon receipt by WADA of clear documentation stating fulfilment of the four conditions mentioned above.
2. Compliance Review Committee chair report noted.

– 9.2 Compliance monitoring update

9.2.1 Code compliance questionnaire and audit programme update

MR DONZÉ noted that the members had already heard that morning about two of the matters that had kept WADA busy in terms of compliance monitoring: the potential framework for the consequences of non-compliance and the RUSADA matter. He wished to provide a brief update in relation to the ongoing development of the ISO-certified Code compliance monitoring programme. WADA had already developed an internal Compliance Task Force, which brought together representatives of the WADA departments and met every two weeks, and coordinated and directed the development of all activities in relation to Code compliance and the monitoring programme. The focus was on ensuring that WADA could work with the relevant signatory, address and resolve the issue and, if that was not possible, the issue was escalated to the independent Compliance Review Committee. The focus on collaboration and partnership was highlighted by the fact that, looking at

the NADOs declared non-compliant by the Foundation Board in November 2016, three (the Azerbaijani, Brazilian and Indonesian NADOs) had been reinstated and regained compliance, and that had also been the case for the Spanish NADO, which had been declared non-compliant in March 2016. That put WADA in the situation in which the only non-compliant signatory was currently RUSADA.

The Code compliance monitoring programme had been formally launched in a number of ways and means. Two of the main ways and means of doing so were the Code compliance questionnaire, which all IFs and NADOs had received from WADA on 20 February. There was a deadline for all ADOs to complete that questionnaire by 20 May. In addition to that, the audit programme had also been launched and a number of audits of ADOs had been conducted.

MR RICKETTS said that, in terms of background on the Code compliance questionnaire and signatory audit programme, it was certainly the most extensive evaluation that WADA had undertaken to date. It would give a good snapshot in terms of what was happening and where the gaps were. In terms of the monitoring programme, it responded to what everybody had been requesting for a long time, in particular the athletes, and it had been voted the number-one priority at the recent annual ADO symposium by the stakeholders. As mentioned, the two main tools being used to assess compliance were the Code compliance questionnaire and the in-person audit programme. WADA was also using other data sources: ADAMS and the Intelligence and Investigations Department.

In terms of the general principles and objectives of the programme, WADA was aiming for a structured, collaborative and objective process. It had all been ISO-certified, and WADA was seeking consistency and transparency and was open to feedback to continually enhance what was done. The main aim was to enhance global anti-doping programmes rather than set out to declare signatories non-compliant. That process was in place as a last resort. Those signatories requiring corrective actions would be given guidance and time to meet those requirements. That would achieve greater athlete and public confidence and, in turn, protect clean sport and clean athletes.

In terms of the questionnaire itself (the CCQ), it was an online web-based self-assessment tool. It had taken over two years to develop. It consisted of over 300 questions, and the number of questions to be answered would be subject to the level of programmes each of the signatories would be implementing. It had been sent out to 307 signatories, IFs and NADOs. WADA was focusing on those two sets of signatories as a starting point. It had gone out on 20 February and was due back on 20 May. WADA was assessing the 2016 programmes of signatories.

To give the members an idea as to the layout of the questionnaire, he showed them a screenshot of the testing and investigations section. There were seven categories at the top, containing various questions ranging from result management to TUEs, education and data privacy. WADA was also collecting information from ADOs on structure, operation and funding. It had built in a number of systems to make it user-friendly, and there were references to the Code and international standards so that users could see which part of the mandatory documents were referred to. There were also functionalities allowing or requesting signatories to upload documents. WADA was asking for documentation to be uploaded so as to be able to validate that the processes had been implemented. There was password protection, and people with different responsibilities could fill in the different sections.

In terms of the support provided to the signatories, WADA had tried to engage and keep everybody up to date during the development of the system and had provided a number of support activities. The first had been a core one, involving putting together a pilot group of IFs and NADOs of different sizes to help establish the actual questionnaire. There had been a group of around 20 signatories assisting WADA in developing the questionnaire and making sure that the questions could be understood. In addition, a draft questionnaire had been distributed in July the previous year to give people a heads up as to what was coming and enable them to start addressing the various areas before the official launch. A webinar had been run that year, with about 180 online participants, and further follow-up had been made available on the WADA website. The WADA website had been updated and a WADA workshop on compliance monitoring had also been held at the recent symposium. Internally, a support team at WADA had been set up to deal with any queries. A number of reminders had also been sent out to signatories one month out, two weeks out and one week out from the due date. There were only a few days to go and he would provide some statistics on the current situation. In addition, he thanked his colleagues in the regional offices who had been working hard, ringing around and e-mailing and working with their stakeholders to ensure that they logged on to and completed the questionnaire.

In terms of where WADA was as of that morning, the details could be seen on the screen. It had been sent to 307 stakeholders; to date, 286 signatories had registered, and 148 signatories were in

progress working on the questionnaire. In terms of numbers submitted, 124 had submitted the questionnaire. The previous day, there had been 70; overnight, 54 signatories had submitted it, so WADA was currently up to 40% submission. In terms of those that had no activity or contact, the figure was 38, of which 20 had not registered. That included one IF and 19 NADOs. Those that did not submit the questionnaire by the due date would obviously be in breach of the requirement under the Code to report on compliance and that information would go to the internal Compliance Task Force; they would receive a letter from that task force outlining that they had a further three months in which to complete and submit the questionnaire and that they had entered the non-compliance process of the programme.

In terms of what happened once the questionnaire was submitted, an internal team was conducting the review of those. Obviously, it would take some time to work through those and WADA would be acting on a priority basis. Any shortfalls detected after review would be put into a corrective action report, which would be issued to the signatory, and guidance would be provided in terms of how to address that shortfall. The timeframes for implementing those corrections were broken up into three categories: three months, six months or nine months, depending on the level of importance of the programme area that needed to be addressed by the signatories.

The information would of course be very useful in preparation for the audit programme that WADA would be running; that was another tool for WADA to assess compliance. There were obviously some limitations to the self-assessment process. The audit programme would allow WADA to look into signatories' programmes and implementation in more detail. Ten audits had been planned for 2017 on NADOs and IFs, and WADA felt that a higher level of audits should be conducted moving forward. Funding for a total of 30 audits had been put forward in the clean-slate budget for 2018, and that was around 10% of WADA signatories on an annual basis.

A pilot audit had been conducted with the new Kenyan NADO in December 2016. Work with them was ongoing and the NADO was busy working through the corrective actions in partnership with the Norwegian NADO.

There were several criteria that could trigger an audit, including the outcomes of the Code compliance questionnaire and if a signatory seriously breached the Code or the international standards. For Russia, for example, there would be an audit before Russia came back into compliance status. There were two other points on the screen that could also be used for the audit.

In terms of the delivery of the audits, they would be conducted by a mix of WADA staff and anti-doping experts from IFs and NADOs. They would be trained according to industry standards. The internal WADA staff had been trained and a small number of external experts would be trained the following month. The audits would be conducted in English and/or French and, where possible, in other languages if there were members of staff who could assist, but the reports would be in English and/or French. The team was usually a three-person one, carrying out two- to three-day audits, and of course the outcome would be an audit report, outlining any corrective action and best practices that needed to be implemented, as well as guidance on how to do that. In terms of assistance to ensure that the signatories fulfilled those corrective actions, a small symposium had been held in Norway the previous week, co-hosted by the Norwegian NADO and WADA and attended by a number of IFs and NADOs to look at ways to enhance cooperation and develop partnerships for IFs and NADOs to work together with their colleagues and organisations to address corrective action as part of the compliance process. He thanked the Norwegian NADO for its collaboration on that initiative. That completed the update; he would be happy to take any questions.

THE CHAIRMAN told the members that they would be able to see the complexities of having a compliance system based on delivery as opposed to a system based on rule approval. It was a huge piece of work and he congratulated Mr Ricketts. He hoped that Mr Ricketts' desk would be full the following morning with responses from those yet to respond.

DECISION

Compliance monitoring update noted.

- 9.3 Non-compliance

MR TAYLOR said that he had no further non-compliance to report.

THE CHAIRMAN thanked Mr Taylor.

– **9.4 Legal opinion to Article 10, sanctions on individuals – request from IOC**

THE CHAIRMAN said that the members would remember a request made in Glasgow by Mr Estanguet on behalf of the Olympic Movement to seek a legal opinion on a potential change to the Code.

MR SIEVEKING reminded the members that the IOC had made a request to WADA to look into the possibility of amending the Code and proposing that any athlete sanctioned with a ban of six months or more should be prevented from taking part in the next edition of the Olympic Games. Following the IOC request, WADA had submitted the proposal for an amendment to article 10 of the Code to Justice Costa, the former judge of the European Court of Human Rights whom WADA had already consulted during the course of the revision process leading to the adoption of the current Code. Judge Costa had reviewed the proposal and concluded that the amendment of the Code and inclusion of the provision as proposed by the IOC would lead to the imposition of disproportionate sanctions, and would also be questionable with regard to certain legal principles, in particular the principle of the personalisation of sanctions. The members had the full legal opinion in the report if they wanted to read it.

MR POUND said that he thought that the request as framed had been kind of tone-deaf, and he would be willing to try and rephrase something that might lead to a positive opinion. He would be happy to do that and send it in to Mr Sieveking and whoever was managing the file.

THE CHAIRMAN asked if Mr Pound was suggesting that WADA change the question.

MR POUND replied that he was suggesting a change to the question and the proposed draft Code changes.

THE CHAIRMAN suggested accepting that. There had been real sympathy for the suggestion around the table six months previously but, quite clearly, if it was going to cause a further legal nightmare, WADA would not want to go there. Perhaps Mr Pound and he could put their heads together later on this matter.

DECISION

Legal opinion noted. Further consideration to be given to the issue.

– **9.5 Potential World Anti-Doping Code review**

THE CHAIRMAN said that this point would be deferred. The Executive Committee the day before had agreed that the potential review of the Code required further study/analysis of what the extent of it might in fact include. WADA's Legal team would review this and provide a clearer picture at the next meetings in November.

DECISION

Item deferred to November 2017.

10. Intelligence and investigations

– **10.1 Investigations policy and framework**

10.1.1 Independent Supervisor

THE CHAIRMAN said that the members would be asked to approve a policy and an action under that policy.

MR SIEVEKING informed the members that, as explained in the papers, the Intelligence and Investigations Department at WADA operated independently from the rest of the agency within the limits of its budget. The policy was mainly about drafting a framework for the work; because of the independence, it had to have some control and safeguards, so the policy applied to all of its activities, encompassing different areas, investigative principles and process independence, finance, legal and audit. That was the main point of the document. To make sure there was control of the activity, the idea was to appoint an independent supervisor, who would audit the department once a year and submit an audit report to the WADA Executive Committee, and the outcome and conclusions of the report once approved would be made public on the WADA website.

MR GODKIN said that the public authorities understood the purpose of the document and supported it. It was largely for in-house purposes and enshrined a number of important principles. He made the point that there was still some outstanding work to be done in terms of developing the full investigations and intelligence framework and, on behalf of the public authorities, the further

work to be done on integrating the efforts, in particular with the NADOs (and he assumed the IFs but could not speak for them) in a truly global approach, so he just highlighted that and encouraged further progress to that, and he understood that an upcoming meeting in Lyon might assist with that process.

MR SIEVEKING said that he thought that the comment was for Mr Younger to answer.

MR YOUNGER responded that he fully agreed with Mr Godkin. There would be a very important meeting involving a selection of NADO and IF representatives, who would discuss the point of how to build up a strong network of investigators worldwide.

THE CHAIRMAN said that, subject to picking up on the point made about cooperation, were the members happy to adopt the policy? The Executive Committee had done quite a bit of work on it the previous day. One part of it was the appointment of an independent supervisor so there would be an outside influence to make sure that WADA adhered to its policy and that it worked properly. The name before the members was Mr Jacques Antenin, whose CV was in the members' files. He was a very experienced person with sport knowledge. Were the members happy to appoint him as the first independent supervisor?

DECISION

Proposed investigations policy and independent supervisor approved.

– 10.2 Speak Up! programme update

MR YOUNGER informed the members about the Speak Up! programme. It had started on 9 March and had been in operation over the past two months, during which time WADA had received around 60 cases. That also meant that WADA had taken the right step and the application had been accepted, because half of the cases had been reported through the website and half through the application. Doping and corruption cases had been reported, and some police matters that were not related to doping had been reported and had been referred to local authorities.

Since he had taken on the position in October the previous year and started registering all reported allegations, WADA had 150 cases pending in the department and, with the small team that WADA had, comprising two teams, one in Lausanne and one in Montreal, they ran one long-term project, six sophisticated cases and one global operation, and he could not go into more detail as they were still ongoing. Taking into account the actual resources at WADA, it was possible to follow up on around 12% of all reported cases. Since March, WADA had shared around 30 cases with partners, NADOs or IFs.

One of the biggest tasks would be that of establishing a strong network between investigators worldwide, and he was happy that a selection of very experienced investigators would be meeting at the Interpol headquarters in Lyons the following week to discuss how that would be set up.

The other part that the department was managing was whistleblowers, and he had separated that task in his department to avoid conflicts between whistleblower management and investigations. There was a manager of the whistleblowers (and that was currently him because of limited resources) who managed all of the informants and whistleblowers, and another person had access to the Speak Up! programme and nobody else. He took the responsibility very seriously and sought to treat everybody in the best possible way.

WADA would sign a memorandum of understanding with FairSport to support and promote and encourage whistleblowers to come forward. There were two roles for FairSport. The first was pre-investigation so, if they had an informant or whistleblower, they could forward that person to WADA and WADA would be solely responsible for that person. The second role was post-investigation so, if WADA had finished its investigation and the informant or whistleblower needed financial help or relocation help, WADA could forward the information to FairSport, only of course if the whistleblower gave consent.

He gave the members a flavour of how easy it was to use the application. When going on the website, users would see the 'report doping' button, would click on it, see the conditions and download options for the applications or submit a report on the website. Users would download the app; then, when it was there, would open it up, would be referred to the app, and then they could click on 'submit report', agree with the conditions and confidentiality, and then they could more or less put their message in the box and of course attach documents and videos and voicemail. They would click on 'send' and could provide contact details, which he recommended, because WADA always had questions. It was also recommended that users open a secure mailbox with a pin, so as to communicate henceforth in an encrypted manner and ensure that nobody would be able to see

such communication. WADA would get a message in the dashboard, would click on it to see all the information provided, and would usually answer every message. WADA often had questions, and he highlighted the dashboard of the whistleblower programme. Every message provided popped up immediately on his phone, and he made sure he could respond to all messages in due time. After sending a message, the informant could open up the secure box, see the message and, in order to answer, use the box underneath and could report and attach documents or videos, and then submit the report, and that was more or less how it worked. It was very easy to use and it seemed very easy to handle, and therefore he was very happy.

THE CHAIRMAN observed that it was clearly a very busy department. Members need only look at item 10.2 and the degree of activity that there had been already in a policy and a system that had started not so long ago. It was beginning to look to him as though WADA were heading clearly in the right direction.

WADA intended to enter into a memorandum of understanding with FairSport, represented by an old friend of his and the Olympic Movement, Mr Koss.

MR KOSS thanked WADA and the Foundation Board and management for working with FairSport to create the memorandum of understanding between WADA and FairSport. It had been established as a foundation in the USA and the UK in the aftermath of recent doping cases, during which it had been seen that whistleblowers were a critical part in solving and figuring out what was going on in doping. That was not to replace the efforts done by organisations already; it was to complement what was being done, and he congratulated WADA on its Speak Up! programme and the creation of the independent investigations within WADA, which were critical to success in terms of creating clean sport for athletes. FairSport was an independent group; it was privately funded, and intended to support whistleblowers in the pre-investigation process, during which individuals would go to it for support, or post-investigation, when the whistleblowers had been identified by WADA. That was critical. He felt that his organisation could help independently with legal advice, and it had a network of law firms around the world which would help individual athletes or entourage coming forward. It also provided financial aid in cases in which it was necessary, and potential media support if necessary. There were elements to that in the WADA whistleblower policy, that whistleblowers could not go to the media, so they could maintain whistleblower status within WADA. At certain times, there were media requests and his organisation tried to help as much as possible. That was pure support to the individuals coming forward. In addition to the memorandum of understanding with WADA, his organisation intended to sign with NADOs as well, individually around the world, and that process would be based on the agreement with WADA. In addition, his organisation was working on an athlete education programme to use the information, which was important for the support of individuals as well as the whole community of clean athletes, so he was very proud to be working with Ms Scott and her WADA Athlete Committee, both in terms of the charter of athlete rights and potentially with the forum, and mobilising not only athletes who were already organised but also athletes outside the system who wished to speak up in relation to what was going on.

The last thing he wanted to mention was that a film was coming out called 'Icarus'. It had won the Sundance Film Festival award, and had been created to promote understanding of what was happening in sport. It was to be launched on Netflix on 4 August worldwide, so he recommended that people working in anti-doping get ready for it, as it would provide a lot of information about Mr Rodchenkov's experience and life and the latest Russian doping cases. That was the focus of the film. People who had seen it had said it was a pretty interesting film. FairSport would be a beneficiary of the surplus coming from that film. Other than that, it was totally independent and had nothing to do with it as a foundation. Around the table were a lot of heroes in the film, including the President, Mr Niggli and Mr Pound.

THE CHAIRMAN noted that FairSport was another development in the anti-doping community to help whistleblowers and members had a good opportunity to talk to Mr Koss and find out how it was going to work. The recommendation had clearly come from Ms Scott and Mr Younger that there would be a benefit in terms of some form of arrangement or memorandum of understanding, which WADA would be signing shortly.

He thanked Mr Younger and appreciated being able to go through quite a lot of activity in a busy department so quickly, and one needed only to look at the statistics in the report to see how much work was being done by Mr Younger and his department.

DECISION

Speak Up! programme update and
Intelligence and investigations report
noted.

11. Legal

MR SIEVEKING said that he would be happy to take any questions on his report.

DECISION

Legal update noted.

12. Standards and harmonisation

– 12.1 2018 Pyeongchang Olympic Games Task Force update

MR RICKETTS picked up on one point raised earlier by Ms Scott in her Athlete Committee report about the mandatory use of ADAMS. In particular, the members who had been at the Foundation Board meeting in May 2016 had made an important decision about the entry of doping control forms into ADAMS in 15 business days. WADA had followed that up quite meticulously and, at that point for the 2016 period, WADA was over 90% in terms of entry of doping control forms. In 2015, that had been 56%, so there had been a considerable jump, and that was also part of the compliance monitoring programme he had mentioned earlier on.

The Pyeongchang Olympic Games Task Force was a project being set up on the back of the success of the pre-Rio 2016 testing and intelligence-gathering task force. In preparation for the Olympic Winter Games in February 2018, the IOC had asked WADA to assist it in setting up a similar task force to the one put in place for Rio. The pre-Rio task force had consisted of six NADOs, whose role had been to undertake a gap analysis of all the top-ranked athletes in high-risk sports leading into the Olympic Games, and that had resulted in a number of recommendations made to the IFs and NADOs to test certain athletes or test for specific types of prohibited substances. The outcome had been 15 adverse analytical findings and 15 athletes prevented from competing in Rio, so it had been considered quite a success.

For the Olympic Winter Games, a select group of NADOs had been approached and shown interest in participating, and an introductory meeting had taken place with them earlier that year, as well as a separate meeting with the IFs. The IOC and WADA would also be members of the task force, and the IOC had appointed the Doping Free Sport Unit as the secretariat, to be responsible for the majority of administration of the gap analysis he had mentioned earlier. There had been a meeting during the lunch break to progress the matter, and WADA was close to signing an agreement together with the IOC and DFSU. WADA would then reach out to the winter IFs and NADOs to outline the role of the task force and the assistance that would be needed from each of the ADOs to ensure that a minimum level of testing took place on the athletes. He was confident that the work of the task force would provide an additional layer of protection for clean athletes and he looked forward to the NADOs and IFs supporting that.

THE CHAIRMAN said that WADA thought it really important that the task force work extremely well in the lead-up to the next edition of the Olympic Winter Games.

DECISION

Standards and harmonisation and 2018 Olympic Games Task Force update noted.

13. Regional Offices

– 13.1 European/International Federation Relations - Lausanne

13.1.1 2007 annual Anti-Doping Symposium report

THE CHAIRMAN asked Mr Cohen, who ran the Lausanne office, to speak briefly about the success of the symposium and what would be done the following year.

MR COHEN said that the success was mainly due to the work of the entire WADA team. There had been 750 participants, compared to about 550 the previous year, so it was a great increase, and he thought that was positive, to gather during the biggest annual event in the anti-doping community. For the first time, governments had been invited to participate, and there had been more than 50 government representatives. Hopefully, the following year, there would be even more governments participating.

The symposium would be held from 21 to 23 March the following year. It had been slightly postponed to accommodate the people attending the Paralympic Games in Korea. Hopefully, everybody would be able to attend the following year.

The event had been marked by Russia, but many other themes had been discussed and he encouraged the members to look at the documents, which included PowerPoint presentations with most of the outcomes of the discussions that had taken place during the symposium.

THE CHAIRMAN said that how to improve on the symposium even further had been discussed the previous day at the Executive Committee.

MR INFANTE said that he was the minister for sport in Panama and represented 28 countries from Latin America, Central America and the Caribbean. He was very pleased to attend the Foundation Board meeting for the first time, and he welcomed the decisions adopted to work in favour of clean sport. There were two RADOs in his region, the Central American and Caribbean, which did a very good job with WADA's support, for which he was grateful. He highlighted the work of the region, in particular its cooperation with all government and sport movements, as they had established an excellent working relationship based on modesty and respect for differences. He thanked Ms Pesce for her help. He highlighted the importance of educating the region on such a technical issue, and how important it was that those working for NADOs be better trained to fulfil their responsibility. That was why Panama would be hosting its second seminar on anti-doping science and technology in 2018, targeting all countries in Latin America. He thanked WADA and assured the members that it would be a great success. Long live fair play!

THE CHAIRMAN said that he looked forward to sharing in what he was sure would be a success in Panama the following year.

MS ROLDAN echoed the words of the previous speaker. She was minister of sport in Colombia and congratulated WADA on the magnificent event in Lausanne. She thanked Ms Pesce, who was a great interlocutor and worked well with all the countries in South America. On behalf of CONSUDE, she wished to congratulate WADA on everything being done in the field of education, which was the cornerstone of WADA's work. That was something also being done in the region, with children and young people through activities in school events, and it was the basis for future athletes. She thanked WADA very much.

THE CHAIRMAN thanked Ms Roldan for her kind words.

- **13.2 African – Cape Town**
- **13.3 Latin American - Montevideo**
- **13.4 Asian/Oceanian - Tokyo**

DECISION

Regional office reports noted.

14. Government relations (including UNESCO)

MR BOUCHARD said that he would be very brief, and the details were included in the documents. He would insist on the main activities conducted over the past few months and he would talk essentially about the fact that WADA had attended and participated in a number of ministerial meetings, in Europe in December, and in the Dominican Republic. The following week, WADA would be moving forward with the 14th Asia and Oceania intergovernmental ministerial meeting to be held in China and, towards the end of June, WADA would be participating in the African anti-doping forum. WADA would do that because it helped communicate WADA's priorities and its role as a global regulator with governments and enabled WADA to listen to the needs and issues faced in the different regions of the world, strengthening the government commitment to the fight against doping in sport. Again, details were in the documents.

The second activity on which he had wanted to report was activities conducted with intergovernmental organisations such as the Council of Europe. WADA had signed a memorandum of understanding with the Council of Europe, but also conducted activities with UNESCO, and had done so over recent years, in terms of inciting states parties to ratify the convention and also helping with the implementation of the convention. It was a busy year for UNESCO that year, with the MINEPS VI, and the conference of parties for the convention. His guest would be talking about the upcoming conference of parties in September in Paris.

MR DALLY thanked the members for their very fruitful cooperation with UNESCO. Certain points had been mentioned by Mr Bouchard. He asked the members to refer to document 14, which explained what he would be talking about, but he wished to focus on some of the more important points. In terms of ratification, it was not a panacea to have reached 185 states parties; that was an essential step but, when it came to applying the convention, he reminded the members that 2017 was the 10th anniversary of the convention's entry into force and, looking back, it was possible to

see what had been accomplished since ratification. Since then and the entry into force of the UNESCO convention, the states parties had not had some of the tools currently available that would have helped them; the modus operandi that would have sped up progress among the public authorities might have helped progress more quickly. On substance, the current economic model had proven that it worked.

In terms of voluntary contributions, was that still something that worked well or should that be reviewed? That applied to WADA as well as to UNESCO and all the stakeholders.

As of the following December, UNESCO would start its assessment, which would end in July 2018, to review all provisions underlying the convention and examine, based on WADA's experience and how signatories had contributed to WADA's budget. In reviewing all that, it would be possible to take a different direction.

In terms of the conference of the parties, there had been issues and challenges in the past, and the members knew what he was referring to. That year, there would be a crucial issue, state doping, which was a major challenge; it had never previously been considered and was a new facet to doping, so UNESCO would have to look further. He did not have the full details as to how that would be tackled because state doping was in the hands of a panel of experts appointed by the conference of parties who were assessing a country that would remain nameless.

Compliance had also been looked at. In relation to Mr Pound's comment, the matter should be looked at in greater depth. What WADA did in terms of compliance was one thing, and the UNESCO convention was something else, given the legal nature of the two, and the fact that there were institutional differences. He referred to the system used to help states carry out their self-assessments. They sent in reports, usually every two years. Until 2013, the reports would have been submitted but not debated, just there for information. As of 2014, UNESCO had been carrying out a more detailed analysis to see where progress had occurred and what remained to be done. That was quantitative when measuring results. When a state party submitted a report through the conference of parties, it was necessary to evaluate whether or not it had reached 60% of what the state had been supposed to put into effect. UNESCO had been able to examine only two things. It should go beyond the current framework, the basis of the convention, and it would be up to the Foundation Board to submit to the next conference of parties the most relevant approach to enable UNESCO to do what he had just said. The secretariat could do things but needed reference points, and then it would be possible to go beyond the self-assessment method.

At UNESCO, the government aspect had also been looked at and a report would be submitted the following September. There had been an independent external assessment carried out. He asked the members to get in touch if they wanted to find out more about that.

In relation to the bureau, a new process had been started. Once the conference of parties had ended its activities, nothing had happened between the sessions, meaning that there had been a void, which had been of some concern. As long as there was no conference of parties, no activities had been carried out showing what UNESCO was doing in relation to the convention. In 2015, there had been an amendment to the rules of procedure, making UNESCO more dynamic and enhancing cooperation with representative parties. The members would see the report on activities undertaken by the bureau on the website.

A tripartite meeting had been requested by the IOC, and would take place at UNESCO as agreed upon with the president of the IOC. The IOC had wanted to see together with WADA and UNESCO what might be identified as progress in light of all the challenges that affected the credibility of sport.

He would not spend time on the Russian matter; things were happening and a report would be submitted to the conference of parties for consideration. He would be happy to answer any questions the members might have.

THE CHAIRMAN thanked Mr Dally. Were there any questions for Messrs Bouchard or Dally?

MR GODKIN noted that one of the discussion items at the recent conference of parties bureau meeting had in fact been the status of the UNESCO-led report on Russia and it had been mentioned in passing but, given the interest in the room, he wondered if there might be more elaboration on what that status was.

MR PENGILLY said that he would be grateful if Mr Dally could identify the normal sources of funding for such visits and identify the source for that visit. A recent news report had claimed that UNESCO stood against collective sanctions for athletes as a last resort. Had UNESCO actually taken a position on that, which seemed to be contrary to the desire of the public authorities around that table?

MR DALLY responded to the questions. He would not belabour the point and talk about the issue already raised. It would be done by the bureau of the conference of parties. Since 2015, there had been an established practice, known as the policy advice project, which meant that UNESCO looked at compliance with the convention and the reports received from the countries. France, Brazil, Kenya, Romania, Jamaica, Saudi Arabia and Spain had been looked at. The report on that particular assessment was part of what was in the report and could be seen on the website. In relation to the 2015 assessment, the bureau had sought to be consistent and the same terms and conditions had been used for the Russian Federation. Based on a report submitted by WADA, UNESCO had become aware of the matter, and had then carried out the assessment. The consultants' report would be submitted on an interim basis; only bureau members would see it and make comments and then the final report would be submitted to the conference of parties in full sovereignty.

In terms of sanctions against athletes, he did not know that UNESCO had taken such a position, but he would appreciate it if Mr Pengilly could let him know where he had seen the information.

THE CHAIRMAN said that he was the third party in the tripartite meeting with the director general and the IOC president that Mr Dally had mentioned. He looked forward to that and looked forward to seeing Mr Dally at the conference of parties in September and thanked him for attending the Foundation Board meeting.

DECISION

Government relations update noted.

15. NADO/RADO relations

MR KOEHLER informed the members that the documents were in their files. He would not go into any detail, but would be happy to entertain any questions.

Two weeks previously in Norway, WADA and the Norwegian hosts had brought together some IFs and NADOs to talk about how to work closer in international cooperation, recognising that some corrective action would be required as a result of the enhanced compliance programme. It had been recognised that the IFs and NADOs and governments needed to ensure that they made international cooperation a priority. It had also been agreed that all organisations should be putting aside budget to work to assist in raising the quality of anti-doping globally and through partnerships, enhancing the confidence of athletes and the public in the anti-doping movement. The partnerships could involve NADO-to-NADO, RADO-to-RADO, IF-to-IF and NADO and IF partnerships. There were key benefits: the group had said that it would help increase the quality of fair competition, promote best practices in the field of anti-doping, enhance anti-doping practices, open the borders and ensure that people could work together, enhance ADO competence and, finally, provide professional development for anti-doping staff. A full report of the meeting would be made available on the WADA website. Those were the key highlights.

DECISION

NADO/RADO relations update noted.

16. Anti-Doping Administration Management System (ADAMS)

MR DONZÉ said that the members had a very comprehensive report in their files, so he would not go into any detail. He would be happy to answer any questions, as would Mr Kemp, who was leading the ADAMS development work in collaboration with the IT Department.

DECISION

ADAMS update noted.

17. Communications

MS MACLEAN said that she was pleased to inform the members that the Communications Department was enjoying a relatively lighter tempo than it had been one year previously. That had afforded her team the opportunity to dedicate a little bit more energy to the overarching communication strategy, in particular in relation to stakeholder engagement, digital footprint, corporate communications and athlete relations.

In relation to athlete relations, WADA had its Athlete Committee under the steady leadership of Ms Scott, and the committee was the unified voice of clean athletes worldwide, encouraging integrity and fairness for sport and athletes. Aside from the Athlete Committee, WADA primarily reached athletes through IFs and ADOs, with which it partnered to inform athletes and promote programmes. There were, however, two direct routes to reach athletes: digital channels such as Facebook and Twitter and other platforms, and the WADA outreach activities carried out at major sporting events

throughout the world, which were key for raising awareness about clean sport in a fun and interactive manner. For example, WADA would be partnering in July with the IAAF and the anti-doping agency in Kenya to deliver outreach for the IAAF world under-18 championships in Nairobi, Kenya. In September, WADA would be partnering with FISA for its world championships in Sarasota, Florida and, in 2018, would be front and centre in the athletes' cafeteria during the Pyeongchang Olympic and Paralympic Games. She wanted to show a video that promoted the latest athlete outreach campaign, launched at the annual symposium in March, built on WADA's tag line, Play True, to be leveraged during the events she had just mentioned, as well as at other events over the coming years. She believed that WADA had built a positive campaign by asking athletes to name and share why they chose to play true.

THE CHAIRMAN thanked Ms MacLean, and said that the most recent Play True campaign had been launched at the symposium in Lausanne in March.

DECISION

Communications update noted.

18. Any other business

19. Future meetings

THE CHAIRMAN congratulated all the members on their work. They were long days and there was a balance between the quality of information given in the papers beforehand and the members' willingness to debate it. He thought that Mr Niggli and he needed to sit down and work out how to conduct these long and difficult meetings. Anybody who had bright ideas was asked to share them. He paid tribute to Ms Withers and the staff in relation to the quality of the paperwork received, which was absolutely outstanding, and he was particularly grateful to the last two speakers who had mentioned how much they learned from the information provided. He thanked the audiovisual staff and the interpreters, and he was going to embarrass Maria Tosaj, who he thought had been an interpreter at all of the WADA meetings and had decided to retire, and he wished her every possible happiness. He congratulated all the WADA team for everything done. He wished the members a safe trip home and looked forward to seeing them all again in Korea in November that year.

DECISION

Executive Committee – 24 September 2017, Paris,
France;

Executive Committee – 15 November 2017, Seoul,
Republic of Korea;

Foundation Board – 16 November 2017, Seoul,
Republic of Korea;

Executive Committee – 16 May 2018, Montreal,
Canada;

Foundation Board – 17 May 2018, Montreal, Canada.

The meeting adjourned at 4.15 p.m.

FOR APPROVAL

SIR CRAIG REEDIE

PRESIDENT AND CHAIRMAN OF WADA