



## **Minutes of the WADA Foundation Board Meeting 18 November 2015, Colorado Springs, USA**

The meeting began at 8.30 a.m.

### **1. Welcome, roll call and observers**

THE CHAIRMAN welcomed the members to the Foundation Board meeting of the World Anti-Doping Agency. He was grateful to all of them for making the journey to Colorado Springs. It was nice to see the sun shining, even though it had not been shining one day previously. He also acknowledged the presence of a number of members of the media. Those meetings had, by tradition and practice, always been open meetings, and he thought that was a healthy thing.

He started by acknowledging that those were very troubled times. One of the leading volunteers who chaired the Health, Medical and Research Committee, Ms Valérie Fourneyron, who was a deputy in the French Government, could not be with the members. He thought it entirely appropriate to ask the members to stand in silence for a moment in memory of those people who had been attacked in Paris.

At the previous morning's Executive Committee meeting, a report had been received from a small working group charged with advertising and eventually appointing the new WADA director general, who would take over from Mr Howman when he retired in June the following year. He was pleased to announce that Mr Niggli had been appointed and would be WADA's new director general in the fullness of time. He congratulated Mr Niggli.

At the opening, he acknowledged the presence of two new ministers: Mr Tomioka from Japan and Ms Qualtrough from Canada. They were both very welcome and he looked forward to working with them.

THE DIRECTOR GENERAL noted apologies from the Vice-President, Dr Stofile; Mr Louembe from Gabon; Dr Konbaz from Saudi Arabia, who had taken ill the previous evening; the Chairperson of the Health, Medical and Research Committee, Ms Fourneyron; and the Chairperson of the Athlete Committee, Ms Scott. Ms Fourneyron and Ms Scott would, however, be phoning in to the meeting during the day to present their reports to the Foundation Board.

The following members attended the meeting: Sir Craig Reedie, President and Chairman of WADA; Ms Nicki Vance, representing Mr Toni Pascual, Chairman, IPC Anti-Doping Committee; Dr Richard Budgett, representing 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; Mr Christian Thill, representing 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 Andrew Ryan, representing Dr Tamás Aján, Member of the IOC, President of the IWF; Professor Ugur Erdener, Member of the IOC, President, World Archery; Mr Francesco Ricci Bitti, Chairman of ASOIF; Mr Matteo Vallini, representing Mr Gian Franco Kasper, Member of the IOC, President of FIS; Mr Anders Besseberg, President of the IBU; Ms Claudia Bokel, 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 Todd Nicholson, representing Mr Tony Estanguet, IOC Member and IOC Athletes Commission Member; Mr Alexandre Husting, representing Mr Romain Schneider, Minister of Sports, Luxembourg; Ms Lucienne Attard, representing Mr Chris Agius, Hon. Parliamentary Secretary for Research, Innovation, Youth and

Sport, Republic of Malta; Mr Philippe Muyters, Flemish Minister for Finance, Budget, Work, Town and Country Planning and Sport; Ms Gabriella Battaini-Dragoni, Deputy Secretary General, Council of Europe; Mr Pavel Kolobkov, Deputy Minister of Sport, Russian Federation; Mr Redwan Hussien, Minister of Youth and Sport, Ethiopia; Mr Thapelo Olopeng, Minister of Youth, Sport and Culture, Botswana; Mr Michael K. Gottlieb, National Program Director, White House Drug Policy Office, Executive Office of the President, USA; Mr Pablo Squella, representing Ms Natalia Riffo, President, CONSUDE; Mr Juan Figueroa Acevedo, representing Mr Ramón Orta Rodríguez, President of CONCECADE; Mr Tsutomu Tomioka, State Minister of Education, Culture, Sports, Science and Technology, Japan; Mr Young-soo Kim, representing Mr Chong Kim, Vice Minister, Ministry of Culture, Sports and Tourism, Republic of Korea; Mr Yingchuan Li, Assistant Minister, General Administration of Sport, China; Mr Andrew Godkin, representing Ms Sussan Ley, Minister for Sport, Australia; Mr Justice Warwick Gendall, representing Dr Jonathan Coleman, Minister for Sport and Recreation, New Zealand; Ms Carla Qualtrough, Minister for Sport and Persons with Disabilities, Canada; Mr Edwin Moses, Chair, WADA Education Committee; Mr David Howman, WADA Director General; Mr Tim Ricketts, Standards and Harmonisation Director, WADA; Mr Rob Koehler, Senior Director, Education and NADO/RADO Relations, WADA; Ms Catherine MacLean, Communications Director, WADA; Dr Alan Vernec, Medical Director, WADA; Mr Olivier Niggli, Chief Operating Officer and General Counsel, WADA; Mr Kazuhiro Hayashi, Asia/Oceania Regional Office Director; Ms Maria José Pesce, Latin America Regional Office Director; Mr Frédéric Donzé, Director of the European Regional Office and IF Relations, WADA; and Mr Rodney Swigelaar, Africa Regional Office Director.

The following observers signed the roll call: Tetsuya Kimura; Ayako Ito; Yaya Yamamoto; Rafal Piechota; Sergey Khrychikov; Ichiro Kono; Takeshi Miyazawa; Asakawa Shin; Tatsuya Sugai; Mami Sukaraoka; Keiko Uchitani; Graeme Steel; Louise Barton; Alimzhan Akayev; Togzhan Khamzina; Akhmetov Valikhan; Serik Kaskabassov; Falcon Sedimo; Solly Reikeletseng; Peter Mongwaketse; Marcellin Dally; Joe Van Ryn; Natalia Zhelanova; Trent Dimas; Pirjo Ruutu; Andrea Gotzmann; Mathias Merschhemke; Valérie Amant; David Kenworthy; Kate Mittelstadt; Joseph de Pencier; Kari Tolliko; René Bouchard; Erik Johannesson; Azmi Mahafzah; Kamal Hadidi; Chen Zhiyu; Jiang Zhixue; An Vermeersch; Katherine Umbach; Darrin Steele; Max Cobb; and Spencer Harris.

#### – **1.1 Disclosures of conflicts of interest**

THE CHAIRMAN asked the members if they had a conflict of interest on any item to be discussed on the agenda.

MR KOLOBKOV noted a possible conflict of interest if he were to take part in the discussions under items 3.1 and 10 of the agenda. He asked the Chairman to give him the floor to present the position of the Russian Government regarding the report of the Independent Commission.

THE CHAIRMAN thanked Mr Kolobkov and acknowledged the declaration of a conflict of interest. Of course he would give Mr Kolobkov the floor at the appropriate time in the meeting.

## **2. Minutes of the previous meeting on 13 May 2015 in Montreal**

THE CHAIRMAN drew the members' attention to the minutes of the previous Foundation Board meeting, held in Montreal on 13 May 2015. The minutes had been circulated, and everybody seemed to believe that they were a true record of what had happened on that day. If that was the case, they could be approved.

## DECISION

Minutes of the meeting of the Foundation Board  
on 13 May 2015 approved and duly signed.

### **3. Director General's report**

THE DIRECTOR GENERAL informed the members that his report for that meeting included the report he had made to the Executive Committee in September for the benefit of those Foundation Board members who had not seen it, and he updated it verbally in a number of areas, the first being UNESCO. WADA had been part of the UNESCO conference of parties convened in Paris at the end of October. The Vice-President had delivered a keynote speech to the forum, and he had delivered a long presentation on the WADA activities that had occurred since the previous conference of parties in 2013. A number of interesting questions from states parties had been fielded, including efforts to be made by governments to deal with members of the athlete entourage who had violated WADA's rules, but also more general questions in relation to the scourge of doping more generally in society. People felt that it was developing away from just an elite sport issue to one of public health. There would later be a presentation from Mr Marcellin Dally, the chief manager at UNESCO, regarding UNESCO's point of view on the outcomes of the conference of parties. He advised the members that a compliance programme had been conducted, and outcomes had been achieved, and he was sure that Mr Dally would cover those later.

The director general of the WCO was to visit Montreal the following week to meet him. WADA was still looking for an appropriate secondee from the governments to work with the WCO in Brussels. There had been some encouraging meetings with the French Government and he was hopeful that those would develop into a role similar to that played at Interpol.

He had mentioned in his report two NADOs which he felt required some attention. Mr Koehler, the director in charge of NADOs, had a more detailed report to deliver later covering a number of agencies being helped, but the two he had highlighted were Brazil and Kenya. His report on Brazil was self-explanatory, and the country would be covered more thoroughly later on by Mr Bouchard, the Chairperson of the Compliance Review Committee. It was important for him to make sure that members understood that testing was going on in Brazil in a compliant fashion, so Brazilian athletes were currently subject to appropriate testing carried out by the NOC and the NADO in Brazil.

Kenya was a little concerning and, as far as WADA was concerned at management level, the WADA internal task force had written to formally request from Kenya answers to a series of questions. That was part of the compliance process approved earlier that year and, if those answers were not satisfactory, the matter would be referred to the Compliance Review Committee for consideration. He was encouraged by recent media reports that indicated that the Kenyan cabinet had approved rules in relation to a NADO and had in fact committed a reasonably large amount of money to the organisation. He did not know whether that had actually been carried out and awaited a response to the letter sent to the authorities.

In relation to the major leagues, WADA had been unable to have the meetings anticipated with their representatives in New York in November due to other activities that had taken up some time, but had reconvened those meetings for February the following year in New York. WADA would meet with the NHL, the MLB and the NFL.

Food contamination remained of concern to WADA. WADA was partnering with the health department and the NADO in Mexico to carry out research into the consumption of meat in that country because, in many farms, animals were being injected with clenbuterol. The aim was for

the research to achieve an outcome whereby it would be possible, for any sample testing positive for clenbuterol in that country, to distinguish between food contamination and direct ingestion of the substance.

National federations remained of some concern to WADA and WADA was working closely with IFs in respect of the matter. There were only some NFs that caused some difficulty and they were those that were acting autonomously without following the rules of the IF. That caused some issues for WADA in the result management process because, if WADA wished to appeal a decision taken by a NF, it was sometimes not Code-compliant and therefore impossible to pursue. WADA was looking for an appropriate solution; the management had some ideas that it would table in May, and it was looking to further its work together with the IFs.

In relation to his report, there was an additional matter on the Independent Observer reports that had been published for three continental events: the European Games, the All Africa Games and the Pan American Games. The reports had been published following discussion with the organising committees. The members would see that there were difficulties in relation to one event, the All Africa Games, which was run by the African Union and not the Olympic confederation. The authorities had promised that they would attend to the issues so that the next event would not be subject to the difficulties experienced at the previous one.

In relation to the decisions taken by the Executive Committee the previous day, he referred first to the decisions taken by the committee in September. They were in his report. The first decision related to the request made of the management to prepare criteria for the directing of immediate investigations. A list of criteria had been approved by the Executive Committee the previous day and would be circulated to all the members in due course.

The second decision taken related to the translation of the WADA meeting minutes. It had been costing something between 30,000 and 40,000 dollars a year to have the minutes translated into French and, following discussion at the Executive Committee meeting, it had been agreed that, rather than translating the minutes, WADA would publish a transcription of the recording of the interpreters. That would be made available for people to see the transcript in French, and that would cost between 3,000 and 4,000 dollars a year, representing a considerable saving for WADA.

Approval had been given to the establishment of a Remuneration Committee following a recommendation by the Finance and Administration Committee. The committee had been established accordingly.

Three social science projects had been approved for some 206,000 dollars and the remainder of the social science grant (about 93,500 dollars) would be committed to targeted research in 2016.

There had been an approval to amend the ISTUE, and that related to the standard of proof required in TUE cases and had come as a result of a CAS decision late the previous year in which the tribunal had suggested including it in the standard. The proof itself would be the balance of probabilities.

A technical document had been approved in relation to result management for the Athlete Biological Passport, and there had also been amendments to the TDSSA approved by the Executive Committee.

There had been several other issues on the agenda the previous day that were the subject of recommendations to the Foundation Board. They would come up during the day.

There were two other items that had been raised under his report the previous day, the first being the correspondence from the IOC in relation to independent testing for sport. The Executive

Committee had decided that further fact finding was required to determine the scope of the proposal and, as a result, WADA and the IOC and representatives from the IFs would establish a small working group to define the issues requiring a feasibility study and look at the necessary terms of reference of the proposal for independent testing. The group would provide a report including more detailed terms of reference for discussion in May the following year.

The other item related to the report received from the Independent Commission. The Executive Committee had discussed the 18 recommendations with respect to WADA from the Independent Commission report. All those recommendations had been accepted by the Executive Committee as being issues to be fully addressed by WADA. Some had already been implemented, others were in progress and others would be dealt with later that day. In particular, the Executive Committee had decided that WADA would review and update its whistle-blower assistance and protection policy, and increase its human and financial resource to engage and adequately manage international investigations. The recommendations in relation to compliance had been adopted and the independence of the Compliance Review Committee and its processes confirmed. Other recommendations relating to the implementation of the report's findings were in progress and would be the subject of management action going forward. That completed his report and the issues raised the previous day. He would be happy to receive questions and comments on those.

THE CHAIRMAN apologised to Mr Li from China. He should have included his name earlier as a new member and he was most welcome.

The Chairman of the Independent Commission was present and he would ask him to introduce that element separately, so he asked the members for questions on the other parts of the Director General's report.

MR THILL updated the members on the status of the legislation changes required under Brazilian law. The IOC and the organising committee were also involved in the process, supporting directly within the Brazilian Government the efforts made by WADA. Notwithstanding the item on compliance later on, he was pretty confident that the Olympic Movement and all parties involved realised the importance of resolving that and the potential consequences if it were not resolved.

PROFESSOR ERDENER referred again to the UNESCO convention. The Olympic Movement had seen very little progress in terms of the adoption of Code-compliant legislation. He really wondered whether UNESCO was the right forum to achieve the objectives of the Code, or could the public authorities help? In his opinion, tremendous efforts were still necessary in relation to concrete implementation of the convention, in particular by adopting relevant and efficient legislation, which must be in line with the Olympic Movement and WADA's expectations under the Code.

MR POUND asked a question that arose out of the clenbuterol issue. As he understood it, clenbuterol was a banned substance. Why did WADA care how it got into the system, whether it came through a cow or directly? It was there and whatever advantage thought to be avoided by putting it on the List still existed.

His second point had to do with the French translation of the minutes. He hoped that the management had consulted with the Canadian, Quebec and Montreal authorities on that, because it was a big issue in Canada. Funding was dependent on there being publications in both languages and he did not want WADA to step on a landmine unnecessarily.

MR TOMIOKA thanked the Independent Commission for its investigation. In October, he had been appointed State Minister for Education, Culture, Science and Technology and State Minister for the Tokyo Olympic Games and Paralympic Games. He understood that, following the findings

of the investigation by the Independent Commission, the IAAF had made a hard decision to temporarily suspend Russia and, with the Moscow laboratory suspended temporarily as the WADA-accredited laboratory, a proposal was being made by the Compliance Review Committee to the Executive Committee and Foundation Board to declare Russia non-compliant. It was necessary to look carefully at future developments made by Russia towards improvement. He would be interested to hear Russia's side at the meeting of the Foundation Board. In order to eradicate organised doping, he believed it necessary to further reinforce WADA's system by building more cooperative relationships with IFs, governments and NADOs. Doping in sport not only damaged the spirit of fair play and the integrity of sport, but also damaged the health of athletes. Doping in sport should never be allowed. As the host nation of the 2020 Tokyo Olympic Games and Paralympic Games, Japan intended to continue to work to further advance sport by supporting the international efforts to protect the integrity of sport, including WADA and its anti-doping activities.

MS BOKEL said that her comment was to partly answer Mr Pound's question about food contamination. It was of extreme importance for clean athletes. There was the risk of food contamination as well as the risk of contaminated nutritional supplements, and it was important to catch the real cheats and not those who had taken something inadvertently.

DR BUDGETT welcomed the creation of the working group for independent testing as requested at the Olympic Summit on 17 October, and in fact the IOC was taking the first step in that direction with an agreement with WADA to create a group that would process intelligence and information so that, in the lead-up to the Olympic Games in Rio and at the Olympic Games themselves, testing would be more effective and intelligent.

MR MUYTERS said that, on the same issue of the proposal made by the IOC to consider an independent testing agency, Europe wished to make some remarks. First, Europe expressed its gratitude for the proposal. It was not WADA that should do the testing. WADA's tasks were setting rules and monitoring them. Europe asked for clarification on how intelligence and testing functions would be combined in a new agency. It asked whether funding could be ensured by the sport movement, and finally recommended taking into account the experience and expertise of the NADOs.

MR PENGILLY said that he had a comment, question and request regarding Kenya. Athletes had been talking about it for some time and were encouraged to hear that the Kenyan Government was making progress after many delays. When would the compliance questionnaire be returned to WADA? From an Olympic Movement perspective, he requested that it be given the attention and resources that it deserved.

MR RICCI BITTI commented following the remarks made by the Belgian minister. As a member of the Olympic Summit, he welcomed the analysis and proposal to have a better doping system. He had heard that WADA should take advantage of the experience of NADOs. Undoubtedly, it should; but he returned to what his colleague Professor Erdener had said. The Olympic Movement welcomed the progress made by the NADOs; unfortunately, there were very few NADOs that were effective. The UNESCO convention was a tool, but more was needed from the governments. There was a lack of legislation. More NADOs had to be effective. Some were, but, obviously, that was why the considerations and self-assessment were being made. He considered that the experience of the NADOs and cooperation between the IFs for the top athletes and the NADOs were vital for the progress and effectiveness of the anti-doping system.

THE DIRECTOR GENERAL responded to the questions and comments as they had been delivered. He told Mr Thill that that was a matter that would come up later in the day in the Compliance Review Committee report, so he would not make any further comment on that.

He told Professor Erdener that he had heard him many times in relation to issues concerning the UNESCO convention. He was sure that the governments could respond to some of those but, when Mr Dally reported later in the day, he would be able to cover the issues relating to compliance and the way in which the governments were dealing with their responsibilities under the treaty itself. There had been a compliance report, and he guessed that close to 150 countries had been involved, and a decision had been taken by the conference of parties that the director general of UNESCO would write to those that she felt were not adhering to the compliance process.

He told Mr Pound that the issue of clenbuterol and contaminated food had been on the agenda for at least three, if not four, years. The reason for that was that a junior football event had been convened in Mexico and there had been some 51 positive cases from that event, and all had been traced back to contaminated meat through analysis of the meat ingested by those young players. It had been felt that, rather than putting all those players and teams through a result management process, which might have meant provisional suspension and so forth, it would be more practical and sensible from a clean athlete perspective to look at a process whereby WADA could differentiate between contaminated food and clenbuterol itself. That was a simple answer to the question. The Foundation Board had made a decision around that time to undertake that research, and that was what the management had been doing. His report was somewhat frustrated because of the time it had taken to complete the research.

In relation to the other issue raised by Mr Pound about Quebec, WADA was still publishing in English and French. It was the style of publication in relation to the minutes that would change. The constitution said that the English minutes had to be published. WADA did publish French minutes. Going forward, those would be a transcription of the interpretation at the meeting. As the members were aware, the minutes were published in full.

He told the minister from Japan that his comments would probably be answered by Mr Pound and the Compliance Review Committee, so it was not for him to make any further comment.

He thanked Ms Bokel for her comments in relation to the contamination issue. He understood the issue; WADA was trying to help and would continue to do so.

He thanked Dr Budgett for his comments. Again, he appreciated the opportunity provided by the Foundation Board meeting in Colorado Springs to develop the sort of issues that Dr Budgett was raising that needed to be addressed in the lead-up to the Olympic Games in Rio, and certainly consider the way in which NADOs could help WADA to provide the necessary information or intelligence to ensure that the right people were being tested.

He thanked Mr Muyters for his comments, which were more directed to the Compliance Review Committee and the Independent Commission. He thought that the Executive Committee had intended the previous day to get the management to look at the issue from a sport perspective, and report back to the Executive Committee to see whether a larger group should be established to go forward with the concept; so, once the feasibility issues and terms of reference for such a working group were established, he anticipated a working group including members from NADOs and governments.

He told Mr Pengilly that the answer to the question of time was that it was days, not weeks. WADA expected a response within days. It all depended on the content of that response. If it looked as though Kenya was compliant, WADA would not refer the matter to the Compliance Review Committee. If not, WADA would refer it to the Compliance Review Committee and it would be in a position, if it wished, to make a recommendation to the Foundation Board. As the members knew, the voting rules had been changed. WADA could conduct electronic voting and, if

there was a situation from the Compliance Review Committee that demanded that, the WADA management would put it to the Foundation Board in that way.

He thought that he had dealt with Mr Ricci Bitti's comments, but some of the issues raised by the small working group established would be dealt with, and it would certainly report back and address the issues as it went forward.

THE CHAIRMAN observed that there was much interest and much work still to be undertaken.

#### DECISION

Director General's report noted.

#### – **3.1 Independent Commission**

THE CHAIRMAN said that, as a result of allegations made in German television programmes in December 2014, he had appointed an Independent Commission on 16 December to look into the allegations and report to the Foundation Board. The terms of reference had been established and had specifically directed the Independent Commission to the sport of athletics and the country of Russia. The Independent Commission had been due to report to him by the end of that year, and the commission had reported on 9 November. Clearly, that had brought about a great deal of interest and comment, and he thought it correct that the Foundation Board should hear first from the chairman of the commission, after which he would open the floor and allow comments to be made. The Executive Committee had looked in particular at three specific recommendations affecting WADA, although there was a wide range of recommendations in the report. He handed over to Mr Pound with compliments for the speed at which the Independent Commission had completed its report. He looked forward to the discussion.

MR POUND informed the members that, once the Independent Commission had been established, he had thought it might be interesting for the members to know how it had proceeded. The first few months after it had been formed had been preparatory in nature. It had been necessary to identify an experienced team of investigators to do the groundwork and the footwork. It had been necessary to design a programme for the investigation, based on what had already been seen, and it had also been necessary to make some evaluation of the evidence already in the Independent Commission's possession to see whether it was coherent and heading in the right direction. There had been a six-month investigation phase, which had finished at the end of July/beginning of August, following which the Independent Commission had begun to evaluate the information in detail and assemble a report, which had been made public in Geneva on 9 November.

There were two parts to the report that had not yet been issued. The first related to the criminal aspects that the commission thought it had discovered. Its judgement was that that was somewhat above its pay grade and that it should refer the matter to the proper authorities. WADA had had a relationship with Interpol over the years, so the Independent Commission had assembled a package of information and delivered it to Interpol for its assessment and recommendations. Interpol itself did not do investigations, but it coordinated activities among the various member police forces. It had evaluated the information and had suggested that the Independent Commission approach the French, to see whether they would be willing to take on the case, which they had been and had done. The commission had made all that information available to the French authorities and they had conducted investigations and searches, with the result that at least three people thus far had been charged: the former president of the IAAF, the personal counsel of that individual, and an employee of the IAAF. There might be others but, at the time of police action, some of them had not been present in France. In cooperation with the French authorities, the Independent Commission had not released the material made available to them, as it had not wished to risk interfering with any ongoing investigations. The authorities did

know that the Independent Commission wanted to make its full report public before the end of the year or very early in 2016 if necessary and had no issue with that. Their investigation was very much under way and they had quite a lot of additional evidence in their possession.

The second part that had not yet been completed or released had arisen from a second programme on the German television network and in The Sunday Times alleging in essence that the IAAF had failed to act upon or follow up on certain suspicious results. The WADA Chairman had extended the terms of reference to include that and the commission hoped to finish that aspect of the report at the same time as it released the criminal side of things, so it was being analysed on WADA's behalf by experts under the direction of the commission.

There were some important perspectives that had come out of the experience. The Independent Commission had been very careful to ensure that its findings and conclusions were based on evidence that it believed to be reliable. If it had had insufficient evidence at certain points, it had said so and had not recommended sanctions on those particular facts. It was safe to say that the report was a turning point for WADA. It was the first time WADA had ever acted in that manner, and the first time there had been hard evidence of complicit behaviour that was contrary to the Code and standards. He was happy to see that action had already started. The suspension of the Moscow laboratory had occurred; later that day, the Foundation Board would be considering what action, if any, should be undertaken in respect of RUSADA as the NADO. The IAAF had provisionally suspended the Russian federation, and it was clear that there had to be consequences for non-compliance. If organisations were not compliant and there were no consequences, WADA should fold its tents and steal away into the night.

Arising out of the cooperation that the French authorities had been able to secure, he commented in particular on the cooperation of Singapore. The documentation and evidence found indicated that accounts in Singapore were being used to deal with the proceeds of any extortion from athletes to cover up positive tests, and the Singapore authorities had agreed to cooperate on that. They would not allow clean athletes to be cheated and cheats to rely on bank secrecy. Singapore had hosted the first Youth Olympic Games and understood the importance of protecting clean athletes, so he was very pleased with the level of cooperation offered by that country.

On the issue of investigations, experience showed that WADA was capable of undertaking and coordinating investigations on an international basis and that it was an activity that WADA should think about more seriously in the future. That, of course, would have financial consequences about which the Executive Committee and the Foundation Board would have to think, but it also meant that WADA had to make sure that it had staff with the right qualifications to undertake and coordinate activities on that scale. One of the recommendations made was that, if WADA was going to be the go-to organisation for whistle-blowers, and he hoped WADA would be, WADA would have to do a better job of encouraging and protecting the whistle-blowers, who were the unsung heroes in all of that. Without the whistle-blowers, WADA would be back in the old he-said-she-said days; but, with the evidence of somebody who understood the system, the commission had been in a position to report and the affected parties were currently in a position to act. If there were any questions that the members wished to ask him, he would be happy to quaver away.

THE CHAIRMAN thanked Mr Pound. He had set the scene very well.

MS BOKEL thanked Mr Pound for his report. She had a few observations and questions. She was glad that he had mentioned the protection of whistle-blowers. It was very important that that occur. She also expressed the worry of the athletes around the world, as she knew the terms of reference of the commission had been quite narrow (one sport in one country), and athletes were currently suspecting many other sports and countries. Mr Pound had said that WADA could

carry out investigations. Would he recommend that WADA do so and, if so, how should WADA prioritise its tasks to make sure that it had the finances for that?

MS BATTAINI-DRAGONI thanked the Independent Commission and Mr Pound for the remarkable work carried out and for producing the comprehensive and thorough report that had highlighted many important though disturbing issues that should be jointly addressed by WADA and its stakeholders. She also looked forward to the continuation of the work of the Independent Commission in relation to other countries and sports where similar issues were likely to exist. It was undoubtedly an important contribution to the global fight for clean sport in line with an efficient and strong monitoring function and undoubtedly a priority area of work for WADA.

She also wanted to commend WADA on being swift in its actions to follow up on the report, but was also extremely pleased that the Russian Federation, regardless of how unpleasant the findings of the report had been for it, had expressed its clear willingness to cooperate with the relevant international agencies and implement any actions recommended with a view to addressing the shortcomings identified by the Independent Commission. It was her strong belief that the best follow-up to the report would be the development within a short period of time of concrete measures aimed at improving the situation and subsequent implementation of the measures. Understanding the magnitude of the situation and the complexity of the exposed issues, no ready-made solution could be offered, but a creative tailor-made approach involving all relevant actors from both the sport movement and the public authorities was therefore needed.

The Council of Europe would be happy to offer its expertise and experience of the development and implementation of the targeted policies and specific measures, not only in the fight against doping in sport but also in the anti-corruption field, good governance of sport and so on, and to take an active part in the actions aimed at addressing the report's findings. Russia was a member state of the Council of Europe and a party to the Council of Europe's anti-doping convention. It was, therefore, the Council of Europe's responsibility to provide Russia with the necessary assistance to strengthen the national anti-doping programme and remedy issues highlighted by the report. She reassured the members that, as regarded the legislation and policy framework put in place by the authorities, the Council of Europe was already active. Monitoring of compliance under the Council of Europe's anti-doping convention by Russia had started in 2013 and the Council of Europe was prepared to follow that up with further concrete actions to improve the anti-doping policies of the Russian Government. However, it was crucial that the activities of the different agencies involved in following the Independent Commission report were effectively coordinated to achieve better outcomes. Therefore, she looked forward to close cooperation with the Russian Government, WADA and all the other stakeholders involved.

PROFESSOR ERDENER spoke on behalf of the Olympic Movement to thank Mr Pound and his commission members for their great job. After announcing the Independent Commission report, the IOC had arranged some actions, and he wished to inform the members briefly about some of them. The IOC had taken note of the content of the Independent Commission's report and the subsequent decisions by the IAAF, WADA and the Russian authorities. The IOC would follow up on all decisions taken by the IAAF on the results of athletes competing at the London Olympic Games and would take all necessary measures concerning the individuals and organisations involved pertaining to the Olympic Games. The IOC had also met the previous week with the Russian NOC to discuss the measures to be taken to ensure full compliance for the Russian athletics federation. With respect to the Sochi 2014 laboratory, the IOC noted that the Independent Commission had not called into question the results of the Sochi Olympic Winter Games, which confirmed the report of the WADA Independent Observers relating to the Sochi Olympic Winter Games, as well as the report of the experts appointed by the IOC medical commission. Indeed, during the Sochi Olympic Games, four directors of leading WADA-accredited laboratories had been appointed by the IOC medical commission as experts for all of the

operations at the Sochi laboratory. Of course, if necessary, the IOC would conduct a reanalysis of the stored samples, as was currently standard practice.

MR MOSES told Mr Pound and his colleagues on the Independent Commission, Professor McLaren and Mr Young, that he was confident that he spoke for clean athletes, coaches, sports administrators and fans from all over the world when he said that he was truly indebted to them. Their report was well written, courageous and very historic. As an athlete, he had been very privileged to hear the cheers of the crowds in an Olympic stadium vindicating all of his years of toil and effort, but he too had had many close friends who had had irreplaceable moments stolen from them. As a result, he had given years of effort to the anti-doping movement, serving on an anti-doping task force, on the WADA Foundation Board and as chairman of USADA. His hope was that there would be a generation of athletes whose hopes and dreams would not be stolen from them. Since the Independent Commission report had been issued, he had heard from many different athletes demanding clear and decisive action to deal with the organised, systematic and widespread doping described in the report. He had heard from many sports likewise insisting that such decisive action was essential. It was not just to allow a country that had engaged in a scheme to steal the dreams of a generation of athletes to escape accountability for its actions. He had read the report carefully, and it indicated a high probability that the organised doping extended beyond athletics and into many other sports. In the USA, there had been very strong responses from volleyball, swimming, basketball, skiing, biathlon, track and field and, as had been heard the previous evening, from members of the USOC athlete advisory council. That meant that, before there could be any talk of Russia becoming Code-compliant, there had to be a full-scale investigation into doping in every sport named by the whistle-blowers, and he congratulated the Independent Commission on going beyond the scope of the WADA report to insist on a protocol to work with whistle-blowers so that that kind of information could come out and whistle-blowers would be protected. Before any athlete who refused to cooperate with the Independent Commission was allowed to return to competition, they must be required to submit to interviews and undergo a rigorous and lengthy period of robust and independent testing. Before there was any talk of Russia becoming Code-compliant, there had to be a detailed, well-thought-out plan to reform RUSADA and prevent the possibility of future state-sponsored doping. The plan should be effectively implemented. There had to be a period of successful auditing and testing so as to be able to give the world's athletes a guarantee that an effective and robust anti-doping programme was operational in Russia, and that all of Russia's elite athletes in all sports had been subjected to at least a six- to nine-month period of reliable testing and investigation. As for the sport of athletics, in which widespread and systematic doping had already been found, censure was not enough. The claim that RUSADA was non-compliant was merely words on paper. The only sanction that would send out the message that enough was enough and that WADA cared about that generation and future generations of athletes was to state loudly and clearly that the Russian athletics team could not go to Rio. He had spoken to quite a few athletes on a very personal basis, and athletes lived by a different code, the rules of their sport, the rules of WADA, the rules of fair play, all the protocols from their national governing bodies and IFs, and it was very difficult for the athletes to see that organisations that should be responsible for keeping the sport clean were questionable. The athletes were very concerned and wanted to see the right thing done. As Mr Hickey, the president of the EOC, had said, WADA should leave no stone unturned.

MR BESSEBERG said that the focus that day was on Russia and athletics, but WADA should not forget that there was a problem with that culture in a lot of other countries if one looked at the list of doped athletes, so WADA and the IFs should not lose focus on a lot of other nations, as they were putting so much focus on Russia and athletics. There were similar problems also in other countries, so WADA should be very careful and not think that this was only a Russian problem.

MS COVENTRY started by thanking WADA and Mr Pound for the great report given and said a few things that had already been said by athletes around the world. There was a strong concern that, especially with the Rio Olympic Games coming up, sport had to be as clean as possible and, with that report, there had been mention of the doping scandal not just in track and field but also in other sports, so what could be the next steps taken to investigate other sports in Russia? She agreed with what her colleague had just said. She did not believe that it was just a Russian problem; she believed that it was happening in other countries, but WADA had to start somewhere and Russia was currently in the hot seat. WADA needed to be very strong and the athletes' voice needed to be heard to keep the integrity of the sport movement and clean athletes at the top of its priorities.

MR PENGILLY said, having seen a flurry of athlete communications supporting Mr Moses' recommendation, that it would be remiss of him not to support that as well. He thanked Mr Pound and WADA for taking swift action on the laboratory and the like, and especially thanked the whistle-blowers, who had shown a great deal of bravery. Mr Pound had highlighted the importance of consequences for non-compliance. What did he think the appropriate consequences should be for any NADO or IF if they were deemed non-compliant by the Foundation Board?

THE CHAIRMAN told Mr Kolobkov that he was very grateful to him for his declaration that he would have a conflict of interest at a later stage, but he was happy to give him the floor and let him make whatever statement he wished to make.

MR KOLOBKOV spoke not as a WADA member representing the Council of Europe, but on behalf of the Russian Government as the minister of sport. He expressed his gratitude to Mr Reddie for the establishment of the Independent Commission, and thanked its members for their work. He fully shared the commission's view that Russia, as a leading sport nation, should play a leading role in the fight against doping in sport. The government had done a huge amount of work in that direction in recent years. Any leadership implied enhanced responsibility, which Russia had never refused. He recognised that the elimination of doping completely, especially for a short period, was impossible. It was not only a Russian problem, but the government would continue to do its best to eradicate doping in Russia. All anti-doping systems established by Russia had been constructed exclusively in accordance with the principles and recommendations of the task force, comprising WADA and IOC experts and established in 2010. The experts had regularly inspected anti-doping policy in the period of preparation for the Olympic Games in Sochi. The government had always complied with all the recommendations of the task force. In relation to the Independent Commission report, he agreed to and supported a number of the recommendations made in respect of RUSADA, the Moscow laboratory and the Russian athletics federation. He was sure that their implementation would make it possible to improve the anti-doping system in Russia. If all of the reflected violations in the Independent Commission's report relating to RUSADA and the laboratory's routine activities had actually taken place, that was unacceptable. As could be read in the report, all the claims related to the operational activities. With WADA requirements and policies, the minister of sport could not intervene and control the operational activities of the independent organisations. In that regard, taking into account that only WADA had the tools to control the operational work of the ADO, he fully expected WADA cooperation in terms of monitoring and implementation of all the recommendations given to RUSADA and the anti-doping laboratory. Considering the seriousness of the reported violations in RUSADA and the laboratory's routine activities, the ministry of sport had taken immediate measures. The director of the laboratory had been removed on 10 November; before the appointment of the new permanent director, Russia would like to receive WADA's expert opinion about the candidate and would fully support all measures recommended by WADA to the Moscow laboratory. In relation to the withdrawal of the laboratory accreditation, with Russian legislation, such measures would lead to a loss of budget funding and, as a result, the loss of highly qualified laboratory staff, all of which would weaken the anti-doping programme in Russia. Taking into

account the fact that there were common goals for improving anti-doping policy, he kindly asked for WADA's cooperation in carrying out an accelerated procedure for reaccreditation. Russia was ready to host foreign experts from WADA until all identified violations were eliminated. In respect of RUSADA, the ministry of sport was one of the founders. RUSADA had proposed to postpone the next annual meeting of the agency to allow for the re-election of its leader and the ministry of sports had made statements about the willingness to reform RUSADA according to WADA's recommendations. Regarding the issues related to the Russian athletics federation, in February 2015, despite the independence of the sport federation from the government, the ministry had publicly asked the head of the federation to leave his position. The ministry had also changed the head coach. The ministry was ready to support any IAAF and WADA recommended measures, including structural, in relation to the Russian athletics federation and athletes and coaches accused of doping, but wanted to emphasise that the responsibility for doping and all clean athletes must not be limited in terms of their rights to participate in competition without any reason. As to the statements about the ministry of sport's influence on the laboratory and RUSADA, he could definitely say that the ministry was not interfering in their operational activities. Russia was working on the basis of the UNESCO convention. Russia had, in a short time, created a strong legal basis, opened its borders for tests, and conducted a serious educational programme and propaganda for clean sport, aimed at forming public intolerance to doping. The ministry supported scientific work and funded the national anti-doping organisation and the laboratory and would continue to work in that direction and hoped for WADA's support.

One of the Independent Commission's recommendations to the ministry of sport had been related to the organisation of inspection visits to Russia. Russia was fully open to host experts in the field of anti-doping and, in December 2013, there had been an inspection visit by the Council of Europe during which meetings had been held with all the organisations involved in the fight against doping in sport in the Russian Federation. Following the results of that visit, the experts had noted the high level of anti-doping policy realised in Russia and also held up a number of programmes as examples for replication in other countries.

In the case of RUSADA being declared non-compliant with the WADA Code, he would like to ask the WADA Foundation Board not to apply additional sanctions to the country, considering that the government fully complied with its obligations in terms of anti-doping. In conclusion, he reiterated Russia's openness and commitment to the principles of WADA and hoped for the further productive cooperation of WADA in improving the anti-doping system in Russia.

THE CHAIRMAN thanked Mr Kolobkov. He noted that a whole range of observations had been made and asked Mr Pound to respond.

MR POUND thanked the members for their comments and suggestions. He told Ms Bokel that he thought that other athletes in other sports around the world should be worried. They should see that it was possible to investigate and come up with recommendations. He thought that it was not for the Independent Commission to design the programme; that had to be designed within WADA, but he certainly agreed that there were countries and sports that deserved attention, and it was the responsibility of WADA to do it. How it was set up in terms of getting to those priorities and budgets remained to be seen, but he agreed with the general thrust of it.

He thanked Ms Battaini-Dragoni for her kind comments and for the proposals that had emanated from the Council of Europe. That was certainly something for the Chairman to deal with, but he thought that WADA would be delighted to take advantage of the Council of Europe's offer to help one of its members. Certainly, it was a generous offer to help with the development of the programmes, and he was sure that WADA would be delighted. Policies and structures were one thing; implementation and operations were quite another. WADA should not confuse the existence of a policy and a structure with the effective and compliant nature of the actual activities on the ground.

He thanked Professor Erdener for relaying the offer of help of the IOC. WADA had its own responsibilities, as everybody would understand, and he thought that it had to deal with them, but he took particular note of the IOC's objective of protecting the clean athletes and determining how best to accomplish that.

He told Mr Moses that he had reflected a pretty strong consensus on the part of athletes from around the world and in the USA about decisive action. The issue of a full-scale investigation was not one that could be made by the Independent Commission; its work was just about over, but he thought that Mr Moses would be able to see from the report that the Independent Commission had made it very clear that it did not think Russia was the only country with a problem and it did not think that athletics was the only sport with a problem.

He told Mr Besseberg that everybody would agree that it was not only Russia, and WADA would not lose its focus on other sports. He could say that there were already indications of other sports building off that report and even building off the fact that the commission had been in the field investigating to reassess their own programmes and to see whether they could be strengthened, so something might be coming out of that.

He told Ms Coventry that clean sport and the integrity of sport were very important to everybody. Everybody who had been out there competing in the field against athletes who might have been doped shared a special bond and certainly made a persuasive case, so he thought that everybody around the table had taken that pretty much on board.

He told Mr Pengilly that, when it came to the whistle-blowers, WADA had not been as good as it should have been. He did not think that the Olympic Movement had not been as good as it should have been. The IFs, NOCs and NADOs had not been welcoming of whistle-blowers; in fact, the whistle-blowers tended to get worse treatment than the perpetrators. That was really perverse. As to the consequences, again, the Independent Commission had not had a mandate to propose consequences; it had made a number of recommendations. The consequences, and there had to be some, would be determined by the appropriate bodies.

He thanked Mr Kolobkov for the statement on the Russian perspective. The Independent Commission stuck with its report. It had not observed things that had not existed; it had reported on findings. The findings included activities up until the middle of 2015, when the examination had concluded, so it had not stopped. He was glad to see that initial action had been taken with respect to the director of the laboratory. That had been one of the sanction packages and strong recommendations, that the director be removed. The disappearance of budget resources to a laboratory in Moscow, whether accredited or not, was an unfortunate alternative even to be proposed. He should have thought that Russia, as a leading country, would want to make sure that the laboratory was reaccredited if at all possible as quickly as possible, and to cut off funding was throwing out the baby with the bathwater. He supported anything that could be done to make sure that only clean athletes were entered into competitions and he thought that Mr Kolobkov would find support from the Council of Europe colleagues, WADA and everybody around the world in any actions that Russia was prepared to take in relation to protection of those athletes.

For the benefit of the Foundation Board, he said that, in September, there had been a special meeting with the Russian sport minister in Zurich. It had lasted about two hours, and he had been there unaccompanied by staff, which was often unusual for ministers. WADA had invited the minister for his comments on the situation in Russia and, at the end of it, he had made a point of saying that, if all of the aspirational goals outlined by the minister were true, the report would make it very easy for the ministry to implement them, and it would have full authority to do that, but the Independent Commission would be making a number of findings and conclusions based on its investigation that the minister would not like to see, and he should understand that that

would be awkward and displeasing, but the response and action for the future were entirely in Russia's hands. Russia could take the high road out or defend against the findings and drag it out for a number of years and seriously damage the credibility of Russia. It had been made clear to the minister that that choice would be his, and that was pretty much how the meeting had been left.

THE CHAIRMAN observed that Mr Pound had predated a couple of things that he had to say from the WADA point of view for the record, so that everything would hopefully be done as it should be. Upon receipt of the Independent Commission report and earlier recommendations, WADA had noted the first recommendation about the removal of the director of the Moscow laboratory and the fact that it had been done immediately. Secondly, on the day after the report had been published, under the powers that he had, he had provisionally suspended the Moscow laboratory for a period of six months. The rules provided for the establishment of a disciplinary commission, and that had been established and would be chaired by Jonathan Taylor from the UK, and the two members were Stephen Drymer from Canada and Terence Wan from Hong Kong. That commission would start its work.

The recommendations made by the Independent Commission, particularly as far as WADA was concerned, would be dealt with. The first three more important ones on compliance and whistle-blowing had been dealt with, but there were three pages of recommendations, and they would all be dealt with. WADA noted the comments made about ongoing investigations. It would not come as a surprise to anybody that WADA rather expected that other people would ask WADA to do things. WADA had an increasingly efficient compliance system. It would almost certainly have to be fully engaged to identify where investigations were necessary. He did echo the point made that investigations did not come cheap and those who wanted to encourage them had to be prepared to finance the operation at some stage. They could not be done without the appropriate finance. He very much supported the comment made by Mr Pound that, if there were allegations that the problems were wider than one country and one sport, he was very hopeful that IFs that took that responsibly would be looking at their own sports. He was aware of things happening in other sports as he spoke and he would support all of that.

He had to make it absolutely clear that WADA would be responding to a number of the points that Mr Kolobkov had made; he could not respond until the Foundation Board meeting had concluded, but one of the major points that WADA would be covering was that, if the ministry in Russia was prepared and intended to withdraw budget from the laboratory or its current ADO, that would be entirely the wrong thing to do in his view. If there was no budget to do it, it would in his view be very difficult to reaccredit a laboratory or reform a NADO.

He thanked the members for their excellent contributions to the debate. The messages were loud and clear. He thanked Mr Kolobkov for speaking up and stating the cooperation that his ministry and government were prepared to offer and, as always, thanked Mr Pound for his lucid, clear and firm way. In terms of investigations, he had had messages from all around the world complimenting WADA on having had the courage to set up the Independent Commission, to fund it, to do it quickly, and the ball was currently in Russia's court and WADA's court as to how they implemented the recommendations.

#### DECISION

Independent Commission report noted.

## **4. Operations/management**

### **– 4.1 Executive Committee appointments 2016**

THE DIRECTOR GENERAL informed the members that they would see before them the composition of the Executive Committee for 2016. The Executive Committee had to be appointed by the Foundation Board and he sought the members' approval accordingly.

#### DECISION

Proposed Executive Committee appointments approved.

### **– 4.2 Foundation Board**

THE DIRECTOR GENERAL said that the members would see before them the composition of the Foundation Board for 2016 and the length of the terms for each member. That was just for their information. The endorsement of the Foundation Board also required the members' approval and he sought it accordingly.

#### **4.2.1 Memberships 2016**

THE DIRECTOR GENERAL informed the members that WADA received many nominations in relation to the working groups. The chairman of each of the working committees, the President and himself were responsible under the constitution for forming the memberships, and were required to look at composition from a point of view of gender balance, continental balance, and balance between government and sport. He could tell the members that, that year, the composition of those committees comprised 20 women and 35 men. There were 6 representatives from Africa, 13 from the Americas, 9 from Asia, 22 from Europe and 5 from Oceania. The balance between government and sport, which did not take into account the Athlete Committee, was 16 from governments, 18 from sport and 3 from both government and sport.

#### DECISION

Memberships 2016 noted.

#### **4.2.2 Endorsement of composition for Swiss authorities**

THE CHAIRMAN noted that the composition of the Executive Committee and Foundation Board had to be filed with the Swiss authorities, as WADA was a foundation legally established under Swiss law.

MR HUSTING apologised for the absence of Mr Schneider from Luxembourg. He had been unable to attend the Foundation Board meeting due to other obligations related to Luxembourg's presidency of the EU Council. Concerning the Foundation Board, the terms of the two EU representatives, Messrs Muyters and Schneider, would end on 31 December. For the position of expert, he had received the application of the Flemish sport minister, Mr Muyters, seeking a renewal of his mandate. For the representative of the future EU trio presidency (the UK, Estonia and Bulgaria), Ms Crouch from the UK had been chosen. The nominations would be approved at the EU sports ministers' council on 24 November. He would keep WADA informed.

#### DECISION

Foundation Board composition approved.

### **– 4.3 Standing committee memberships 2016**

THE DIRECTOR GENERAL noted that the standing committees were for the members' information only. As for the expert groups, they were required to deal with issues such as the

Prohibited List, the laboratories, TUEs and so on. WADA would be inviting the experts in the coming weeks and, once they had accepted, the composition would be published prior to the end of the year. As long as he got approval from the Foundation Board regarding the composition of the Executive Committee and the composition of the Foundation Board for the Swiss authorities, the item could be deemed to be complete.

#### DECISION

Standing committee memberships  
2016 noted.

#### – **4.4 Operational performance indicators**

#### DECISION

Operational performance indicators noted.

### **5. Athletes**

#### – **5.1 Athlete Committee Chair report**

THE CHAIRMAN noted that a large Foundation Board was present along with a very substantial media presence, and he was happy to pass the floor to Ms Scott to present her Athlete Committee report.

MS SCOTT thanked the members for allowing her to present the report via teleconference. She had a very challenging family situation at the moment that did not permit her to travel that week, so she was grateful for the members' understanding and flexibility in allowing her to participate from a distance.

The members had the minutes from the latest WADA Athlete Committee meeting that had taken place in October in Montreal in their files, so she would not go through everything; she would simply take them through some key facts and highlights from the meeting that were worth noting.

In terms of the activity summary from the members, she would not go through the entire list, but informed the Foundation Board that WADA continued to have a very engaged and active membership, and nearly every member was actively involved, promoting or working on some level in their country or sport to further the mandate of the committee and the anti-doping movement. There was a great group of individuals assembled around the table, and she was so pleased to be the chairperson of the committee and thought that WADA could be very proud of the group that continued to represent it on the Athlete Committee.

One of the projects started that year had been to increase athlete engagement in sports, so an effort had been made to engage members of the athlete community outside the Athlete Committee, and really facilitate dialogue and two-way communication to disseminate information and get information back. In keeping with that, the Athlete Committee had sent an e-mail out to all IF chairpersons and committees and commissions with which it was in contact, asking them for input, concerns or thoughts that they would like to see raised at the meeting. There had been a fairly large response, with 27 questions from 14 different athlete leaders around the world, and the Athlete Committee was in the process of responding to each individually and addressing the concerns. She could safely say that the project was working and the Athlete Committee continued to receive communication from athletes worldwide. WADA should take some confidence from the fact that athletes seemed to be happy to engage and communicate, and the Athlete Committee felt very positive about that.

As part of the Athlete Committee meeting, there had been special presentations and guest speakers throughout the day. First, Mr Koehler had talked about the presentations for the Olympic Games in Rio 2016, and he had fielded a lot of questions from the Athlete Committee members. There had been some very deep and grave concerns expressed about the preparedness and readiness of Rio to host a doping-free Olympic Games and create an environment for clean sport there. That was something the Athlete Committee had wanted to underline.

There had been an additional presentation on the Athlete Biological Passport by Dr Vernec. It had become very clear that it was important for all ADOs to use ADAMS or a system that was compatible with ADAMS in terms of maximising the efficiency of the Athlete Biological Passport. It was obviously a very important tool in the protection of clean athletes and the Athlete Committee had been very supportive of seeing ADOs and NADOs using ADAMS.

One of the other presentations had been on the dietary supplement industry by Professor Ron Maughan from the University of Loughborough. The presentation had been very interesting and the topic had been of interest ever since she had been a member of the Athlete Committee. The overwhelming conclusion reached was that there was no clear answer. It was a very complex and challenging landscape. The best thing that the Athlete Committee could continue to do was provide extensive and conclusive information and education for the athletes. The Executive Committee had discussed expanding the opportunity for Professor Maughan to talk to other athlete groups and committees, as the information was so good and so worthwhile, so the Athlete Committee would explore ways and means of getting his message out a little bit more.

One of the issues that had surfaced repeatedly over the past year had been providing feedback on doping control officers. The Athlete Committee was receiving reports from some athletes about negative experiences or inappropriate behaviour on the part of doping control officers and, during the presentation by Mr Ricketts, the Athlete Committee had discussed ways and means of developing a system for athletes to provide feedback and would work with WADA to enable that. Several examples had been given and a number of solutions devised.

There had been another presentation on the new ADAMS by Mr Kemp. ADAMS was a means of making the whole process user-friendly for athletes. The Athlete Committee had been impressed and pleased with the updates and would be assigning some members to engage with the development so as to be a part of the process.

There had been a presentation on the independent Compliance Review Committee by Mr Ricketts. The members would be receiving a report from Mr Bouchard about that.

Turning to the outcomes, the first was obviously that, as regarded the Compliance Review Committee, the proposal from the Athlete Committee was to lend its full support to the work of the committee as well as to the suggestion and notion that all relevant stakeholders with jurisdiction view compliance as a high priority and create and enforce robust consequences for non-compliance. The Athlete Committee had come up with a number of suggestions, such as not allowing bidding rights, not accrediting officials, and allowing no entry to other commissions. The overwhelming sentiment was that the Athlete Committee really wanted to emphasise the importance of compliance and how important it was to take non-compliance seriously. The Athlete Committee really wanted to see some very serious strength and resolve in terms of enforcing and consequences for decisions of non-compliance. It was imperative.

The Athlete Committee had also raised its apprehensions (she knew that she said it at almost every meeting) about Kenya and the discouraging lack of progress made regarding those issues related to anti-doping. The Athlete Committee was extremely concerned, as it involved athletes,

and clean athletes who were vulnerable, and the Athlete Committee was unhappy that very little action had been taken thus far.

Again, there was another message of urgency regarding anti-doping rules and procedures in the lead-up to the Olympic Games in Brazil. Athletes from her committee and athletes worldwide were concerned and legitimately so.

Finally, the Athlete Committee strongly encouraged all ADOs to adopt ADAMS as soon as possible. It was a very important and effective tool for anti-doping and it was imperative that all relevant stakeholders and ADOs get that in place as soon as possible.

She concluded by making a specific request to the President and the Foundation Board regarding the independent investigation. The individual members of the Athlete Committee had been approached by athletes who wondered why only athletics had been targeted as opposed to all sports. The Athlete Committee would like to make a very specific request that WADA expand the mandate of the Independent Commission to include all sports in Russia. It was a pivotal moment for WADA and a chance to really stand behind clean sport and the protection of clean athletes in all sports, not just athletics, and she really hoped that WADA would do the right thing. She felt that there were a lot of athletes watching and waiting, a lot of athletes worldwide in all sports who were really counting on the forces of the anti-doping movement to bring their full strength and resolve to the fight. WADA was at a crossroads, and she urged the members to please consider the athletes and the impact on sport as a whole and as a movement at that meeting as they made their decisions. She thanked the Foundation Board members very much. She would be happy to take any questions. There were also Athlete Committee members around the table. She knew that Mr Pengilly and Ms Bokel were present and could take any questions they might have after she went offline.

THE CHAIRMAN thanked Ms Scott. She might not have heard the previous debate on the Independent Commission, but her views had been very well supported by the members of the Athlete Committee in that room and by many others. Were there any questions about Ms Scott's report?

MR GENDALL said that he wanted the Foundation Board and Ms Scott to understand that the New Zealand Government and the ADO in New Zealand absolutely supported everything that Ms Scott had said. If it were possible to implement her recommendations and wishes, the authorities in New Zealand would do so.

MS SCOTT thanked Mr Gendall. That was very encouraging.

MS BATTAINI-DRAGONI first thanked Ms Scott for her interesting and stimulating report. She thought that governments and sport federations were coming together to understand the importance of the revision of the Code, the new World Anti-Doping Code and the specific chapter on investigation, which had opened previously unforeseeable opportunities in terms of making WADA a very strong monitoring body capable of looking and digging out any problems that might exist. She certainly shared the view that WADA should not restrict itself to looking into specific sports. That was a question for all sports, and she was very pleased that some of those present had also mentioned that point. Ms Scott had spoken about Kenya, and she had spoken about the fact that it was likely that similar situations might be present in other countries. She concluded together with Ms Scott that it was necessary to seriously consider taking the Independent Commission as an essential body for WADA that should continue its work in the future, and she was very pleased that the President of WADA had been very positive in his reaction to that. That would obviously imply serious discussions on how resources could be identified to make it a reality for the future.

MS SCOTT thanked the speakers. She did not believe that any specific questions had been asked, but she appreciated the thoughts, sentiments and support.

THE CHAIRMAN responded to the very last suggestion made. It would be quite difficult to agree round the table to investigate all sports all round the world. The issue of investigation and the part that that played in WADA's operations going forward had clearly been made and it was up to WADA to work out its reaction to that and how it could be delivered. All he could do was thank Ms Scott for reinforcing the view expressed round the table, and he asked her to watch that space. If WADA had new challenges, it had to try to identify how to meet them and pay for them. He thanked Ms Scott very much and hoped that she would be able to attend the next Foundation Board meeting in person. He was very grateful to her for taking the time to telephone in.

#### DECISION

Athlete Committee Chair report noted.

### **6. Finance**

#### **– 6.1 Finance and Administration Committee Chair report**

MR RICCI BITTI apologised for bringing the members back down to earth from the lofty discussions on the future to matters of finance. He informed the members about the meeting held in London in July. It had been very well attended by all members but one, and the Finance and Administration Committee had dealt with many items. The first had been acceptance of the internal control memorandum from the auditors, and he thanked the finance staff, because the auditors had found no deficiencies in WADA's activities. Discussions had taken place on different contributions, the standard, voluntary and restricted contributions (there were three kinds of contributions in the accounting). The situation had been considered positive, but he would update the members on that point later. The special reserve fund had been discussed, and the Finance and Administration Committee had noted that 11.1 million dollars had been received between the two parties and approximately 300,000 dollars had been outstanding. WADA hoped to receive the 300,000 dollars so that the IOC would match the payment before the deadline set for 31 March the following year. WADA had just over 11 million dollars. The operational reserve policy had been discussed and the Finance and Administration Committee had felt that, even though WADA did not have to have a very high portfolio, operating with two months' reserve was perhaps not enough to be comfortable, and the recommendation had been to go up at least a little bit, and that would be reflected in the draft budget that he would present later on in the agenda. Finally, the draft budget of 2016 and the forecast for 2017 and 2018 had been discussed. Those were the matters discussed by the highly qualified members of the Finance and Administration Committee.

#### DECISION

Finance and Administration Committee Chair report noted.

#### **– 6.2 Government/IOC contributions update**

MR RICCI BITTI informed the members that WADA was currently at 97.55% of standard contributions received, a little better than the previous year. The previous day, Kenya had paid, so WADA was close to 98% received, which was good. In terms of additional contributions, about 710,000 dollars had been received, and he thanked all those countries that had contributed. The members would see them on the table in the documents, and he noted a very small but significant contribution from the Seychelles, a very small country, in the previous month. As to

restricted contributions for special projects, he thanked those who had contributed. WADA had received from Olympic Solidarity a total of 200,000 dollars for RADO support, and 200,000 dollars from the Republic of Korea for the new ADAMS project, which cost WADA a significant amount.

#### DECISION

Government/IOC contributions update noted.

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

MR RICCI BITTI said that, again, there were not many concerns in relation to the accounts. The Finance and Administration Committee thought that the year-end figures would be more or less in line with the revised budget presented half way through the year. Starting from the balance sheet, money was available, but there were still three months of activities to be concluded, and the year-end would show an unallocated cash balance of about 5.4 million dollars, representing about two months of operations. The Finance and Administration Committee had recommended reviewing the reserve policy to make the situation a little more comfortable. The RADO fund, Olympic Solidarity, the ADAMS development fund and the research fund were obviously in separate accounts and considered in accrued income.

Moving to income, he had no real comments to make except on the contributions, which he had already dealt with. WADA was close to 98%, so in a very positive situation. He would focus more on expenditure, starting with the key issue that year, the legal Independent Commission investigation, and he would conclude with general or strategic financial comments on the matter, having heard all the members' requests for more investigation by that distinguished group.

Obviously, the Finance and Administration Committee had had to adjust the budget because of the expenses of the very successful Independent Commission, and the total cost was currently 1.3 million dollars. The budget had been revised to 1.4 million. There were still some expenses to pay, so WADA would be in line with expectations, but it was much bigger. WADA had had to drain 300,000 dollars from the litigation reserve fund. Sooner or later, the money taken would have to be reinstated. Depreciation was a little higher than anticipated because it included the write-off of the paperless project, which would be included anyhow in the new ADAMS. The science research grant also looked a little higher because grants came from the previous year, and everything had already been committed, so that was not a surprise. Unrealised loss on currency exchange was becoming critical. That was the second year that WADA was incurring unrealised loss. It was due to WADA's operational activity and some measures would perhaps be taken the following year. It was a result of the volatility of currency and the strength of the US dollar. Obviously, WADA had to buy Canadian dollars, and the difference in value between buying and spending was always unfavourable at that time of a strong US dollar, so he had to blame his American friends. That had caused unrealised loss over the past two years. Capital expenditure was another point. Significant investment in ADAMS had not been completed. WADA was at 45% of the capital budget at 30 September, but was progressing and would surely spend or engage more up to the end of the year. To conclude on a positive note, the regional offices were absolutely in line with the budget. That was the situation in relation to the quarterly accounts.

#### DECISION

2015 quarterly accounts noted.

#### – **6.4 Draft budget 2016**

MR RICCI BITTI stated that the budget had resulted in a great deal of discussion. The IOC's position had been to return to the travel expenses being covered by WADA for Foundation Board and Executive Committee members. The costs were currently paid for by the stakeholders, and

the IOC's position was that WADA should go back to covering those expenses, which represented around 2% of the budget. There had been a lengthy debate and the recommendation of the Finance and Administration Committee had not been very favourable in that regard, for reasons of image or other, and was to stick to the 3% increase and keep expenses covered by stakeholders. The draft budget as received by the members had been presented with a different option, but there had been a lengthy discussion at the Executive Committee meeting the previous day and the recommendation to the Foundation Board was to approve the budget that the members had in their files, based on a 3% increase in contributions for 2016.

Before handing the floor to the President for formal approval, he noted that the conditions in which the budget had been produced, in line with the current business model, were with the limitation of the internal policy not to drain more than 500,000 dollars from the reserve fund. It was also necessary to consider again the specificity of 2016, which was an Olympic year, and obviously the reinstatement of the litigation reserve taken for the Independent Commission. He thought that the budget was in line with the previous one. WADA would absorb that special item, and he asked the President to request the approval of the draft budget based on the strategic assumptions that he had mentioned.

THE CHAIRMAN asked if there were any questions in relation to Mr Ricci Bitti's report.

MR MUYTERS noted that Europe paid almost 25% of the total budget of WADA. Europe had suffered under the economic crisis, which was not yet over, and was currently suffering from the refugee crisis. Even in those circumstances, Europe supported the 3% increase in the WADA budget for 2016. Europe believed that it was necessary to cover the costs in relation to the Olympic Games in Rio. Europe requested a more detailed budget regarding extra costs due to the fact that Olympic Games would be held in 2016. Since the 3% increase in the budget was due to the Olympic Games in Rio, he requested that discussion be reopened on the 2017 and 2018 budgets, starting from the 2015 budget and not from the 2016 budget. A discussion on priorities for WADA was appropriate at that moment; however, as he had said, Europe could support the proposed budget for 2016 and of course the selection of PricewaterhouseCoopers as the auditor.

MR TOMIOKA thanked the Finance and Administration Committee for developing the budget and studying various opinions in its work. A decision had been taken at the Asia/Oceania intergovernmental meeting in June that year to approve the 3% increase for the following year's contributions. However, further increases should be regarded as a last resort after all possible means and avenues for balancing the budget had been explored. WADA needed good expenditure planning that matched the income scrap-and-build approach in dealing with new and existing projects, lowering of non-payment rates of contributions, matching funds from the IOC to the public authorities' voluntary additional contributions and introducing external funds.

MR POUND appreciated that, in a discussion for a budget year that started six weeks from then, it was probably not the time to do high-level thinking, but his experience was that WADA's mandate was changing and evolving and new challenges were being thrown in front of WADA with demands for extra work and so on. It was perhaps time to take a step back and look at the financing and what was really required and how to get there rather than talking about budget increases and everybody fighting and screaming about that. WADA was not looking at its mandate and how it could best accomplish it and finance it. He suggested that WADA put together a group of people from the sport and public authorities to think about those issues and to ask about the paradigm with which WADA should be dealing as it went forward.

MS BATTAINI-DRAGONI fully agreed with Mr Pound, particularly following up on the earlier discussions that morning. The issue of how WADA harnessed itself with a view to having strong monitoring ability to prevent what had happened over the past year or so was a question of fundamental credibility for WADA, so she fully agreed that, when looking at the budget, it was

necessary to step back and possibly reconsider certain things. She thought that the Independent Commission should be kept alive. She was aware that resources were needed and was sure that a way out could be found. There was not only the ordinary budget; there was also the extraordinary budget that might be considered, and she welcomed the idea of a group of people coming together to really look into the matter.

THE CHAIRMAN said that WADA had asked three people with a specific mandate to form the Independent Commission, and he was not entirely certain that WADA could enlist the Independent Commission as a permanent feature, but the point was that investigations should be part of the work.

MR RICCI BITTI answered the questions. He told Mr Muyters that he took his point on board, but Mr Muyters had anticipated what he had wanted to say in relation to the 2017 and 2018 draft forecast. It was easy to see that 0% was not allowed as a routine method. 2% was the minimum to drain the 500,000-dollar limit. For 2017 and 2018, three columns had been presented, with 2%, 3% and 4%. 2% was the absolute minimum, 3% would enable WADA to reinstate some of the reserve, and 4% was obviously better, but 2% was the absolute minimum to survive in the opinion of the Finance and Administration Committee.

He thanked the Japanese minister for his comments. The staff at WADA had become used to living with little money, so priorities were a daily matter of discussion, but the Finance and Administration Committee would consider whether it could save money, although every year there were some special costs, and that was his experience in that position: that there was not much to enjoy in terms of the priority exercise. It was a daily exercise, and he accepted the advice given.

He observed that Mr Pound had raised what he had wished to say at the end of his report. The business model of WADA was not working in accordance with the wishes of the Foundation Board members. He thanked the staff and Mr Howman, and wished Mr Niggli all the best, because it was no easy life with the money available to do what was required. He could speak on behalf of the staff. The provocation on the part of the Olympic Movement was to reconsider and, perhaps in that framework, WADA had to reanalyse what was really wanted. He was a long-serving administrator in anti-corruption, and it was a terrible job, because it was a lose-lose job. If there were many positive cases, there was a problem; if there were no positive cases, the system was bad. Those involved in anti-corruption were not lucky, so it was necessary to discuss what WADA wanted to do. He had heard many things, and would report, but WADA had to be realistic. To pay for the first successful Independent Commission investigation, WADA had had to drain extraordinary costs from the budget, which meant that there was nothing available to do what everybody wanted.

Coming back to the last item, the draft forecast, there were three exercises, and the members would see that 2% was not enough. WADA was at the absolute limit. 3% was manageable and 4% would be better to implement the policies recommended by the Finance and Administration Committee for a reserve that was longer than two months. WADA worked with a two-month reserve and the Finance and Administration Committee believed that a two-month reserve was not enough. Normally, in each organisation, even sports organisations, a one-year operation was necessary. WADA was working with two months, and that was not enough, but WADA could not increase with the normal year-end result. It was his duty to remind the members of the reality of the situation. He presented the draft forecast for 2017 and 2018 based on three options. There was nothing to be approved that day. It was nevertheless a good way of seeing that WADA could not stay at 0%, even if all of the priorities and recommendations were implemented very wisely.

THE CHAIRMAN told the members that they had before them a budget from the Executive Committee for approval (or not) by the Foundation Board for 2016. Was that budget approved?

MR RICCI BITTI informed the members that it had already been announced that morning, but the Finance and Administration Committee had made a proposal and he recorded with satisfaction that the Executive Committee had accepted the proposal for the Remuneration Committee, which represented a big step forward in governance, and he thanked those who had been appointed the previous day as members of the Remuneration Committee, which would be starting its work forthwith.

THE CHAIRMAN noted the interesting proposal made by Mr Pound and commented on by Mr Ricci Bitti that perhaps the business plan was not right. Nevertheless, WADA could not sit back and pretend that putting a group of people together to come up with a new business plan would solve all of the problems immediately, so he thought WADA had to work on a number of different fronts, and he would ask Mr Ricci Bitti how he thought WADA might be able to address that particular request.

#### DECISION

Draft budget 2016 approved.

#### – **6.5 Selection of auditors for 2016-2018**

MR RICCI BITTI referred to the approval of the renewal of the mandate for the auditors. WADA had carried out a road show, and had asked many important companies worldwide in order to choose the best. Having deliberated, the Finance and Administration Committee recommended reconfirming PricewaterhouseCoopers as the auditors, and the members were asked to approve that recommendation.

THE CHAIRMAN asked the members to approve the services of the auditors. He thought that Mr Ricci Bitti had reported on an exercise to check the potential supply of auditors; there had been a survey, and PricewaterhouseCoopers had been the chosen auditors. He proposed that PricewaterhouseCoopers be appointed as the WADA auditors for the following year.

#### DECISION

Proposal to appoint PricewaterhouseCoopers  
WADA auditors for 2016-2018 approved.

### **7. Education**

#### – **7.1 Education Committee Chair report**

MR MOSES thanked everybody for coming to Colorado Springs, which was the home of USADA and the USOC, and was one of the largest sports towns.

As the 'win at all costs' mentality started to threaten sport, as the members were aware, education and prevention were becoming increasingly important. Everybody needed the leaders to support education initiatives, as these were a crucial element in the fight against doping in sport. He firmly believed that prevention was the most powerful tool that could be used in the fight against doping in sport. In fact, the 2015 Code reinforced the importance of prevention. He was pleased that WADA had and would continue to fulfil its role as a leader in the field of education and prevention. However, the leadership role was possible only with the support and commitment of all of the stakeholders.

An education conference had been held in Ottawa about a month previously, hosted by the Canadian Centre for Ethics in Sport. It had reinforced the need for more of an investment in

terms of finance and human resources in anti-doping education. The conference had brought together over 130 representatives from NADOs, RADOs, IFs, NOCs and researchers, with an additional 150 people live streaming the conference. There had been a clear call to ensure that more research-based education was being carried out and to emphasise the need to measure effectiveness and the impact of the education programmes. The Chairperson of the WADA Athlete Committee, Ms Scott, had given a keynote address on how she had started in skiing and why she did what she did, reinforcing the fact that young athletes needed preventative education programmes to reject the notion of doping.

The Education Committee continued to be very satisfied with the work being done by the Education Department as it continued to partner with stakeholders and develop new resources to ensure that robust materials were available for use. He encouraged all stakeholders to use WADA's resources, including the model guidelines, and ensure that education and prevention programmes were a priority.

The Education Department was there to assist and advise if necessary and, as mentioned earlier by the Director General, the Executive Committee had agreed to support three social science research projects, all of which would further enhance education initiatives. The remaining funds would be used to conduct reactive and targeted research, and he gave the floor to Mr Koehler to provide an overview of some of the education initiatives.

#### DECISION

Education Committee Chair report noted.

#### – **7.2 Education report**

MR KOEHLER informed the members that his complete report was in their papers, but he wished to highlight a few key elements in relation to the Education Department and activities. He elaborated further on the 2015 education conference. There had been many outcomes from the meeting, but he wanted to highlight a few of key importance. The first was that there had been resolutions from the conference and a commitment from the stakeholders and WADA that the resolutions would not be simply words, but that there would be concrete follow-up and ongoing evaluation to see if the objectives had been achieved. There had been a call and a need for more investment in anti-doping education and research, recognising that values-based education was needed to deter and prevent athletes from doping. It was not good enough to do information programmes. More needed to be done to prevent, and to make sure that WADA was measuring the tools and making sure that they were working. There had been a strong call for athletes to be speaking out and supporting clean sport and not to be complaining about being tested, to be champions for clean sport and ensure that all young athletes were following the lead to promote clean sport in their sports.

Looking at the Code, an interesting thing had been the delineation of responsibility between IFs and NADOs, and the recommendations from that group had been that the IFs should really be focusing their attention on outreach programmes at their major events and junior championships, and making a connection with the athletes. The more values-based substantive education needed to happen at a national level. IFs were encouraged to be contacting NFs to ensure that they were engaged in the fight against doping in sport. NFs played a key role and had a direct link with their athletes. One of the final recommendations had been for the compliance programme to take education as a serious element, and education should be dealt with as any other area of anti-doping, making stakeholders accountable.

He also wanted to introduce something released earlier that week: a research package to help guide ADOs to start evaluating their tools and whether they were working, and to look at comparative data over time to see if prevention and the materials being used were making a

difference. That would require investment and money, but the thinking behind it was that ADOs had spent a lot of time investing and developing test distribution plans, registered testing plans and looking at investigations, and had very well set-out plans. The tool would help do the same when it came to addressing education programmes.

He highlighted three releases. The sport physician's tool kit was an online learning tool for sport physicians, who played a critical role in protecting clean sport. WADA had partnered with the IOC to expand it and help educate physicians before they went to the Olympic Games rather than when they were at the Olympic Games, to ensure that they were protecting their athletes and were aware of their responsibilities.

Another programme launched was the Alpha programme, an e-learning programme for elite athletes. The programme was not to be done overnight. It was set to take place over a six-week period with continual learning and booster sessions. Not only did it talk about what the rules were; more importantly, it also addressed the medical and ethical reasons for which doping was wrong and practical ways to help athletes stay clean when faced with difficult decisions.

The department had also launched the university e-text book in cooperation with the Guangzhou Universiad organising committee and FISU. Currently online, it had been piloted in ten countries with ten universities and was accessible and available free of charge to all stakeholders.

Finally, he brought the members' attention to one of the key programmes currently being carried out in relation to partnerships, and it was addressing values-based learning. All of the partners had tried to get into schools and include anti-doping in the mainstream education curriculum, but had encountered difficulties. Instead, WADA was partnering with the International Fair Play Committee, the IOC, the IPC, UNESCO and the International Council for Sport Science and Physical Education to develop a core values education programme to assist teachers with what they were already teaching. The tool had been developed by researchers in cooperation with the partners, and its core was based around fairness. Research had shown that, when people felt that they were being treated fairly, they were willing to abide by the rules, and it would talk about equity, inclusion, respect and uncertainty because there were not always easy answers when it came to guiding young people and students to make sure that they were being empowered to make the right decision. It was expected that the tool would be launched later in 2016.

Finally, he left the members with a quote from Peter Marshall that the department was trying to share with all of the stakeholders: it was better to start small and do it right as opposed to planning big and not doing it at all. When starting their education programmes, he encouraged stakeholders to do it small and do it well.

THE CHAIRMAN observed that very high quality work was being done.

#### DECISION

Education report noted.

### **8. Health, Medical and Research**

#### **– 8.1 Health, Medical and Research Committee Chair report**

THE CHAIRMAN thanked Ms Fourneyron for joining the Foundation Board via telephone. He asked her to give her report as Chairperson of the Health, Medical and Research Committee.

MS FOURNEYRON said that she had heard the end of the debate on the Athlete Biological Passport. She first apologised for not being with the Foundation Board members in Colorado

Springs. As a member of the French Parliament, she had been asked to stay in Paris to attend a number of crisis meetings and vote on several laws giving exceptional powers to the French Government, as a state of emergency had been declared in France. She was sure that the Foundation Board members would understand. She also took the opportunity, personally and on behalf of the French Government, to warmly thank the President of WADA, the IOC president and all those who had shared their sympathy and thoughts in those unprecedented difficult times for France. She thanked the members for holding a minute of silence in memory of the Paris victims. She also thanked the members for allowing her to give her report by teleconference. She really appreciated the opportunity, as she felt it was important to contribute that day and the previous day, given the critical period for WADA and the importance of the issues on the agenda.

The members had the extensive report in their files and she hoped that they had had the time to read it. The Health, Medical and Research Committee had worked that year, as always, to come up with the following year's Prohibited List and decide on the allocation of research money for relevant projects. That had been done in time to be decided on by the Executive Committee before 1 October, as per the WADA procedure. So the Prohibited List and the research projects had been approved at the September meeting of the Executive Committee, and she would try to give a brief overview of the topics, bearing in mind that the papers in the members' files contained all the necessary details. She would of course be happy to answer any questions the members might have with the support of Dr Vernec and Dr Barroso if necessary.

Suggested changes to the Prohibited List had been reviewed by the Health, Medical and Research Committee in early September, after a thorough process involving experts and stakeholders. The final Prohibited List had been approved at the September Executive Committee meeting. The differences between the 2016 and the 2015 Prohibited List and the monitoring programme were quite minor and the members would find them highlighted in the report in their files. It was the first time in WADA's history that such a short list of changes had been recommended to the September Executive Committee meeting. That did not mean that the Health, Medical and Research Committee was getting lazy or complacent; she thought it reflected the fact that the Prohibited List had reached a certain level of maturity. It was good news, as it meant that the Health, Medical and Research Committee could spend more time on spreading educational messages. Education was a clear issue when it came to updates on the Prohibited List. WADA desperately needed to find innovative and clever and simple ways to inform the athletes about changes to the Prohibited List. It was currently very difficult for athletes to understand what was new on the Prohibited List and to know for sure what substances were prohibited at all times, in- and out-of-competition, and which were not. WADA definitely needed to improve communication and she was sure that all of the athletes around the table or calling in would agree with her on that, and she knew that Ms MacLean had been handling the issue with the Communications Department. She looked forward to her report later in the day.

The fact that the Prohibited List had not changed a great deal that year did not mean that it was a done deal. It remained a work in progress and WADA needed to remain alert to the latest trends because the creativity of cheats was limitless. Everybody knew that, unfortunately.

She had a brief comment to make about the unique List, which was something widely expected by athletes and stakeholders alike. It was also an issue that had been discussed several times by the members. The purpose was to have only one single Prohibited List in which all categories of products would be prohibited at all times. It would be very useful for everybody and would greatly improve the clarity and implementation of the Prohibited List. The advantages and disadvantages, as well as the feasibility of such a list, were currently being examined in detail by a group comprising Dr Rabin, Dr Vernec and Dr Budgett. The hope was to see a positive outcome and a unique Prohibited List in 2017. That concluded what she thought was worth mentioning about the Prohibited List.

Moving on to the research projects, 110 projects had been received following the 2015 call for grants, which was more or less the usual number of projects that WADA received every year, from investigators representing 26 different countries in four continents. As a result of the usual and very solid annual review process by the Health, Medical and Research Committee, a total of 28 projects had been selected, recommended for funding and approved at the September Executive Committee meeting. Seven of those projects would be supported by the special research fund for a total amount of 1.3 million US dollars in 2015. For the first time, two projects would be supported by the fund created with the Partnership for Clean Competition, for 0.41 million dollars, on the production of reference materials and standards, and 19 projects would be funded out of the regular WADA fund, for 1.9 million dollars. It was worth mentioning that, of those 19 projects, two projects approved by the Health, Medical and Research Committee did not come from the call for grants. There were two special targeted projects, one with Interpol, and a shadow laboratory project, both of which were very interesting. The Health, Medical and Research Committee did not only approve the scope of the projects, it also asserted their financial relevance. Out of the 28 projects approved, seven had been asked to review their budget quite significantly. With that effort, the total budget for research was 3.2 million US dollars.

She explained how the Health, Medical and Research Committee had decided on the breakdown between which projects would be funded by the traditional grant budget and which would be supported by the special research fund. All the projects selected for funding that year had been proposed to WADA through the usual regular call for grants that WADA issued every year. From the 110 projects received by WADA, seven had been selected whose topics would fall under the special fund priorities defined earlier that year. At that point, she stressed that the allocation of an extra 12 million US dollars over a three-year period, 2015-2017, was excellent news for research, but it should not be seen as a bottomless resource or a goldmine, as it hardly covered the decreasing trend of WADA's research budget over the past few years. The research budget had been one-quarter of the overall WADA budget, and it had been constantly and significantly decreasing over recent years. Nevertheless, the special research fund was very good news because it was an opportunity to change the approach to research. More than ever, WADA needed to demonstrate the return on investment of research and show tangible progress. WADA needed to prove that it could find solutions and make concrete breakthroughs in developing new and improved detection methods. That was the best answer that WADA could provide to the ongoing criticism about the supposed lack of efficiency of anti-doping. To achieve that, WADA needed to be more proactive and bolder when it came to using the special fund. That was why the Health, Medical and Research Committee had suggested that, from then on, the special research fund should be allocated in two ways: firstly, the innovative projects emerging from the regular call for grants and falling under the special fund, and secondly (and that was new), WADA would issue requests for proposals on some top priorities, in that the WADA Science Department would target research teams, laboratories and researchers around the world who were known within the scientific community as being capable of addressing the specific issues identified by WADA, and WADA would contact them proactively to attract proposals and applications from them. She thought that it was a very efficient way of proceeding to allocate the special research fund. It would guarantee that WADA addressed its top priorities in terms of research projects and innovation. The first was on autologous blood transfusion and one million dollars out of the special research fund was dedicated to that. She was confident that the applications due by 31 January would be of the highest quality.

To conclude her report, she gave a very short overview of the other achievements discussed at the Health, Medical and Research Committee meeting regarding TUEs, laboratories, the Athlete Biological Passport and the Gene and Cell Doping Expert Group. For TUEs, two things should be noted: the TUE Expert Group was working with the IOC medical commission to organise potential

TUE review cases during the Olympic Games and Paralympic Games in Rio. It was a huge and very important task. In 2015, there had been a 60% increase in ADAMS users for TUE applications with respect to the previous year, which was a good sign in terms of the development of ADAMS but still too low for the system to be fully efficient. WADA needed to continue its efforts to develop it.

The Athlete Biological Passport was a very valuable tool but it was still in its infancy. The steroidal module had been implemented at the beginning of the year. Too few IFs and NADOs had been using it to monitor athletes and detect signs of doping. There was quite a challenge ahead with micro-dosing, and WADA had to improve the Athlete Biological Passport so that it could detect lower thresholds. The Athlete Biological Passport had been created thanks to significant research and it had been enhanced since its introduction. It must remain a research priority. WADA needed to introduce whole new sets of cutting-edge biomarkers. Part of the special research fund had already been earmarked for such developments, and that was good news.

In relation to the laboratories, there were currently 34 WADA-accredited laboratories. There were currently no more probationary laboratories. Several site visits had taken place, and a few had been to the laboratory in Moscow, a task assigned by the Independent Commission to the Laboratory Expert Group, which had led to the suspension of the accreditation of the laboratory. She thanked Dr Verneq and his team members, who were doing a great job on both fronts. A new laboratory in Santiago de Chile had expressed an interest in becoming a candidate to attain the status of a WADA-accredited laboratory. The qualitative requirements were demanding and standards very high. Therefore, the process to become an accredited laboratory was quite long. WADA was in the initial stages of the process with the laboratory in Santiago de Chile, but the early contacts were still good news, as South America was quite underequipped in terms of accredited laboratories.

On gene doping, a major step towards an effective new screening technique for gene doping had been achieved by Dr Anna Baoutina from Australia, the first gene doping screening test validated by WADA, and the technique would be tested in selected WADA laboratories. It was a huge breakthrough that could have a big impact in the near future. That concluded her report, and she would be more than happy to answer any questions.

THE CHAIRMAN thanked Ms Fournayron for her report. Were there any questions?

DR BUDGETT congratulated Ms Fournayron on her report. He had been particularly interested in the discussion at the beginning on the unique, single Prohibited List, with all substances prohibited at all times, and the challenges. Clearly, the support that it would be better protection for clean athletes was appropriate in principle and WADA should aim for a unique Prohibited List in 2017.

MS FOURNEYRON thanked Dr Budgett. It was a very big challenge, and it was not easy because of narcotics and corticoids, but the aim was to have something for the clean athletes in particular.

THE CHAIRMAN thanked Ms Fournayron for taking the trouble to join the Foundation Board.

MS FOURNEYRON wished everybody a good conclusion to the meeting.

#### DECISION

Health, Medical and Research Committee Chair  
report noted.

– **8.2 Science report**

DECISION

Science report noted.

– **8.3 Medical report**

DR VERNEC noted that the members had the report in their folders, so he would highlight just a few points. Of course, one of the core activities of the Medical Department was to screen TUEs. It was a bit of a repetition of a theme, in that, if WADA did not see TUEs entered into ADAMS, it did not monitor and it did not do what WADA was supposed to do, which was its global monitoring function, so that was very important. There had been some improvement there, but there were still challenges in that area. There had been a slight increase (actually a 30% increase) in TUEs in 2015 as compared to the previous year; half of those were simply increased TUEs from ADOs already using ADAMS, and the other half were from some of the organisations that were beginning to enter information into ADAMS, so there was some movement in the right direction. The department had reviewed two granted TUEs on the use of testosterone, obviously an area to which WADA was always very alert, and the WADA TUE Committee had reversed the granted TUEs. There had been no appeal by the athletes or the ADO that had initially granted the TUEs.

There had been a decision requested on clarification of the standard of proof for TUEs in all situations, and that had been resolved and would be the balance of probabilities.

One of the areas on which the group worked hard was the TUE physician guidelines, or the medical information to support decisions related to TUEs, and there were currently 18 documents. There had been a number of revisions throughout the year, and two more documents had been added, on neuropathic pain and cardiovascular conditions specifically related to the therapeutic use of beta-blockers in athletes, which was always a controversial area.

The group had worked on a report dealing with hCG and, although it was outside the mandate of the TUE Expert Group, since it was the only physician group in WADA, some of the members had developed an appendix to the WADA guidelines for the reporting and the management of urinary hCG findings in male athletes. It was a clinically focused document that provided guidance to physicians when an athlete exhibited elevated hCG findings in an anti-doping test. That would help physicians to appropriately treat and refer athletes for whom a diagnostic result could result in a very serious malignancy. He was very proud of that work, and would help athletes from smaller countries in particular who might get a note from their ADO saying that they might have a malignancy and to deal with it.

On behalf of Europe, MS ATTARD wanted to thank Dr Vernece and the Medical Department for all the work that they did on the ISTUE and the TUE guidelines for physicians, which, as a physician herself, she really appreciated. Europe supported the updated ISTUE and thanked the Medical Department for its prompt inclusion of the standard of proof clause.

DR VERNEC thanked the Maltese representative for her comment. WADA received good feedback from the physicians which was always appreciated.

DECISION

Medical report noted.

– **8.4 Athlete Biological Passport**

DR VERNEC said that there were currently 49 ADOs that had implemented the haematological module, including practically all of the IFs for which endurance capacity was a

major factor in success. There had been 81 anti-doping rule violations since 2010 by eight different ADOs, based on the Athlete Biological Passport and not as targeting from the Athlete Biological Passport, for which there were probably another 400 more traditional positive analyses, again, based on the targeting aspect of the Athlete Biological Passport. One of the big issues that all of the ADOs had was the time to get a sample (an Athlete Biological Passport blood sample) to the laboratory for analysis. It was currently 36 hours with another 12 hours' time for analysis. A group had been working for about a year trying to improve that, and had developed a fairly innovative method, known as the blood stability score (BSS). Validation tests had already been performed, and it would be published in a peer-reviewed scientific journal in the coming months and, following that, throughout the following year, WADA would be contacting ADOs and laboratories to ensure that all of the ADOs would follow up and get the appropriate temperature data loggers to allow the BSS to be implemented by January 2017. The result was that there should be a move from 36 hours to about 60 hours, which would significantly alleviate the stress of getting samples to the laboratories.

WADA was currently in the second year of the steroidal module, and data from ADAMS indicated that there was about three times the rate of positive IRMS tests when the confirmation testing was based on the adaptive model. There was still a lot of information missing, and he did not have numbers on how many IRMS increases there were because the steroidal module had been started, and WADA would work hard to try and get some of that data over the coming year. IRMS negatives were not being put into ADAMS, there were not always the reports from the APMUs put into ADAMS, and there was incomplete reporting of the confounding factors and other details that would help to analyse the particular challenges with the steroidal module. There were plans to address those issues and some were being addressed by his science group in the TDEAAS that would be coming in January 2016 and would address the need to put some of the information into ADAMS.

The previous day, a technical document had been approved to make sure that the TDRMR for the Athlete Biological Passport would be synchronised and compatible with the TDEAAS approved in September.

He would repeat the business of the Athlete Biological Passport in ADAMS. He had been referring to ADAMS use for TUEs, but there was a similar, if not larger, issue for the steroidal module in particular. If doping control forms were not entered into ADAMS, there would be no attaching of the sample to any longitudinal profile, to any athlete, and there would be no passport on that athlete; that would be a single orphaned result and WADA had lots of those. Everybody was working together on that and, even though it was not a direct compliance issue, the compliance group would be working to try to improve in that area.

WADA was working to advance the Athlete Biological Passport and there were a few different groups doing that. There was a WADA ad hoc Athlete Biological Passport Expert Group that met once a year, and it had met in Rome in May, and dealt with some of the issues including the blood sample transport issue, strategies to address current doping strategies, looking for patterns of doping, discussing more research to look at confounding factors, plasma volume shifts and give guidance in that way. He would not go through the list of all the meetings, but it had been an extremely active year. There had been a meeting with the Nordic APMU in Copenhagen, which had been an excellent meeting, advancing the ability of people to analyse profiles.

The IOC and IFs and WADA had got together to talk about strategy, looking back at how WADA had done at the Olympic Games in London, and looking at what lessons had been learnt and what could be applied for the Olympic Games in Rio.

The WADA Athlete Biological Passport experts' meeting had been held recently in Qatar. WADA had hosted a two-day symposium, and had brought together a number of different groups,

including experts who reviewed the passports, APMUs, and managers and laboratory personnel. There had been many good outcomes, including improving the ability and dealing with the practical elements of managing passports and sharing information, and that was a message that had been discussed quite a bit, and Mr Donzé had alluded to the fact that IF and NADO cooperation was key, so there had been quite a bit of dialogue in that area.

He would not go into confounding factors and new analytical tests, but there had been a fairly strong scientific component to that meeting, and there had been talk about how to integrate intelligence information in an Athlete Biological Passport programme.

There had been a group of legal experts, and a whole morning had been spent discussing all the legal nuances of the Athlete Biological Passport, which was something that sometimes frightened the physicians and other scientific people. The main value of that meeting had been that it had not been a didactic lecture; there had been frank and open discussion, with everybody challenging each other, WADA challenging laboratories and the laboratories challenging WADA, so it had been a very fruitful meeting.

The final meeting to be set up in a couple of weeks would be on growth factors and IGF-1 implementation. A small group of experts would be meeting in London on that.

In conclusion, the Athlete Biological Passport and in particular the haematological module had been a very effective tool to date, not a standalone tool, but a helpful one in the fight against doping in sport. It should be remembered that analytical testing, whether traditional or as part of the Athlete Biological Passport, remained critical and included important roles in almost every investigation to date. As important as investigations were, one still had to have the scientific basis behind them. The year had been very active and the following year would probably be as active, as WADA continued to help ADOs implement the passport, increased monitoring and helped to refine and improve the current modules and also some of the future modules. That concluded his report. He would be happy to take some questions.

MS ATTARD stated that Europe wanted to express its approval of the 2016 TDRMR but would also like to ask WADA to assess the cost-benefit outcome as, due to the new parameters in the steroidal module, there were three times more confirmatory tests being done, and therefore that would result in increased costs for NADOs. She would appreciate it if an analysis could be carried out to determine whether it was worth doing in cost terms. Coming from a NADO, more information on the steroidal module would be highly appreciated. She was aware that the new TDSSA had been approved at the Executive Committee meeting the previous day and asked WADA for a cost-evaluation exercise for the TDSSA in relation to the growth hormone-related analysis as, again, it resulted in more costs for NADOs.

DR BUDGETT echoed the appreciation of all those involved in the TUE guidelines and also the hCG issue. That was very helpful. He wondered whether there were any plans to extend that reporting and management guideline to any other prohibited substances or the Athlete Biological Passport itself.

DR VERNEC responded to the questions. There had been no increase in IRMS confirmation tests that year; there was actually less IRMS being performed, but there was a threefold increase in confirmatory rates when using the personalised information that came out of an adaptive model as opposed to the population values, which was what happened when there was no doping control form and it was a single orphan value, so it was actually more effective. Having said that, he entirely agreed that more data was needed and he would love to do a more detailed report on the steroidal module. He was engaging with his science colleagues to work hard the following year to get that information. Certainly, the cost evaluations were an issue.

Growth hormone was not something that had been dealt with in relation to the Athlete Biological Passport, so Mr Barroso might respond to that comment after.

He concluded by telling Dr Budgett that, in the Athlete Biological Passport itself, when haematological experts reviewed a passport, and they were physicians, there was an obligation to report on any possible pathology. It was at the discretion of the physicians to not necessarily declare very minor conditions, such as beta thalassemia, or things that were of no importance for the athlete but, if anything was detected through the Athlete Biological Passport, particularly the haematological module, there was an obligation and a process.

DR BARROSO said that, regarding the implementation of the methods for hGH, there had been a very active discussion with the standards and harmonisation team on the TDSSA and how they would address testing for hGH. The issue was that there was hGH and also factors that induced the release of hGH. For hGH itself, there were two methods that were complementary, and WADA had been trying to encourage the NADOs not to focus on only one method but to try to apply the two methods. The same applied to the releasing factors. He knew that athletes had been moving from using hGH to using those small peptides, hoping that they would not be detected, so the laboratories had already developed methods for the detection of those peptides. He acknowledged that, for some NADOs, that might represent increased costs, but that was the nature of the beast that WADA was up against. There were always more methods and different substances tried out by cheats and WADA needed to be prepared to detect them. Regarding what Dr Budgett had said about the guidelines, in particular for hCG, there were other guidelines, including guidelines for hGH, and guidelines were developed according to requirements for specific substances. He informed everybody, as the Science Department had received a lot of questions, that the guidelines on hCG and LH management were currently being reviewed, so there would be some changes to the guidelines to provide more information and guidance for NADOs on the management of hCG and LH findings.

## DECISION

Athlete Biological Passport report noted.

### **9. Legal**

#### **– 9.1 Legal and investigations report**

MR NIGGLI informed the members that they would see his report in their files. It included the amendments to the Canadian legislation on data protection which allowed WADA to be under federal jurisdiction. It was a great step forward and he was very thankful to the Canadian authorities for doing that. It had enabled some of the remaining European ADOs previously unable to use ADAMS to do it, because they had been given permission from their data protection authorities.

He remarked on the ongoing work on the drafting of a new European regulation for data protection. The text was still being discussed, but the current situation was that there was one recital in particular that had been approved and was likely to stay in the text, and it indicated that the fight against doping in sport could be an example of public interest. In concrete terms, that meant that, when the legislation came into force at European level, each EU Member State would be required to ensure that it had something in its national legislation indicating that the fight against doping in sport was of public interest. If they had that, they would be able to keep collecting data and manage the fight against doping in sport. This would require EU Member States to take an active step to get something in place, so he called on the European representatives around the table to make sure that their colleagues understood what they had to

do in the coming months or years. WADA would also be working with the European Commission to raise awareness; there had been good working sessions with the European Commission, and WADA would continue that dialogue to ensure that they also passed on the message, and he was sure that the Council of Europe could do the same with its members.

THE CHAIRMAN thought that Mr Niggli was entitled to a response. WADA had struggled with data protection in Europe in particular since he had been in short trousers. It was perfectly reasonable to ask the European representatives at that meeting if they were prepared to help deliver that particular exercise, and that was (instead of the European Commission doing it itself, which would make it much easier for all concerned) if they were prepared to encourage all of their individual national members to do what was required. Mr Niggli had made the request very politely and was entitled to a response.

MR MUYTERS said that he was prepared to see what could be done within the institutions and legislation.

MR HUSTING noted that the point had been raised at many formal and informal meetings at EU level, and he had been informing all the participants, ministers and directors about the issue. They knew about it, and he continued to keep them informed.

THE CHAIRMAN noted that Mr Husting was representing the Luxembourg minister, who had been unable to attend the meeting that day.

MR PENGILLY admitted that, from an athlete perspective, the issue was not the most exciting one, but it was very important and athletes would be very inclined and desirous to know that the legislation would not have a negative impact on the fight against doping in sport, and would strongly urge all the European government representatives to work hard and get it on meeting agendas and continue the work that the colleague from Luxembourg had been talking about. He had one question about it: should the governments not get the legislation in place in time, would that have an implication on their Code compliance?

MR POUND thanked Mr Muyters for agreeing to follow up on the matter. It would be great if Mr Muyters could do it and then report back as to the outcomes and the undertakings that he had been able to attract. If there were some who had not cooperated, perhaps he could give some advice on to how to deal with them. Having a report back on the undertaking would be very helpful.

MR MUYTERS suggested that the EU Presidency take that up. It would be best if the person coming to the WADA meetings from the trio of presidencies could provide a report on the situation.

THE CHAIRMAN remarked that that was not unhelpful. He thanked Mr Muyters.

MR NIGGLI answered Mr Pengilly's question. He was very optimistic that that would not happen, having heard the recent comments; but if, in the end, an ADO was unable to perform its work because it was unable to collect data, it would be an issue of non-compliance. He guessed that that was not yet the case.

He highlighted the fact that there was a new provision in the Code to harmonise the situation of retired athletes who wanted to come back to compete. There had been a number of different rules before the new Code had come into force. A system had since been implemented to ensure that exceptions to a six-month testing period had to come to WADA. WADA had been interested to receive nine requests since the beginning of the year, which was more than had been anticipated, and also to see the kinds of excuse or grounds for those requests. It was there for the members' information. Out of nine, WADA had granted four and refused four, so it was pretty balanced at that stage.

## DECISION

Legal and investigations report noted.

### – **9.2 Amendments to WADA statutes**

MR NIGGLI informed the members that the proposed modifications to the statutes were the result of previous discussion around the table about the consequences of non-compliance, so they were the direct result of the discussion and, obviously, as far as WADA was concerned and as far as WADA could implement things. The wording proposed was a modification of one article, which had already been dealing with the consequences for those who would not be ratifying the UNESCO convention or who would not be paying their dues to WADA, so something had been added to that article on the consequences for those who would be declared non-compliant. There had been a proposal from Europe the previous day on a slight change to the initial wording in the members' files. The substance of the proposal was that the consequences of being non-compliant would take effect the day after a decision of non-compliance and would not be postponed until 1 January the following year. The members had a document before them, which was a recommendation by the WADA Executive Committee and the text of what was proposed. He had noted two remarks earlier on which made absolute sense, and he would inform the members about them, as he thought that that would be the final text to be adopted. The first point was that the second line from the top referred to the UNESCO international convention 'against' doping in sport and not 'on' doping in sport (so 'against' was the modification). The second suggestion was, at the end of the last sentence, which said 'from a country that has not paid its dues', to add 'or has been declared non-compliant', to make it completely clear. He asked the members to accept the text as the modification and for it to be included in the WADA statutes.

MR THILL said that he wanted to confirm what had been clarified the previous day, in that the words 'any Foundation Board or Executive Committee member from a country' actually meant any Foundation Board or Executive Committee member representing a government of that country, to ensure that the consequences were not linked to the nationality of the person but rather to the actual function of that person at the Executive Committee or Foundation Board level.

MR POUND referred to a typo. At the end of that paragraph, there was reference to a country that had not paid its 'due'; it should be 'dues' in the plural.

THE CHAIRMAN asked if anybody else wished to take the floor. The proposal before the members was an amendment to the statutes of the agency. The effect of the European amendment was to make the change a little bit more rigorous than it had been. Was it the members' view that the statutes should be amended in accordance with the paper that they had in front of them?

MR NIGGLI confirmed that the interpretation made by Mr Thill was correct.

MR POUND added that his minister had pointed out that the word 'due' occurred in mid-paragraph as well and should be corrected to read 'dues'.

THE CHAIRMAN noted that the word 'dues' was a very North American word but he understood.

## DECISION

Amendments to WADA statutes approved.

## 10. World Anti-Doping Code

### – 10.1 Compliance

THE CHAIRMAN observed that one of the recommendations from the Independent Commission had been to develop and strengthen WADA's compliance operation. He thought that WADA had done that pretty well to date with a first-class independent compliance group, which did a great deal of good work.

#### 10.1.1 Compliance Review Committee Chair report

MR BOUCHARD thanked the members for giving him the chance to report on the work accomplished by the committee since the previous meeting of the Foundation Board in May 2015. Since that date, the Compliance Review Committee had continued to support the WADA task force in the implementation of the compliance monitoring programme, and had met on 4 September and 26 October, and also held two teleconferences, the latest of which had taken place on Thursday 12 November.

During the sessions to which he had referred, the committee had been briefed by WADA staff and monitored progress made by WADA in the implementation of the different components of the programme. First, it had reviewed progress made with regard to the Code compliance survey, the ISO accreditation process and the IF partnership programme. The committee had established a procedure to bring transparency and clarity to cases related to non-compliance, and discussed specific cases of signatories whose rules were not yet in line with the 2015 World Anti-Doping Code and also cases of signatories who used non-accredited laboratories for analysis purposes. The committee had also discussed the consequences of declarations of non-compliance and sanctions that might be introduced; a discussion had taken place that morning on that point. His report would cover all of those areas, and would provide the members with the views and recommendations made by the members of the Compliance Review Committee. It would also cover the discussions held by the Compliance Review Committee on Thursday 12 November on specific recommendations relating to non-compliance made by the WADA Independent Commission in its report released on Monday 9 November.

He apologised in advance because the report was quite long, but the subject needed to be addressed in detail.

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

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

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

In the second part of his report, he would focus on cases of signatories whose rules were not yet in line with the 2015 World Anti-Doping Code, and he would also focus on cases of signatories who used non-accredited laboratories. Those were two very important topics that were the subject of a recommendation by the committee. He would refer to documents 10.1.2 and 10.1.3 throughout his report.

Before doing so, he noted that, in May 2015, at the previous meeting of the Foundation Board, there had been 43 signatories whose rules were considered not in line with the 2015 World Anti-Doping Code. At the time, the Foundation Board had approved the Compliance Review Committee's recommendation to declare six signatories non-compliant with immediate effect. Another group of signatories had been given more time to become compliant. Six months later, there were nine signatories involving eight countries (Belgium had two NADOs) whose rules were not in line with the Code. That was a significant reduction from the May 2015 numbers. Those results were very encouraging, but not enough. More needed to be done. The committee felt strongly that, more than two years after the approval of the Code, WADA should expect more from signatories. To achieve the goal and facilitate the assessment of compliance, the Compliance Review Committee had established a procedure, which had the benefit of bringing more transparency and clarity to cases related to non-compliance. That was what Mr Niggli had been referring to. The members would find details under 10.1.2 and find that it encouraged dialogue between WADA and the concerned signatories. It allowed WADA to assist signatories by recommending corrective measures and also allowed for the extension of timelines to enable flexibility. However, if the non-compliance issues persisted, two types of recommendation would be made to the Foundation Board: first, a recommendation of non-compliance with immediate effect and, second, a recommendation to put signatories on a so-called watch list with a four-month deadline to fix the issue. If the issue was not fixed by the end of the four-month period, signatories would become automatically non-compliant. The members would have noticed that the main difference between the two groups was the provision of a timeline. Signatories who had neither solved the issues nor provided a timeline would fall into the first category and should be declared non-compliant with immediate effect. On the other hand, signatories would be put on the watch list if they provided a timeline and there were good indications that it could be respected, either because the rules were close to being in line with the Code and/or there was a

real commitment and engagement by the relevant authorities to have changes adopted. Put in simpler terms, the Compliance Review Committee was of the view that, more than two years after the approval of the 2015 World Anti-Doping Code, to have signatories' rules in line with the Code was a basic requirement; it was a minimum. In the view of the Compliance Review Committee, those who did not meet the requirement should be declared non-compliant. For those signatories on the verge of having their rules in line, the committee was of the view that they should be given four more months to do so and would be declared automatically non-compliant if they failed. In other words, the ball was in their court to avoid non-compliance. For the other signatories, for whom there was no real timeline, the declaration of non-compliance was to have immediate effect. That said, WADA would continue to work with the signatories even after the declaration of non-compliance to assist them with solving their issues.

In the view of the Compliance Review Committee, there were other signatories who should be declared non-compliant but for a different reason: the use of non-accredited laboratories for analysis purposes. As part of the Compliance Review Committee meeting held on 4 September, committee members had been informed by WADA that eight countries were using non-accredited laboratories. As the members knew, the use of accredited laboratories was a very important element of the 2015 World Anti-Doping Code. Signatories had to use accredited laboratories to be compliant with the Code and allow for a transparent and reliable fight against doping in sport. It had then been agreed that, for the eight identified countries, WADA would send letters asking for confirmation that such practice would cease immediately. Those countries had also been informed of a potential recommendation of non-compliance to the Foundation Board. At the meeting on 26 October, the Compliance Review Committee had reviewed the updated information provided by WADA and had been informed that five of the eight countries had provided confirmation that the practice had ceased. Three signatories had not. The Compliance Review Committee was of the view that those signatories should be declared non-compliant with immediate effect. The Compliance Review Committee was recommending that the Foundation Board declare non-compliant with immediate effect the countries listed under agenda item 10.1.3 attachment 1. The list included the signatories that he would go on to mention. Andorra's anti-doping commission had not provided draft rules or a timeline in spite of several reminders. Andorra had sent a letter to WADA indicating that it would be active only after 4 November, the deadline given to organisations to communicate with WADA. Israel's anti-doping committee had provided no timeline regarding drafting and adoption of rules, and the draft NADO rules were not yet in line with the Code. The rules of those two signatories were therefore not in line with the 2015 World Anti-Doping Code. Argentina was also on the list, as was Bolivia (the Bolivian NOC, acting as the NADO) and Ukraine's NADO. In the case of Argentina and Bolivia, there had been no response to the letter sent by WADA. In the case of Ukraine, the NADO had replied that the legislative amendment was necessary but no timeline had been provided. Those signatories were using non-accredited laboratories.

The Compliance Review Committee recommended that the Foundation Board declare automatically non-compliant on 18 March 2016, should the outstanding issues not be solved by that date, the countries listed under agenda item 10.1.3 attachment 2. With regard to Belgium, which was the first country on the list, WADA was waiting for an execution decree to be submitted and had been given assurance that it would be submitted by the end of 2015. Regarding Belgium's German-speaking community, WADA was waiting for the government decree and the execution decree. Brazil needed to amend its sports code and amend legislation. The Brazilian Government had committed to amend legislation in the first part of 2016. France had adopted an ordinance, but needed a government decree, which had not yet been passed. France had indicated that it would adopt the government decree before January 2016. Greece's government decree and a new law were in line with the Code, and WADA had been told that they

would be formally adopted by the end of November 2015. In Mexico, two pieces of legislation were required. In Spain's, two pieces of legislation were also required.

He set aside the issue of non-compliance to talk briefly about sanctions for signatories that were deemed non-compliant. The Compliance Review Committee had submitted a recommendation on the WADA statutes. There had been lengthy discussions about sanctions that WADA could adopt. The Compliance Review Committee was of the view that sanctions for signatories declared non-compliant were a key element of the effectiveness of the compliance monitoring programme. What was the real meaning of declaring signatories non-compliant if there were no consequences? As a result, the Compliance Review Committee had recommended that the WADA Foundation Board consider and accept the proposed amendment to the WADA statutes in attachment 9.2, and the Foundation Board had done that that morning. While limited in scope, rigorous implementation of the sanctions would give an example to be followed by other organisations. Coupled with communication to the public, as per article 23.5.5 of the Code, of the list of signatories declared non-compliant or on the watch list, the sanctions should put pressure on non-compliant signatories to become compliant with the Code. That said, more could be done. The 2015 World Anti-Doping Code provided consequences as a result of a declaration of non-compliance to be implemented by many organisations. A number of organisations had already identified sanctions that could be imposed on non-compliant signatories. They also had the liberty to develop other sanctions and implement them. The Compliance Review Committee was of the view that the effectiveness of the compliance monitoring programme would increase considerably if, in the event of non-compliance, the consequences provided for in the 2015 World Anti-Doping Code and sanctions provided directly in stakeholders' regulations were implemented by the relevant organisations. The Compliance Review Committee strongly encouraged those organisations to take the appropriate measures in the event of non-compliance.

He would address the recommendation made by the Independent Commission to declare RUSADA non-compliant. The Compliance Review Committee had acknowledged the content of the report and the recommendation pertaining to RUSADA. The Compliance Review Committee had followed its process to be in a position to provide a recommendation to the WADA Foundation Board. On 9 November, the Compliance Review Committee had sent a letter to the RUSADA director, Mr Ramil Khabriev, informing the organisation that the issues mentioned in the Independent Commission report would be discussed by the Compliance Review Committee later that week for a recommendation to be made to the WADA Foundation Board at its next meeting. The purpose of the letter had been to offer RUSADA an opportunity to submit any clarifications and/or documentation to the Compliance Review Committee before it tabled any recommendation. RUSADA had answered on 11 November and provided numerous documents, for which the Compliance Review Committee was grateful. The documents had been carefully reviewed by the Compliance Review Committee members, and the issue of non-compliance had been discussed on 12 November by the Compliance Review Committee by teleconference. The Compliance Review Committee was of the view that the issue was not to determine whether or not the Russian legislation and rules were in line with the 2015 World Anti-Doping Code but, as demonstrated in the Independent Commission's report, the issue was the practical implementation of those rules. Based on the evidence collected, the Independent Commission had identified several significant breaches of the Code and international standards in the implementation of RUSADA's rules. In the documentation provided to the Compliance Review Committee, RUSADA had acknowledged some of the breaches and on many points expressed deep concern regarding the alleged breaches. RUSADA had also expressed full openness and readiness to work with WADA on possible improvements. To date, it was important to note that the Compliance Review Committee had mainly assessed signatories' compliance on the basic requirements of rules and legislation. Apart from the case of NADOs using non-accredited laboratories, the Compliance Review Committee had not yet assessed how signatories

implemented their rules and legislation. The work of the Compliance Review Committee had only just begun and that task clearly fell within its mandate; therefore, the assessment of the implementation of rules and legislation would increase as the work of the Compliance Review Committee progressed. The objective of the compliance monitoring programme was to ensure that signatories who did not respect the Code by not adopting appropriate rules and legislation and also by not implementing those rules properly would be called out. In RUSADA's case, the Independent Commission had released a report that identified issues acknowledged by the Compliance Review Committee. In addition, the Compliance Review Committee noted the fact that RUSADA had not provided the Compliance Review Committee with assurance that the alleged breaches did not exist or were being fixed. The Compliance Review Committee also noted that the situation described by the Independent Commission could possibly exist in other sport disciplines in Russia. The Compliance Review Committee understood that RUSADA had indicated its willingness to work with WADA to solve the issues and encouraged all parties to start working without delay. In the meantime, however, the Compliance Review Committee had come to the unanimous conclusion and recommended to WADA's Foundation Board that RUSADA be declared non-compliant with immediate effect. Like any other signatory the Compliance Review Committee recommended be declared non-compliant, RUSADA would have the possibility to become compliant again once it had fixed its issues.

That concluded his report, and he would be willing to answer any questions the members might have.

THE CHAIRMAN thought that the matter was very clearly explained, the documents were very clear, and the decision was for the members to take that afternoon. Were there any questions for the Chairman of the Compliance Review Committee?

MS COVENTRY asked whether there were any specific criteria for those deemed non-compliant and if the criteria would be made public, specifically in relation to RUSADA.

MR PENGILLY noted that Mr Bouchard had highlighted the importance of effective sanctions and, as a reminder to the stakeholders who had the ability to impose sanctions, he thought that the Athlete Committee had said that it insisted that all the relevant stakeholders with jurisdiction create enforced robust consequences for non-compliance, and went on to highlight a few options.

For athletes who were in non-compliant nations, if the Foundation Board deemed them to be, there was a danger of them being in a vacuum regarding whereabouts and testing, and he knew that that was a concern among other athletes, so he asked for reassurance from WADA that a plan was in place to tackle that problem.

DR BUDGETT said that he obviously supported the declaration of non-compliance (immediate or on the watch list), but there was a request to very clearly define the steps required for those on the watch list so that they could avoid a declaration of non-compliance on 18 March the following year.

The Compliance Review Committee mentioned in some detail the work of the Independent Commission and he wondered how the work of the Compliance Review Committee linked up with that. Was it complementary, did it overlap and was there potential for integration?

MS VANCE acknowledged that she had not read anything specifically relating to the Paralympic community in the Independent Commission report, and she was keen to find out any details relating to the initial investigation and compliance issue so as not to forget about the Paralympic community. Sometimes there were different organisations involved, so it would be useful to bear in mind those organisations that overlapped and those that were separate. It was necessary to be specific with regard to Paralympic athletes in terms of non-compliance.

MR BOUCHARD referred to the criteria and reiterated that the Compliance Review Committee had focused on rules and legislation thus far. It had not looked at the practical implementation of those rules for most of the signatories. One of the criteria was whether the rules or legislation were in line with the Code. When they were not in line (and that was being assessed by WADA staff), there was interaction with the signatories, and they were told how and why their rules or legislation did not meet the requirements. He stressed that the role that was being played by WADA in that was a facilitatory one, to help countries or signatories get their rules in line with the Code. There were many exchanges between signatories.

For those who wondered if the signatories that the Compliance Review Committee was recommending be declared non-compliant with immediate effect knew why the recommendation was being made, the answer was yes. They knew what they needed to do to be considered compliant. It was the same for the other group. He had gone through the list of countries and they did know why there was a recommendation to declare them non-compliant. There were exchanges of information. That was why he felt confident in relation to the second group, because there was a commitment and a timeline. WADA was giving them four months and the onus was on them to succeed; if they failed, they would become non-compliant.

As to the link between the work of the Compliance Review Committee and the Independent Commission, he would say that the two bodies were complementary. The Compliance Review Committee had been focusing on legislation and rules, not on the implementation of those rules. It was complementary. It would continue to be so. The Compliance Review Committee would move away from legislation and policies and rules and get into practical matters at a later stage.

Regarding rules and Paralympic athletes, he reiterated what he had just said. The Compliance Review Committee had not looked at the Paralympic athletes in particular. It had been focusing on legislation and rules. One would assume that they covered all athletes, and that was how the Compliance Review Committee was addressing it. Some nuances would have to be made in practical terms, and they would be made in due course.

THE DIRECTOR GENERAL responded to Mr Pengilly, who he thought had referred to athletes training or staying in countries with NADOs declared non-compliant. The WADA management had a strategy to ensure that the elite athletes in registered testing pools at international or national level could be tested despite non-compliance. WADA would work with the IFs to ensure that they did testing in those countries on the athletes in their pools, and would work with other NADOs to ensure that the NADOs tested those athletes when they travelled and would engage, where necessary, private independent testing agencies to carry out a programme. That would not be done at WADA's cost but at the cost of the country declared non-compliant. WADA would implement that strategy in the coming days.

THE CHAIRMAN recorded the declaration of a conflict of interest from Mr Kolobkov that morning and was grateful that he would take no part in the discussions. The members had before them a well-researched recommendation from the Compliance Review Committee put together some months previously to declare non-compliant the NADOs in three specific countries (Andorra, Israel and Russia) and the NADOs in Argentina, Bolivia and Ukraine for use of non-accredited laboratories, and to provisionally declare non-compliant until 18 March 2016 two NADOs in Belgium, and the NADOs in Brazil, France, Spain, Greece and Mexico. Did the members support the recommendation made by the Compliance Review Committee that those entities be declared non-compliant?

He thanked Mr Bouchard for all the work that had been done. His guess was that it was not yet over, because the attempts made to make the entities compliant would continue and there were some serious issues that had to be faced. He thanked the Foundation Board for that decision, which was a pretty important moment.

## DECISIONS

1. Compliance Review Committee Chair report noted.
2. Compliance Review Committee recommendation on non-compliance approved unanimously.

### **10.1.2 Compliance update**

MR NIGGLI stated that the members would see an attachment in their files which was the process that had been put into place for compliance and described the various steps taken, so everybody would know how things were working and what the outcomes might be. That was part of the work being conducted in getting the process ISO-accredited, for which a defined process and corrective action were necessary.

He highlighted that, contrary to what the members had in their documents, WADA would not be providing the members with a draft questionnaire, which was one of the elements to be used to monitor compliance. The questionnaire would be sent to all ADOs in due course, but the management had been encouraged by the Compliance Review Committee to conduct a few pilot projects with the questionnaire before moving forward on a bigger scale, so that was work in progress.

## DECISION

Compliance update noted.

### **10.1.3 Non-compliance**

Item covered under 10.1.1.

## **11. Communications**

MS MACLEAN informed the members that she would not go into the details of her activity report, as everybody would have had an opportunity to read that. She had joined WADA as the Director of Communications almost one year previously, in fact the very week that the ARD documentary had been aired. Nevertheless, it had been wonderful learning ground for her. Just before she had joined WADA, a communications audit had been performed by an external agency, evaluating the communications' effectiveness in supporting WADA's business priorities. One of the key outcomes of the audit had been that WADA needed to develop a stronger, clearer and more persuasive voice in protection of the clean athlete, to become the leading voice of anti-doping in sport, heard and respected internationally.

While WADA was first and foremost a regulator, it also had high-value activities that it wished to promote such as science and research, anti-doping capacity and so on. She had taken the necessary time to get the lay of the land and had embarked on a communication strategy exercise a few months previously. Her presentation was the result of that exercise. She had presented a longer presentation the previous day to the Executive Committee, but would present a shorter presentation that day.

Her approach had been to identify where WADA was, where it wanted to go, how it planned to get there and how it planned to measure whether or not it was being successful. WADA had been formed in 1999 as a global brand; it was still relatively young. The brand mission had been conceived at the time to be optimistic, emotional and aspirational in fighting doping. The slogan, Play True, stood for the pleasure of sport and competition within the rules, without any artificial enhancements. Since that time, the sport movement had changed on many fronts. WADA

currently wanted to evolve along with its partners whilst continuing to provide the reach and resources and expertise necessary to protect clean athletes.

Looking at the environment that she had entered almost one year previously, Agenda 2020 had just entered into force, Mr Reddie had been at the helm of WADA for just over a year, the Strategic Plan had just been signed, the ARD documentary had just come out, and the new Code had been prepared to come into force in a few weeks' time. Since then, there had been external pressures on WADA, including fatigue with cheating, government austerity measures, a lot of media coverage, budgetary constraints, pressure on the WADA budget and general disillusionment about the integrity of sport, and athletes were feeling increasingly vulnerable in the face of what was happening. She believed the pressures had the potential to harm the WADA brand and define its reputation.

Taking a step back and looking at what brand was versus reputation, the brand was ultimately what WADA said about itself and how WADA behaved; it was the expectations that WADA created in the minds of its stakeholders, and its reputation was what others perceived of WADA based on shared perceptions. It was therefore their experience of WADA's brand. For the purposes of her strategy, she had decided that the intersection of those two would be WADA's purpose, and its purpose was to protect the clean athlete. WADA wanted people to expect that it would protect the clean athlete and wanted people to experience that WADA was protecting the clean athlete. Therein lay WADA's purpose. When a brand had purpose, great things could happen. Communications expressed the brand and stakeholders started living it; employees saw themselves in it, and that was why they needed to be consulted along the way. Employees needed to be headed in the same direction, and when she said employees, she referred to everybody around the Executive Committee and Foundation Board, anybody who had an association with or was a representative of the WADA brand. The brand needed to help relieve the pressure that could be seen in the earlier slides. WADA needed to carve out a place in the minds of its stakeholders that was improving society through protection of the clean athlete.

In terms of how it reached its stakeholders, WADA was a business-to-business brand; it had direct and indirect channels, but it worked primarily to reach its athletes through those stakeholders in the grey box, the NADOs and IFs. WADA had direct means to reach the athletes through its outreach activities, social media and similar channels.

The plan was to revitalise the brand as a purpose-driven business-to-business brand that would drive the organisation forward, resonate with the varied stakeholders, from those in the room to young athletes and people around the world (WADA had a range of stakeholders), inform and engage its people as ambassadors, reinforce sport and government stakeholders as partners in the initiative, educate and engage and protect the clean athlete. WADA would counter threats to confidence in clean sport, and the brand would underpin everything that was being done in terms of positioning.

The evolution that she believed WADA needed to make in the minds of its stakeholders was a shift from being an anti-doping regulator and collaborative partner to being truly the leader of clean sport.

In terms of how WADA would approach that, the members could see the backbone of the strategy, and it would be to take a step back and revitalise the brand. The first step would be research and positioning, expanding upon the existing research that WADA had and conducting more research with stakeholders, auditing what was being said about WADA and what WADA was saying about WADA, and revisiting the fundamentals of the brand (the vision, mission, values and personality) to clearly and simply articulate the new positioning for WADA.

In step two, the research phase would be translated into real life and how that manifested itself across all of the different channels.

In the third phase, after the Olympic Games, WADA would engage with its stakeholders. There would be a launch strategy associated with that.

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

In terms of communications and how the department would lead that shift, the way she saw it, in terms of communications objectives, her group had four objectives when it came to supporting the business strategy: it needed to build awareness and confidence in WADA's anti-doping activities, lead cooperation with fellow anti-doping stakeholders and partners, facilitate compliance through targeted communications (and that was related to the Code and the international standards), and ensure consistency across all that WADA did so that the brand was recognisable to all of the stakeholders.

She outlined the different channels that the department would leverage. It would employ an integrated approach, so the members could see the areas that fell under her remit. She had presented a work plan to the Executive Committee the previous day in relation to each of the channels that she had referenced. Each of the areas would have a strategy, actions and measurements associated to ensure that the department was delivering what it intended to deliver.

That concluded her presentation. She would be happy to answer any questions.

THE CHAIRMAN noted that the Executive Committee had seen the full presentation the previous day and he had agreed that Ms MacLean would send the members the full presentation to enable them to see the whole story.

#### DECISION

Communications update noted.

### **12. Anti-Doping Administration Management System (ADAMS)**

MR NIGGLI informed the members about progress on the development of the new ADAMS. Things were progressing as they should, and WADA was obviously monitoring that closely. Everybody knew about IT projects, and whenever he spoke about IT projects he sought to be prudent about timelines. To date, things were progressing well and the implementation date would be discussed closer to the date to make sure that it occurred at the right time for the athletes. That was positive.

His second remark was on the recommendation from the Independent Commission that morning. He quoted one part, which said that the fight against doping in sport could be made easier if the use of ADAMS were compulsory. Then the Foundation Board had heard the report from Ms Scott and the Athlete Committee, noting that it would be important if everybody could use ADAMS. The Foundation Board had then heard from Dr Vernec, who had said that he did not get all the TUEs, all the doping control forms and the results for the Athlete Biological Passport. There was something of a discrepancy there, between what would be unanimously recognised as good for anti-doping and the reality, and that was a matter for concern. In the Code, WADA had said that organisations had to use ADAMS or an equivalent system. The reality was that it would be a lot simpler if everybody used ADAMS, at least for the doping control forms, results and TUEs. An interface would be possible, it would cost more money, it would be technically more challenging and would have to change regularly with the change in the system, and he wondered if that was really the way forward, in particular at a time when resources were scarce and WADA

should focus on priorities. The members could hear the discrepancy between the reality and the wishes of those who wanted to enhance the efficiency of the system and, to date, relatively few organisations did not use ADAMS.

#### DECISION

ADAMS update noted.

### **13. NADO/RADO relations**

MR KOEHLER gave a brief update on some of the highlights not in his report and highlighted a few of the items that were in his report. He was pleased to say that, earlier that month, an additional RADO had been established in South America and it engaged Bolivia, Paraguay, Ecuador and Peru, bringing WADA to 16 RADOs engaging 127 countries. WADA had started working with the countries to develop their programmes and would continue to do so. He also acknowledged the support received by WADA in relation to RADOs. Once again, the Japanese Government had supported RADOs in Asia by providing additional funding, and the Australian Government continued to assist the Oceania RADO by funding an employee and education initiatives. Mr Ricci Bitti had mentioned Olympic Solidarity funding. Earlier that year, the President had liaised with Olympic Solidarity and an agreement had been reached whereby Olympic Solidarity would provide a 200,000-dollar grant to ensure more education by all the RADO countries, and that was quite timely in the lead-up to the Olympic Games in Rio. All of the projects had been approved and were currently operating in each of the regions. Finally, the OCA, in cooperation with the Thai NOC and sport authority of Thailand, had committed to pay for and host the fourth regional anti-doping conference in Bangkok.

To highlight the IOC-WADA Rio task force, the objective was to ensure a good bond between ABCD and Rio 2016 and to make sure anti-doping programmes were in progress. Since the previous visit, WADA had been concerned that Rio 2016 was severely understaffed and would not have enough staff to operate anti-doping activities at the Olympic Games. He was pleased to say that Professor de Rose was currently in charge of the programme and there had been an increase in staff to seven people, with more members being hired. WADA was making sure doping control officer recruitment was on target and on track. In terms of ABCD and progress, not only were there concerns about rules, but also about the training programme for doping control officers and the accreditation of doping control officers. WADA would be receiving a further update in Rio, and had informed ABCD that progress needed to be expedited to ensure that there would be world-class doping control officers at the Olympic Games in Brazil. They were there to protect the rights of the clean athletes.

In terms of NOCs, his department's role was to ensure that NADOs were becoming compliant and were being assisted to achieve compliance. He highlighted some concerns, including those relating to Argentina. Argentina would be hosting the 2018 Youth Olympic Games, and more priority had to be given to anti-doping by the government.

WADA had been working closely with the Australian sport anti-doping authority to assist India to increase and improve its anti-doping programme. While progress had been made, based on what had been seen, the Indian Government needed to give more priority to increasing the ability of the Indian NADO to ensure that it was robust.

In relation to Belarus and Ukraine, WADA had been working with them in partnership with UK Anti-Doping to help them develop and, again, WADA needed further commitment from those governments to ensure that resources were put in to facilitate effective anti-doping programmes in those countries.

There was a country not mentioned in his report, but WADA had been informed by the NADO of Kuwait that the Kuwaiti NADO was declaring itself potentially non-compliant because of the lack of provisions of the CAS. WADA would carry out an evaluation and, if a recommendation needed to be made to the Compliance Review Committee, the department would do so in accordance with the procedures in place.

On working with NADOs more closely, trying to help them assist in establishing quality programmes, based on the visits and the work he had been doing with them, it was very clear that the investment put into NADOs was simply not enough. There needed to be more investment from governments supporting the NADOs to ensure they had the resources to protect the clean athletes in a robust way that all would expect from an international community.

To assist with the development and understand more about the challenges faced by the NADOs, there was a NADO ad hoc Working Group. It had met in Montreal on 2 and 3 November 2015, and he handed the floor to Mr Andersen, who chaired the group, to provide an overview and an update on the outcomes.

MR ANDERSEN gave a very short report on the working group established by WADA to strengthen the role of NADOs and to give NADOs a voice in WADA and its governing bodies. The importance of further developing the quality of NADOs was crucial to WADA and the NADOs of the world. In relation to the expectations that NADOs had of WADA, it was clear that Code implementation and compliance and monitoring of compliance and investigations had to be a priority for WADA. NADOs were at the coalface of anti-doping in their respective countries and thus should have a voice and potentially a seat at the Foundation Board meetings. In the interim, they appreciated the relationship they had with WADA through the ad hoc working group. On the expectations of WADA, it had been agreed at the working group meeting that ADAMS had to be the global anti-doping clearinghouse and connectivity of ADAMS with other approved systems should be ensured. On NADO to NADO cooperation, that had been very useful in assisting developing NADOs. The WADA guidelines for NADO cooperation projects were very useful in that respect. The IFs needed to start working closely with NADOs and vice versa and use NADO expertise when testing in their countries, particularly in competition and to jointly develop test distribution plans where applicable. The IFs must inform their NFs that they did not have the authority under the Code to direct and conduct their own testing. In relation to funding, there was a decrease in funding on a worldwide basis and it was crucial to make sure that NADOs, which were at the coalface of anti-doping activities as he had mentioned, had sufficient resources to conduct their work appropriately in order to protect the clean athletes. NADOs around the world also needed to take a more active role in testing foreign athletes when they were training or residing in a NADO's country.

Finally, the members were generally in favour of the proposal made at the Olympic Summit in October 2015 for an independent testing and result management organisation; however, further questions needed to be explored as to who would fund the organisation, how it would be organised and what the expectations and remit of the organisation would be.

THE CHAIRMAN noted that much liaison and work had been done.

#### DECISION

NADO/RADO relations update noted.

#### **14. Government relations (including UNESCO convention)**

THE DIRECTOR GENERAL said that he had intimated earlier that WADA had invited a senior manager from UNESCO to come and provide a report on the conference of parties in Paris and it was his pleasure to welcome Mr Marcellin Dally and invite him to take the floor.

MR DALLY thanked the members for giving UNESCO the opportunity to provide a brief report. He would focus on the key achievements at the latest conference of parties organised a few weeks previously in Paris. He would address only the key achievements and referred the members to the UNESCO website for a comprehensive report, including on a number of tools adopted by the conference of parties.

As all of the members knew, UNESCO's role was to ensure within the UN family the global governance mandate in terms of governance of sport related to ethical and sporting values. That year, there were 180 states parties that had ratified the convention, giving the convention more or less the universality that had been one of the key objectives when it had been adopted in 2005 by the UNESCO general conference. There were currently three UNESCO regions that were fully covered. At the previous conference of parties, there had been a celebration of the ten-year anniversary of the convention, bringing together more than 350 participants, which was a record in terms of the conference of parties held since the convention had been adopted. In terms of states parties, the highest number had participated as well, indicating the willingness of the international community to join the convention. The number of ministers was also a very good sign that the public authorities were getting increasingly involved in what was being done, despite some signals observed in terms of lack of willingness to support the convention, which was not true as far as the previous conference of parties was concerned. During the exhibition organised, UNESCO had been happy to welcome WADA, a number of NADOs, countries such as France, Japan, Romania and Saudi Arabia, which were part of the network established to work within the framework of implementation of the convention over the past two years, and the private sector, which had contributed to expected targets for the conference of parties and the exhibition.

The key outcomes in relation to the conference of parties were on three levels. The conference of parties had adopted an official notification for non-compliant states parties, which would be required to report back to the conference of parties at the following session, during which they would have to provide a thorough report based on the requests, and cooperate with the bureau because, during the conference of parties, the bureau's mandate had also been strengthened to enable coherence with the notification letter. To increase the visibility of the convention, a logo had been adopted, and he recalled that the achievement was something that was pioneering in UNESCO, since most of the conventions had taken more than three years to adopt a logo, and the conference of parties had been happy to adopt that in only one session.

In strengthening the monitoring of the obligations of the states parties, there had been an attempt to make sure that the conference of parties could provide to non-compliant countries guideline tools to sustain and accompany them while addressing the lack of compliance. The conference of parties had also adopted a new model of the Anti-Doping Logic system, which was the self-assessment tool that states parties were obliged to use at every session of the conference of parties to improve the scope and normative values of the national reports and also to help monitoring of compliance of states parties.

Addressing briefly the topic of the fund for the elimination of doping in sport, one of the key mechanisms that helped the convention ensure implementation of the provision by the states parties, he referred to the ongoing challenge that WADA and UNESCO faced, and also to the second priority, the quality advice that states parties were requested to implement in terms of addressing the improvement of their national anti-doping systems. He drew the attention of the participants from different entities to the fact that the level of requests submitted to the fund was very low, 3.35% overall. That should be put into the context of the ongoing challenge against the public authorities' commitment to improve policies. He would not insist on the figures on the screen, but would be happy to share the comprehensive report on the issue of funds.

He wished to share the recommendations from the conference of parties for 2016/2017. One of the key issues was to engage the athlete entourage, not to focus only on the athletes, and to expand the target so that the fund could address projects that went beyond the athletes themselves. The conference of parties wanted to ensure a tailored and impact-oriented approach to the requests submitted. As Mr Koehler had just mentioned, it was also necessary to focus on values-based methodology, in addition to learning and training. In terms of priorities, there had been a recommendation that there be a clear connection between the projects submitted as part of the fund so that projects submitted in the previous year had continuity that could be used to inform new projects submitted. Strong advocacy should be conducted with WADA to address the multi-stakeholder partnership in the cooperation partnership.

The diversification of fund resources had also been addressed by the conference of parties to ensure that the fund was sustainable and improved. There had been a recommendation to report on the election of the approval committee, which comprised Finland, the Russian Federation, Bahamas, China, South Africa and Oman.

In relation to the ongoing debate on the lack of compliance of public authorities' commitment with regard to the provisions of the convention, a number of participants had been raising the case that morning. It had been anticipated at UNESCO before some of the challenging issues had been tabled to WADA and, in 2013, the conference of parties had requested that the secretariat conduct work to enable the assessment of a number of countries based on the initial guidelines provided by the conference of parties. The secretariat had shifted the work so that it could be a comprehensive assessment, which included assessing national anti-doping policies, the national legislation framework and the resources provided by the public authorities to enable implementation of the convention at national level. That had resulted in the assessment of seven states parties (Brazil, France, Kenya, Romania, Jamaica, Saudi Arabia and Spain), coordinated by an international consultant recruited, a barrister from France, who had worked with the national consultants who had formed the independent team. There had been no connection between the public authorities at the national level and the countries assessed, and no connection with the UNESCO offices in the related countries. It had been a key consideration to ensure the full independence of the assessment. The report provided by the consultant had been submitted to the conference of parties, and the result and outcomes had been acknowledged. It had been decided that a thorough review of the outcomes should be conducted so that each state party involved and those not involved could come back to the conference of parties with a report that the secretariat would table for a discussion. What had been learnt from the assessment? Two key issues, the first being that there were systemic issues in terms of harmonising or translating anti-doping rules into national legislation, a big concern and a major discovery. The second issue had been the difficulty in measuring the effectiveness of anti-doping policies to meet the targets of the convention. What was the lesson learnt from that? UNESCO would set an agenda to work with WADA to see how the outcomes generated could feed into one of the concerns raised in the actual context of WADA's business. He would not refer directly to the Independent Commission report, but UNESCO might have something that could go in that direction. How could UNESCO take leadership in terms of empowering the member states so that national assessment could be expanded? How could UNESCO make a standardised approach to the assessment in terms of the pilot phase? As far as the outcomes were concerned, there had been deep concerns about national policies implemented, which seemed to be far beyond the targets set by the convention.

In relation to the challenges, it was necessary to consolidate relationships with all stakeholders. The members might recall the challenge with the ongoing situation that most of the members had been addressing that day, which meant that one of the core considerations would be to strengthen the synergy between the stakeholders. At the UNESCO level, as far as the mandate or the organisation was concerned, it might be necessary to focus on research policy strategies and create synergy with academic institutions so that the UN agency could really be

effective when it came to implementing the convention. Of course, the core mandate would remain prevention and education. UNESCO was the UN agency also responsible for education, and that was very important.

A final point that might also be addressed by the Foundation Board was the clarification of NADO and RADO status. That should be put into the context of the fund. There had been a number of discussions with WADA and some member states had been trying to submit some funding requests through NADOs and RADOs, and the debate had occurred with the permanent delegation to consider that the submission of requests by NADOs and RADOs should be through government entities. UNESCO would continue its dialogue with WADA to see how that could be improved and what approach could be addressed to ensure a standard to align the status of the NADOs and RADOs. That concluded his report, and he would be happy to respond to questions and address any considerations related to the convention.

THE CHAIRMAN thanked Mr Dally for the very full and interesting report.

MR POUND wondered if the guest might clarify the frequency of compliance audits under the convention. At one point, his recollection was that two countries at a time had been done over a two-year period. Had that evolved into the self-reporting? He would be interested to know how often that occurred because the original calculation was that one could expect to be audited every one hundred years.

MR GENDALL asked for an update on the status of the resolutions reached. Had they been finalised and formulated? He also asked for an update on timeframes in relation to potential letters going out for non-compliance, etc.

MR DALLY responded to the questions. He thanked the members for giving the opportunity to UNESCO to respond to some of the queries that had been rampant for a number of years regarding self-evaluation. UNESCO was not really requested within the mandate of the organisation to conduct evaluation of national reports. The secretariat and WADA had to commend the support from Mr Howman earlier in 2013 when UNESCO had begun to address the concern in relation to monitoring compliance of states parties; there had been discussions to work out how to improve the UNESCO compliance mechanism and UNESCO had envisaged a kind of notification that could be sent to non-compliant states parties, but it was not something that existed in the mechanism. UNESCO had managed finally to put it on the table of the conference of parties and he was very happy to make sure that that had been adopted.

In relation to the status of the resolution adopted, it was on the UNESCO website; the report of the rapporteur and the set of resolutions adopted were on the website, so the members might wish to download those documents and familiarise themselves with them. That was official. There was no resolution that was no longer official; all of them had been adopted with slight amendments in relation to the policy project, for which the secretariat had been called to work with the approval committee and eventually to consider focusing on extra budgetary resources to be able to conduct assessments and report back in 2017 to the conference of parties. That work would be conducted irrespective of the outcomes adopted by the approval committee. That meant that UNESCO would go further and would provide a strong report that would be in line with the recommendations made by the independent consultancy team. The deadline in terms of sending the notification letter to non-compliant states parties was based on the ongoing general conference. UNESCO could not release most of the resolution in terms of the plan that would be accompanying implementation if the general conference did not decide on the budget that would support the implementation. Since that had been done, it would be easy to conduct implementation in 2016 and 2017.

## DECISION

Government relations update noted.

### **15. International Federation relations**

THE CHAIRMAN informed the members that Mr Donzé would be leaving early to attend the general assembly of the European Olympic Committees in Prague, so he asked Mr Donzé to present his report.

MR DONZÉ said that there had been many discussions already on specific areas involving IFs and he added to those by highlighting a number of specific activities that the WADA European regional office had conducted since May as part of its daily operational and technical liaison with IFs.

Those members who had been around the table for a while already would remember that the WADA European regional office, due to its location in Lausanne, had a very specific role. It acted as the main WADA point of contact for IFs, and its activities had expanded significantly over the past few years to include more activities with European sporting bodies, such as EOC, but also the Eastern European RADO and European intergovernmental bodies such as the Council of Europe and the European Commission. He did not want to go into depth regarding the activities, as the members had a fairly comprehensive report in their folders about activities and the Lausanne office, but he wished to focus on a number of programmes and activities that he thought needed to be further highlighted.

The first was the work that had been conducted since the previous year, but more intensely that year in terms of supporting IFs in relation to a number of new responsibilities that they had under the 2015 World Anti-Doping Code, and one was of course the whole area of intelligence sharing and information gathering, which had been touched upon that morning. In Lausanne, there was an intelligence and investigation expert who had put in place over the past few months basic training on information gathering and intelligence sharing. He had already been delivering such training to a number of groups of ADOs including IFs. That would continue over the coming months, and was accompanied by a guideline on basic information gathering and intelligence sharing published recently by WADA, and he encouraged the members to contact him in Lausanne for that training if they were interested. The first few training sessions had been successful and appreciated by the participants and provided a good insight into what the new responsibilities of the ADOs in that area were under the 2015 Code.

The office had launched another new project in very close cooperation with his colleague Mr Ricketts and the WADA Standards and Harmonisation Department, entitled a Partnership to Quality. The aim was to go beyond the daily operational support given to IFs and move towards a more in-depth review of IF anti-doping programmes with a view to providing recommendations on potential areas of improvement, looking at how they practised the Code and how their good practices could be shared with other IFs. The project had started with four volunteer IFs, and the office would continue over the next few months to work with IFs that were happy to partner with WADA on the project, with a view to putting the IFs in a good place when compliance monitoring became an issue for them. It was a very important step to support IFs before the more formal compliance process began in 2016.

There had been talk of IF/NADO cooperation for a number of years, and Mr Ricci Bitti had mentioned that important area that morning. As a result of requests and encouragement of the body, the office had created an informal group of IFs and NADOs to discuss ways and means of further enhancing cooperation between the two. It had been clear from the discussions of that group that the key to effective cooperation between IFs and NADOs was trust: trust that they

were committed to protecting clean athletes and doing the right things. The group had also discussed a number of key principles and good practices that had been included in a draft document that was currently being discussed by a number of ADOs, entitled 'Guidelines to optimise IF/NADO cooperation'. The purpose was to highlight key principles of cooperation and good practice, and to remind readers of a number of articles in the Code that required cooperation between different types of ADOs, and while there would continue to be meetings of the IF/NADO cooperation group, he believed that the document would be a good first step in terms of reminding everybody about their obligations but also providing practical tips to further enhance cooperation between the various types of ADOs.

He provided the members with a very short update on what had become the largest annual WADA event and the largest annual gathering of anti-doping practitioners: the WADA symposium for ADOs. The event had grown continuously over the past few years. There had been over 470 participants the previous year, and WADA had launched registration for the following year's symposium the previous day, hoping for the same number of participants and level of interest. The theme was good practice and partnerships, and there were numerous key issues that WADA wanted to discuss as part of the symposium: the practice of the Code, the results and outcomes of the independent investigations conducted over the past few months, capitalising on major events to further optimise anti-doping cooperation and the protection of clean athletes. Also, as had been done the previous year, there would be a full day of practical workshops, which had been much appreciated by participants. There would be workshops looking at a number of practical areas of anti-doping, and the goal of the workshops and the symposium in general was to have anti-doping practitioners share their experience and expertise and enhance their level of knowledge for the ultimate benefit, which was the protection of clean athletes. That was a snapshot of the main activities. The members would see from their files that many more activities had been carried out in Lausanne over the past six months but, if the members had any questions, he would be happy to answer them.

THE CHAIRMAN observed that a substantial amount of work had been done, in particular with the IFs. He urged the members to sign up for the ADO symposium in March the following year. It was a very impressive piece of work and much good came from it. He thanked Mr Donzé for representing WADA in Prague over the coming days.

#### DECISION

International Federations update noted.

### **16. Standards and Harmonisation**

MR RICKETTS noted that the Standards and Harmonisation Department had its fingers in a number of pies, and the members had already heard about many of those from his colleagues. Therefore, he would touch on two aspects, the first of which was the Independent Observer programme, mentioned briefly that morning. Initially, the reports for the three events to which WADA had sent teams that year (the European Games, Pan American Games and All Africa Games) had been published. The three major events had involved a change in Independent Observer operation in comparison to the traditional Independent Observer model, with the major event organisations working with WADA and Independent Observer members in advance of the event to make planning as effective as possible and to try and avoid issues in advance rather than dealing with them during the event. He thanked the major event organisations for their partnership, the members of the Independent Observer teams for their involvement, and the commitment of the NADOs of the countries hosting the events for their support, in particular the NADOs of South Africa and Canada. To further assist the major events, the major event

organisers and the ADOs, a major event guideline would be published that year to assist ADOs and to avoid reinventing the wheel.

He updated the Foundation Board on the Technical Document for Sport-Specific Analysis (TDSSA), which had been tabled with a number of amendments the previous day. The TDSSA was a mandatory document that required all ADOs to conduct a minimum level of analysis on sports under their jurisdiction for specific prohibited substances (growth hormone, growth hormone releasing factors and erythropoiesis stimulating agents, another word for various analogues of EPO). The Technical Document Expert Group had met in August in Montreal to review the feedback from stakeholders following a consultation process, and had also looked at a six-month report of data from ADAMS. The expert group had concluded that there should be no major changes to the minimum levels of analysis as listed in appendix 1 and 2 of the document given the short period of implementation and that more time and data were required to make a full assessment. A further review would require firstly every signatory to implement the technical document and then a review of the relevant data, so that would take some more time. The amendments had been approved by the Executive Committee and would come into effect on 1 January, and the new documents would shortly be forwarded to all ADOs. In terms of the application of the technical documents, 2015 had been deemed an implementation year, a year for ADOs not already meeting the minimum levels of analysis to make the necessary changes to their testing plans. Reports from ADAMS showed that the majority of ADOs were implementing the technical document to some level; however, there were numerous ADOs that had yet to start testing for growth hormone, growth hormone-releasing factors or ESAs. Those ADOs had recently received correspondence reminding them of the requirement to prepare for implementation in 2016, given that it would be part of WADA's compliance and monitoring programme.

In relation to the impact of the technical document, there were some statistics contained in his report, taken from ADAMS for the first ten-and-a-half months of that year, and they showed a significant increase in the number of testing authorities conducting such analyses and the number of sports receiving tests for those substances compared to that of the whole of 2014. As a result, there had been an increase in numbers for growth hormone and growth hormone-releasing factors. There had been a slight increase in the number of adverse analytical findings for two of the three substances compared to the whole of 2014, which was certainly good news. The preliminary figures showed that the technical document had had an impact and created a greater level of harmonisation for the testing of those specific substances within the same sports, ultimately raising the bar for a number of ADOs in that area as well as others, such as risk assessment, test distribution plans and test planning. Whilst the initial review of statistics was promising, it was only a snapshot; however, WADA and the expert group felt that it was heading in the right direction and the majority of ADOs were making good progress in that area.

THE CHAIRMAN observed that the new technical document was an outstanding piece of work and would have a major effect on what WADA was trying to achieve.

#### DECISION

Standards and Harmonisation update noted.

### **17. Regional Offices**

#### **– 17.1 Lausanne**

Report provided as part of the IF report.

#### DECISION

Lausanne regional office update noted.

## – 17.2 Cape Town

MR SWIGELAAR informed the members that he had reported previously on matters relevant to the 2015 All Africa Games and the role that WADA would play at that edition of the event, which had been hosted by the Republic of Congo in September that year. He highlighted some of what had transpired at the event. WADA's Vice-President, Mr Stofile, and he had used their presence in Brazzaville to meet with as many stakeholders as possible. On 3 September, Mr Stofile had made a presentation to the African Union ministers of sports' extraordinary meeting following an invitation extended to WADA by the African Union commissioner for social affairs. The intervention had focused primarily on the roles and responsibilities of governments, the fight against doping in sport, WADA in general, the key revisions to the 2015 Code and aspects related to compliance. Of particular importance was the fact that the executive office had also had an opportunity to meet with the African Union commission, notably with the commissioner for social affairs, during which time issues pertinent to the role of the AU commission in mobilising the region in support of anti-doping had been deliberated. The outcome of the meeting was very significant, since the AU had committed to the assimilation of anti-doping activities into the mainstream political agenda and focus. Following the meeting, the regional office had already commenced follow-up discussions in that regard. The WADA executive office had also used the opportunity to meet with as many stakeholders, country delegations and regional sport and political structures as possible.

The Independent Observer team led by Hans Cooman, from the Belgian NADO, who had also served on previous missions to the All Africa Games, had commenced engagement with the organisers well in advance of the start of the games. In that regard, team members had attended various preparatory meetings and forums, assisted with technical support during the planning phases and provided training where requested and required, including doping control officers and ADAMS training. The involvement of the South African Institute for Drug-Free Sport had also been facilitated to enable it to assist with the test programme. Despite the teams and commitments from the organiser, sadly, the programme had shown many weaknesses and faced significant challenges in its execution and finalisation. Having said that, generally speaking, the games had not been well organised, as many aspects such as accreditation, transport and accommodation had also exposed serious shortcomings in terms of event planning. The Independent Observer report published confirmed the critical role of the Independent Observers in assisting major games organisers, especially those from developing regions. The report suggested that WADA engage the African Union in upcoming editions of the event to ensure that the testing programmes were of a much higher standard. Discussions with the AU in that regard were already under way and the AU had already committed to ensuring an overall improvement in the quality of services on offer. The experience in Brazzaville had certainly highlighted the value of WADA support to event organisers and emphasised the need for the continuation of the programme.

WADA's Outreach programme, staffed by a group of very committed individuals representing the various linguistic groups in the continent, had certainly done WADA proud. The booth had been very popular, perhaps due to the central location, but he would like to think that it was because of the athletes' hunger for anti-doping knowledge and information. The team had done well to deliver quality services. He thanked members of WADA's governance structures and committees who had visited the booth and taken time out of their schedules. Ms Coventry had spent considerable time at the booth and he thanked her most profoundly for showing real leadership and commitment.

PROFESSOR DE ROSE said that, comparing the reports of the Independent Observers for the continents, he could understand that the difference in relation to Africa was because the governments were hosting the games; that did not happen in other continents, in which the

national associations hosted the games. As a representative of ANOC, he noted that it had a very active medical commission that helped in the organisation of the games as the Independent Observers did, and he wondered whether the representatives saw a possibility to change from governments to NOCs, to permit better assistance.

MR SWIGELAAR responded that, in interactions with the African Union, the custodian of the games, following the drafting of the report, it had admitted that the games were transitional. The members would recall that, at previous meetings, he had reported on the change from the Supreme Council of Sport to the African Union. Those had been the first games of the African Union, although they had taken place under the rules of the defunct Supreme Council for Sport in Africa. The issue of the relationship between the NOCs in Africa and the African Union or the intergovernmental structures was a challenge in the region which was currently being discussed and he believed that a lot of progress had been made since the conclusion of the games. An agreement was to be signed between the two organisations for the next edition of the games, and he agreed that that would certainly assist the cause.

## DECISION

Cape Town regional office update noted.

### **– 17.3 Montevideo**

MS PESCE said that details of the work carried out in Latin America were outlined in the report. The presentation that followed gave an overview of some figures in the region, showed different activities performed by the regional office and highlighted the challenges faced to implement anti-doping programmes. Despite efforts made by many countries, anti-doping was still low when it came to priorities on the agendas of countries. It might be time to reflect and put action into words and budget to improve the quality of the anti-doping programmes the youth and athletes deserved. In the following presentation, images spoke louder than words, and a typical regional rhythm would speak for her that time.

THE CHAIRMAN observed that anti-doping always sounded more fun in South America.

MR SQUELLA thanked Ms Pesce for her presentation. He apologised on behalf of the Chilean minister for sport, who had been asked by the president of Chile to attend to very important and urgent matters in his country. He represented the sport ministries of South American countries in CONSUDE, of which Chile held the presidency. The minister had asked him to confirm the commitment of the region to the fight against doping in sport, urging South American counterparts to promote the battle in association with WADA, respecting and applying the UNESCO convention and the World Anti-Doping Code. The following December, the minister would meet with all the other South American sport ministers in Paraguay. The issue of the fight against doping in sport would be on the agenda as one of the central topics. On the minister's behalf, and as president of the Chilean NADO, he thanked WADA for the work and support provided to the local anti-doping organisations in Latin America, whose work was still far from what the anti-doping community expected, but which would continue to do their best. Doping was a huge issue, inherent to the bad side of human beings as well as the intelligence capacity of men and women who preferred to seek a better training process and the correct use of sport science rather than using banned substances that enhanced their performance. He would work hard and take action to ensure the clean sport that the athletes deserved.

MR FIGUEROA ACEVEDO spoke on behalf of all of the countries in Central America and the Caribbean to thank WADA for all the work done in the past years. He recognised that the region was slightly behind, but also recognised that it was improving a great deal with all the help given

by WADA during that time. What he was going to ask would probably sound absurd, but most of the countries in his region spoke Spanish. It might be too hard to do, but translating the documents for all the Spanish-speaking countries would be a great help.

MS PESCE responded that she would do as had been requested and thanked the governments for translating WADA documents into Spanish.

#### DECISION

Montevideo regional office update noted.

#### – **17.4 Tokyo**

MR HAYASHI apologised because he had no music, but a good video prepared by JADA would be shown later. At the Foundation Board meeting in May, he had stressed recent initiatives by the governments in the region. The Kazakhstan Government had kindly hosted the 12<sup>th</sup> intergovernmental meeting in Almaty in June. The outcomes included an agreement as to the WADA Foundation Board election process, the 3% budget increase and implementation of the Code and UNESCO convention. The meeting had also addressed the importance of protecting the rights of clean athletes. Ms Scott had encouraged all of the ministers, government officials and sports management people there to promote anti-doping policies with an athlete-centred approach.

In Paris the previous month, the governments in the region had demonstrated the initiatives, roles and responsibilities at the fifth conference of parties of the UNESCO convention. The newly elected representatives were supposed to accelerate government commitment to protect clean athletes as bureau members.

The sport movement had deployed key elements that summer in his region. The 28<sup>th</sup> summer Universiad had been held in Guangzhou, Korea, in July. The Korean anti-doping agency had conducted over 700 tests as well as an education programme focusing on youth athletes in particular as a model for other stakeholders.

The 15<sup>th</sup> Pacific Games in Papua New Guinea in July had provided a valuable opportunity to promote the athlete-centred approach that had been proposed at the previous intergovernmental meeting, and had involved implementation of the Voice of the Athlete programme.

At the Commonwealth Games in Samoa, in Oceania, the Voice of the Athlete programme had been successfully implemented, attracting almost 500 athletes.

In Tokyo in October, an international athlete forum had been held as a key event and there had been an agreement to renew the governmental commitment to regional development in Asia with WADA. All of the regional directors of WADA had been invited to the forum to talk about clean sport. Ms Bokel and Mr Sandford of the WADA Athlete Committee had also contributed to the discussion on how the message on sports was delivered to young athletes.

He invited the members to watch the video presentation.

#### DECISION

Tokyo regional office update noted.

### **18. Any other business/future meetings**

THE CHAIRMAN said that, since the World Conference on Doping in Sport in Cape Town, WADA had been absolutely committed to the principle of protecting the clean athlete. WADA had developed the Athlete Committee, resourced it, given it more things to do and listened to its requests. That morning, Ms Scott had made a suggestion that he should extend the Independent

Commission to all sports in Russia. He made it absolutely clear that he had not declined to extend the mandate of the Independent Commission at present. There had been a whole range of issues dealt with that day, and it was possible to take an overall view of the situation at the end of the meeting. He wished to conduct the necessary meetings with the Russian authorities in respect of the non-compliance status of RUSADA. RUSADA tested all athletes in all sports in Russia and WADA's expert team would meet with RUSADA to talk about continuing the testing in Russia and all of the good that he hoped that that would bring about. The information brought to him as a result would then allow him to make a considered decision on whether to extend the remit of the Independent Commission or not.

The theme that day had quite clearly been investigations. He had decided that, the following week, he would write to every one of the public authority stakeholders and, with a short timescale, he would ask them to make a further contribution on top of the normal contributions that they made to WADA specifically to fund independent and proper research in that area and, once he knew the value of the funds raised, he would immediately go to the IOC and seek matching funding, and he hoped that he had the members' support to do just that.

He thanked the members for a long but very fruitful day in Colorado Springs. He thanked the El Pomar Foundation, the US Anti-Doping Agency, the interpreters, the audio-visual providers, and all the staff who had helped, in particular the WADA staff, as the preparation for the meetings was outstanding in every way. He thanked everybody for their assistance and contribution and invited them to move forward.

#### DECISION

Executive Committee – 11 May 2016, Montreal, Canada;  
Foundation Board – 12 May 2016, Montreal, Canada;  
Executive Committee – 21 September 2016, Warsaw, Poland;  
Executive Committee – 18 November 2016, Glasgow, Scotland;  
Foundation Board – 19 November 2016, Glasgow, Scotland.

The meeting adjourned at 3.30 p.m.

#### **FOR APPROVAL**

**SIR CRAIG REEDIE**  
PRESIDENT AND CHAIRMAN OF WADA