

**Minutes of the WADA Executive Committee Meeting
16 May 2018, Montreal, Canada**

The meeting began at 9.00 a.m.

1. Welcome, roll call and observers

THE CHAIRMAN welcomed the members to the WADA Executive Committee meeting.

The following members attended the meeting: Sir Craig Reddie, President and Chairman of WADA; Ms Linda Hofstad Helleland, Vice-President of WADA, Minister of Children and Equality, Norway; Ms Beckie Scott, Chairman of the Athlete Committee; Mr Francesco Ricci Bitti, Chairman of ASOIF; Professor Ugur Erdener, IOC Vice President, President of World Archery; Mr Jiri Kejval, President, National Olympic Committee, Czech Republic; Mr Patrick Baumann, IOC Member, Secretary General, FIBA; Ms Coventry, representing Ms Danka Barteková, IOC Member and Vice Chairman of the IOC Athletes' Commission; Mr Witold Bańka, Minister of Sport and Tourism, Poland; Ms Amira El Fadil, Commissioner for Social Affairs, African Union, Sudan; Mr Marcos Díaz, CADE President, Dominican Republic; Mr Toshiei Mizuochi, State Minister of Education, Culture, Sports, Science and Technology, Japan; Mr Cosgrove, representing Mr Grant Robertson, Minister of Sport and Recreation, New Zealand; Mr Edwin Moses, Chairman of the WADA Education Committee, Member of the Board of Directors, USADA; Mr Jonathan Taylor, Chairman of the WADA Compliance Review Committee, Partner, Bird & Bird LLP; Mr Olivier Niggli, Director General, WADA; Mr Rob Koehler, Deputy Director General, WADA; Ms Catherine MacLean, Communications Director, WADA; Dr Olivier Rabin, Science and International Partnerships Director, WADA; Mr Tim Ricketts, Standards and Harmonisation Director, WADA; Mr Julien Sieveking, Legal Affairs Director, WADA; Dr Alan Verneq, Medical Director, WADA; Mr René Bouchard, Government Relations Director, WADA; Mr Gunter Younger, Intelligence and Investigations Director, WADA; Ms Maria José Pesce Cutri, Latin American Regional Office Director, WADA; Mr Rodney Swigelaar, African Regional Office Director, WADA; Mr Kazuhiro Hayashi, Asian/Oceanian Regional Office Director, WADA; and Mr Frédéric Donzé, Chief Operating Officer, WADA.

The following observers signed the roll call: Hannah Grossenbacher; Richard Budgett; Neil Robinson; Andrew Ryan; Eva Bruusgaard; Jan Aage Fjortoft; Maren Aasen; Sergey Khrychikov; Rafal Piechota; Snežana Samardžić-Marković; Joanna Zukowska-Easton; Gabriella Battaini-Dragoni; Michael Gottlieb; An Vermeersch; Shin Asakawa; Tatsuya Sugai; Machacha Shepande; Yewbzaf Tesfaye; Nobuhiro Takegawa; Sam Anderson; Andrew Godkin; Richard Young; Bartha Maria Knoppers; Elhafiz Elsa Abdallah Adam; Daniela Hernández; Viktoria Slavkova; Yoko Fujie; and Joe Van Ryn.

– **1.1 Disclosures of conflicts of interest**

THE CHAIRMAN asked the members if they had a conflict of interest in relation to any of the items on the agenda. In the absence of any conflict of interest, he would continue.

2. Minutes of the previous meeting on 15 November 2017 in Seoul

THE CHAIRMAN drew the members' attention to the minutes of the previous meetings, which had been circulated in advance, in some ways in an attempt to reduce the amount of paper received by the members in one go. He had been made aware of three small typographical errors, two in the Executive Committee minutes and one in the Foundation Board minutes. If the members wanted, he could read them out; if they trusted him, he would make sure that the errors were corrected so that the minutes would be a true record. Were the members happy to proceed on that basis?

DECISION

Minutes of the meeting of the Executive Committee on 15 November 2017 approved and duly signed.

3. Director General's report

THE DIRECTOR GENERAL informed the members that they had his report in their files, so he would not repeat what was in it. The one thing they would have realised was not in the report was an update on what had been discussed at every meeting since the previous November: the way forward. The reason he had not included an update was because most of the associated activities had been implemented or were ongoing and would be part of individual reports. He highlighted just a few points, the first of which was compliance and the consequences of non-compliance. The programme was in place, a questionnaire had been distributed, there had been feedback, an audit programme was ongoing, there were tools to deal with the compliance issues, and a new process was in place.

On intelligence and investigations, another major topic for WADA two years previously, WADA had set up an Intelligence and Investigations Department, had made it independent, had had the first audit of that department, and a whistleblower programme was in place, so it was a coherent programme that was working well, and WADA had implemented what it had said it would do in Glasgow. The question on how much work would be done had to do with how many resources would be devoted to investigations.

On the ITA, the board had been appointed, and WADA had helped the IOC set it up; WADA had even lost its Lausanne regional office director to the ITA, so had gone beyond the call of duty, and it was currently on track and would start operations.

On laboratory accreditation, a working group had been set up and had reached conclusions, there had been further discussion, and there was currently a clear direction on laboratories focusing on quality, the main focus and criterion when it came to dealing with laboratories, and WADA remained open to discussion on how to improve and maintain a coherent programme.

A governance group had been set up, and work on that was still in progress. The work had proven to be more challenging than most had expected at the beginning of the process. There would be a special discussion later that day. WADA had a road map, timelines and a proposal for a new chairman of the group to produce results, hopefully by the following November.

On funding, WADA had responded to the call from the public authorities to come up with a four-year plan. That response and the numbers presented had been the result of a strategy approved in Glasgow. The strategy had been turned into numbers, and the plan was before the members. It had been discussed heavily at the Finance and Administration Committee meeting, at the Executive Committee meeting and in November, since when there had been an opportunity to discuss it on a number of occasions with the public authorities. He was pleased to say that the feedback received had recognised the need for more funding in anti-doping, and he said anti-doping on purpose, not just WADA, because the call for funding was not just for WADA, it was also for national programmes requiring proper funding. It had also been understood from the dialogue with the partners that they had financial constraints, competing priorities and so on and so forth. He would not enter into a detailed financial discussion at that point, but he wanted to say that he understood that WADA would probably find a compromise on a certain percentage increase for the coming years and, if that percentage were 8%, for example, it would have an impact on WADA's operations, and of course WADA would make it work and would revise the budget to operate within that framework, but he wanted to tell the members in terms of numbers what it meant. It meant that, compared to the plan presented to the members, an 8% increase over four years would mean cutting 2.2 million dollars the following year, 5 million dollars in 2020 and 4 million dollars in 2021 from the budget proposed. That would have an impact on some major items such as programme development, research and a number of other programmes. That was a significant amount of money. Of course, WADA could make it work, but his point was that the members' expectations would have to be in line with the investment made. WADA would do everything possible, but everybody had to realise that that would shift some of the programmes two to three years down the line.

Another topic that was part of his report and on which he sought the members' feedback had to do with the letters that WADA had received and continued to receive from the World Players Association. There were three letters in the members' files for their information and one that had just been put on the table because it had arrived a few days previously. Basically, what had been received from the association had been demands and more demands on their involvement, but WADA was not receiving anything concrete from them in terms of how things might be improved. WADA was certainly not ignoring them. WADA had offered them meetings with the Code Project Team and athlete representatives if they wished, but he could not see why they should be treated differently to all the WADA stakeholders. WADA had repeatedly responded that it would appreciate their suggestions on improvements to the system, and that it would be open to them meeting the bodies in charge of Code revision. He simply sought endorsement from the Executive Committee to

stick to that position, because WADA was repeatedly receiving letters and, at some point, it would be necessary to put a stop to them.

He concluded his report by mentioning that the Lausanne regional office director, Mr Cohen, was leaving to become the director general of the ITA, and he thanked Mr Cohen for his hard work and wished him the best in his new role. WADA had hired Mr Sébastien Gillot, who was currently the UCI head of communications, to replace Mr Cohen, and he would be starting in mid-August.

He was also sad to announce that Ms Maria Pisani would also be leaving WADA during the summer. She had decided to retire, as she wanted to travel more with her husband. He thanked her for all the great work she had done. WADA was in the process of replacing her.

He had received a number of comments from different parties on the volume of documents that WADA produced for the meetings. He sought the members' feedback. The management sought to be as transparent as possible and provide all the information needed to avoid the feeling that there were things that were not reported. He understood that there was a large volume, which reflected all the work conducted. There was a demand for more information. When mentioning documents in papers without producing them, he immediately received requests to access such documents, so he sought direction as to how to deal with the matter. There had been some suggestions about having a summary, or more attachments. He would be happy to try to accommodate the members' requests.

THE CHAIRMAN asked the members to comment on the report.

PROFESSOR ERDENER thanked the Director General for his very comprehensive report. He mentioned the players association. The Olympic Movement thanked the WADA management for its transparency and supported the position put forward.

The Olympic Movement looked forward to receiving the conclusions of the WADA Working Group on Governance Matters, which should aim at achieving greater efficiency, especially regarding the independence of the WADA president and vice-president.

MR MIZUOCHI thanked the Director General. Japan expressed its gratitude for the opportunity to host the WADA Executive Committee meeting in Japan in September 2019. Japan would be hosting the Rugby World Cup in 2019 and the Olympic and Paralympic Games in 2020.

MR BAŃKA referred to the state of play regarding the Laboratory Accreditation Working Group. When the committee had met in Seoul, he had stressed the importance of the laboratories for the anti-doping system and governments in particular. There had been a fruitful exchange of views, which had concluded with the approval of the Laboratory Accreditation Working Group recommendations. Some proposals on improvements to the current anti-doping laboratory accreditation process had been drafted by Europe and Australia and forwarded to the working group. He thanked the chairman of the group, Professor Erdener, for reviewing the proposals. Nevertheless, he was somewhat disappointed that the recommendations of the Laboratory Accreditation Working Group had not been amended or complemented based on the proposals made. At the same time, he supported the idea of taking some of them on board on the occasion of the revision of the International Standard for Laboratories, and he was happy that Mr Niggli had just confirmed that laboratory accreditation was no longer based on geographical criteria but solely on quality assessment. As the members knew, there were laboratories in Europe seeking to start the process of accreditation, including those in Sofia, Minsk and Kiev.

MR KEJVAL sought clarification regarding the contract with Montreal International. The contract had not yet been signed and it was more than half a year since the final decision had been taken. There was one more condition from Montreal International to employ 20 more employees from December 2018 to March 2021. Was that correct?

THE DIRECTOR GENERAL responded that there was a specific item on the agenda during which the members would receive all of the information.

MR RICCI BITTI had a comment on point 3.2, the intelligence and investigations audit report. The department had to grow; that was one of the activities that had come out of the Russian crisis. At the same time, the audit report was referring to a distribution of jobs among the NADOs and IFs but, if the investigation was to maintain control of the network, there was clarification to be done immediately, hence his recommendation about jurisdiction, because that had been the case 20 years previously regarding testing and it was the case for investigations and the related cost. The cost and jurisdiction represented a very delicate matter between NADOs and IFs. It was better, knowing what the report said, to work on clarification, which could have an impact on the growth of the unit, because perhaps there would be less need to grow if the work were spread out.

MR COSGROVE asked about the strategic plan. Could the Director General clarify the status of the strategic plan in respect of the budget? It appeared from reading some of the documents that the budget was tending to drive the strategy. The reason he asked that was because in the four-year plan there was in year one a review of the strategy which would indicate that, in signing up for the four-year plan, the strategy could change. Did the Director General have a view on the priority in respect of the list of outputs based in the strategic plan and the budget as opposed to the need to produce outcomes matched to dollar figures?

THE DIRECTOR GENERAL thanked the members for their comments, which had been duly noted. The position with the Players Association was the one that he had expressed. WADA would keep telling them that they were welcome to meet the Athlete Committee or Code review team.

He thanked Mr Mizuochi for his comments and looked forward to going to Japan.

On laboratory matters, the members had seen the exchange of letters. The comments from Europe had been fully discussed by the working group and the letters received had been the result of such discussions. There had been a triage of the issues: some had been taken on board and some, which were more technical in nature, would be part of the revision of the standard. He thought that that should actually meet the expectations of everybody and, as he had said in his introduction, quality was the key driver in terms of laboratories and accreditation.

He would come back to what Mr Kejval had said, but the simple answer to the question was that it would have to be a joint effort.

The simple answer to Mr Ricci Bitti's question was that it was going to have to be a collaborative effort. The reality was that WADA was often receiving the information, in particular through the whistleblower programme, and then some of it could be dealt with relatively easily by ADOs, be they IFs or NADOs, and some could not because it was too complex or implicated too many actors. It was hard to predict the amount of work, but what had been seen from the audit was that, even if it were limited only to the portion that WADA would retain, it would still not be able to cope with the volume of interesting information that it was receiving. He insisted on that because, if WADA had done everything to put in place a successful whistleblower programme, there would be nothing worse than giving the impression to those who came forward and used the system that their comments or information were not being taken seriously or dealt with properly. That was what he wanted to avoid; he wanted to make sure that those who came and made the effort or took risks knew that everything would be treated in a very professional fashion. Mr Younger might like to add something later on in the day on the audit.

He told Mr Cosgrove that many things had happened in recent years. The members had agreed on 10 priorities in Glasgow two years previously and the management had followed those 10 priorities. A strategic plan had been approved a year or two prior to that and it would have to be redone. The current situation was that the management had implemented the priorities requested of it at the time, many of which had been linked to the situation faced at that time. The feeling had been that, before getting into the strategic plan again, WADA should finish that work on governance, because that could also have an important impact on who would be signing off on the plan and so on and, when that was done, it would be necessary to engage in a full review of the strategic plan and branding. He had not wanted to engage in the strategic review before having progressed the governance review; it might be possible to start before the end when there was more knowledge about where WADA was headed. The other reason was very simple: it was a matter of resources in the organisation. He did not think that WADA had the manpower to do the governance review and strategic plan in parallel because it was taking up a lot of brains in the organisation and it was thought that both jobs would not be done properly if they were done at the same time. Governance was therefore a priority; there was a timeline, which hopefully would conclude by November. That was the aim, and he hoped to be able to start working on the strategic plan in the autumn. The budget and plan proposed were mirroring mainly the 10 priorities identified in Glasgow. Those were big-ticket items, and then the strategic plan might help adjust some other activities depending on the decisions taken.

DECISION

Director General's report noted.

– **3.1 Governance Working Group update**

3.1.1 Composition changes

THE DIRECTOR GENERAL recalled that the Working Group on Governance Matters had been set up by the Foundation Board, so the same process had to be followed. Three changes were proposed and the Foundation Board would be asked to approve them the following day. Two were the replacement of athletes, because they had changed position within their own constituency, and

the other was to appoint Dr Ulrich Haas as the chairman of the group after he had been recommended during discussions, in particular with some consultant groups. It was thought that Dr Haas had a good profile for the job; he had the experience and was very keen and interested in helping WADA reach some concrete outcomes. He was therefore confident that, following a teleconference with the entire group about two to three weeks previously, there was a timeline that was ambitious but possible and that, with the help of Dr Haas, it would be possible to drive the process forward. That was therefore the recommendation: that the Executive Committee recommend to the Foundation Board the following day that it accept the changes and the nomination.

THE CHAIRMAN asked the members if they would be happy to do that. Some of the changes were purely routine: the previous chairman had stood down and there was an expert who wanted to come and help.

DECISION

Proposed composition changes to be recommended to the Foundation Board for approval.

– 3.2 Intelligence and investigations audit report

THE DIRECTOR GENERAL stated that the first audit had been carried out in relation to the Intelligence and Investigations Department. The members would remember, but just as a matter of background for those who had not been present at the time, WADA had decided from the outset of the creation of the department that it would operate independently of the management and the Executive Committee and Foundation Board in that the outcome of the investigations would be reported but the department was not to say what it was investigating or on what it was working. To put in place some safeguards, WADA had agreed on an independent audit of the department's work to be conducted on a regular basis to ensure that all of its work was done in accordance with the rules. At the time, WADA had appointed Jacques Antenen, the chief of police in the Canton de Vaud in Switzerland. The report was there and he thought that it spoke for itself. He did not see any particular issue that needed to be highlighted, except for the fact that the auditor had actually seen a lot of interesting information, which would have to be dealt with. That was for the Executive Committee to approve, after which the report would be made public on the WADA website as agreed.

MR BAŇKA said that Europe supported the adoption of the report; however, he raised one concern. According to the report, a number of investigations were outsourced to private partners, and he asked the WADA Intelligence and Investigations Department to explain its policy concerning the outsourcing of activities which could involve the sharing of sensitive data.

MR BAUMANN added to what the minister had said. The sport movement also supported the report and he noted that, obviously, if 88% (or whatever the percentage might be in the future) of the cases were to be dealt with by ADOs, that might trigger costs or questions that should probably be specified before that happened, because NADOs or IFs would not know how to set that up. That was the point made by Mr Ricci Bitti.

MR YOUNGER responded to the question on third parties. Usually, the investigations carried out were very complex, mainly open-source investigations or financial investigations, and WADA needed experts. It was not possible to do the work alone and, therefore, there were several companies with which WADA had signed confidentiality agreements, so they worked only for WADA, they shared the data and intelligence only with WADA, and that was the highest form of security. He had worked with some of them in the independent commission and it had worked very well, so he was very confident that they would not leak any data.

On the cases dealt with, when WADA received allegations, he knew how much work they would entail. It might be necessary to test only one athlete. It got increasingly complicated, like Pandora's box when it was opened, when one found a network, meaning more work, and the Lance Armstrong case was a good example. It had taken a whole department seven years. Operation LIMS was another example. It was one case, but it had already involved three people working full-time for six months. It was therefore hard at the beginning to say what the allegations would bring in terms of workload. The cases forwarded were mainly cases that the department felt could be dealt with by an ADO; nevertheless, he would like to do a quality control of the cases. Currently, WADA was not able to follow up on all cases. Currently, it simply transmitted or transformed the case, and that was that. If there was a response, WADA was not capable of following up on the case. WADA dealt only with those cases that could not be dealt with by an ADO, for instance, if there were allegations against people within the ADO or if it was the organisation itself or if it was very complex or there were more organisations involved, or sometimes ADOs came back and said

that it was getting too big and they did not know what to do. WADA had to provide all of that support as well. For those cases (the 12%) WADA dealt only with the really urgent cases. The latest example was the IBU, which had been investigated. For one-and-a-half years, his department had investigated only that case, and it was very complex and not so easy, and what was seen was that some ADOs did not have the capability. WADA needed to support them as well, so there were a lot of other things accompanying the subject, making it even more complicated to run every case. Therefore, currently, and he had been very honest with the supervisor and shown him some cases on hold, and he had said that that might be a risk because perhaps, in two years' time, the whistleblower would come back and say that they had reported to WADA two years previously and nothing had been done. Some people were not very patient and came back after one week asking what had been done, and WADA had to say that it was not a priority, which always looked bad.

THE CHAIRMAN observed that it was a new experience; there had been the first audit of a department, which had grown over the years from one investigator to seven and was dealing only with a relatively modest number of investigations because of the sheer volume of work. The audit report seemed to him to be extremely good. Was it the members' wish that the Executive Committee accept that and then put the report on the website in due course? He thought that the Executive Committee should pay tribute to Mr Younger for all the work that had been achieved. In his opinion, Mr Younger had built the best investigative group in sport, and that reflected very highly on Mr Younger and his team.

DECISION

Intelligence and investigations audit report noted.

– 3.3 Montreal International headquarters agreement update

THE DIRECTOR GENERAL gave the floor to Mr Bouchard, the chief negotiator, who would update the members on the situation.

MR BOUCHARD stated that he would try to be brief but would answer the question on the presentation. Since November, since the letter of offer had been approved by the board, there had been a lot of progress. There were a lot of conditions in the letter, but a lot of work had been conducted and a lot of progress had been made. A lot of progress had even been made since the members had received the documents for the meeting. With respect to the financial contribution, WADA had received the proposed memorandum of agreement on 10 May and was currently reviewing it. The chief financial officer would go through all of the numbers included. First, a glance at the agreement showed that it was exactly the same kind of numbers or offers contained in the letters. With respect to the conditions referred to and the apparent new condition attached to the agreement, when talking about the creation of a certain number of positions in Montreal, the members might remember that, in the letter of offer, there had been a line indicating that the increase in funding would be proportional to the actual expansion of the organisation in Montreal, so what had not been determined at the time of the letter of offer was the indicator to judge or assess the increase in the level of expansion. It had therefore been determined that the indicator would be the creation of a certain number of positions in Montreal, and that number had been established at about 20 positions. That did not prevent the organisation from creating other positions in other regional offices. For the 20 positions, WADA had from 1 January until 31 March 2021 to create them. WADA had already created 12 of those positions and was currently staffing them. It was necessary to create eight positions between then and 31 March 2021, and he felt that that was in line with the business plan of the organisation. The funding issue would be discussed later, and it was a conservative estimate. He felt that WADA was on solid ground to meet that requirement and to find the right balance between that and the creation of new positions in the regions as well.

With respect to the other conditions attached in the letter of offer, an agreement with the Bureau Scientifique de Québec had been discussed; that agreement had been signed the previous day and it was a one-million dollar contribution over the coming five years. Two research projects would be kick-started: one that year and one the following year, and so it was well under way and represented very good cooperation.

With respect to immunity, the bill had been tabled the previous Thursday at the National Assembly, so WADA was trying to make sure that it would be ratified before the August recess. A lot of discussion had been ongoing on whistleblowers since the documentation had been provided, so it was well under way. Looking at the different conditions attached to the letter of offer, he was very confident that it would be possible to achieve closure on that over the coming two weeks.

MR KEJVAL thanked Mr Bouchard for the explanation. He really appreciated the amount of work and the fact that the final confirmation memorandum of the subsidies was available. It was very unusual for the conditions for a non-profit international company to include the number of people to be employed, especially given the significant increase in the budget for the following years, which itself would bring revenue to Montreal International. Even worse, he was not able to accept the number of employees. It was just a matter of fact. That had nothing to do with the independence of the organisation.

MR BOUCHARD repeated what he had said. Not all conditions could have been attached to the letter. Looking at how that could be proportionate and how to measure it, a number of elements had been considered, including the number of meetings in Montreal, the level of activity and a certain salary envelope. How did one monitor and respect that condition, which was that the contribution be proportionate to the level of activity? There had been some reluctance to get into too many technical elements, and it had been felt that the number of positions would be an easy way of verifying and maintaining, especially in light of the plan of the organisation. Looking at the number, he had personally not seen it as a huge commitment, knowing that WADA was going down that path anyway, and it did not compromise the capacity of the organisation to do what it sought in other parts of the world. It had been felt that it was a fine balance and a good proposal and, looking at the other benefits attached to the proposal, quite frankly, he thought that the organisation would be making a good deal with the Canadian partners.

MR KEJVAL said that he thought it was important to be partners. Looking back, in 2002, there had been nothing, no guarantees, and nobody had known what might happen. Even still, WADA had received a fantastic offer from Montreal International, and that had been a real partnership and was the reason WADA was still there. He was asking to continue with the trust. There had been 15 years' cooperation, and he thought that they ought to trust WADA.

THE DIRECTOR GENERAL noted that Mr Kejval had mentioned the initial agreement, which had also contained the condition of maintaining a minimum number of employees. He was not saying it was right, but it was not a complete surprise. It had been part of the first agreement.

MR COSGROVE said that it was the case with the budget that there would be an incremental increase in staff so, with respect, that would effectively negate the point.

THE DIRECTOR GENERAL agreed. At that level, he was comfortable that the level would be met by the natural expansion of the office, therefore allowing WADA to fulfil the condition, without preventing it from creating other positions in other offices, as was currently being done with some of the regional offices.

THE CHAIRMAN said that he had been asked to stay on for another day in Montreal and he would be speaking to about 150 people at an organisation involved in international relations, and he could guarantee that, in a proper and nice way, he would remind the audience that WADA was an important part of life in Montreal and looked forward to being so, and would ask that it be completed at the earliest possible date.

DECISION

Montreal International headquarters
agreement update noted.

– 3.4 Anti-doping testing equipment update

MR RICKETTS said that he would provide an update on the issue faced earlier that year with the security bottles; there would be a more detailed PowerPoint presentation the following day. The problems faced earlier that year had been with the same manufacturer of the Sochi bottles, a Swiss-based manufacturer called Berlinger whose sample collection equipment had been used at the Sydney Olympic Games in 2000 and ever since, and it had about 90-95% of the market share at that time. After the Sochi incident, the company had made some changes to the bottles for the Rio Olympic Games, and there had been no reported incidents with those, and then it had made further changes to the closing mechanism of the bottle received in September 2017, called the Geneva kit. WADA had been alerted in January that year as to some issues with the closing mechanism by a WADA-accredited laboratory. After being frozen, they could be opened. WADA had launched an enquiry, working with a number of laboratories and sample collection authorities, and the outcome had been that about 20% of the bottles could be opened, not only after freezing but also upon arrival at the laboratories after they had been sealed and locked in the doping control stations in front of the athletes. That had obviously been occurring very closely to the PyeongChang Olympic Winter Games. WADA had announced one week prior to the Olympic Games that it was an issue and had worked closely with the IOC to find a solution to what equipment could be used, because the organising committee had stocked thousands of the kits to conduct the

testing. WADA had suggested that the IOC use the kits that had been used in Rio; the issue was that Berlinger had stopped making them. WADA had reached out to a number of NADOs in the region, and three (China, Japan and Korea) had come to the rescue with enough kits still in stock to enable testing to continue at the PyeongChang Olympic Games, and that had occurred without too many hiccoughs. Berlinger had responded by saying that it would start remanufacturing the Rio kits and would get them to Korea within a week, which it had done, and had also publicly announced that it would recall all the Geneva kits in circulation, estimated at around 120,000. That had been an interesting period, with the pressure of the Olympic Games.

Following the Olympic Games, Berlinger had had reports that its glass bottles were cracking when frozen, and that had really been the straw that had broken the camel's back. Berlinger had announced its withdrawal from the sample collection market, with around three to six months of stock left. However, Berlinger had then undertaken its own testing and found that none of the bottles cracked when filled with urine instead of water. It had actually been a bit of a red herring. No reports had been received by WADA from laboratories that any of the bottles had cracked. Whilst that had been going on, WADA had reached out to one other manufacturer currently producing equipment, a UK-based company, as well as two developers that had come onto the market, to encourage them to continue with their development and provide guidance. There were two new developers, Major League Baseball and the US Anti-Doping Agency, and another Swiss-based company, set up by two former Berlinger employees. Versapak, the UK-based company, and the MLB/USADA company had come and met WADA representatives, who had provided feedback on their kits, and Versapak had just started producing its new kit the previous month. It was currently being used and no negative reports had yet been received. Following that, Berlinger had decided to continue manufacturing for another 12 months, which had been great, giving everybody a little bit more breathing space, and had enabled the two new developers to come to the table. He felt confident that, by the end of 2018, there would be at least three manufacturers producing equipment, and he guessed that the market would determine who survived.

That had highlighted the dangers of a monopoly market, and WADA was also looking at changing the provisions in the ISTI. Currently, only four criteria dictated the equipment requirements, and WADA had appointed a working group, which had already met to enhance the criteria and, given the urgency of the matter, WADA was proposing that changes to the international standard be made later that year rather than waiting until 2021 to make the changes. In addition, there had been some suggestions that there should be a manufacturing standard for the equipment manufacturers. That was certainly something to be considered. The priority was currently to make the changes to the ISTI, binding in the sample collection authorities and, indirectly, the manufacturers had to meet those requirements prior to the purchase of equipment by the sample collection authorities. Once that process was completed, it would be possible to look at that to see if there was a need or whether the ISTI contained enough criteria to protect the issues that had been faced earlier that year. It was also important to note that WADA did not sign off on equipment or give any approval to equipment manufacturers, as the liability was very high, and that was something that he did not think WADA would want to get into at that point. That concluded his summary.

THE CHAIRMAN noted that, when such things happened, it could be very intensive, particularly in the run-up to the Olympic Games. He thanked Mr Ricketts for the update and the three Asian NADOs that had come to the rescue, and he hoped that it would not happen again.

DECISION

Anti-doping testing equipment update noted.

– 3.5 Ethics panel update

3.5.1 Geolocalisation position paper

THE CHAIRMAN welcomed an old friend, Bartha Maria Knoppers, the Chairman of the WADA Ethics Panel.

MS KNOPPERS thanked the Executive Committee for the opportunity to speak about the work of the panel. She highlighted the tremendous support received from WADA. The panel had been reformatted, recreated and reconstituted in January 2016, and the members would see the names and expertise of the members. She noted that Michael McNamee had just come out with a book on bioethics, genetics and sport, in case the members were interested. The whole purpose had been to take a more proactive and prospective look, in addition to addressing any contentious or urgent issues, also thinking ahead in terms of ethics at WADA. The panel had established its own norms and had felt that it should have some sort of an ethics framework, with sensitivity about always paying attention to science; in other words, the ethics work would not be responding to

hypothetical issues (what if, one day, somewhere, somebody did something?), which would not be true to the mandate or the way in which professionals would want to work in the field of ethics law and policy. The panel had helped to prepare an ethics self-assessment, so researchers applying to WADA could be reminded of the kind of ethics filter they should think of, because a lot of funding agencies had separate requirements for scientists beginning to consider the ethics implications of their work. The panel had also started work on gene doping, working with Professor Thomas Friedman, and that particular paper was coming out in response to an article by Michael McNamee in the American Journal of Bioethics.

Two particular topics had occupied a lot of discussion in Lausanne. One was the secondary use of anti-doping samples. In addition to anonymous samples being used for in-house WADA research on quality assurance and to look at population patterns and so on, there was also a possibility for athletes to provide aliquots of their samples for further research. Some of the panel's concerns or issues had been presented to the laboratory directors in Lausanne to see where they would need guidance and what their input was on some of the directions being suggested. That topic and the next one were slowed down by the fact that a data protection regulation would be coming into effect in nine days' time. It was not like a directive; it could not be interpreted in a country. It was law in Europe, and it had quite a different attitude towards how data should not be protected but rather controlled through individual autonomous specific consents and so on, so the panel was looking at the ambit of consents, opt-outs and so on still available to WADA and researchers providing samples and data, in addition for the Athlete Biological Passport. Those two were heavily influenced by what would be happening in nine days' time in Europe. It was not just Europe: if one wanted to send data to or receive it from Europe, it effectively became an international instrument. Under the GDPR, there was the right to know, not to know, right to access, right to be forgotten, and all kinds of new and interesting rights that would have implications also for the rights of athletes.

Another area being worked on was minors; the proportionality of sanctions as they concerned minor athletes would be dealt with by the coders, Messrs Young and Sieveking, with whom the panel was in contact, but the panel had been looking more at the ambit of parental freedoms and authorisation, the rights of children/minors and the possibility of future enhancement as gene therapies and cellular genomics became available. Finally, the panel was helping with the Code where it could. The panel was waiting for the Charter of Athletes' Rights to get some indication as to how, as an ethics panel, it could filter the rights specific to anti-doping into some sort of preambular context to the Code.

The geolocalisation system was a subject led by Pascal Borry, a bioethicist from the University of Leuven in Belgium. She did not have to explain about whereabouts or ADAMS or any of the issues. The panel had been really comforted by the fact that the 18 January 2018 decision of the European Court of Human Rights had explicitly stated that the whereabouts system was not disproportionate in terms of the risks to privacy and to the health of the athletes. That had really helped clinch the discussions. There was a simple description about how the whereabouts worked. It was constraining. At the same time, it offered accountability in terms of the integrity of the sporting competitions and indeed in the other sense, the physical, psychological and information integrity of the athletes themselves. One of the inspirations for the work done by Pascal Borry and his team and then discussed extensively by the panel had been what had come out in the press on GPS tracking systems to replace ADAMS: would it not be handier if everybody could just send in their data every day on a tracking device? The three questions the panel had developed were whether or not WADA or others should consider funding for research on the issue and, if successful, could it be complementary, and should it be offered on a voluntary or a mandatory basis? The advantages were self-evident (the members had all had been briefed and received material, so she would not go into the advantages), as were the concerns. It was not just a concern that was localised there. The issue was even more important, hence the importance of making some kind of statement on that. With Cambridge Analytica and Facebook, there was not one international committee of which she was aware or on which she was working that had not said that something should be said, not to defend either of those two parties, but to show in some transparent way how they were dealing in a positive human rights-promoting way with the considerations of data security on data privacy. Her own geospatial work, combining biobank data in the UK with geospatial, environmental exposure, socioeconomic and demographic data, had shown that that kind of data could be potentially more discriminatory than the data currently available. The pragmatic considerations were important, and she had mentioned that it was necessary to be practical and scientific in the work, and there were obvious difficulties and dangers with the handling of devices. To answer the first question as to whether WADA and sponsors should consider funding, WADA needed to do research in that area, because it was going to come and people would ask for it and WADA needed data to show whether it would work and whether it was scientifically mandated, but it should be done outside an anti-doping context, although WADA

should allow for research in that area. To answer the second question, whether it could be complementary, helpful and reduce administrative burden, the panel considered that the benefits were largely hypothetical, whereas the threats to privacy and security were real. In terms of being efficient in the long run, it could be more harmful, and there were also economic and socioeconomic discrepancies regarding access to such devices, their use and so on. Finally, should such devices be offered on a voluntary basis or made mandatory? At that time, the panel did not think that geolocalisation was justified and, at that time, it should be neither mandatory or voluntary, as that would create discrepancies and unequal opportunities among athletes.

An interesting fact had come to her attention that morning in mHealth, mobile health: that would be part of those devices used by citizens for tracking their health, participating in research, sending their stuff up to Ancestry.com (leading to the capture of the Golden State killer). In other words, information was going to be increasingly mobile in every sense, and the Global Alliance for Genomics and Health had estimated that, by 2025, it would be possible to create virtually a database of 60 million individuals with their clinical genomic data. She thought that research should be continued in the current context. The Ethics Panel had not yet addressed issues of governance, because WADA had a Working Group on Governance Matters. Once the considerations on that had been concluded, the Ethics Panel would be pleased if the Executive Committee wished to reconsider what its mandate should be.

THE CHAIRMAN asked if the members had any questions about the general work done by the Ethics Panel and then on the geolocalisation. The three questions were before the members: one, that WADA was in a changing world and should be aware of that, and the other two were suggestions that WADA not currently go down the route of geolocalisation.

MR BAŃKA said that Europe supported the opinion of the panel on geolocalisation and the paper to be adopted as a formal position of WADA. He asked the WADA Ethics Panel to review its opinion in the near future, taking into account the athlete representatives' opinion.

MS SCOTT thanked Ms Knoppers for the presentation and for her consultation of the WADA Athlete Committee, which had been very happy to be part of that process. The same conclusions had been reached, and the Athlete Committee welcomed the opportunity to participate in the panel's work again in the future.

MS EL FADIL stated that Africa also endorsed and appreciated the work of the Ethics Panel and agreed on the opinions presented.

THE CHAIRMAN thanked Ms Knoppers for coming to make the presentation. He thanked her for her offer of continued work. WADA had a decision to take and that was the position outlined. Was she happy that WADA do that?

MS KNOPPERS said that she would be really pleased. She thought that the timing was perfect for WADA to address the general issue of data security and privacy. She apologised, because there would be a flow chart on a WADA position versus a consensus statement versus the panel members' own research, as there had been some difficulties with the wording, academics being so used to having academic freedom that they put a title up and did not realise that they were bringing a whole organisation in with them. The panel had managed to get it down to 'ethical considerations', but it did think that those considerations could and should be adopted by WADA.

THE CHAIRMAN thanked Ms Knoppers for her kind offer to assist with the Code review. He was sure that Mr Young would be more than grateful.

MR BAUMANN said that he wanted to provide feedback on two questions raised during the Director General's report. One was on the World Players Association. He shared WADA's view that there was no reason to treat it differently. The organisation was trying to raise its profile and was contacting everybody. It was based in Switzerland, contacting everybody and trying to lobby for its position. It had an issue with representation, and was doing it in a union way, so it talked the right talk but did not think the right thing. It did show that WADA was probably still in an environment that was consolidating who represented whom, and there were groups out there that were not represented on the various commissions, and they existed and obviously had something to say.

The second comment was one that had to do with the working documents. He gave a couple of ideas. For a normal human being to go through 900 pages, it was an impossible task. It was as simple as that. There were two choices: either have more Executive Committee meetings and fewer points to discuss, or the meetings should be organised in such a way that the management advised on what was essential and highlighted what might be of issue to the governments and sport representatives. That should be a job for the management, and the issues should not be hidden in 900 pages, and he was not of course implying that that was what was being done, but things could escape even the smartest people in 900 pages. With 900 pages of documents, there

was no chance to discuss strategy peacefully and have a conversation about the future. That was a more conceptual point. That should be done in a particular way and it should be free from all the regulations, standards and documents. There should be a moment in time, whether at the Foundation Board meeting or not, and the format should be revisited to allow for free discussion. The members should be allowed to discuss, and also the issue of the Foundation Board being a public meeting was hampering proper discussion among the members of the Foundation Board.

THE CHAIRMAN noted that it was actually possible to read 900 pages, because he had done it, and there was a whole range of options. Looking at the documentation, quite a lot of it was actually background information discussed previously. There were ways of reducing that. The other issues raised were probably more significant. In terms of size, WADA had asked one of the working groups to come up with ideas about numbers and committees; thus far, it had not done so, but the point raised too on the question of public meetings was sound, so he thanked Mr Cosgrove for bringing that up. It needed to be looked at.

MS HOFSTAD HELLELAND said that Mr Baumann had a good point. He was certainly not an ordinary human being, but what he said about having strategic discussions was very important and the public authorities had discussed that the previous day and had talked about how they wanted to partner up with the sport movement to find good solutions, which was why somewhere to discuss different challenges was needed. It might be a good idea if the management could provide some alternatives, how the papers could involve fewer reports and how there might be more time to discuss strategy during the meetings, so it might look into that before the next meeting in September.

THE DIRECTOR GENERAL asked if it might be possible to be a little bit more specific. There were things that were mandated by the constitution and the Code which needed to be approved, so perhaps, during the Code revision, it might be possible to see if there were ways of not putting so many demands on the Executive Committee; on the other hand, it was important to have a discussion. He would like to hear from the members but, from that day's agenda, what would the members suppress that they did not think was actually necessary for that meeting? Did they need a report from all the committees every time there was an Executive Committee meeting? He understood the idea of having a summary for papers; that could be done, with the background documentation, but a lot of the documentation had to do with decisions that needed to be taken. He totally agreed on the strategic discussion and the need for time to do so, but he asked the members to have a think and tell him what they could have lived without on that day's agenda.

THE CHAIRMAN observed that it was food for thought.

MS EL FADIL said that the members needed all the information but perhaps, in the report, the members could have the executive summary and the areas for which decisions were required could be highlighted. The report was a progress report. Decisions were not required for all of the committees. She had not read the 900 pages, but she had experts who had done so and who had pointed out the areas for which decisions were needed, the areas to be taken note of, and so on. If, however, an executive summary plus the areas on which more focus and decisions were needed could be provided, more attention could be paid to the reports related to the decisions. Nevertheless, it was also very important to send all the information.

THE CHAIRMAN thanked the members.

DECISION

Ethics Panel update noted.

4. Call for a review of the anti-doping system

THE CHAIRMAN said that, some weeks previously, the Vice-President had asked if she could place on the agenda a paper dealing with a review of the anti-doping system, and that had of course been done. He thought it appropriate to pass the floor to her.

MS HOFSTAD HELLELAND stated that, given the recent events and conclusions of various reports and commissions, stakeholders had raised the idea of assessing the current anti-doping system to ensure it remained fit for purpose. Athletes had also raised concerns in various forums, and the proposal responded to those calls: an independent assessment of the international anti-doping system to determine whether or not it was in keeping with best practice. Such an assessment should include identification of strengths and weaknesses and recommendations regarding any improvements that could be made. It was necessary to have the best system going forward and strengthen the WADA mandate, so the aim of the proposal was to assess the effectiveness and efficiency of the anti-doping system to ensure that, if a future crisis occurred, WADA would be able to act in an efficient and coordinated manner. At the public authorities'

meeting the previous day, the members had heard an impassioned plea from the chairman of the WADA Athlete Committee on behalf of the athletes. If WADA was not willing to look at the issues, athletes would ask why it had not done so, whether there was nothing that could be learned, whether WADA knew enough and if it had the capacity to deal with future issues. Best management practice principles suggested that, after any crisis, an organisation should review what had occurred to make sure that it was ready to deal with future challenges. At the public authorities meeting the previous day, her proposal had been discussed, but it was important for the public authorities to partner with the sport movement. They wanted to reach a consensus at that day's meeting. Everybody had heard the call for more time to further consider terms of reference and the details of the proposal. Given that, she would circulate an updated proposal that morning, because the public authorities had discussed making amendments or adjusting the proposal in the members' files. The public authorities had not amended the proposal based on discussion with the colleagues. It was nothing new. She had maintained, when writing it, that it was important to reach a consensus on that matter. She had deliberately not wanted to provide all the details because she had wanted to discuss the terms of reference and timeframe and who would do the assessment with the colleagues at the public authorities meeting the previous day. The discussion had been very fruitful, but she wished to underline that it was very important for the public authorities to come to an agreement with the sport movement, which was why the proposal had been adjusted. She hoped that the Chairman would let the public authorities' amended proposal be handed out.

THE CHAIRMAN thanked Ms Hofstad Helleland. There were several issues that needed to be dealt with.

THE DIRECTOR GENERAL said that the paper had been sent to WADA and was in the members' files. That morning, he had heard that there was a wish from the public authorities to circulate a new paper. There had been a discussion in Paris during the Executive Committee meeting that tabling papers for decisions on the day of the meeting did not allow for proper consultation and therefore was problematic and that members should refrain from doing that. It was the Executive Committee that should decide whether it wished to entertain that immediately or whether the dialogue, as it was being proposed, which seemed to be more than reasonable, should take place. It was not for him to decide upon; it was for the Executive Committee to decide what it wanted to do with that new piece of information.

THE CHAIRMAN said that he thought that was a reasonable comment. There was a new piece of paper that had appeared at 8:35 that morning with the request that it be distributed. Mr Niggli had, quite rightly, raised the matter following the very strong comments made by the public authorities in Paris.

MR RICCI BITTI stated that he was not ready to discuss papers that he had not received. He was ready to discuss the papers that he had received in his file. He believed that the paper should be tabled for further consideration. He did not know what the new paper contained. He did not know if it really represented the opinion of the public authorities and athletes, but had that document really been sanctioned by the public authorities in full or was it only her position? He had a lot of reservations and absolutely did not wish to discuss the new document that day. He had a lot to say about the old one, and would do so later on.

MS EL FADIL explained the situation, since she had chaired the public authorities meeting the previous day and that morning. After lengthy discussion by the public authorities on the first document calling for a review of anti-doping systems, issues had been discussed on the first initiative, and there was an agreement among the public authorities that that review was needed. There was no difference of opinion on that. However, there were differences on the scope of the review, the terms of reference and the timeline, so the issues had been discussed and, after a lengthy discussion, the public authorities had been in full agreement with the initiative of the Vice-President, but had said that more time was needed so, after the discussion, the public authorities had proposed that the Vice-President adjust her proposal. That was why the new document had come about. The public authorities had asked her, after listening to the discussions and different views of the public authority members, to go and produce a new document, and she had done so, sharing it with the public authorities via e-mail. The public authorities had discussed it that morning and they had agreed on the new version of the document. That was the position of the public authorities.

PROFESSOR ERDENER thanked the Vice-President for her proposal but noted that, at that moment, the Olympic Movement did not support the call for a further review of WADA. There were ongoing reforms, including through the Code review and the Working Group on Governance Matters, and the sport movement believed that WADA was on the right track. It was necessary to trust the organisation. There had been a decision to take concrete action to increase the independence of the anti-doping system with the creation of the ITA, to be dedicated to sport

organisations. That was another important step, and the sport movement fully agreed on its opposition to the current proposal.

MR COSGROVE clarified that the members were not currently debating the substance of the document but were debating whether or not the second document should be accepted. Was that correct? He made the point that the members had just finished a discussion about 900 pages of documents (putting aside the Paris comment), many of which had been received very close to the meeting and, for himself and some of his Oceania colleagues and perhaps other political colleagues around the table, it had been impossible for ministers who were not represented there to address the substance of those documents; nonetheless, they had acquiesced to the procedure. Secondly, one could argue that that was an amendment, as noted by the chairman of the public authorities committee, by the public authorities representatives who had worked decisively the previous day to amend their original proposal. Organisations had standing rules and orders and protocols, but he argued that it would be rather short-sighted of an organisation to refuse to examine a proposal, one that was nine points long, not 900 pages (and, if the members had the capacity to absorb 900 pages, he thought that they had the capacity to absorb nine points), simply because the members wanted to adhere to a protocol and not a standing order as he understood it, because he saw nothing in the rules that prevented a paper from being tabled on the day. There was a protocol, but that was not a rule. Without getting into the substance, that was an issue of moment. To give some background, it had been an issue of controversy, which he thought the public authorities had focused on, and they had come up with a consensus paper that might well provide a way through. The paper sought to set up a process that would come back to the Foundation Board for a decision. He just made those comments. It was an important point. He would not want to get to a stage, given the nature and environment that the organisation worked in and issues faced, by which they simply rejected a paper because of a protocol.

MR KEJVAL pointed out that the Olympic Movement had put some papers on the table in Paris, and had been told strongly by Ms Helleland that it would not be appropriate.

MR COSGROVE asked if there was a rule in the organisation that prevented a paper from being tabled or whether it was simply a protocol.

THE DIRECTOR GENERAL responded that, if Mr Cosgrove wanted to go down to such a level, there was not a rule that prevented a paper from being distributed for consideration but, under Swiss law, there was a rule that decisions could not be taken on matters that had not formally been put on the agenda and considered before the meeting.

MR COSGROVE said that he was asking even if it were to be considered, which he believed it would (an amendment to a paper), given also that it was for the decision of the Foundation Board (the original paper) the following day.

THE DIRECTOR GENERAL responded that it could be distributed for people to see whether or not they believed that it was an amendment and whether or not it could be considered by the Foundation Board.

MR COSGROVE replied, with respect, that the logical thing to do would be to distribute the paper, have a discussion and then the members would simply make a decision as to whether they rejected or supported it; otherwise, the members might well sit there for some time talking semantics.

MS HOFSTAD HELLELAND said that, as she had said, it was not a new proposal: it was an initiative from the public authorities to reach a consensus with the sport movement. She could not see why the sport movement could not have a look at what the public authorities were proposing. She asked Mr Ricci Bitti to allow her to continue to speak. The public authorities had adjusted the proposal. It was a desire from the public authorities that the sport movement have a look at it because they understood that the sport movement had some difficulties with the proposal that she had made which was in the members' files. The public authorities had wanted to reach a consensus and that was why they had amended the proposal. It was a short paper, and the public authorities proposed to appoint a committee with the sport movement and the public authorities to figure out the terms of reference. She thought it would be interesting for the sport movement to take a look at.

MR MOSES thought that the issue was so important and affected the credibility of the sport side, the public authorities side and the athletes and, although he was not currently an athlete, he had spent his life in athletics and had been involved in drug testing because he believed in the purity of sport and the ability of WADA to protect it. It made no sense not to put the issue on the table. The Foundation Board would be meeting the following day, and it made no sense to have that issue in gridlock and just slow it down and not discuss it. It would just be the absolute wrong thing to do. It should be discussed, because the athletes would be convening a meeting in another

couple of weeks and they would be talking about it; the last thing they would want to hear was no action taken on such a dramatic issue that had been publicised around the world and had a great impact on the credibility of the public authorities, the international sport movement and the emotional impact and the importance it had had and would continue to have on the athletes. It would be a total mistake not to put the issue on the table. It needed to be discussed, starting that day.

MR BAUMANN said that it was a conversation for the Executive Committee members. As to the point raised, he was not against discussing the paper in the files. The members had studied it and had their comments. They could agree or disagree. They had not said that they were not ready to discuss anything. There was no reason to be put under pressure by anybody else. He did not think any other stakeholders had the right to put more pressure on what was and was not being discussed by the Executive Committee members at Executive Committee meetings.

THE CHAIRMAN said that he remembered very well the situation referred to by Mr Kejval in Paris, during which there had been very strong opinions from the public authorities, but he would not rest on protocols or whatever. If people would like the paper to be distributed to be read and looked at, that would be fine, but he was very clear, from the advice of the Director General, in terms of what could happen the following day at the Foundation Board meeting. The only decision that could be taken was on papers that were on the agenda. He asked Ms Hofstad Helleland to distribute the document.

MR COSGROVE questioned whether the Chairman was saying that, regardless of any decision or otherwise from that body, the only paper to be considered the following day, even if that one were adopted, was the original paper that the Vice-President had previously circulated. That would therefore preclude any technical amendment. He might well have misunderstood.

THE CHAIRMAN responded that he would take the appropriate legal advice. The members all had a new document to read. He suggested breaking for a cup of coffee, after which the members would come back and decide what, if anything, they should do.

THE CHAIRMAN informed the members that they had had an opportunity to look at the paper. He had been informed that the paper required the support of the Olympic Movement and he was not sure that the Olympic Movement was prepared to offer that support. If that was the case, he was sorry; the members could take it with them and think about it, and the meeting could continue. There was a paper that Ms Hofstad Helleland had circulated, and he would be happy to have any comments on the original paper.

MR COSGROVE sought some clarification. He did not understand. When the Chairman spoke about the support or lack of it from the sporting folk, was he referring to support or lack of it in relation to accepting it for discussion that day, or was the Chairman indicating that, because the sporting movement was unlikely to support the substance, it should not be considered that day? That was a dilemma, and it was presumption, with respect. It might be an accurate presumption, but it was rather a revolutionary idea to not accept a paper. He would have thought that, if it were to be rejected on procedural grounds, that would be a different matter, but it would be quite interesting if it were to be rejected on procedural grounds because the substance was not being supported. He sought clarification.

MR DÍAZ said that the way to move forward was to take it as an open discussion. While the public authorities agreed that there was a large demand from athletes for an independent review, they wanted to answer together with everybody in the Executive Committee. The Executive Committee could discuss the next step and perhaps move forward or decide not to do anything. It was an answer to a request from the athletes, so the public authorities wanted to respond by proposing a process to move forward or whatever was determined at that meeting.

MR RICCI BITTI said that he had been ready to discuss the first paper, but the second paper added nothing. It was an application to have a sort of new assessment (if agreed) to go forward in that way with the composition and the terms of reference. He was ready to discuss the first paper. Since the members did not agree on the first paper, and he could anticipate that for many reasons, first he had to argue about the continuous mention of the athletes' request, which he did not believe was true, as the athletes could speak for themselves. It had been very difficult to manage the Russian crisis. WADA had taken numerous actions, including creating a governance group, investigation, reinforcement, many actions, and so a message coming from the inside was contradictory and divisive. For that reason, the Olympic Movement completely rejected the Vice-President's approach. He would be ready to discuss everything, but that was not the way. He was against the approach, using the athletes to send a message outside from the inside, from the Vice-President, who had been sitting there for four or five years. Why had she not done anything before? The Executive Committee had to work and he had to respect his commitment to the body, which meant that he was not ready to support the first comment, representing the major

stakeholders of the IOC, and the second was procedural. Then he asked that the athletes be allowed to talk for themselves. They were not stupid, they were very qualified people. The public authorities should take care of the governments. The Russian story had been caused by a lack of independence of a NADO in Russia. The sport movement had already acted with the creation of the ITA because the IFs wanted to distance themselves and have an independent body, so he asked the public authorities to look at their NADOs and then come back.

MS EL FADIL reiterated that the public authorities had to work with the sport movement. Everybody was responsible for clean sport, and did not want to be divided into public authorities on one side and the sport movement on the other. A compromise was needed. The proposal received on the review had been discussed by the public authorities and they had suggested some amendments to the first proposal so that the public authorities could reach a consensus. It had been agreed that the review was necessary, but it had been said that it should be in agreement with the sport movement, not the public authorities alone, as they needed the agreement of the sport movement and the Executive Committee to go forward and learn lessons from what had happened in Russia and look at past practices and consider how to improve work. That was it; it was not for any kind of divide. That was not the purpose. The purpose was to take the work forward together, not just the public authorities. They were very committed to WADA's objectives and did not want to be misunderstood or misinterpreted. That was why her suggestion was to postpone the decision and to have it on the September meeting agenda if they agreed to the idea of having a review. She knew that many processes were currently under way and they were very important but, if the members agreed to the essence of the review, then the decision could be postponed and it could be tabled again in September according to the rules and procedures, allowing for some time to discuss the details.

MR BAUMANN said that reviewing what an organisation did was a matter that should be in the DNA of any organisation, and it was the responsibility of the elected board and people to do that. First and foremost, that was where the job should be done. As a principle to review what had or had not gone wrong, he thought that the sport movement had to do it in its own house, and it had done so. It was not the time to make a list of what had been done, but that work had been done. That had to be done regularly, not just on doping matters, but on everything, and he was sure that that was also done by the public authorities on a regular basis. The second thing was that he was not of the opinion that an independent review was currently necessary. The Executive Committee had not even had a chance to discuss what its position was. Why would it skip that step and go to somebody outside to come in and tell it what it had or had not done wrong? What was the purpose? He did not feel very comfortable about that and did not want that. He did not think that the moment was right. Concepts and problems were still on the table and they were being dealt with one after the other, slowly but surely. The sport movement was still not done with Russia and there would be a report. It was not yet known what would be agreed upon and whether there would be legal proceedings or not. WADA was still in the implementation phase of the Compliance Review Committee. There would be cases, and WADA would have to see how that worked and whether or not it liked what was going on. WADA was in the middle of quite a number of things as an organisation and they were not over, and he thought that it would be premature to ask a third party to come in and check whether or not WADA had done things well. Why? Because Russia had attended the Olympic Games in Rio? Was that the reason? He did not think that that was sufficient reason to take it. Or was it because athletes had been in PyeongChang under the Olympic banner? He did not think that that was sufficient reason for an independent review. The paper before the members, and he agreed with Mr Ricci Bitti, was an implementation modality of the basic concept, and it had been suggested that it be postponed if the review were accepted. The sport movement did not think that it was time for a review. Things should be worked out and the issues on the table should be dealt with; then, before having a review, the Executive Committee should just sit as an Executive Committee and discuss and listen to what the Vice-President thought about the organisation and what she did or did not like, what the athlete representatives liked, and then have a conversation. If the Executive Committee, the body that was in charge, was unable to find a way of presenting to the Foundation Board general ideas to be discussed strategically, then perhaps everybody should go away and give it to an independent auditor and then the new leadership in 2019 or whenever it was would have a chance to change whatever it thought should be changed. Nevertheless, he thought that, at that time, it was not the right message to send to the outside world when things were still in place. They would simply be shooting themselves in the foot. The sport movement therefore thought that it was not the right time for an independent review. It was very much looking forward to having a conversation with the Executive Committee members on everything and discussing every problem, putting things on the table, and the management could make a list. Either the management would give it to the Working Group on Governance Matters, if that was in the group's remit, or it would figure out that perhaps it ought to change the remit of the group or create an independent body or whatever was currently being proposed.

PROFESSOR ERDENER had some additional comments to make. As he had mentioned very briefly during his first intervention, it was necessary to trust the actions of WADA and the IOC. If an independent person or body were needed, should the McLaren report or the Schmidt commission report be ignored, as well as important actions based on the two reports? That was really unbelievable in his view.

MR RICCI BITTI said that he had a comment on the cost. The Russian crisis had already helped WADA to improve so much. He had mentioned three entities that had not existed previously, one of which was the Compliance Review Committee and another was the Intelligence and Investigations Department. WADA had agreed to have investigations inside, and investigations were costly. A great job was being done. Last but not least, WADA had a Working Group on Governance Matters, which had not been that effective to date (in his view) but it was there and it was the remit of the working group to review what was not working well. Therefore, WADA had done a lot of things. Why was it necessary to have something for the outside world to look good? He preferred to be good than to look good and that was his judgement on the proposal. He was sorry to say it so frankly, but he believed that it was necessary to respect the function, and that was to say what one thought about something. WADA had done its work. The Russian case was not over unfortunately, because it was not easy, it was complicated. He had been involved, perhaps more than the Vice-President, and it was a very complicated case. There were legal cases still pending and many things had been done. The IOC had spent a lot of money on the case. Everybody could have their own view as to whether or not it had been successful, but WADA had acted. It was a crossroads for him, because he did not see any reason in going forward. The Executive Committee was there to review day by day what was done by WADA.

MR COSGROVE answered his friend's comments. The instruments that he mentioned were not independent; they were instruments within WADA, and it was not a matter of looking good. He noted for the gentleman that that paper did not mention Russia. He had mentioned Russia a number of times, but the paper did not mention Russia. It was forward-looking and it did not mention it in the nine points. The third point was that it was not about whether that organisation should look good. He agreed; it was about the credibility and integrity of the organisation, and that was why organisations had independent reviews, to reinforce the credibility and integrity. However, he feared that he was in danger of not adhering to the Chairman's view that the members should not discuss the substance and that they should discuss the process. The paper did not mention Russia; it was a forward-looking paper, and an independent review might well answer many of the critics of WADA and reinforce the positive management practices that were in place. His final point concerned the issue relating to athletes. There had been a very substantial and impassioned intervention the previous day from the Chairman of the Athlete Committee who had been of the view and had expressed the view (and if he was wrong he asked to be corrected) that there was a call and a need for such an independent review.

THE CHAIRMAN asked if the members of the Executive Committee were happy for Ms Scott to speak.

MS SCOTT said that it was with some reluctance that she was wading into that debate, but she had spoken to the public authorities the previous day. The topic had come up at the Athlete Committee meeting held in February and had been discussed at length. The committee had agreed to support the call for a review based on the fact that the crisis presented by the Russian doping scandal was perhaps one of the biggest ever seen in sport, maybe the biggest. It had done an immeasurable amount of damage to the credibility and trust and faith that the athletes had in the system. The committee had looked at that and asked what would happen if there was another Russian crisis. Was the organisation, which had a single mandate (which was to protect the rights of clean athletes and ensure that the playing field was level), equipped to handle another crisis? If it arose, had WADA learned everything that it needed to learn? Had it done everything that it could do? Granted, there had been substantial and significant milestones and achievements, including the independent investigations and the new standard for signatories. However, when she looked at the independent observer report and the headline that athletes still had shaken confidence and lack of faith in the testing system and anti-doping as a whole, she thought that WADA had to answer that call, and she thought that it should be viewed as an opportunity rather than a threat or something to be afraid of, because it seemed to be generating a high degree of emotional response, and she thought that there was an opportunity there, not to point fingers and place blame necessarily, to look at what could be improved, how to make the organisation healthier and more robust. The phrase 'fit for the future' was used a lot but, when preparing to be fit for the future, one needed to look back at the past and reflect and review, especially when it was something of that magnitude and scale. The Athlete Committee did, therefore, support the call for a review.

MR RICCI BITTI stated that he had a lot of respect for everybody's opinions and he respected the opinion of the friend from New Zealand and the opinion of Ms Scott, despite the fact that they did not agree; however, he wanted to say that Russia had just been mentioned as the trigger for that, which was why he had mentioned Russia. The second thing was that independence had been mentioned, but what was independence if the terms of reference had to be made by half of the group? It could be all the group. So, what was 'independence'? It was a very nice word if accompanied by another small one, which was 'relative'. Nobody was independent. 'Independent' was a word that, alone, meant nothing in his opinion. WADA had to sort out the problem that Ms Scott had mentioned and it was working on that with all of the difficulties that it entailed. He was being practical, and his message was to the people around that table that he was not against the principles WADA had to discuss. He discussed those day by day and he did that in all of his capacities of which he had more than 10 (too many for his age); but, he could say that, in all honesty, WADA had to follow a track, which was not the one indicated. That was his concern.

MS COVENTRY said that she had been sitting listening to all the comments around the table and she and Miss Scott had worked together for a long time and agreed on a lot of things. In talking and listening, Russia had been mentioned quite a bit, and the proposal in the first paper had mentioned Russia. In a lot of the conversations that had taken place around the table, she had heard phrases such as 'come to an agreement', 'come to a consensus', 'come to some sort of compromise'. As an athlete, if she had had to compromise in her training, she would not have got onto a podium, and the question she would like to have answered was, if WADA went down that track right then, and that went further, there were still numerous cases regarding Russia that had not been dealt with properly, so what would the consequences of such work be? How would that affect those cases that had not been heard? As an athlete, she thought that, after all of the work that WADA had been doing, WADA would know and would be better prepared to then tackle what could happen with those cases. Then it would be possible to agree to an independent review. She did not think that anybody had been prepared around the table; no stakeholder had been prepared for what had happened. If WADA were not prepared in the future and it weakened the case, which had been built and for which athletes had fought, against Russia and what had happened, what would it then do current athletes? They would be failed again because WADA had not done enough. In her view, that meant that there would be no belief in the system, in the work that everybody was doing, in the work of the independence and governance groups, in the three different groups created. And that made her ask why, as an athlete, she should believe in what was being done at any point. Whether WADA was calling for an independent working group or the current work was to be continued, it did not change anything. WADA was still not giving any more confidence back to the athletes. In what way did the paper do that? That was what she was really struggling with because, if that paper put any doubt in the cases that were still ongoing with Russia, and an athlete might get away with doping, she would be very much against it.

THE CHAIRMAN informed the members that he had promised to behave and was under orders to behave, and so he was going to behave. He had listened to the debate with interest and thought that it was his responsibility to do two things, one of which was to maintain the unity of the organisation and move forward. The other was to try to find some way of reflecting the views around the table. He thought that the Executive Committee should allocate a time in the Seychelles at the meeting in September. WADA would produce a paper explaining what process WADA had completed. The members would have the papers in advance so that they were open and could be discussed and so that WADA could move forward because, otherwise, the members were simply not going to agree, and it was quite clear that the Olympic Movement did not support the Vice-President's original paper and it did not support the second paper that had been produced. On that basis, he needed stronger a consensus to do anything other than he had just suggested.

MS HOFSTAD HELLELAND said that she would maintain her original proposal, which would be on the table the following day, and she would continue to argue for what she thought was the right decision for the Foundation Board. She underlined that it was not a proposal from the public authorities; it was the original proposal on the meeting agenda for the following day.

MS EL FADIL said that the public authorities had discussed the fact that, if the Vice-President went for the first proposal, they would have no common position. Each region would have to speak for itself. There would be no common position among the public authorities but, if the first proposal was still on the table, she wished to second it.

THE CHAIRMAN thanked the speaker. The Executive Committee knew what it was going to do. It was going to take it up in a structured manner in September, and he noted what the Vice-President had said, which was that she wanted to raise it again at the Foundation Board meeting the following day.

MR BAUMANN noted that he might have a point to raise when discussing the location for the September meeting, because he was not sure whether it was a wise choice to go there, but that

was his own personal view about the image of the organisation going to the Seychelles for one day. It would raise some eyebrows. He was sure that everybody would love to go, but he thought that it was not the right choice for that organisation, especially if it was talking about good governance and being proper.

On the specific point being discussed, he would recommend that, if the athletes had such a particular position that WADA had messed it up and had not done a good job and they wanted changes, he would love to see on paper what they wanted changed in terms of structure in order to then decide whether or not that matter should be given to the governance group or whatever it was called, or somebody else. He did not think that it would be wise to come back with an audit. Everybody should have the right, starting with the Vice-President, of course, to say what they wanted changed and why, and then the committee could have a frank and open conversation on any topic, rather than asking for a third person to come in. The world was represented there. Nobody else knew better than the people sitting around that table what was best, but it would be helpful to have that kind of input and it could be helpful for the Code revision and also for the governance group at the same time.

THE CHAIRMAN observed that that was basically what he was trying to deliver. On the venue, he would give the floor to the Director General, because there was a justification for that decision

THE DIRECTOR GENERAL stated that, as Mr Baumann had just said, WADA represented the whole world, and the Seychelles was represented on the Foundation Board. Perhaps Mr Baumann had not realised that. WADA had been invited by the Government of the Seychelles to go to Africa, and he thought it was a fair action for an international organisation to meet on all continents.

THE CHAIRMAN added that the agenda would be arranged in such a way as to allow for a meeting at 6:30 in the morning. He thanked everybody very much for the discussion.

DECISION

No decision reached in relation to the call for a review of the anti-doping system; matter to be put on the agenda of the Executive Committee meeting in September for discussion.

5. Operations/management

– 5.1 Endorsement of Foundation Board composition for Swiss authorities

THE DIRECTOR GENERAL referred to the list of Foundation Board members to be sent to the Swiss trade register.

THE CHAIRMAN asked the members if they agreed to keep the Swiss authorities happy.

DECISION

Foundation Board composition endorsed.

6. Athletes

– 6.1 Athlete Committee Chair report

MS SCOTT said that she would be very brief; the members had her report and the meeting outcomes in their files, so they would have seen everything already. She would simply highlight a few points from the meeting held in Montreal in February and some of the key outcomes, the first being that the committee stressed the importance of follow-up actions as a result of information contained in the McLaren report and the accompanying LIMS database. The Athlete Committee, based on the input and advice from athletes with which it had communicated, was strongly urging all the IFs presented with such cases to manage them and resolve them based on the information in as expedited and transparent a manner as possible. That was definitely a concern for a lot of athletes and they were really encouraging the IFs to do that, and also encouraging WADA to maintain close oversight and to follow the cases and, if required, to pursue them by way of an appeal or move them forward as best they could to support clean athletes.

A number of other issues and topics had been gone through. The committee had reinforced its call for the Court of Arbitration for Sport to improve the independence and quality of its arbitrators, much the same as the IOC had done prior to February.

The committee had then looked at and reviewed the first draft of the Anti-Doping Charter of Athlete Rights, which was a project on which it had been working for over a year, as it prepared to

present it to the first WADA Global Athlete Forum in Calgary in June. The committee had sat and worked through 16 different articles, revised and refined and discussed them as it saw fit, and come up with a first draft, which it was quite excited to present to the global athlete community in Calgary.

Speaking of Calgary, the committee was very much looking forward to hosting the world and the athletes of the world there in June. Preparations and organisation were on track and the committee was partnered with the Canadian Olympic Committee, which had done a very substantial job of assisting and helping with the project and event, so the committee was very much looking forward to that. She would be happy to take any questions.

MR BAŃKA stressed that Europe strongly supported and congratulated the Athlete Committee on drafting the recommendation.

MS EL FADIL stated that Africa took note of the report and supported the Athlete Committee.

THE CHAIRMAN thanked Ms Scott and wished her luck in Calgary.

DECISION

Athlete Committee Chair report noted.

7. Finance

MR RICCI BITTI reported that the only information he could provide was that the next Finance and Administration Committee meeting would be held on 25 July in Rome, and he thanked the Italian Olympic Committee for agreeing to host it at its headquarters.

– 7.1 Government/IOC contributions update

MR RICCI BITTI informed the members that the latest update had been tabled that morning. WADA had achieved 72.6% in terms of public authority contributions to date compared to 78.1% the previous year. The figures were slightly lower than the previous year, but there were some important contributions coming in later, so he was confident that it was not going to be a problem.

On additional contributions, WADA had received 274,000 dollars, and he thanked Australia, Japan, Lausanne and Denmark. Denmark's contribution was restricted to compliance. He also mentioned that the Government of China had announced its intention to contribute one million dollars that year, and that would be brought to the attention of the Finance and Administration Committee, because WADA had developed a protocol after the Russian contribution case and that would be taken into account; however, he repeated as the chairman of the Finance and Administration Committee that it appeared clearly from China's contribution (which by far exceeded what it normally contributed) that the recommendation to review the continental shares and the shares within the continents was urgent. He did not say that because he was European, but he believed it was a matter to be considered in the near future, and the Finance and Administration Committee had already recommended it the previous year.

In relation to Special Investigation Fund contributions, to date WADA had received from the public authorities 704,903 dollars, and he thanked the public authorities for their contributions. The IOC had as usual matched that amount, so 1,409,000 dollars were available for investigation. In 2016, 655,000 dollars had been spent, and in 2017 the budgeted amount had been spent and not exceeded, so WADA had 755,000 dollars in reserve for eventual investigations in the future.

DECISION

Government/IOC contributions update noted.

– 7.2 2017 year-end accounts

MR RICCI BITTI said that the members had the information in their papers. WADA had received 97.99% of contributions from the public authorities which was slightly better than the previous year, although not much, with additional contributions of 441,000 dollars, and the grant from Montreal International for 1,433,168 dollars. WADA had posted an excess of income over expenses of 2,185,100 dollars against the previous forecast profit of 1,215,103 dollars. The excess of that income was due to two items: the increase in income of 412,000 dollars and a saving of 558,000 dollars. The main saving was in the executive office for the cost of the Executive Committee and Foundation Board meetings, and he thanked Korea, because the Korean invitation had been the major reason for the saving, with the latest meeting in South Korea. Other reductions in cost had been in the Communications Department, which had not been staffed as budgeted, because of the postponement of the website project or some management reason, and in the IT

Department some money had been saved. He could give the precise figures, but the total was around 550,000 dollars. The profit had allowed WADA to do what it had not been doing for many years: put 500,000 dollars in the restricted reserve. The Finance and Administration Committee had always recommended covering six months of activity, and that was the criterion presented repeatedly by the Finance and Administration Committee. The reserve was much lower; but, if WADA continued in that vein, in a few years' time, it could get to where it should be. The restricted operational reserve was 2.9 million dollars, and the recommendation of the Finance and Administration Committee for a six-month reserve was in the order of 8 to 9 million dollars. He had mentioned all the items that had made WADA very successful that year in terms of results.

The following day, PricewaterhouseCoopers would be presenting the auditor's report, and the detailed report was very favourable, with no deficiencies, and he wished to congratulate Ms Pisani for perhaps the last time. She had been outstanding when it came to managing the finances. The small technical point mentioned by the auditors had been related to the contribution to the pension plan for the Swiss employees, a small minority, because the majority of employees were obviously based in Canada. The issue had to do with a very special law, and WADA was already putting the money in (just to give the members an idea of the amount, the previous year, it had been 172,000 Swiss francs), but the Finance and Administration Committee had taken into serious consideration the recommendation made by the auditors, because it was right to do what had been recommended. The Finance and Administration Committee had therefore taken the recommendation on board.

The following day, Ms Beauparlant would be presenting, on behalf of PricewaterhouseCoopers, the auditor's report to the Foundation Board, and he passed the floor to the Chairman, because the Executive Committee had to approve the recommendation to put the accounts to the Foundation Board for approval the following day.

DECISION

2017 year-end accounts approved for recommendation to the Foundation Board.

– 7.3 2018 quarterly accounts

MR RICCI BITTI informed the members that more or less all the money was received at the beginning of the year and it was necessary to spend it over the year, so the accounts showed a profit that was not really a profit. Nevertheless, WADA was in line. Attachment 2 was very clear: the line at the end showed the variances, all of which were under 25% because it was the first quarter. The Lausanne office cost was at 40%, but that was a happy problem because it was due to the unbelievable success of the forum that year. WADA had had to serve more people, so perhaps some kind of fee might be introduced in the future. The situation was such that some way of saving money might be considered. The meeting had been a great success, and he thought that everybody was happy to have spent money on it. That was the comment about the quarterly accounts. The members should not be too happy with the theoretical profit of 11 million dollars because it had to cover activities until the end of the year.

DECISION

2018 quarterly accounts update noted.

– 7.4 2019-2021 budget

MR RICCI BITTI said that the matter was a delicate one which had been dealt with many times. He wanted to start the discussion by providing a background. At the November 2016 Foundation Board meeting, a series of recommendations had been approved in order to make the agency fit for the future. The Director General had made a presentation and a copy of the presentation had been distributed outlining again the need for more money to fulfil all the requirements that WADA had. Personally, as a long-serving member, he had to say that he believed that WADA had performed miracles to a certain extent. It was not perfect, obviously, but it needed more money. It was at a crossroads. It needed more money to fulfil the new activities and improve on old activities. For those two reasons, the four-year plan had been prepared. The sport movement had indicated that it would be ready to support the plan if, obviously, the public authorities were in agreement. The position in September had been very clear and the public authorities had supported the budget increase of 8% for 2018 but had reserved the right at that meeting to approve the plan, because the plan had been a four-year plan. There were currently three years before the members. His recommendation was to approve them in their entirety. It was in the interest of those who managed the agency to know where they were going, at least for three years and, as he had said, to answer the question, the presentation prepared by the Director General and

presented on many occasions was a clear description of why WADA needed the money and where it wanted to go. That was the first recommendation.

At the end of the discussion, the members would be asked to approve the plan for the coming three years, and then the percentages would be 15% for the following year, 15% for the year after that and 5% for the year after that. He understood that the governments had discussed that and were prepared to make an effort. For that reason, together with the Finance Department, two simulations had been prepared, one with an 8% increase over the three years which was much less than 15%, 15% and 5%. It would not really be enough, because the necessary cuts would clearly affect RADO capacity building (and RADOs were very important) and scientific and social science research (and WADA needed to be active because research was a key tool for being updated, and the pharmaceutical industry was moving very quickly). The third area affected would be compliance, there would be fewer assessments, and also related litigation. It was important to note that there would also be an effect on the hiring of new employees. That would obviously delay core activities. That, therefore, would be the impact of the 8% budget. The 10% recommended to try to accommodate the public authorities' position again represented significant cuts, but those could be managed. A 10% increase would represent a cut of 1.5 million dollars in 2019, 3.5 million dollars for 2020 and 1.8 million in 2021. Again, the cuts would be the same on a lower scale, and he did not want to repeat them (RADO capacity, science and research, compliance assessment and litigation and so on). In terms of money, with that 8% increase, there would be 2.2 million dollars less for the first year, 4.9 million dollars less for the second year and 4 million less for the third year, compared to the proposal the previous November. The second scenario with the 10% increase was 1.5 million dollars less for the first year, 3.5 million less for the second year and 1.8 million less for the third year. Therefore, that was the sacrifice. He asked the members to approve the proposal in its entirety. He was ready to answer any questions, as was the Director General, who was responsible for the presentation that the members had received. It was a very strategic presentation, and they were ready to answer any questions. It was a very important item for the future of that organisation. If the members had any questions, then was the time to ask them.

MR BAŇKA spoke on the half of the public authorities to propose not to adopt the 2019 to 2021 budget as outlined in the document tabled for the meeting. Instead, he wanted to present the proposal discussed and agreed upon by all of the public authorities represented in WADA. The public authorities supported the four-year financial plan forecast for 2019 to 2022 based on the annual increase of 8% with annual budgets voted on every year to allow for the possibility for adjustments based on needs and performance. The increase should be directed towards the WADA priorities: compliance monitoring, standard-setting, research and education. The public authorities sought a WADA Foundation Board decision to instruct the Finance and Administration Committee to revise the budget for 2019 and the financial envelope for 2019 to 2022 and circulate it for approval before the end of August 2018 with a view to adoption at the Foundation Board meeting in November 2019. He thought that that would be very good compromise.

MR RICCI BITTI asked the speaker to clarify the timing. He had said 8% for four years and not three. It would be good to have four years. When was the decision needed? He thought that the decision should be taken immediately. The Finance and Administration Committee needed approval at least for the first year.

MR BAŇKA clarified that it was a proposal from the public authorities and the idea was to have a decision the following day.

MR MIZUOCHI said that he was grateful for the proposal made and supported it. From a long-term point of view, the three-year budget was also necessary but, for that increase in the WADA budget, the government had to explain to the taxpayer why that was happening; therefore, for each year, any increase in the budget had to be explained.

MR COSGROVE noted that there were 100,000 dollars allocated for branding and rebranding, and he thought that was on page 30, and an additional 400,000 dollars for the strategic plan review, and the material seemed to suggest that that was quite interwoven with branding. Would it be possible to outline the detail of what that money was going to be spent on?

THE DIRECTOR GENERAL sought to understand and clarify one thing. He understood the need for governments to approve their budget every year, but his understanding was that work would be done on the basis of the four-year 8% agreement; however, of course, every year WADA would follow the current process with the Finance and Administration Committee and approve how that money would be spent in November by the Foundation Board as it usually did. Was that the concept?

Regarding the branding and the strategic plan, that was money that had been set aside. He would ask Ms MacLean to develop a little further on the branding issue, but he informed the members that, for the strategic plan, WADA intended to engage external help, and there had been

discussion with the Boston Consulting Group, with which WADA had worked quite a lot the previous year on strategy. A portion of that money was actually for covering those costs plus whatever other costs there might be. As had been discussed earlier that day, depending on the timing of things and depending on how things progressed, WADA might not actually have the entire exercise done that year. That was what had been projected when the budget had been revised. The budget was always revised mid-year at the Finance and Administration Committee meeting in July. It would be necessary to have a discussion to see where WADA was with that exercise and whether the figure was still accurate.

MS MACLEAN said that she was not sure whether Mr Cosgrove had been at the Executive Committee meeting in September, but there had been a discussion about pursuing additional funding beyond the traditional budget, and that was what Mr Niggli had just explained was connected to the Boston Consulting Group. One of the outcomes of that work had been the realisation that perhaps the way in which the brand was represented was not fit for securing such additional funding from private sources, so the brand work would essentially be about looking at where WADA was, where it wanted to go and how it would get there, and the funding associated with that was largely about the front-end research, which would probably be done at around the same time as the strategic planning exercise because there were economies of scale there in terms of the research, and then largely it would be about rebranding, which obviously had costs associated with concept and design, etc. That was where that money was being attributed, largely to consulting services.

THE CHAIRMAN asked the members if they were happy to take it to the Finance and Administration Committee meeting in Rome and for the budget to be put together.

MR RICCI BITTI clarified that the Finance and Administration Committee would manage the figures, but the principle was for approval the following day.

THE CHAIRMAN asked the members if they were happy that the principle would go to the Foundation Board the following day, after which the Finance and Administration Committee would deal with the details in July.

MR RICCI BITTI said that he had some simulations. He provided some interesting information. The money at the end of 2022 of the WADA budget with the four 8% increases would be around 74 million dollars. That was a very substantial increase. WADA might have to make some savings. 74 million dollars was the compounded projection at the end of 2022. That was just to give the members an idea.

His final point related to the cash position in attachment 5. It was nothing special: it was the money that WADA had in cash. At the end of 2017 it had been 7,778,000 dollars because 500,000 had been put in the restricted account. Based on the assumption of the balanced budget the following year, that was obviously the situation, so nothing would be changed. He hoped to have positive results to make it possible to increase research.

THE CHAIRMAN observed that he had learned never to argue with somebody who said that there would be more money than he thought.

MR RICCI BITTI clarified that it was the compounded amount.

THE CHAIRMAN thanked Mr Bańka for the work that had been done in Europe in Denmark and Warsaw.

MR RICCI BITTI added that the Olympic Movement obviously supported matching the figures.

THE CHAIRMAN said that the Olympic Movement had come in right from the start and said that it would match the amount dollar for dollar. The Olympic Movement was the oldest of WADA's senior partners.

DECISION

Proposed 2019-2021 budget to be recommended to the Foundation Board for approval.

8. Education

– 8.1 Education Committee Chair report

MR MOSES informed the members that the meeting of the Education Committee had been conducted at the end of April (on 26 and 27) and the first item on the agenda had been to pay respects to Mr Bart Coumans, who had passed away the previous year. He had been a member of the Education Committee.

The meeting had been a very interesting one. The committee comprised a very diverse group of people from all around the world representing different countries, some of which were very well off and others that did not have the resources to really carry out education activities, so there was a very good mix of views and opinions as to how to go forward. WADA was moving into a very important time in the history of anti-doping, placing equal importance on education through the development of the International Standard for Education and Information, and he congratulated the Executive Committee and Foundation Board for giving the committee the ability to move forward. WADA, as the leading organisation responsible for protecting clean athletes, was sending a strong message about the importance of education to all stakeholders and he congratulated all the members of the Executive Committee for approving the development of the International Standard for Education and Information, which the committee was working on as he spoke, and that was going to make sure that all of the stakeholders were clear about the roles and responsibilities and expectations with respect to education programmes. The committee wanted there to be a standard to which everybody would adhere. There were some major roadways as to the ability to have a proper education programme. The goal was to prevent doping and have an effective prevention strategy that had to include education, testing and investigation, all of which had an equal role to play. Those had been addressed during the meeting. The draft standard had been discussed in depth at the meeting and he looked forward to the forthcoming stakeholder consultations that would be undertaken. It had also been stressed that it was very important to engage the WADA Athlete Committee in the review, which of course the committee would do.

With respect to the committee, there were a couple of highlights. The committee fully supported the Anti-Doping Charter of Athlete Rights being developed by the WADA Athlete Committee, and the key principles of the charter should be integrated in the WADC. The committee commended the WADA staff on the progress made with its e-learning platforms, specifically ADEL, and was encouraged by the progress of the Sports Values in Any Classroom project being developed with partners including WADA, the IPC, the IOC, UNESCO, FairPlay International and the International Council for Sport Science and Education, and looked forward to getting feedback and seeing what the outcomes would be.

The committee had also had an in-depth discussion on the importance of the social science research that had been commissioned and that guided the development of the educational resources and was reinforced in the International Standard for Education and Information.

As he had said earlier, it had been a very exciting time for his committee; significant progress was being made and it would really have an impact not only in terms of finding out why athletes doped or did not dope but also in terms of giving them the defensive mechanisms that were out there, allowing them to avoid becoming doping athletes.

He was pleased that the leadership around the table not only verbally supported the need for more education but also, more importantly, had sent a clear signal supporting the importance of the International Standard for Education and Information and that, along with the Anti-Doping Charter of Athlete Rights, stressed the importance of education, paving the way for a bright and clean sport environment. The future really looked good. If anybody had any questions, he would be happy to answer them.

THE CHAIRMAN asked if there were any questions.

DECISION

Education Committee Chair report noted.

– **8.2 International Standard for Education and Information update**

MR KOEHLER said that he would be very brief. The standard was in the members' files for information. The members would recall that, in November, the Executive Committee and Foundation Board had approved the development of the standard. A working group had been established and the information had also been provided in November to the members. The working group comprised members from Africa, the Americas, Europe, Oceania and Asia. The African representative had just been added and Mr Dally would be a member of the working group. It was important to understand that the working group was a group that was compiling information that it had received and the Education Committee, which had an equal composition of sport and government members, was the one that actually made the recommendation on the draft standard that would go forward to the Executive Committee and the Foundation Board. The Education Committee had the final sign-off on the draft that the members had received and had made further recommendations.

The standard was part of a consultation process that would go out on 4 June with the rest of the standards and, at that time, he would look forward to feedback from stakeholders. The

standard was not a WADA standard; it was a standard from the World Anti-Doping Programme and it had to be something fed in and information had to be provided on how to guide more substantive education in the future. That was a brief update on the situation concerning the standard.

MS CAMERON thought that it was very exciting that education was a really powerful tool. She had one question that concerned those countries with minimal resources: how would that affect them when it was made mandatory as part of compliance? Was there a way of measuring what was being done, especially on WADA's behalf? She knew that, at most editions of the Olympic Games and continental games, WADA sent a team and did really good educational stuff, and athletes went and filled out the forms and it could be seen that there were regions such as her one, Africa, in which there was no education. Was there some kind of time implication for that? Because if WADA suddenly said that it was mandatory, how and what would it be doing to reinforce those countries that could not afford it? Would WADA be providing more money for the programme? It was nice to see that Africa had been included on the working group.

MR KOEHLER thanked Ms Cameron for her very valid questions. When the working group had sat down to talk about the standard, that very item had been discussed: it was a global standard and it had to be realistic, achievable and a guiding principle document that made sure that everybody could achieve mandatory education. Education was mandatory in the Code and the document was really to set a standard on who had the responsibility to do what. Currently, people were walking over one another in terms of what education was being done. There was not enough emphasis put on it, so this outlined what an NOC should be doing and what it should be delivering in terms of a plan, delivery and evaluation. At that point, the standard outlined those responsibilities and what people should be doing. It was not a standard that would say that people needed to do X, Y and Z and needed to do it in a certain way; it was going to say that athletes needed to be educated based on who the most high-risk athletes in the country were deemed to be. A similar approach was made in the International Standard for Testing. A risk assessment needed to be carried out and it was necessary to work out who needed to have the information. In terms of evaluation, the Outreach programme had been evaluated and he would be happy to provide the report directly to the members (it had been provided to the Olympic Movement upon request). There was currently a pilot project among developing countries and developed countries on evaluating intervention programmes that were being carried out based on a set of guidelines already developed through researchers on assessing what education was being done, how effective it was and what implementation strategies were working in the field. That was work in progress and he hoped to have the results by October that year.

MR BAUMANN added that he thought that education was key for every single stakeholder in the sport family, but not only in the sport family: also, for public authorities, education formed the basis of the future of society. Nevertheless, he thought that trying to put that into an international standard and a mandatory document with mandatory principles was probably not doing justice to the fact that education took place primarily at national level and in very different ways by many stakeholders, not just those sitting around that table, and trying to regulate it in a way that might, at the end of the day, end up being a cause for non-compliance by a signatory of the Code was overkill. He was sorry to use that term but he thought that it was overkill. WADA was not there to create a library of international standards with pages and pages and pages and articles and articles, which it would not be able to follow 100%. In his humble opinion, it should remain a guiding document, it should be an educational tool, WADA should probably invest in more tools as an organisation (cost-efficiently, of course) and the tools should be spread to help those who were not able or, in the opinion of the experts, did not have the right tools in place.

MR KOEHLER responded that it was up to the people on the Executive Committee and Foundation Board to decide how they wanted to move forward with an international standard. The research did support the need for its development and that was what had been presented in November but, in the end, he would follow the members' lead and, if it was not believed that education and the standard were as important as testing, it was up to the committee.

MS EL FADIL said that she supported the report very strongly and Africa needed to be supported when it came to development programmes and education. The regions were in different positions when it came to ability to address such issues and research and programme development. The public authorities had agreed that it was one of the priority areas. She therefore supported the report and the proposals made.

THE CHAIRMAN asked Mr Koehler to take the point about non-compliance into account during the working group discussions. Instinctively, WADA did not want to be declaring people non-compliant because they were not working hard enough on education. WADA wanted everybody to be doing same thing enthusiastically. To head off any other discussion at a future date saying that it was too robust or not robust enough, might it be possible to do that immediately in the

knowledge that the standard would go out for consultation and people would then be able to state in more detail whether or not they were happy?

DECISION

International Standard for Education and Information update noted.

9. Health, Medical and Research

– 9.1 Health, Medical and Research Committee Chair report

PROFESSOR ERDENER informed the members about the activities of the Health, Medical and Research Committee under five headings. First, the List: the draft 2019 International Standard for the Prohibited List had been prepared following meetings of the WADA Prohibited List Expert Group in Montreal on 15 January and 16 and 17 April that year. The draft 2019 Prohibited List, along with an explanatory note on the modifications from the 2019 List, would be circulated among the stakeholders in May that year to allow for comments to be made prior to mid-July. All the comments from the stakeholders would be reviewed by the Prohibited List Expert Group in August and a new draft of the List would then be reviewed by the Health, Medical and Research Committee and then by the Executive Committee in September before the List was published later that year.

Regarding the laboratories still dealing with remaining actions for laboratories that were revoked or suspended, namely Bloemfontein in South Africa, significant progress had been noted during the site visit on 6 and 7 March that year. A few remaining technical issues were lingering, mainly related to IRMS analysis, and they should be solved by July/August that year.

A Bogotá laboratory site visit had been conducted from 8 to 10 May, and outcomes would be shared shortly with the Laboratory Expert Group for review and recommendations.

The Lisbon laboratory was a more complex issue, since there had been some new technical issues with it and the Laboratory Expert Group did not consider that all the conditions for reinstatement had been met. The committee was therefore working on transferring the dossier for review by the disciplinary panel. The Ad Hoc Working Group on Laboratories expected that the recommendations were final and would allow the experts and WADA management to implement those recommendations in the rules and actions.

As of 10 April that year, over 700 TUEs had been granted and registered in ADAMS, representing a 21% decrease over the same period in 2017. 78% of those TUEs had been granted by NADOs. All TUEs were screened; however, the Medical Department used automated risk-based scores to prioritise red-flag TUEs based on substance, route, duration and sport. In PyeongChang, 37 of the 2,922 athletes competing in the Olympic Games had had TUEs during the period of the Olympic Games for a TUE prevalence of 1.2%, the same prevalence during the Rio Olympic Games in 2016. For the Paralympic Games, there had been 28 athletes granted TUEs out of 570 athletes. The prevalence of approximately 4% was similar to the previous edition of the Paralympic Games.

On research and the WADA/FRQ (Fonds de recherche du Québec) agreement, three areas had been selected: artificial intelligence, biomarkers of doping and social science, with the FRQ dedicating 200,000 Canadian dollars per year, matched by WADA, to those projects.

There was a strong call for sustained efforts in research. The IOC and WADA were considering collaborating on two projects: forensic analysis of evidence and dry blood spot development and positioning in the anti-doping arsenal.

In relation to the Athlete Biological Passport, a technical document on APMUs would be presented that day, and his committee believed that the document was important in that APMUs should be better harmonised in support of a stronger development of the Athlete Biological Passport.

There would be a symposium in Rome from 5 to 7 November to review the Athlete Biological Passport development and perspectives, preparing for broader implementation of the passport by ADOs and future developments.

MR BAŃKA raised a couple of issues concerning the situation of some laboratories in Europe seeking more information and clarification from WADA. He asked for an explanation on the Athlete Biological Passport analysis at the Minsk laboratory. The authorities in Belarus were trying to obtain approval to carry out analysis for the haematological module of the Athlete Biological Passport and work further on possible accreditation.

Europe was very concerned about the situation of the Lisbon laboratory. As a European member of the Executive Committee, he had been following all of the developments concerning the

laboratory and had the impression that its legal status was very uncertain. The laboratory had been suspended in April 2016 and the maximum suspension period as defined in the ISL had come to an end in April 2017. At the same time, the laboratory had received notification that WADA would proceed with a disciplinary procedure in order to revoke the accreditation of the laboratory. However, the recommendation by the independent disciplinary committee to the WADA Executive Committee had been to issue a decision maintaining the Lisbon laboratory accreditation to perform testing of doping control samples for signatories. He wanted to know why the recommendation had not been implemented. Last but not least, the disciplinary committee had recognised the need for an improvement in the laboratory's expertise, especially regarding personal experience and training, stating however that that was an aspect of things that routine operations would normally address. He therefore wondered whether it might be possible for the laboratory to run some basic routine tests. Taking all of that into account, he asked WADA to work very closely with the laboratory to help with its reinstatement. He thought that creating a feasible road map for the laboratory, clearly defining the criteria for its reinstatement, would help it.

PROFESSOR ERDENER thanked the speaker for his comment. Perhaps Dr Rabin might like to provide an explanation.

DR RABIN explained that the Minsk laboratory had made a request to be approved for Athlete Biological Passport blood analysis in support of the haematological module of the Athlete Biological Passport. WADA had received the request and had responded systematically to the letters sent. The point was that, for any laboratory in Europe, either for approval or accreditation, WADA had agreed to work with the Council of Europe to look at those requests and try to jointly assess the laboratories on the basis of their requests. WADA was waiting for the end of the approval of the recommendations by the Working Group on the Laboratories so as to implement that phase. He understood that the recommendations had been fully approved, so it would be possible to move forward together with the colleagues at the Council of Europe. That was the plan as it currently stood.

The Lisbon laboratory had been complex dossier. The fact was that the recommendation from the disciplinary panel had come at a time when WADA had also received information on the proficiency test by the laboratory. What the members needed to know was that, when a laboratory was suspended, WADA still sent proficiency tests (EQAS tests) to the laboratory so the laboratory did not do routine analysis but did analysis for the EQAS samples. Unfortunately, he had to say that, despite the fact that the laboratory had received only five samples from WADA, there had been an issue relating to a swapping of samples for the EQAS test which had resulted in a false positive and a false negative by the laboratory, and that was extremely worrisome under the ISL. In the end, WADA had had to go back, visit the laboratory again, make recommendations to the Laboratory Expert Group and completely review the origin of the issue, and only in March had the experts of the Laboratory Expert Group decided to forward the dossier with all of the information to the disciplinary panel, which was why a disciplinary panel was being put in place to review de novo the situation of the laboratory, taking the EQAS problem into account.

Concerning the point about routine testing, it was necessary to define routine testing. It could not be anti-doping testing obviously; it would have to be other sectors but not related to anti-doping and not falling under WADA accreditation. When the laboratories were in the process of being reinstated, WADA worked with every single one to guide them and help them to achieve accreditation for reinstatement.

MR BAŃKA thanked Dr Rabin for the explanation.

MR COSGROVE raised a concern. The requirement for a specified minimum number of passports and APMU reports did not seem to recognise that the expertise of smaller ADOs was not related to the number undertaken and Drug-Free Sport New Zealand had suggested to his government that WADA might wish to review the criteria in order to allow for dispensations for smaller ADOs, and he believed that Australia and South Africa's national anti-doping organisations had expressed similar concerns. He would suggest that WADA delay a decision about adopting the technical documents on athlete passport management unit requirements and procedures and requested that WADA consider the implication for smaller anti-doping organisations.

MS EL FADIL clarified the African position on the document. Africa could not approve it.

THE CHAIRMAN asked whether she could discuss the matter after the presentation of the technical document which would probably be the logical way to do it, although he assured her that he would come back at that stage.

MR BAUMANN picked up on what Mr Cosgrove had said about APMUs and smaller ADOs. He suggested that consideration might need to be given to technical or legal issues, but also the ITA might be authorised to have an APMU. It could not for legal reasons, but perhaps there was a way

of considering that in the process along the lines of what his colleague had said, and he thought that the centre of expertise that would be created might be useful in the fight against doping.

DECISION

Health, Medical and Research Committee Chair
report noted.

– 9.2 Scientific technical documents

9.2.1 TD2018 EAAS

DR RABIN said that he was extremely pleased to see a lot of enthusiasm for the technical documents. There were three technical documents that day, one of which was TD2018 EAAS on endogenous anabolic steroids. There was a very minor change to the technical document on blood analysis requirements, and then he would invite Dr MacDonald, the Science and Medicine Deputy Director, to speak to the other two documents.

Starting very briefly with TD2018 EAAS, on measuring and reporting endogenous anabolic steroids, there had been a few additions to the technical document and he would take the members through the major ones. They were mainly clarifications as new situations were encountered. Anabolic steroids were by far the most represented substances in statistics on doping substances. WADA therefore needed to constantly adjust to new situations and also to the evolution of the rules or technical aspects in other sectors such as ADAMS.

Going through some of the major changes, first of all, in the introduction, the APMUs were introduced as bodies with the possibility to request a confirmation procedure, which had not been the case in the past (it had been limited to the testing authorities and WADA). It had been deemed important to give the APMUs the possibility to request a confirmation procedure based on suspicious or abnormal steroid profiles.

A lot was also constantly learnt about the impact of some of the substances on the steroid profile, one of which was the class of aromatase inhibitors which had been added to the list of confounding factors, and the laboratories needed to take into account the possibility of aromatase inhibitors influencing the steroid profile before reporting.

Looking at the initial testing procedure, the first phase of analysis in a laboratory, in the reporting phase of the initial testing procedure, when a sample was not consistent with human urine, and a few cases had been seen in which water was basically found in the vials or what was suspected to be synthetic urine. That could happen, and was clearly an issue, as the members could imagine, of potential tampering, and WADA was currently saying to the laboratory that, if it was sure that it could not be human urine, it had to be reported as an adverse analytical finding. When a laboratory was not sure, it could report it as an atypical finding and that would facilitate the processing of the information. For the validity of the samples, there were sometimes situations whereby, when a marker was below the limit of quantification, WADA quantified the components of the steroid profile and, in order to facilitate the reporting and reading in ADAMS, it was clearly recommended that this be reported as -1, and there was also a procedure for when the marker was below the limit of detection, so WADA could not quantify or even really see it; but, for all of the markers, they should be reported as -2 so that the system in ADAMS could take that into account. They were technicalities, but they were very important in terms of the way in which steroid profiles were analysed in ADAMS.

Moving to the confirmation procedure, as he had said, there could be situations of atypical passport findings during the confirmation procedure and, in fact, there could be recurrent situations. There were quite a few athletes who, believe it or not, really enjoyed a good whisky or a good bottle of wine, and alcohol had an effect on the T/E ratio, so WADA had to take that into account early in the process, in particular when it was a recurrent habit by an athlete. That was something that WADA had wanted to address in the new technical document. IRMS, which was a fairly costly method, was not necessarily mandatory when the confirmation procedure did not confirm the initial high value of a T/E ratio. That was again a matter of adjusting to some situations seen in the recent past. All of the markers needed to be quantified in the steroid profile with concentrations and that would facilitate analysis by the testing authorities of the steroid profiles.

Continuing with the confirmation procedure, as he had said, WADA was trying to limit IRMS analysis to what was really necessary and, when there was an atypical finding in which the confirmation procedure brought it below the threshold in the Athlete Biological Passport, that should not systematically trigger an IRMS analysis. When there was a suspicious steroid profile, however, one could certainly go to quantitative mass spectrometry and one had to make sure that it was a situation in which, in the confirmation procedure, the values were confirmed; if not, the laboratory would contact the testing authority for further advice.

Specific gravity was increasingly taken into account and was something that could be better determined when one took a new aliquot or fraction of the sample in the A or B sample. That was something that WADA had wanted to adjust in the new technical document, which was before the members for approval. He would be happy to take any questions on it.

THE CHAIRMAN asked Dr Rabin what he wanted him to say.

DR RABIN told the Chairman that he wanted him to make sure that the document would be approved.

THE CHAIRMAN responded that he would ask Dr MacDonald to speak.

DECISION

TD2018 EAAS approved.

9.2.2 TD2018 BAR

DR MACDONALD said that she would begin with TD 2018 BAR, revisions to the technical document on blood analytical requirements for the Athlete Biological Passport. There were only small modifications, three new mandatory requirements for laboratories to report: the blood analyser type, platelet values and white blood cell values. She noted that the two blood values, platelets and white blood cells, were currently being collected by laboratories and were included in the WADA external quality assessment scheme, so providing those in ADAMS would make them available for Athlete Biological Passport experts in their review of ABP results.

DECISION

TD2018 BAR approved.

9.2.3 TD2018 APMU

DR MACDONALD referred to the new technical document for APMUs. She began with a bit of background. The role of the Athlete Passport Management Unit was currently described in the ABP operating guidelines; however, she had heard from stakeholders requesting clarification of the function of APMUs, a strengthening of independence and increased standards for expertise. There were currently 11 WADA-accredited laboratories hosting APMUs and they were offering compliance services to 91 ADOs. WADA had seen that it was a huge success: as ADOs had transitioned to working with those laboratory APMUs, passports were currently being actively managed, and atypical passport findings that had not been acted upon were suddenly being acted upon, even many months after the event. She also noted that the Oslo laboratory was working with four Nordic NADOs and WADA was currently considering them to be one of the WADA-accredited laboratory APMUs.

There were also 39 ADOs that collected samples and entered doping control forms in ADAMS, and those were considered to be internal APMUs. However, only six of those had even close to compliant internal APMU functionalities, which meant that they were providing APMU reports and sending atypical passports for review. That meant that a large number of passports were not being looked at at all and clean athletes were competing against the athletes.

She also noted that the Athlete Biological Passport blood module was becoming mandatory for sports with ESAs of MLA greater than 30%, effective as of that coming January, so she expected continued growth in the use of the Athlete Biological Passport.

She reiterated some of the current challenges. They were concentrated within the APMUs that were associated with the ADOs. There was non-compliance with the applicable standards for passport management, a lack of adequate experience, primarily due to a low volume of passports. Smaller ADOs just did not see many atypical passports. Those ADOs also lacked suitable qualifications among their APMU personnel. There was a lack of reactivity when target testing was not performed and new analysis was not performed, and there was a lack of independence and at times even demonstrated corruption where money had exchanged hands to delay the review of the passport results. She did acknowledge that there was a small number of high functioning compliant internal APMUs; however, the small number reviewed a very large number of passports.

That was the overview of the process undertaken to develop the technical document. As she had mentioned, the role had been defined in the Athlete Biological Passport operating guidelines. Then, in 2017, an APMU working group had been put together to develop a framework and the first draft of the technical document. Consultation had then been undertaken earlier that year, first a limited consultation, after which comments had been received from 17 different stakeholders, and then a wider consultation in March. It was currently being put forward for approval by the

Executive Committee and she expected that it would come into force that coming January, by which time candidate APMUs could apply for a WADA approval.

She informed the members briefly about the ad hoc working group. It had been set up for three reasons: there had been demand from external stakeholders seeking greater harmonisation and there had been real and perceived conflicts of interest and a serious global disparity as far as implementation of effective compliant Athlete Biological Passport programmes was concerned. There had been two objectives for the working group: it had been tasked with addressing whether the use of laboratory-associated APMUs should be mandatory, so that was one potential outcome, and it would also be comparing and contrasting the different models. The second objective had been to draft the technical document that would come to the Executive Committee meeting. The members would see the composition of the working group and the members of NADOs, IFs and current and former APMU managers. She showed a summary of the recommendations. Rather than making laboratory-associated APMUs mandatory, the recommendation was that an APMU be associated with a laboratory or an anti-doping organisation; however, the APMUs should be approved by WADA according to specific criteria, and there had been a specific request for a minimum number of APMU reports per year, demonstration of relevant expertise and structure and resources that would guarantee compliance. ADOs that did not have an approved APMU should contract the services of an approved external APMU, and the working group had also recommended that they be included in the ISTI or a new technical document or possibly even a new standard. Overall, the objective was to harmonise the effective management of passports.

Finally, in summary, the impact expected was that WADA would have much better harmonised management of the ABP worldwide, candidate APMUs that met the criteria could apply for WADA approval the following year, laboratory APMUs would continue to provide ADOs with operational independence and a high level of expertise in managing passports, and the technical document was very timely because it would support effective management as the Athlete Biological Passport developed and as the blood module was fully implemented by more ADOs. She mentioned, for example, with the ABP developing as new modules such as the endocrine module came into place, the expertise to understand those results really lay with the laboratories, so that was one of the reasons for which the laboratory APMU model was being encouraged whilst still allowing larger ADOs to function as APMUs.

THE CHAIRMAN remarked that WADA was obliged by the Code as an Executive Committee to do that work. It was the kind of thing for which, if one did not wish to do it in terms of documentation, it was necessary to find a different way, perhaps without changing the Code, so there were challenges there.

MS EL FADIL stated that Africa agreed with the first and second documents, but had a reservation on the third document that had been presented, because it was associated with the work of the laboratories and she thought that that would have negative implications for those in Africa and its implementation would affect Africa negatively. It would affect the African NADOs and it would also raise the financial bar for African countries to implement efficiently. She thought that Africa would be negatively affected and it would not provide an opportunity for African expertise to be part of it. That responsibility would perhaps be for a handful of anti-doping experts. It was not an inclusive document for those in Africa, and so she was not in favour of approving the last document.

MR BAŇKA joked that, like the Chairman, he was a big fan of technical documents but stated seriously that Europe could not support approval of document 9.2.3 as it was currently worded. The nature of the document was not at all technical; it went beyond and included policy issues that should be covered by the international standard. Therefore, on behalf of Europe, he asked the management to take a closer look at the document and make adjustments to ensure that it was technical and postpone its adoption, in particular to rephrase articles 3.1 and 3.5 and delete article 7.1.5.

MR COSGROVE said that, in respect of his previous comments under 9.2.3, he would endorse the proposal of Europe to have another look at the criteria, especially in relation to smaller nations.

DR MACDONALD responded to the questions on the smaller anti-doping organisations. WADA would continue to support anti-doping organisations to enhance their Athlete Biological Passport programmes and encourage cooperation between anti-doping organisations; that was something that was envisioned for the future. She pointed out that WADA would be holding the ABP symposium in the autumn and that would be an opportunity to continue to develop expertise within those anti-doping organisations. She also reiterated that it had been noticed that the current problems were concentrated in the internal anti-doping organisation system and it had been felt that that was a compromise to be able to allow some of the high functioning anti-doping organisations to continue as APMUs, and she reiterated again that it had been observed that the

experience needed to carry out an effective passport review came when one was constantly reviewing a large number of passports, and that was not currently happening within some of the smaller ones. She recognised, however, that the Nordic APMU was functioning very well in association with the Oslo laboratory and anticipated that other regions such as Oceania might function in a similar way in the future.

DR RABIN provided a further response. It had not necessarily been WADA's intention to develop a technical document on APMUs. The request had come from the stakeholders, who had started to see disharmony in the way in which the Athlete Biological Passports were reviewed, and it was WADA's role as a regulatory authority to address the issue. Stakeholders had gone to WADA to request the development of the technical document. Expertise was key; that had been seen in many areas of what was being done in anti-doping because it was becoming extremely complex. It was known that some of the expertise lay in the hands of existing WADA-accredited laboratories. Concerning Africa, there was a laboratory in Africa, so an APMU could be developed with the laboratory. One of the big benefits of the APMUs was that one could work from a distance, or the expertise could be provided from a distance, so it would not interfere with any national programme, for example, if one partnered with a laboratory or experts far away from where one was, so there was that possibility.

As to what Mr Bańka had said regarding 7.1.5, on the financial independence of the APMU, WADA had seen it as a way to protect the APMU and its clients if a laboratory, for example, was suspended. The fact that there was a disconnect allowed the APMU to continue functioning and avoided the issue that had been seen with some anti-doping laboratories when they were suspended or revoked and all of their clients were suddenly placed in a difficult situation. That was a way of addressing that point.

Regarding the ITA, WADA had discussed the matter with the ITA and it was currently working with different APMUs associated with laboratories, and he understood that it was a model that they were very comfortable with. In the future, they would decide whether or not to continue with the model or become a testing authority, which would give them the possibility of being directly associated with the laboratory.

As to whether or not the members wanted to approve the technical document that day or postpone it, he alerted them to the fact that there was some time flexibility and, if the members wished to postpone it, some of the points could be worked on. He was not necessarily saying that there was a Plan B, but it might be possible to go back and address some of those points and come back in September or maybe even in November. It was up to the members to decide

THE CHAIRMAN asked whether the members were happy with the offer. When was the seminar?

MS MACDONALD responded that the symposium she had mentioned would take place in November, but that would happen regardless of the technical document.

THE CHAIRMAN responded that he had understood, but wondered whether that might be used in some way. He thought, in all honesty, with the request to defer and examine, that the WADA management should probably do that and then come back later.

DR RABIN stated that, if it was the wish of the members, it could be postponed.

THE CHAIRMAN concluded that two technical documents were approved and one was not approved. The APMU document was subject to revision.

DR RABIN said that it would be reviewed in Seychelles.

THE CHAIRMAN thanked the members. Quite a lot of progress had been made.

DECISION

TD2019 APMU to be revised.

10. World Anti-Doping Code

– 10.1 Compliance Review Committee Chair report

MR TAYLOR informed the members that they had a very short report from him; in fact, only a handful of the 900 pages were due to the Compliance Review Committee that time. The paper spoke for itself. It might be worth flagging one thing, however: since 1 April 2018, under the new regime, decisions from WADA on its position as to non-compliance by a signatory were taken not by the Foundation Board but by the Executive Committee and, in particular, a decision to assert (not declare) that a signatory was non-compliant and to propose sanctions was a decision for the Executive Committee. The WADA task force assisted signatories to become compliant, raised issues

of non-conformity, tried to get compliance and, if it could not, pushed it up to the Compliance Review Committee, which made a recommendation and, if it recommended that the Executive Committee assert non-compliance and propose consequences, if the Executive Committee agreed, WADA would assert non-compliance and propose consequences. It would not go to the Foundation Board. The members would recall that what happened next was that either the signatory accepted the non-compliance and proposed consequences or it would dispute them. If it accepted them, all of those other bodies affected by the proposed consequences (which might be the IOC, the IPC or an IF in particular) had a right to object. If there was any objection, either by the signatory or by other bodies affected, it would go to the CAS and the CAS would make the decision. In that case, the Executive Committee did not decide, and certainly the Compliance Review Committee did not decide, what the sanctions should be. There was an assertion of non-compliance and proposals as to consequences, which were either accepted or disputed and, if disputed, they would go to the CAS. Once there was a final decision, either accepted or disputed and decided by the CAS, the key was that the decision was then enforceable and had to be respected by all signatories. The members would recall that the situation was analogous to asserting non-compliance against an athlete or a member of the athlete support personnel, and the idea was to have one system in which everybody had an ability to be heard and have their rights protected and, at the end, there was one decision, which was binding on everybody. The important point he wished to flag immediately was that it was currently the Executive Committee that decided on whether or not to assert non-compliance and also, when somebody was non-compliant and was trying to be reinstated, the Executive Committee would decide whether or not they had met the conditions of reinstatement. Again, if disputed, it would go to the CAS. Therefore, the task force would bring the matter to the Compliance Review Committee, which, if it saw fit, would make a recommendation. The Executive Committee would then assert non-compliance and would propose sanctions, which would either be accepted or disputed and, if disputed, it would go to the CAS for a final decision and everybody would be bound by that.

He briefly mentioned the issue of retroactivity or what would happen with cases that were already on the books. Cases that arose after 1 April were straightforward; however, there were several pieces of advice in the members' papers in relation to cases already pending as of 1 April 2018. First of all, whatever the state of the case, procedural changes such as powers moving from the Foundation Board to the Executive Committee applied to every case so, even if the old regime substantively applied to a case, the procedural change applied across the board. The Executive Committee would be the body that made decisions for WADA. In relation to cases already pending, the legal advice was that there were two situations to distinguish between. Where there was a case for which there had been a declaration of non-compliance some time previously and the party was currently moving back to reinstatement (and that was Russia/RUSADA), the old regime applied, including the provisions on sanctions.. As to a case in which the facts were known as non-conformity but there was no declaration of non-compliance before 1 April 2018, the answer was (and the members would see the advice in their papers) that, when there was the formal assertion of non-compliance, when the signatory had failed to correct the non-conformity and it became non-compliant, after 1 April 2018, then the new regime would apply as to the consequences to be applied. He apologised for the technicalities, but there had been some questions about that, so it was probably worth making those things clear. The members had the two pieces of advice retroactively in their papers (he thought it was item 10.2 attachment 1 and 10.2 attachment 2).

He would be happy to answer any questions on the report, which was, as he had said, hopefully straightforward. He reminded everybody as to the current situation under the new regime and flagged those two pieces of advice on whether to apply the new regime or the old regime to pending cases.

MR BAUMANN thanked Mr Taylor for going through the issues and reminding the members about the big picture, as sometimes the members could get lost among the 900 pages and lose that picture. He wanted, however, without going into the various cases, to note that the process was pretty new; since 1 April, WADA had been applying the new process and he thought that, given what was happening and the cases on the table, WADA ought to have a look (at least, the Olympic Movement thought that WADA ought to have a look) again at the international standards and all of the ramifications of a decision to have an ADO or a country declared non-compliant. There were numerous risks and ramifications, which affected all signatories to the WADA Code and which could apply from one day to another and, if there was an event a week later in a given place, he did not see how a signatory could simply walk away from it with all of the consequences that would affect that particular signatory. The consequences of proposing particular sanctions ought to be very carefully evaluated in comparison with what all of the stakeholders would face or at least there should be some timeframe embedded into it which would allow for signatories to survive or not. For some, it could be a matter of survival.

The second point was that he thought that the process had been simplified, and he saw the flowchart and had it in his mind on how one went from the Compliance Taskforce to potentially, if corrective actions were not being taken, the Compliance Review Committee. What bothered him and what bothered the sport movement was that, within that process, when that topic was in the hands of the Compliance Review Committee, there were exchanges between the Compliance Review Committee and potentially non-compliant signatories (or signatories not yet declared compliant) and he did not think that the exchanges happened in a very relaxed environment, so some corrective actions were being proposed and forced on the signatories even before a decision came to the table of the Executive Committee. Reading one of the cases and the advice to cancel an event, that was already a sanction and a decision taken by discussions among members of the Compliance Review Committee relating to a signatory and that was not correct. If the principle was that the Compliance Review Committee judged the situation and then recommended to the Executive Committee to assert or not, there should not be any interference in the organisation within that process, because he thought that, in terms of communication, one could assume that it was done under duress. If he were a signatory and got a call from the Compliance Review Committee, he would freak out, because he would be told that he would be declared non-compliant (or recommended to be asserted non-compliant) unless he did one, two or three. On the one hand, that process placed a lot of power in the hands of the Compliance Review Committee which was probably a little bit too much, because the scope was not well codified, nor was the objective, and he could give examples of what he believed was not 100% objective, and that was something that ought to be reviewed pretty quickly in his humble opinion.

He had other points but, generally at least, the sport movement felt that it was an important step that had been taken to have that and move into the Code compliance process for which it had not simply a piece of paper but something with teeth whereby it would be possible to act and then follow the process down the road and declare somebody non-compliant or, in the end, the CAS could take the decision. Nevertheless, WADA should not hamper or jeopardise the process in the middle, when things were being done and dealt with, and put on the table conditions for signatories which were not codified or written anywhere and which came out of the Compliance Review Committee, undoubtedly in good faith, but which could not be relied upon. A violation in everyday life was codified; it was written precisely in law what would happen.

That led him to his last point: he continued to believe, as he had been saying throughout the process over the past few years, that the Code should include the basic categories of sanctions, codifying what was and what was not possible, just to avoid having vacuums or grey areas or goalposts that were being moved in good faith, because that would simply undermine what WADA was trying to do and jeopardise the rights of every signatory. He thought that that was extremely important, in his humble opinion. To be very practical, he thought that there was a process that was starting, WADA was revising the Code, and he thought that a number of things should be moved into the Code precisely. Second his recommendation was that the international standards be reviewed, not at the end of the cycle as was currently being proposed, but they should already be included in the next batch starting in June and July.

PROFESSOR ERDENER believed that his colleague Mr Baumann had clearly explained the approach concerning the important matter. He wished to say something about the situation concerning RUSADA.

THE CHAIRMAN informed Professor Erdener that the members would be talking about Russia under the next agenda item. It was a general debate, as far as he could see.

MR RICCI BITTI clarified that he was not a legal person; he was an engineer, and Mr Baumann had put much better than him the feeling of the IOC about the document. He could not deny that he approved and was very happy about the trend, but the first basic idea, and he repeated what he had said one year previously, was that the Compliance Review Committee was, at most, a kind of police prosecutor, nothing else. It looked to him as if the flexibility of application gave a power that could no longer be controlled. It was not that it was not controlled in terms of sanctions, but it was not controlled in terms of ramifications of the sanctions, and he was not ready to lose control over the decisions about the eligibility of a country. It was a matter that, as Mr Baumann had said, needed to be dealt with very carefully. He reserved the right to work very hard because perhaps the matter had not been followed so carefully in the past, and to make the right amendments without changing the philosophy, but the power and application had to be clarified further, because there was already a very uncomfortable environment among IOC stakeholders.

MR TAYLOR said that he was very grateful for the comments and he would take them very seriously. It was extremely important now that the new regime was in place and it was necessary to be clear that it was a regime that had gone through a couple of rounds of processes and several meetings with different stakeholders, and the regime was the one that had been agreed upon and put to the Executive Committee and Foundation Board; however, it needed to work in the way in

which it had been intended and it needed to keep the confidence of all of the stakeholders. He had no issue at all and he agreed that, if, when the new regime was applied to actual cases it exposed problems or issues, they should be addressed. He absolutely agreed, and always had done, that the sanctions should go into the Code, and the only reason they had not been put in the Code before had been impracticality. His understanding, therefore, was that it was going to happen as part of the Code review. Certainly, that was his expectation.

In terms of the specific points and the concerns about telling a member federation that it could not hold world championships if it was only a week away, and he knew that that was an extreme example but, if it was a short time away, that would be impossible and it would be a matter of survival. That was absolutely right, and that was why, if an event had already been awarded, there was a provision in the standard saying that the event organiser should look at whether it could and should be taken away, but it expressly said 'subject to legal and practical consequences', so nobody disagreed with the point made that it may not be practical to move an event of time was short. He thought upon review that it would be seen that there was a degree of flexibility about the provisions that allowed for such concerns to be taken into account. More importantly, if the Executive Committee were to accept a recommendation to propose a particular consequence and that had an impact, so for example, if it was a consequence on a NADO which meant that an IF could not award an event to that country, the NADO could object but, even if the NADO were to accept, the IF could take it to the CAS and dispute it, and it would be for the CAS to decide. At no point was a stakeholder affected by the proposal denied the chance to protect its interests. He would like to think, and he hoped that, upon review, it would be seen that there was sufficient flexibility in the provisions; but, of course, it was a living document (he thought in November in Seoul the discussion had been that it would need to be reviewed after a certain period of time) and, if it needed to be reviewed before that, he would be all for it because when one was a lawyer, one drafted rules and thought that something would work well, one got consultation, people came to a consensus and then one saw that sometimes it did not work so well in practice, so he had no issue at all with that.

He was concerned about the other concerns expressed by Mr Baumann, and he would not mind more information, and he thought that the comments might have been about the boxing federation, AIBA, and perhaps it would be possible to get more detail about those concerns. First of all, the Compliance Review Committee had no exchanges with any signatory; he promised the members that he did not call anybody up. What the Compliance Review Committee did do was, when the taskforce went to it and said that there were some facts, the Compliance Review Committee might say that it would like clarification of certain points, so the taskforce went back to get that clarification. It was true that the Compliance Review Committee might ask the Taskforce to tell the Signatory that if X happened, or Y did not happen, the CRC would consider that to be non-compliance and make a recommendation to the ExCo accordingly because it wanted the Signatory to have fair warning and not be surprised. If that was the concern, it needed to be looked at. If it was something else, he did not fully understand exactly what it was and perhaps it would be possible to get the details then or when AIBA was discussed. The Compliance Review Committee did not have any power to impose any consequences; it did have the ability to say to the signatory through the taskforce 'please give us this information, please clarify this point, please understand that the position of the Compliance Review Committee based on what the taskforce said was that X or Y needed to happen or else there would be a recommendation of non-compliance'. Personally, he saw that as due process, letting people understand the potential consequences of their actions; however, he was not trying to avoid the question. He appreciated the acknowledgement that the CRC was acting in good faith. He also thought that they were objective, but he would be very happy, if there were particular concerns, that they be brought out and the Compliance Review Committee would take a look at them. It might be that the members wanted to do that immediately or perhaps it should be done in the context of AIBA; it was up to the members.

The one overriding point was that it was a new regime; it was the first case involving an IF. The rules being applied were the rules that had been written and agreed but, of course, when it came to the crunch and the rules had to be applied, if in any way they were not working in the way intended they should be reviewed. He fully agreed with that and asked the members not to misunderstand him. He was not sure exactly about the concern regarding the Compliance Review Committee not being objective or effectively imposing sanctions and, if he had misunderstood, perhaps the members could help him, or perhaps it would be better to deal with that in the context of the boxing case in which the members thought there were some concerns. Either way, he would be happy to do it.

MR BAUMANN thanked Mr Taylor for the answers. He had a few points on the AIBA case which highlighted what he had mentioned. When corrective actions were being suggested by the taskforce, which was WADA, those tended to have a serious effect because, if somebody was

saying that a particular piece of corrective action had not been taken and that they would be submitting it to the Compliance Review Committee and then the Compliance Review Committee would take its own decision and go ahead, that placed quite a lot of importance on who decided what the corrective action was going to be, and why would somebody decide that the corrective action was so important that it could go towards becoming non-compliance at the end of the whole process? Second, if one went to the reinstatement provisions, and he could use the example of AIBA, but he could also refer to what had been done in relation to Russia, he did question how objective some of those conditions were or how such conditions for reinstatement could be measured when one said that it was necessary to be ready, willing and able. To be honest, he did not know whether there was any particular legal definition of what ready, willing and able to be Code-compliant was. What was that condition? It could be interpreted in many different ways, in a very extensive way or a very restrictive way. He thought that (at least the Olympic Movement thought) there should be more hard criteria, objective things, so that it would be extremely clear to everybody what could happen, when, how they could resolve it and exactly what they needed to do in order to resolve it. That was what he had meant by saying that perhaps there should be some more detailed work in that because, if WADA declared people non-compliant, it should be as objective and as factual as possible in terms of the sanctions and consequences or conditions for reinstatement.

MR TAYLOR thanked Mr Baumann for his very helpful clarification. He would be happy to take that up further, and perhaps it would be picked up again in the context of the AIBA case.

THE CHAIRMAN noted that, thus far, his experience had been that any time one was talking about non-compliance, almost immediately the problem had been solved. He wanted to remind everybody that, right at the start, the object of the exercise was to have people compliant and help them become and stay compliant. He was grateful to Mr Taylor about the spirit of it being a living document; if there were areas of concern, he thought that they were actually down to a degree of specifics there rather than a general discussion of what they might be. He noted with interest the concern and thanked Mr Taylor for being prepared to look at whatever changes might be appropriate and to bring them back.

DECISION

Compliance Review Committee Chair report
noted.

10.1.1 Russia

MR KOEHLER said that he would provide an update on the situation regarding Russia. Some of the members would have heard it before but he thought that it was worth repeating. As the members knew, on 18 November 2015, RUSADA had been declared non-compliant and he thought that, since that time, WADA had displayed and shown how much work had been committed to Russia, how much WADA had worked with RUSADA, the ministry of sport, the NOC, the Paralympic committee and, at one point, the Smirnov commission that had been put in place. WADA had worked with UK Anti-Doping in the past which was still engaged to some degree to fill the gaps since the declaration of non-compliance had been made, and there were the international experts working in Russia. There was currently one person who was helping rebuild the Russian anti-doping organisation. WADA continued to have somebody on the supervisory board from the Council of Europe overseeing and monitoring the actions of the RUSADA supervisory board. The members would also recall that the Foundation Board, in May 2017, had provided the authority for RUSADA to start testing, and it had commenced testing in July 2017. Since that time, it had been testing and using its own doping control officers. It had also been engaging IDTM and PWC, which were private sample collection providers. Access to the closed cities seemed to be working well with the RUSADA doping control officers gaining access to the athletes. Based on a request from the WADA Athlete Committee and supported by the Executive Committee, RUSADA was also ensuring that all athletes were tested and statistics would be publicly provided on the website, so they were transparent in their approach and all samples collected in Russia were still being sent out of Russia to a WADA-accredited laboratory, with the exception of the Athlete Biological Passport, which they had the authority to do in Russia based on the Science Department approving a blood laboratory.

Looking at what had been done since April 2013, RUSADA had conducted 2,691 tests, of which 1,060 had been in-competition and 1,631 out-of-competition. It was maintaining its goal to carry out between 5,000 and 6,000 tests that year and possibly more, but it had the budget to do that that year. In terms of result management, and the result management figure was since 2017, there had been 35 anti-doping rule violations, of which 26 had been analytical findings and the rest fell into other categories. Touching on result management, everything done in Russia was being reviewed by an independent committee for result management approved by WADA to allow it to carry out oversight of all cases. UK Anti-Doping maintained close oversight, as did WADA, to

ensure that all result management was performed in accordance with the Code, and WADA still had the right to appeal any decisions.

Investigations was one of the areas that had really progressed within RUSADA. It had a really committed investigation team and every single adverse finding was being followed up on in terms of trends, so it was looking at coaches and staff who were potentially involved and interviewing people once they had finished. Every refusal case had been investigated and, in fact, recently the members would have heard about the Viktor Chegin case with the race-walkers in Russia. He had been found to be still coaching and it had been the Russian anti-doping organisation investigative team that had gone in and taken pictures and videos and documented everything. They had shared that information with the WADA investigative team and the IAAF and, as a result, consequences had been imposed on athletes and athletes had been informed about the consequences of prohibited association when it came to working with that coach in particular. A lot had therefore been done in terms of moving the bar regarding investigations.

WADA still had oversight of what was happening in Russia and, as had been mentioned previously, there had been an audit conducted on 27 and 29 September. RUSADA had successfully achieved all of its corrective actions in terms of what had come out of the audit. Also, based on a recommendation from the Compliance Review Committee, WADA had gone back to Russia and indicated that it needed to extend the agreement for the international experts and UK Anti-Doping. In April, the supervisory board had approved an additional one-year extension to cover the cost for international experts and UK Anti-Doping oversight. There was still a condition to have a WADA follow-up audit and that would be determined at a later date, and WADA continued to ensure that the supervisory board maintained its independence and what had been worked on to ensure that independence was in place.

There were challenges, but WADA had really moved forward with RUSADA and it had done a great job in terms of organisation. WADA had spent a lot of resources on that project (financial, human and working with Russia). WADA also needed to make sure that the Russian authorities ensured that they protected whistleblowers and informants and that there was no more challenging of the McLaren reports by the Russian media and officials, and the challenge had been the decisions by the CAS on the Russian cases which Russia had been using for its own benefit to try to justify or defend what it had done in the past.

In summary, RUSADA had come a long way and achieved a lot. The organisation itself was becoming stronger, although there was still more work to do. WADA was committed to continuing to work with Russia and RUSADA to ensure that it built confidence in the global system, and WADA would continue to share all of the progress with the IAAF and IPC to ensure that it was aligning its development work and everything in the future was done together.

PROFESSOR ERDENER noted that, altogether, the main idea was to establish a functional and credible anti-doping system in Russia. There was no doubt about that. In his opinion, reinstatement of RUSADA was a technical matter, a little different to the Russian situation or problem. If WADA arranged all of its actions related to the past problems, it would not be able to solve the problem easily. That was another important point. A letter had been sent by the Russian authorities to the WADA President and they had clearly mentioned that they accepted all of the various independent/expert reports (the Pound, McLaren and the Schmid reports). They had fully accepted the IOC executive board decision taken on 5 December. They had also fully respected the IOC disciplinary commission decision. In the same letter, they had also mentioned something that had been declared by the Russian president, Mr Putin, who had said that heed should be paid to what the independent commission had said and that attention should be paid to the WADA demands, and that it was necessary to admit that there had been established cases of doping. Also, there was a new structure in RUSADA. Another important thing was that WADA had to keep all clean athletes' rights in mind in Russia. That was another important point. The Olympic Movement supported the reinstatement of RUSADA, at least provisionally, giving it an opportunity for a period of time. That could be a good opportunity, at least for a quick recovery.

THE CHAIRMAN said that he thought that the letters had been put on the table because one of them had arrived within the past 24 hours. He thought that the members should deal first with Mr Taylor's update on the situation, after which they would be able to discuss what Professor Erdener had said.

MR TAYLOR referred to paper 10.1.1b on RUSADA non-compliance. The Compliance Review Committee had considered that issue at its meeting in March and then again on 9 May, and the position was set out in the paper. The members would see that the committee had noted that one of the conditions on which there was still an issue, access to closed cities, as of November, for which a protocol had been agreed and implemented but had not been working in all cases, the Compliance Review Committee was advised by the WADA taskforce that it had been resolved and

the protocol appeared to be working. The other two conditions, acceptance of the McLaren report and access to the LIMS data and samples, had not been met as of 9 May. He understood and had just found out about the latest letter and had seen a media report that the investigative committee had said that it had been sending some evidence to WADA; he had not seen that and the Compliance Review Committee had not yet considered that letter. The paper set out the position as of 9 May, when the Compliance Review Committee had last met: the conditions had not been met. As to the last intervention on whether or not the conditions should still be insisted upon, that was obviously a different issue and he would be happy to see that debated and, if anybody wanted a comment, he would be able to provide one.

THE CHAIRMAN said that he had just been checking with the Director General and, despite WADA being inundated with phone calls, it had received nothing from an investigative committee along the lines that the media had said. What was currently happening was that there was a change in Russia. Its president had been re-elected and on 7 May he had begun the process of appointing his new cabinet. There was a new deputy prime minister, Ms Olga Golodets, who had the sport portfolio, and the previous deputy prime minister had been moved to a different portfolio. He thought that there were signs of progress. In all honesty, what he thought WADA should do, since that was a new letter, was to ask Mr Taylor to take it to the Compliance Review Committee, as WADA could hardly establish an independent committee and then not make use of its wisdom and advice. In the meantime, WADA would progress the discussions currently under way. He also had some indication that, for the first time since the five reminders that WADA had sent to the investigative committee, WADA might just have a contact there and, if that worked and allowed access to the laboratory, that might also solve the issues. He told Professor Erdener that the quotation from the president of the Russian Federation had been a feature of every letter that WADA had received; it was not a new statement from Russia. WADA had been exchanging views on what a suitable letter would be for over a year and he saw progress; so, on that basis, he thought that the Executive Committee should ask Mr Taylor to deal with the matter at the Compliance Review Committee and he should come back to the Executive Committee when he had done so. In the meantime, WADA would try to progress current discussions, and would then report back. His strong feeling that was that it was time to handle Russia cleverly and he thought that WADA could do that and then hopefully move forward.

MR BAUMANN accepted what the Chairman had said and certainly did not want to shortcut any procedure internally and with the Compliance Review Committee, but he still thought that the matter merited some consideration by the Executive Committee. At the end of the day, some of the conditions for reinstatement were recommendations that the Executive Committee might or might not be taking or might wish to change and send back to the Compliance Review Committee in whichever form it felt comfortable with. The two conditions that seemed to remain open were the acceptance of the McLaren report, and he personally and the Olympic Movement thought that it was a very particular (or peculiar) condition. Nonetheless, if the letter was a signed letter, it was tantamount to an acceptance of everything, in his very humble opinion. In his opinion, that condition was resolved. If that was not acceptable, it would never be resolved and it would remain unresolved for 20 years. He did not think that WADA could expect the president of the Russian Federation to come into the meeting room and say something. It would not be acceptable or reasonable on WADA's part to push for something like that. After many exchanges, there was a point at which WADA had to say that that was that, and that was a point at which WADA could say that. In his opinion, there was not really much to review.

He was not an expert and did not really understand the intricacies, but it was also his understanding, and everybody was aware of the LIMS database and information circulated, and WADA was already acting on some of it, that it was a topic that should be separated from the first point. It was a matter of access to the laboratory, access to the database, and access possibly to samples, whatever one wanted access to, but that was a laboratory issue. If the laboratory was not providing access, WADA should maintain the laboratory suspension or the non-compliance or whatever the terminology was. On the other hand, if RUSADA was currently working, and there was time until 19 April with the UK Anti-Doping expert accompanying it, and then there would be an audit, at least until then, there was no reason why RUSADA could not be declared provisionally compliant, at least until 19 April when the experts would fly back home and RUSADA should be able to work alone. Then there would be a final report and, if everything had been resolved in a satisfactory manner and RUSADA kept working properly and soundly to fight doping for the benefit of the clean athletes, fine; if not, tough luck, it would be automatic and it would be non-compliant again. If WADA were able to separate the two issues, it would take away a lot of the burden and discussions and WADA would be moving forward rather than burying its head increasingly in the sand. It might end up being a one-way street and WADA might not be able to find a way out. There were currently some arguments according to which the Executive Committee could instruct the Compliance Review Committee to look at the matter in a benevolent way and say that it was over

and suggest that RUSADA work and keep the laboratory suspended if necessary. There had been cases involving a search for samples and information from other laboratories and they had been cleverly hidden from WADA or put to one side and even partially destroyed, just when the statute of limitations had come into play. WADA had not kicked Spain out. He was not saying that it was comparable; however, WADA had not kicked Spain out for two, three or four years or even indefinitely. WADA was seeing a lot of progress and he thought that it would be quite a good gesture for the clean athletes to move towards provisional recognition of RUSADA until the end of the work of the experts and the audit and, if positive, lift the provisional recognition, and then in the meantime hopefully the laboratory would supply whatever was needed.

MR RICCI BITTI fully supported what Mr Baumann had said. That was the concern of the Olympic Movement. He could not repeat what he had said in November; everything had been said. WADA was in a trap. That was a problem that came from government interference. The sport world was starting to get very concerned. It was stuck. Every time he was hearing that there was progress. Where did the progress have to go in order to come up with some kind of decision? He did not want to underestimate what had happened, but the problem was that WADA could not stay like that. It was a matter of mutual interest on the part of Russian clean athletes and the world of sport to solve the problem. He was tired of hearing that there was progress every time. He was very tired. The problem was now deciding which way to go. That morning, he had heard that RUSADA had carried out 2,000 tests under the scrutiny of UK Anti-Doping, based on the assumption that UK Anti-Doping was a good authority. It was necessary to have a minimum of 6,000 tests in Russia for acceptable control of grassroots sport and good athletes because it was a huge country, it had an impact on the entire world and he continued to hear that a lot of progress was being made and purely political conditions were being adhered to. One could not achieve more than that letter in terms of political commitment from a big country. As to the LIMS database and how WADA behaved, he had been present at the time of Operación Puerto and WADA had never got anything. At least the LIMS list was everywhere. What was all that and when would a solution be found?

MR COSGROVE stated that whilst he respected the view put forward, he indicated it was not for WADA to get out of the situation. It was not for WADA to withdraw from a very clear pathway that it had put forward. It was for Russia to resolve the situation and he thought that, again, it was a test of the credibility and integrity of that organisation. The members had heard that morning a clear view of the effectiveness of WADA's management of it and a clear view of the decisions that WADA had made and the quality of the decisions and, that being the case, the road map had been set, and if it was the case that Russia did not adhere to the strictures put in place quite rightly by WADA, then that was a matter for Russia. If WADA was perceived as somehow looking to resolve the situation by weakening or compromising the standards and policies set, that would be seen for what it was.

MR TAYLOR thanked the members for their comments. It was absolutely clear. The conditions were set by the Executive Committee. The Executive Committee could vary those conditions and the Compliance Review Committee would report on whether those were or were not met. In terms of the consideration of whether or not to drop those conditions, he reminded the members of what he understood the purpose of those conditions had been and why they were important and then the Executive Committee should absolutely decide whether or not they remained important. Mr Ricci Bitti had said earlier that morning that the reason for the problem was because the NADO had not acted independently and it had lost its independence, and that had been as a result of other actors in the ministry of sport (and that was all findings in the McLaren and Schmid reports, not him) going up at least as far as the vice-minister, who had corrupted RUSADA. The CRC had been informed (and he had mentioned it in November) by the expert, Mr Peter Nicholson, that RUSADA was working well, but that there was no defence against exactly the same kind of corruption happening again, and that was why the condition to acknowledge, accept and address or rebut the McLaren findings had come into force because, if they denied that they had done it, what confidence could one have that they would not do it again? His own view, very respectfully, for what it was worth, was that that was not a political condition, it was an operational condition that went directly to whether or not WADA and other stakeholders would be able to have confidence in the ability of RUSADA to act independently in the future and to resist the sort of corruption as outlined in the McLaren and Schmid reports.

The second condition, and he wanted to be very clear, was that the LIMS data showed over 9,000 presumptive positives, and the only way to determine how many of those were actual positives and should be prosecuted was to get access to the machines in the laboratory that contained the full analysis behind the findings. That was the only way to decide whether athletes had been cheating or not. After all, that was what the organisation was about: protecting clean athletes and righting injustice and cheating by athletes, and the concern he had for WADA, further to what Mr Cosgrove had said, was that, to maintain credibility, it would be tough to do if WADA

allowed the Russians not to provide the information. They denied it had happened, said that the lack of individual cases showed that there had been no corruption, and they denied access to the evidence that would determine that one way or another. With respect, the athletes who had lost out on medals to those 9,000 presumptive positives might be a bit surprised about that. It was for the Executive Committee to say it did or did not wish the conditions to be maintained. The Compliance Review Committee would simply let the Executive Committee know whether any conditions that were maintained had or had not been met in its opinion, and it would be for the Executive Committee to decide what to do.

MR KEJVAL stated that the situation was clear. He thought that the road map had been set up, with 16 milestones. He had been informed the previous year that 14 milestones had been reached and there were two outstanding. In the meantime, the report had been seen. Everybody was clear about that, and that was what had happened. There had been two-and-a-half years of hard work by WADA and Mr Koehler had mentioned that there had been significant improvement by RUSADA. As Mr Baumann had mentioned, he wanted to show that WADA understood that and give provisional reinstatement to RUSADA, so that WADA could take it back if necessary. WADA had to show something after two-and-a-half years. That was a serious issue. Then there was what Mr Ricci Bitti had mentioned, a similar system, Operación Puerto. Why was a different decision being made in the Russian case? He asked for concrete points. Those were the general issues. There had been two-and-a-half years of work and great progress had been made.

MR BAUMANN was worried that he had been misunderstood. He had not said that WADA should drop the conditions. He was simply saying that the conditions had been fulfilled and he did not think it would be reasonable to go beyond that. The letter clearly acknowledged a systemic issue. Full stop. Nothing else should be required. That was how he read it. For the second one, the last condition was a technical matter and, if WADA could split it from RUSADA, which was working pretty well, WADA would be taking a step forward rather than stalling and not knowing exactly how to get out.

THE CHAIRMAN declared that nobody wanted the situation resolved more than he did. He had had to live with it almost since he had inherited the presidency of WADA. WADA was in a situation whereby different interpretations existed as far as the letter was concerned. WADA had moved away from insisting on the McLaren report; the Schmid report specifically mentioned people from the ministry in a particularly clever way. He thought that the Executive Committee was being asked to change its policy, which was to complete the road map that WADA had agreed upon with the Russian officials and, if that was the case, he would be happy to do just that at the correct time, but he was very unhappy to do that on the basis of one piece of paper, which was a letter from Russia, when WADA had difficulty with another piece of paper. He thought that the members needed to look quite carefully at the issues with which they were faced. It was only fair to allow the Compliance Review Committee to have a look at the particular issues. It would then be up to the Executive Committee to say whether it wanted to remove or change the conditions in the road map, and perhaps split them, but he wanted to be certain that WADA could do that in a proper manner and he did not think that there was a great deal of time to wait. He thought that WADA should ask the Compliance Review Committee to look at the letter, continue what was being done with the Russian in Moscow, and ask the management to put together a statement, having had a proper paper and thought about it, and if absolutely necessary it could be dealt with by teleconference or a postal vote. If the decision was with the Executive Committee on compliance, which it was, the members would have the right to take that decision, but he wanted them to take that decision in the full knowledge of all of the facts, emotion and publicity and everything else that would be caused by their deliberations. If they were happy, then they should take a decision.

MR RICCI BITTI said that the feeling was that the bar was being moved all the time and that was not helping the credibility of the body. The bar had to be fixed. He was happy that the Compliance Review Committee be called upon again, but he wanted to know about the two conditions, which he really did not consider to be very reasonable, and he was referring to the LIMS database, because he remembered the Spanish case and many other things that had been dealt with in a softer manner. When one heard about progress over two years, people believed that the bar was constantly being moved. He asked for a clear explanation of the two conditions, which were basically political. WADA would be stuck for years.

PROFESSOR ERDENER said that he agreed with the Chairman in general. In any case, WADA could give them a chance and arrange a provisional reinstatement with a limited time period, and then WADA would be able to follow the improvements.

THE CHAIRMAN accepted that all sorts of things were possible. The major policy, which had been held for the past 13 months, was that the road map was the way ahead. If WADA was going to change that policy, it could do so, but he wanted everybody to change that in the full knowledge of all of the facts. WADA would be moving the bar in terms of changing the conditions. Bar-moving

would be part of the exercise, and once it had been done, there would no longer be a bar, or there would be a bar, but the members would be able to take a decision based on facts.

MR COSGROVE said that, as Mr Ricci Bitti reminded him, he was a new member. The historical record, as he understood it, was that WADA had set the conditions, Russia had agreed to the conditions and Russia had not met the conditions. WADA was in dangerous territory to allege that the bar had been moved. The bar was set in concrete.

THE CHAIRMAN repeated that that was why he wanted, as he had suggested, a proper document on which the members would decide whether the policy of the Executive Committee and WADA would remain or be changed. That was all he was saying. Whether it was moved or changed did not matter. A decision was needed and a decision would be taken on proper facts.

MR KEJVAL asked what that would mean in terms of timing. Would the decision would be taken by the Executive Committee or the Foundation Board? And would that be in the Seychelles?

THE DIRECTOR GENERAL noted that a discussion could take place by teleconference if necessary.

THE CHAIRMAN asked if the members were happy with that.

DECISION

Russia update noted. Future WADA policy on Russia to be determined on the basis of a fact-based document, to be prepared.

– **10.2 Compliance monitoring update**

MR DONZÉ said that he would be fairly brief because he had a presentation to make the following day to the Foundation Board including a PowerPoint presentation, but he wished to update the Executive Committee on the work conducted by WADA's management in terms of the further development of the Code compliance monitoring process. The Executive Committee would be talking about a number of cases of potential reinstatement and assertion of non-compliance and that was the end of a very comprehensive process, implemented by the WADA management over the past few years. There were two main tools for assessing the compliance of signatories: the Code compliance questionnaire, received by all IFs and NADOs the previous year, and there had been 16 compliance audits conducted to date on signatories, be they IFs or NADOs, with six of those conducted in 2018. That was a fair bit of work in terms of follow-up of all the corrective actions. It was actually quite a positive exercise and WADA was receiving very positive feedback from its stakeholders in terms of the introspection that all the work required them to do, and many were taking the opportunity to further improve their anti-doping activities.

To give the members an idea of the amount of work that that represented, WADA had provided signatories with more than 4,000 corrective actions to date, and those could include a detail or something major in their anti-doping programmes and, to date, stakeholders had implemented more than 1,200 corrective actions. Little by little, the global level of anti-doping was improving, growing, and WADA continued to work on a very active basis hand in hand with the signatories, and was starting to feel the impact of such work. There were of course numerous challenges, an obvious one being the significant amount of work for WADA's management and, in that regard, WADA worked closely with different stakeholders, including the Council of Europe, and was looking at further synergies in terms of potential ways of cooperating with other stakeholders with compliance monitoring programmes. There had been several visits of European countries by the Council of Europe and WADA could also look at what was being done by the NADOs to bring together the outcomes of the visits and further strengthen their effectiveness. That concluded his very short report. As he had indicated earlier, he would have a more comprehensive presentation the following day and would be happy to take any questions.

DECISION

Compliance monitoring update noted.

– **10.3 Code compliance status change: Kuwait**

MR TAYLOR said that, when the Foundation Board had met in November, it had accepted a recommendation to declare the Kuwait anti-doping committee non-compliant, as it had not been responding to requests for information to demonstrate compliance in various areas, including in relation to the acknowledgement of the CAS as the ultimate appeal body. It had since provided all of the information required, including satisfactory comfort that the CAS was the ultimate appeal body. For that reason, the WADA taskforce had suggested that it was compliant and the Compliance Review Committee agreed and recommended that it be reinstated. He noted that the

Kuwaitis had advised that there was a new law being proposed in relation to a new NADO, and that was obviously of interest, and he believed that WADA had had some input into that new law. It had not yet been implemented, but that was separate; the new law had not been a means of correcting the non-compliance, it was a separate development, so the two needed to be kept separate. Surprise surprise, as soon as the body had been declared non-compliant, WADA had got the cooperation it needed to determine compliance, and therefore he recommended that the anti-doping committee be reinstated.

THE CHAIRMAN asked the members if they were happy with that recommendation.

MR KEJVAL said that the Olympic Movement knew about the positive progress made in Kuwait and the government commitment to implement the requirements set by WADA; however, the Olympic Movement understood that those requirements had not yet been implemented and in that regard believed it was premature to reinstate the Kuwaiti NADO. WADA should wait to declare the Kuwaiti NADO compliant until it had received sufficient guarantee that the law pursuing the independence of the NADO had been enforced by the government.

PROFESSOR ERDENER added that there had been many meetings between the IOC management and the Kuwaiti authorities. There had been some improvements, but the problem was still ongoing and he agreed with his friend Mr Kejval.

MS EL FADIL said that Africa supported the removal of Kuwait from the list of non-compliant signatories.

THE CHAIRMAN supposed that Africa supported the proposal made by Mr Taylor.

THE DIRECTOR GENERAL said that WADA had indeed received recent information that things might not be as they appeared on paper. If the NADO was declared compliant and WADA realised that things were not as they should be, it would be made non-compliant again. Should WADA consider an audit before deciding, or should it risk going back and forth?

MR TAYLOR observed that it was news to him and he did not know which concerns were being referred to. Mr Kejval had said that WADA requirements had not yet been met. He thought that the WADA requirements had been met. He was a bit concerned, because he was told that it was necessary to be objective, black and white, and state what the NADO was being declared non-compliant for, and that had happened, and the NADO had resolved the issue. That was a fact. He was concerned about then moving the goal posts. He agreed with Mr Ricci Bitti. He did not know what was being referred to by the Director General. He understood that there was a much bigger issue in Kuwait about government interference, but that was a different part of the Olympic Charter and it was not WADA's role to get involved in that and he would be concerned, bluntly, from a legal perspective, about using WADA's powers to declare non-compliance with the Code to influence that debate. If there was a concern, and again the Compliance Review Committee had not heard about it, that there were issues about what had been said and that it might not be true, it should be taken into account, but he could only come with recommendations based on the Compliance Review Committee discussions. The matters for which the Kuwaiti NADO had been declared non-compliant had been corrected.

MR BAŇKA stated that Europe approved the removal of the Kuwait anti-doping committee from the list of non-compliant countries.

MR COSGROVE said that he recommended approval of removal.

Not wishing to appear to be facetious, he made the point that the notion that WADA would hold off a recommendation made by the Compliance Review Committee because it might have to reverse it, with respect, was the exact opposite rationale from the previous debate about Russia.

THE CHAIRMAN concluded that the Executive Committee had a recommendation from the Compliance Review Committee that the anti-doping committee be removed from the list. If that was accepted, he thought that that was not likely to be absolutely crucial in the IOC's negotiations with the authorities in Kuwait which had been going on for a long time. What worried him was that, by trying to be helpful, WADA would end up compromising its own standards. On that basis, support from Africa and Europe had been heard to accept the proposal made by Mr Taylor.

The proposal was that it be removed and therefore be declared compliant with the Code.

DECISION

Proposed Code compliance status change
approved.

– 10.4 New recommendations of non-compliance

MR TAYLOR said that, in its original paper before the update the previous week, the Compliance Review Committee had been going to recommend that the Executive Committee assert non-compliance against two NADOs and one IF. As often happened, the statement that that recommendation would be made had led to corrections by the two NADOs of the non-conformities, and therefore there was no longer a recommendation that the Indian and Mexican NADOs be asserted to be non-compliant. He hoped that the members had an amended paper, the addendum of 10 May, which set out the position that there was still a recommendation that the Executive Committee assert that AIBA, the International Boxing Association, be asserted to be non-compliant and certain consequences proposed. Subsequently, further correspondence had been received from AIBA which he would also address.

He would try to quickly summarise the facts and explain the situation. In July 2017, AIBA had granted the right to host its 2019 men's world championships to the Russian boxing federation in Sochi. At the time, RUSADA had been non-compliant, and the Code (and it was the previous version of Article 20.3.11, that applied) said that an IF had to do everything possible to award world championships only to countries whose NADO was compliant. There had been two bids to host the world championships, from Russia and Ukraine. He had seen correspondence stating that Ukraine had withdrawn its bid. The Compliance Review Committee had the transcript of the AIBA executive committee meeting in July 2017 and, with great respect, it did not say that the bid had been withdrawn, it showed that the bid had been put to the vote, so AIBA had had to choose between Kiev and Sochi. It had voted unanimously in favour of Sochi. Before doing so, the secretary general had said to the members that, if they decided to award the world championships to Russia, it would be subject to the reinstatement of RUSADA. The secretary general had then written to WADA unprompted and said that the federation was familiar with its obligation under 20.3.11 to do everything possible to award its championships only to a country whose NADO was compliant and was meeting that obligation because, in the grant of hosting rights, there had to be a hosting agreement signed within three months, and that agreement would include a clause allowing the federation to terminate the grant if, by the end of 2017, RUSADA had not been reinstated. The taskforce had provided that information to the Compliance Review Committee, which had asked for confirmation that AIBA intended at the end of the year, if RUSADA was not reinstated, to exercise its right to terminate the grant of hosting rights to Sochi and that confirmation had been provided. However, in December, when AIBA was asked again to confirm that that would be what it would do, i.e. withdraw the event from Sochi and reopen the bidding process, AIBA had said that it would not do that and would instead say that, if RUSADA was not reinstated by the time of the championship, another ADO that was compliant would do the testing. The Compliance Review Committee had considered the matter. It was important to note that there seemed a factual dispute about whether there had been other bidders; he did not think there was any dispute when one looked at the transcript of the meeting. However, that did not matter, because what was clear was that AIBA had said that it knew it had to do everything possible, and everything possible meant granting the right to host conditional upon RUSADA being reinstated by the end of the year and, if not, the right would be taken away and AIBA would reopen the bidding process. That was AIBA's statement of what was possible and it had not done it. That was why the Compliance Review Committee was recommending that there be an assertion that AIBA was not compliant with the Code, as it had not done everything possible (by its own definition) to award the world championships to a country whose NADO was compliant. It was the new regime that applied. The members had seen the legal advice. The non-conformity had started as at the end of the year when the federation had not withdrawn the event from Sochi. It had been asked to correct and had not corrected. There had not yet been a declaration of non-compliance under the old provisions by 1 April 2018, and therefore the new regime applied. It was for the Executive Committee to decide, first of all, whether or not it agreed with the recommendation to assert non-compliance. If it did, it needed to decide the consequences to propose, because it was the same as with an individual athlete: one asserted non-compliance and proposed a sanction, which would either be accepted or disputed. If disputed, it would go to the CAS, the CAS would decide and everybody would be bound. The members would see in the addendum the proposal from the Compliance Review Committee. The standard set out the potential consequences, the principles to be applied to determine where in the range one made the proposal, and it was very fact-specific. If the Executive Committee decided to assert non-compliance, the Standard allowed the Executive Committee to fashion or propose consequences that it thought were appropriate and, at point four of the addendum, on page 3, it set out what the Compliance Review Committee's recommendation was, if the members decided to assert non-compliance, as to the consequences that should be proposed. To be clear, the standard set out, in cases of critical non-compliance (and the Compliance Review Committee said that it was a critical requirement, as it was one of the very few that was actually set out expressly in the Code), a list of possible consequences and, of those, the Compliance Review Committee was proposing or recommending that the Executive Committee

propose that AIBA lose its WADA privileges until reinstatement, and those were listed: holding WADA office or a position on a committee, ineligibility to host WADA events and ineligibility to participate in WADA programmes, and not receiving any WADA funding. The Compliance Review Committee also proposed that its members be ineligible to sit as members of the boards or committees or other bodies of any signatory or other association of signatories for one year from the date of formal notice or until AIBA was reinstated, whichever was longer. Those were what was set out in the standard as the starting point for such cases. The next one, and there was an important proviso to it, was that AIBA's representatives as well as the athletes and athlete support personnel participating in the sport be excluded from participation in or attendance at the next edition of the summer Olympic Games or until reinstatement, whichever was longer, provided that that consequence be suspended for six months and would come into effect only if AIBA failed to satisfy the conditions for reinstatement (the condition for reinstatement being that AIBA withdraw the event from Sochi and reopen the bidding process). Then there were the proposed conditions of reinstatement. There had been other possible sanctions or consequences listed in the Standard, one being to take away or impose supervision of AIBA's anti-doping activities. The Compliance Review Committee had decided that, because the non-compliance did not relate AIBA's anti-doping activities, because it would be using the ITA, there was no reason to propose that sort of consequence, but the other consequences, most importantly the consequence of exclusion from the Olympic Games being suspended to give it six months to comply, were obviously there to try and encourage the federation to comply with its obligations, and again, the obligation was to do everything possible to grant world championships only to those countries whose NADO was compliant, and the federation had told WADA what was possible by specifically saying that it could withdraw the event and reopen the bidding process if RUSADA was not compliant by the end of the year, and it was the recommendation of the Compliance Review Committee that the Executive Committee hold it to that commitment.

That was the proposal from the Compliance Review Committee, that the WADA Executive Committee decide that a notice should be issued to AIBA, asserting that it was non-compliant, proposing those consequences and reinstatement conditions. It would then be AIBA's right either to accept that or dispute it and send it to the CAS, in which case it would be the burden of WADA to prove the non-compliance and that the consequences were appropriate. If AIBA accepted it and the IOC (because it was affected by the consequence) decided it wanted to dispute it, then the IOC could take the matter to the CAS.

PROFESSOR ERDENER said that, based on the arguments made at the beginning of the discussion by Messrs Baumann and Ricci Bitti, he did not accept the decision on AIBA. WADA should initiate a new discussion and revision of the rules concerning the Compliance Review Committee in relation to sanctioning for non-compliance. The rules make the Compliance Review Committee the police, prosecutor and judge at the same time and that was not acceptable. The rules even deprived the WADA Executive Committee from taking its own decision. The rules would allow the Compliance Review Committee to sanction at least indirectly other signatories that were in no way involved in the issues leading to the declaration of non-compliance.

MR BAUMANN referred to the AIBA case. He would rather recommend the removal of AIBA from the list of non-compliant signatories. He was not sure he fully understood and so he would ask again. He had asked the Chairman three weeks previously in Bangkok. If it related to a case of non-compliance that had started (like the Russian case) well before 1 April 2018, whatever related to that, in principle, was still under the 2015 Code; so, in essence, would that mean that, if there were federations in the process of awarding junior or other championships (and there were), they could award them to Russia? In his understanding, the legal answer was yes. If that was the case, that would obviously drive his follow-up comments on the AIBA case. He was still somewhat confused about that.

THE CHAIRMAN said that the question had been asked at the meeting in Bangkok. At that time, his understanding had been that, if the non-compliance had occurred before 1 April, it would be handled under the previous Code, full stop. If he had read enough of the 900 pages to get legal advice on the consequences of that, he might have given a slightly different answer in Bangkok, but he conceded that he had given the answer to the question raised.

MR BAUMANN said that he wanted to know whether or not that was the basis of the assumption.

MR TAYLOR responded that, as the opinion said, the obligation for Russia and AIBA remained to do everything possible only to award the championships to...

MR BAUMANN intervened. If that was the case, in his opinion, at the end of the day, everything possible had been done, because he did not think it could be argued. First, getting that sort of commitment from a staff member of AIBA and taking it as an obligation on the part of the

international federation and using it as the basis for a sanction was already, in his opinion, not a correct procedure. Second, knowing that the federation was in a relative mess in terms of leadership, especially at that time, WADA should have been a little bit cautious about taking statements made by the integrity officer or anti-doping manager of the federation as stated on the second page of the document. Even if that were not the case, and even if it had been signed by the president or secretary general, they might not necessarily have wanted to host the world championships in Russia but, at the end of the day, having several million euros of debts and being unable to run the federation and having the option of being in one country in which there were issues and in which they would have had to violate the Olympic charter (also not acceptable from their perspective) and then being left with Russia, he did not think that meant that AIBA had not done its duty. In his humble opinion, he did not think that there were grounds to sanction AIBA on something that it had unfortunately not been able to do because the situation had changed. He thought that was a fair thing for a federation to judge. The officer who had had the first idea had probably wanted to be as compliant as possible and help and not go there; but then, once the executive committee had discussed the situation and said it could not destroy the federation, and to use the argument of that person who had said that the event would be cancelled and therefore declare the federation non-compliant, he did not believe that that was appropriate and it did not mean that the federation had not done everything possible to follow the WADA Code. Given the fact that, at the same time, the entire anti-doping programme of AIBA had been declared compliant because all of the necessary corrective actions had been taken, that did not fit.

His second point, assuming that there was disagreement on the declaration, was the consequences. The federation had an anti-doping system that worked, according to WADA; at least, it had been signed off by whoever was in charge, and the federation was being sanctioned with everything possible. It could not go anywhere or go to the Olympic Games. In his humble opinion, he understood that there would be a six-month suspension on the decision but, at the end of the day, asking the federation to restart the bidding process would be very complicated and it would probably be unable to do it. It would not be able to go to the Olympic Games, and he did not know what the IOC's position on that would be but he thought that the Olympic Movement might not be very supportive of such a consequence.

His final point had to do with the conditions for reinstatement. AIBA had to demonstrate that it was ready, willing and able to comply with all of its obligations. He had no clue what that meant. How did one demonstrate that one was ready, willing and able to comply with all of one's obligations? He did not understand. Perhaps there was an instruction manual, but he did not think that the condition was very motivating, and it was open to interpretation, and that was the wrong way to go about it. As to the condition of having to cancel and restart a procedure, he was unable to judge whether or not AIBA was able to do that, but those were not processes that could be done easily or quickly by an IF. At the same time, there were not many countries knocking at the door. Basically, there would not be a world cup for AIBA and WADA would be damaging those athletes who had been training for years to have a chance to compete in that event. It seemed to be somewhat excessive, especially considering that it was based on a statement of intent to do everything possible but then not being able to do so, which he thought still showed that everything possible had been tried, and WADA should not blame the federation for that particularly. He did however note that, when the discussion went in that direction, and it was basically saying that, if the federation did not withdraw, there would be a proposal to assert non-compliance, in his humble opinion, that was already a decision; it was not simply a proposal. It was already decision, it was already a sanction and that had not been the purpose of the overall scope of the Compliance Review Committee. He thought that it should be done afterwards. Saying that the federation should withdraw the event and, if it did not withdraw the event, a proposal of non-compliance would be asserted was not the proper way of proceeding. He might be reading that wrongly, but it was how he read it without having discussed any of that with AIBA or anybody in the AIBA family.

MR RICCI BITTI supported what had just been said. He opposed the proposal because he saw no justification, because of the term of limitations and it was disproportionate. His second comment was for the future: he had a very bad feeling because WADA had created a monster in the Compliance Review Committee and he agreed with what the previous speaker had said. WADA had written the rules, but the application of the rules had to be reconsidered very carefully. That was a job that would be done at home. Talking about possible consequences, not participating in the Olympic Games, he did not think that the IOC would give up that right to decide if a sport should take part or not. He agreed with what his colleague had said.

MR KEJVAL said that he wished to make more or less the same comment regarding participation in the summer edition of the Olympic Games. The IOC was the owner of the Olympic Games. It had been said that there were some sanctions, one of which would be to exclude the federation or athletes or coaches from the Olympic Games. It was similar to voting on the budget

of the United States of America. That could be done, but that was not what was allowed. It was up to the IOC to vote on the participation of AIBA in the Olympic Games.

MR BAŃKA stated that Europe supported the recommendation made by the Compliance Review Committee.

MR COSGROVE said that the rules had been widely consulted and agreed to by the Executive Committee the previous year. AIBA had voluntarily taken the risk and had contracted of its own volition. WADA should stick to the rules and he supported the proposal of the Compliance Review Committee.

MR DÍAZ stated that the Americas supported the decision to keep Mexico based on the work carried out by the NADO to carry out all of the critical correction actions and enter into a compliance procedure; he also acknowledged the support from the regional office of WADA and all the monitoring cooperation provided to the Mexican NADO.

MR TAYLOR stated that he was very grateful and appreciated all of the comments. He would try to address some of them. He said first that most of what was being objected to was an application of an international standard adopted by the members in November. None of that had been hidden; it had all been specifically discussed and agreed with the IOC and sport movement representatives over several meetings, so he had no difficulty at all with the view that, in hindsight, it was not working the way the members had thought. However, one should not pretend that that was somehow a surprise. He had listened very carefully to what Mr Ricci Bitti had said, and it was a very important thing that he had said: that WADA had created a monster with the Compliance Review Committee. The members needed to decide, because he was not interested in coming to meetings and being told that he was a monster. He was interested in following carefully the rules that had been designed to ensure a strong mechanism for dealing with non-compliance by signatories, and he thought that it did, but it was for the Executive Committee to decide whether or not it did.

He wished to respond to Professor Erdener, who had said that the Compliance Review Committee was the police, the prosecutor and the judge. He wished to be clear that the Compliance Review Committee was not the police; that was the task force. Nor was it the prosecutor; that would be WADA if the Executive Committee decided to assert non-compliance. Nor was it the judge; that would be the CAS. The IOC had been very clear that WADA should not have the ability to impose sanctions and that had been respected. He was afraid that to say that the Compliance Review Committee was the police, the prosecutor and the judge was factually wrong and he did recommend that people go back to the standard and the presentations. To say that the Compliance Review Committee had deprived the Executive Committee of the right to take the decision was something that he did not understand, because the Compliance Review Committee had not made a decision (coming back to the point made by Mr Baumann); the Compliance Review Committee was present with a recommendation and it was up to the Executive Committee to make the decision. He therefore did not understand why it was that the Compliance Review Committee was being accused of depriving the Executive Committee of the right to make a decision. As for objecting to rules that sanctioned athletes indirectly, those were rules (and, by the way, there was a provision in there, if that sanction was applied, for a mechanism for clean athletes to come in) that all of the members had adopted at the previous meeting. They might decide that they no longer liked those rules. That was up to them to decide; however, they should not pretend that it was something that he had dreamed up since then. He told Mr Baumann that the Compliance Review Committee was not basing its recommendation on a commitment by a mere staff member; the committee had not somehow dragged it out of him, or gone to beat him up. He had forgotten the name of the AIBA director general at the time, who had said to the executive committee, so it had been an AIBA executive committee decision, and he was quoting, 'if we decide to award the world championships to Russia, it will be subject to the full compliance of RUSADA'. So that was the executive committee of AIBA. The Compliance Review Committee had not asked for that. The director general had then written to the WADA Director General saying that AIBA was complying and explaining what it planned to do. It had not been the integrity officer; it had not been a person leant on by the Compliance Review Committee. It had been AIBA, and it had come from the executive committee of AIBA. That meant that, for AIBA, everything possible included taking it away and reopening the bidding process if there was no reinstatement by the end of the year. WADA had also been told that, if the Russian Federation had not signed the host agreement, it would have reopened the bidding process. There did not therefore seem to be a concern that it could no longer reopen the bidding process. The concern, bluntly, had been that it did not wish to lose the four million Swiss francs. It was up to the members of the Executive Committee. It had not been an integrity officer; it had been the executive committee of the federation, and it was not something that the Compliance Review Committee had demanded from it. It was something that

AIBA had sent unilaterally before WADA had said anything. He asked the members not to pretend otherwise.

As for the consequences, first of all, the Compliance Review Committee had not imposed anything. It was proposing to the Executive Committee that it propose sanctions and it had not proposed all of the consequences that it could have done, so that was not correct. Why would one impose a consequence on anti-doping activities when the anti-doping activities were fine? First of all, the Compliance Review Committee was not proposing a consequence on the federation's anti-doping activities and second, WADA had decided that, if the country was non-compliant, stakeholders should do everything possible (under the old version of the Code) not to grant events to that country. Either the members wanted that obligation and thought that it was meaningful and wanted to enforce it, or they did not and, if they did not, he suggested taking the obligation out of the Code.

Lastly as to the jurisdictional issue that WADA did not have the power to propose the consequence of exclusion from the Olympic Games, it was a consequence that was set out expressly in the international standard adopted by the Executive Committee in November. If it was disputed and the CAS (not WADA, not the Compliance Review Committee, not the Executive Committee) said that it was the right consequence, under the Code articles approved by the Foundation Board on the recommendation of the Executive Committee in November, everybody would be bound to recognise and respect those sanctions, including the IOC. That might not be what the members thought was appropriate and that was absolutely fine; it was up to the members to decide and he asked them not to misunderstand him. It was for them to decide, but was it something that was in accordance with the standard that had been discussed, consulted on and agreed to? Yes, it was; it was exactly what the standard said. That was what the Compliance Review Committee was doing: following the rules adopted in November.

THE CHAIRMAN thanked Mr Taylor.

MR KEJVAL said that he had asked whether WADA had the power to exclude the federation from the Olympic Games.

MR TAYLOR responded that if AIBA accepted, the IOC could dispute and, if so, it would go to the CAS and the CAS would decide.

MR KEJVAL stated that the CAS was the judge but surmised that Mr Taylor thought that WADA had the power to do that.

MR TAYLOR responded that he did not think it; it was set out in the international standard.

MR KEJVAL replied that it seemed to him very strange that somebody could interfere in the rules of another independent organisation. He had never seen that, but he was not a lawyer. Nevertheless, it seemed to him very, very strange. That had not been approved on behalf of the IOC.

THE CHAIRMAN thanked Mr Taylor.

MR COSGROVE, in an attempt to be helpful, wanted to make an observation. He did not want to relitigate that morning's proceedings, but wished to make two brief points, one of which was that the rules that some of the members currently wished to dispute were the reasons given for opposing a review some hours previously, but that was not the point. He chose his words carefully when he said that he thought that WADA was in danger of being seen as an international laughing stock if, after writing very good rules in November, it turned around and said that it did not like them and would not adhere to them.

THE CHAIRMAN said that he did not want anybody to be a laughing stock. He had to make two comments. He told Mr Ricci Bitti that WADA had created a Compliance Review Committee much because it was neutral and it would take care to make recommendations to the Foundation Board, which was a much bigger organisation. The rules had been changed and the Compliance Review Committee currently made recommendations to the Executive Committee. The Compliance Review Committee did not decide; the Executive Committee decided. He told Professor Erdener with regret that he did take exception to the comment he had read out when he had said that he did not like the idea and therefore wished to change the rules. He was sorry, but that was not acceptable. He therefore thought that the Executive Committee should decide on the recommendation from the Compliance Review Committee on what to do with the federation in the knowledge that AIBA had the right, within minutes of getting an assertion from WADA, to take it to the CAS. In that debate, the IOC, which clearly had an interest, and he understood that, had the right to appear and take it to the CAS. It seemed to him that that would be a proper and good test of the regulations and the standard that everybody had agreed would apply. Mr Taylor had also been kind enough in that whole debate to say to the sport movement that, if it had concerns about the current rules, it

should not simply say that it had concerns but it should come back with much more practical suggestions as to how those rules could be changed. Those two things needed to be said. On that basis, were the members happy to proceed on the grounds that WADA actually operate under the standard that all of the members had agreed to and AIBA had all rights under that standard to object to the assertion made and take it to the CAS, which would take the decision?

PROFESSOR ERDENER said that one thing had been made very clear: with that rule, WADA took the IOC's responsibilities. That was important.

THE CHAIRMAN responded that that might be an implication of what was being done.

MR BAUMANN said that he understood everything that Mr Taylor was saying. He had argued the case well and he was not disputing that; however, he did not think that WADA was about becoming a laughing stock. Nobody wanted to become a laughing stock and he did not think that, because the committee was having a debate on a topic, that topic should be brought up throughout the entire day. On the other hand, what he did not understand was that everything possible was interpretable. One might argue that the federation had said that it would do one thing, but that was interpretable too, and the Compliance Review Committee could also take a different view if it wanted, but it had decided not to. However, under the old Code, having done everything possible, if one could still have given an event to Russia and not been sanctioned, he did not understand why they were currently being sanctioned. It simply did not fit together.

The second point he also could not understand was why, going through the international standard, the international standard also stated that a fine could be imposed for four million (as an example) instead of saying that the federation would be excluded from the Olympic Games if, in six months, etc. Why had that not been proposed? Why had there been an immediate attack on the Olympic Games when, in three months' time, all sorts of other events would be taking place? He was sorry about that but it seemed to him to be a very direct attack on the Olympic Games to make a point and he thought that that was not fair. That was what he thought, which was why he thought that the recommendation should be changed. The extreme was hitting the Olympic Games. That seemed to him to be something of a witch hunt, which was not needed. There were plenty of other things happening and something could be easily done if WADA wanted to start setting an example. It was the first case and he thought it was right to do it properly, but it was also right to do it with common sense.

MR TAYLOR explained that the difference was that the question was whether everything possible was being done and AIBA had said what was possible. Now though, when asked to do it, it said it did not want to because it did not want to lose the four million. It was for the members to decide, not him; it was for them to decide whether that was appropriate or whether they had done everything possible. As to the proposed consequence, he was not accepting Mr Baumann saying that he was proposing an attack on the Olympic Games. He was proposing one of the consequences that everyone had agreed should be in the international Standard. It was for the members to decide whether or not to accept the recommendation. If the Executive Committee wished, it could send it back and ask the Compliance Review Committee to reconsider and look at other events; it was up to the Executive Committee. However, the power of that sanction and the reason to suspend the sanction was to allow the force of the Olympic Games, that great source for good, to be used to force signatories to live up to their obligations. He did not accept the suggestion that he was attacking the Olympic Games. He was not doing anything; it was for the members of the Executive Committee to decide.

THE CHAIRMAN stated that it was heading into extremely dangerous waters and he was very reluctant to go there on all of the members' behalf, not just as the Chairman and a member of the Olympic Movement. Did Mr Taylor have any flexibility in the range of consequences and sanctions that could be applied which might or might not include, on whatever definition applied of non-compliance, the Olympic Games? If that situation existed, he thought that, rather than again splitting WADA right down the middle, he would want Mr Taylor to take it back to the Compliance Review Committee and bring it back with either the same recommendation or a revised recommendation. How would Mr Taylor react to that?

MR TAYLOR responded that there was absolutely that discretion under the rules. If the Executive Committee did not wish to accept the recommendation, it could send it back to the Compliance Review Committee and ask it to consider certain points, and it would then be for the Compliance Review Committee to decide and come back with a different recommendation or the same one, and then it would be up to the Executive Committee to decide.

THE CHAIRMAN concluded that that was very clear and he currently saw no advantage to anybody, be it the Olympic Movement, WADA, AIBA or the standard, to get into a situation whereby the Executive Committee was forced to take a decision that was clearly, as far as he could see, almost totally divisive and he wanted to avoid that. He would therefore be grateful, on behalf

of the Executive Committee, if Mr Taylor would take it back, take another look at it and see whether or not he would like to come back with the same recommendation, and the members should clearly understand that, when Mr Taylor did, it was their decision; it was not Mr Taylor's decision. It was the members' decision as to whether they would accept that recommendation or not. He thanked Mr Taylor very much indeed.

MR BAUMANN claimed that it would be useful for everybody to understand. He was not sure that everybody understood, him included. If there was an assertion of non-compliance and if there was a dispute, it would go to the CAS. That was what had been said. That meant that it was not the non-compliant party who would appeal the decision of an assertion of non-compliance; it would be the decision of the CAS as to the sanction to be applied and WADA would take the lead in that process. He thought that it was important for everybody to understand the consequences.

MR TAYLOR explained that it was the same thing as non-compliance by an individual athlete. As Mr Baumann knew, because his organisation did it, it asserted non-compliance and proposed sanctions. If it was an athlete, they could admit to an anti-doping rule violation but dispute the sanctions, or they could dispute both. It was exactly the same under the Code and the standard for signatories. WADA asserted non-compliance and proposed consequences and the signatory could accept the non-compliance but dispute the consequences, accept them both or dispute them both. If so, it was WADA that would take the case to the CAS, WADA that would bear the burden of proof, just as FIBA would if it took a doping case, to prove the non-compliance asserted and to argue for the sanctions that it proposed, and it was the CAS that decided. There was no decision by WADA. WADA did not decide the consequences.

THE DIRECTOR GENERAL made another comment for clarity. When the standard had been drafted, the idea had been to have sanctions proportionate to the gravity of the situation, so Mr Taylor and the Compliance Review Committee, in that situation, had qualified the situation as critical and his question was whether that was obvious or whether there was room for discussion. Obviously, it was something that was an appreciation of the situation.

MR TAYLOR said that the Director General was right, and that was why part of the recommendation was for the Executive Committee to decide whether or not it agreed with the recommendation that it be treated as critical non-compliance. The Compliance Review Committee's discussion had been that it was one of the Code obligations, it was important in order to enforce and maintain confidence and, therefore, it was critical. Nevertheless, it was for the Executive Committee to decide whether or not it agreed with that. As to the fine, it was not possible to fine four million. It was 100,000 or 10% of turnover, whichever was lower, and it would be only in the event of aggravating circumstances and the Compliance Review Committee had decided not to recommend that there be aggravating circumstances. It was very objective and fair.

MR DÍAZ asked whether, if it were taken back, it would still be on the agenda for the following day.

THE CHAIRMAN responded that it would not. It would be taken back, the Compliance Review Committee would look at it and would come with a recommendation and the members of the Executive Committee would then be asked to decide whether they accepted it or not. The Director General had made a comment. He would not have gone as far as that. He put it back to the Compliance Review Committee that he did not think that the Executive Committee should tell it what to do. The Compliance Review Committee would make a recommendation and the Executive Committee would then take a decision. He suggested moving on.

DECISION

New recommendation of non-compliance in relation to AIBA to be reconsidered by the Compliance Review Committee for a subsequent decision by the Executive Committee.

10.5 World Anti-Doping Code and international standards review update

MR SIEVEKING said that, given the time, he would be very brief. The first phase had gone well and the team had worked hard. He told the athlete representatives present that the inclusion of an Athlete Committee member on the team had been very fruitful. There had been a two-week extension of the deadline for the end of the first phase to the end of March to accommodate the Olympic winter IFs due to the Olympic Games which put the drafting team in quite a complicated situation. There had been three weeks to review 350 pages of comments, discuss them and draft. None of the Olympic winter IFs had provided comments. Apart from that, WADA had received 65 submissions, 700 comments, about 350 pages, and there had been many meetings with

stakeholders by phone or in person. The next consultation phase would start on 4 June together with most of the international standards. As highlighted in his document, he had taken due of what Mr Baumann had said regarding the International Standard for Code Compliance by Signatories and perhaps there should be two rounds rather than one for the standard, but that could be discussed later.

MR YOUNG stated that he was glad that Mr Baumann was back because he wished to apologise to him: his team had supplied 100 of those 900 pages. It was important: the Executive Committee was the steering committee for the Code. He should read them; otherwise, it would come back to him at some later date. They were important changes but, to help, the team had created a 10-page document identifying the 26 highlights about which it thought that the members should be aware. He moved onto the highlights of those highlights.

On science-related questions, the changes in the laboratories' ability to detect prohibited substances had been astounding. 10 years previously, when he had had a low-level positive case, it had been 4 or 5 ng/mL. Currently, when he got a low-level positive case, it was 4 or 5 pg/mL. That was a thousand-fold difference. The good news in that was that it was possible to detect the tail-end of excretion curves in prohibited substances. That was great. The bad news in that was that, if there was a whisper of contamination in the substance from a supplement or whatever, it was possible to detect that too. There were three areas on which WADA was working with scientists to solve. The first was that there was a problem with clenbuterol in meat from Mexico and China. It should be treated as an atypical finding and investigated; unfortunately, the way in which the Code was currently written meant that one could not have an atypical finding unless it was endogenous, so that was a proposed change. The second question was that, currently, there were substances which he knew were contaminants, and ostarine was a good example in salt recovery products and, if the athlete could not prove where that positive had come from, they would get a four-year ban. The proposal to the scientists was that, for those substances which were known to be likely subjects for contamination, there should be a threshold. The same applied to substances permitted out of competition but banned in competition. The proposal was to have a threshold so as to avoid the tail-end of an excretion of something that was permitted out of competition and would have no performance enhancing effect at all.

Looking at article 8 of the Code, it was very short and simple. It said that one was required to have a fair, quick hearing in front of an impartial body, and that was that. The feedback received from a number of stakeholders was that that was way too broad and it was not being observed in practice and, in fact, there were some stakeholders for which the same person who did the investigation was the same person who put forward the charge and was also the same person sitting as the chair of the arbitration panel. That did not work. There were two ways to deal with that, by changing the Code and putting in a lot more detail in terms of what quick, fair and impartial meant, or one could deal with it in an international standard. He recommended an international standard because there was always a great deal of concern about adding more pages to the Code. It was up to the Executive Committee to decide which way to go.

On service providers and delegation of doping control functions, there had been a lot of questions over the years about whether an anti-doping organisation could delegate doping control functions. The answer clearly spelt out in that draft was, yes, one could delegate any aspect of doping control, but one would remain responsible if the party to which one had delegated it did not follow the rules, so one had better to have something in the contract with them saying that they would. The other piece of that was whether or not WADA should get into the business of certifying all the different service providers in the doping control process. That was something that WADA could do if it wanted to, but it was not something that he recommended.

On changes involving sanctions, a number of anti-doping organisations had reported that problem and athletes doped with a steroid would get a four-year ban because they would not be able to prove that the doping had not been intentional, so they forged documents and procured false testimony. The downside was that they would get a four-year ban either way. A downside had been added as part of the new aggravating circumstances which was an additional sanction of zero to two years for that kind of tampering in the result management and hearing process.

The next bullet point was looking at the definition of the anti-doping rule violation for complicity and the anti-doping rule violation for administration. There were some overlaps. Currently, the upper end of complicity was four years and the upper end of administration was a lifetime ban. That had been raised as a defence in cases. That was being harmonised by making the upper end of complicity four years.

On more flexibility in sanctions, a new category of athlete called a 'recreational athlete' had been created. There were several countries in particular in Scandinavia that chose as a matter of public health to test all sorts of lower-level athletes and the Code stated that it was not necessary

to test them. One could if one wanted to, it was not necessary to test them for the full menu, one could use whatever menu one wanted but, if they tested positive, they would get the full range of sanctions. For recreational athletes, there were levels of some of the sanctions that were not as severe. One of the ones that was really important was publication. Currently, for a weekend athlete tested in Sweden who tested positive for cocaine, there was a requirement that that be publicly reported, and the person would lose their job, etc. WADA would treat that person in the same way as a minor athlete, saying that the case 'may' be publicly reported. The sanctions on minor athletes had been made more flexible in two different ways. Currently, if there was a steroid positive, the burden was on the athlete to prove that it had not been intentional. That had been switched for minors and the burden would be on the anti-doping organisation. Second, currently, if one had no significant fault with a steroid case, the best one could do would be one year. For minors and recreational athletes, it could go down to a warning, but there was another side to that, because one of the things that he had heard from the athletes was that they were not very happy with WADA's definition of a minor. If they were competing against somebody who was 16 or 17 and that person was on the podium at the Olympic Games or world championships, they should not be treated as minors, so 16- and 17-year-old athletes or international competitors in the registered testing pool would not be treated as minors.

On prompt admission and timely admission, the idea of those articles in the Code had been to save money in essence with a plea bargain. It had not worked out that way. What the team was finding was that athletes admitted to an anti-doping rule violation but wanted to go to a full hearing and then a CAS appeal on the sanctions. The current proposal was that athletes would get the benefits of those two concepts only if they agreed to admit and agree to the consequences. As mentioned before, aggravating circumstances had been added in. That applied to violation of provisional suspensions, fraud during the result management process and some of the unique circumstances described in aggravating circumstances in the 2009 Code.

A topical one was correcting problems in multiple violations. The current Code said that one did not get a second violation until one had been notified of the first violation. That made a lot of sense in a situation in which somebody had been on a steroid regime for two weeks, went to the world championships, was tested three times and had three positive tests. That should not be a first, second and third strike. However, the way in which it was currently written meant that, if one had a positive test in Beijing on retesting and another positive test in London on retesting, that would still be only one strike; therefore, the concept of independent culpable acts had been added.

The last recommendation concerned those athletes who forfeited prize money: it should go back to those athletes who had been cheated. That was the rule in most international federations, but not all of them.

In terms of protection of informants, that was one of the rules that had come out of the experience of the Russian crisis, and no good crisis should ever be wasted, so there were several rules relating to that. The first part said that, if one tried to intimidate somebody into not honestly reporting in good faith an anti-doping rule violation, that in itself would be an anti-doping rule violation and, if somebody reported and then one punished them for that, that would be a separate anti-doping rule violation. If one looked at article 20, which talked about what stakeholders should have in their rules, all of the different stakeholders had to have such protection in their rules. The second issue in terms of informants was that, currently, substantial assistance credit was available only when the person was assisting with an anti-doping rule violation. That had been expanded to providing information on Code non-compliance and information on other integrity issues to sporting bodies or law enforcement bodies.

The process to become a signatory had not been changed significantly. It had simply been said that WADA would publish a guideline and it would be up to the members to decide whether WADA would set those standards or whether to turn it over to another body. It was the view of his committee that it should not be a political body where people with a vested interest against their competitors had an opportunity to weigh in on whether those people ought to be allowed to become Code signatories. From WADA's point of view, the more people who agreed to protect clean athletes, the better.

There were several issues that would eventually be addressed in the drafting of the Code and on which he was awaiting more feedback. For data privacy, he was awaiting feedback from the working group. The same applied to education and good governance, although he would suggest that, for good governance, things such as independence between laboratories and anti-doping organisations and ministries of sport had been included. There might be other good governance things that went directly to doping. On the monitoring of WADA's performance, a number of stakeholders had said that they could live with the whole new compliance scheme whereby WADA monitored them, but who was monitoring WADA? That could be part of WADA governance and

whether it was ISO-accreditation or whatever; there would be recommendations coming out of that group on how the problem would be resolved.

For the Anti-Doping Charter of Athlete Rights, it would be necessary to wait and see what it was. Looking at the introduction under the fundamental rationale for the Code, the team had said protection of health, level playing field as found in the Anti-Doping Charter of Athlete Rights, but as to whether that created specific obligations on stakeholders or could be the basis for an anti-doping rule violation, it would be necessary to look at the document and see before making a decision. The final thing that was not on the list had come out of the discussion that day. If one wished to deal differently with compliance, that would be changed to an international standard and there could be changes in the Code. He would be happy to answer any questions.

MR PIECHOTA said that he was standing in for Minister Bańka. He had a comment. Europe had made considerable submissions during the first consultation phase of the review process and hoped that the views expressed would be properly taken into account during the second consultation phase. Europe was of course prepared to engage very actively in that process.

MR BAUMANN observed that it was always a pleasure to listen to Mr Young about his work on the Code; he always made it very simple for the members to understand. He did not wish to make comparisons with anybody else; it was just a fact that the members had had the pleasure of listening to Mr Young for many years.

There was one thing that he felt was not presented quite correctly and it was on the last but one slide: who could or should become a signatory to the Code. There was probably a philosophical question there as to how open WADA should be. He believed that, from the very beginning, it had been meant to be as open as possible, and it had been (for the most part) a good partnership between the sport movement, the Olympic Movement in particular, and the public authorities and, if that was still the base and the core, everybody ought to help one another, and they could not use the fact that somebody was asking to become a signatory to somehow try to obtain an ISO qualification or a credibility stamp to enable an organisation to say that it was also part of the Olympic Movement having become a Code signatory, although that was not true because, in that case, one could easily imagine a lot of people coming in, be they private promoters or somebody who disagreed with him and created another international basketball federation next door to his. That was something about which there ought to be a conversation on the side, in his humble opinion, and he was speaking with his GAISF hat on, to see whether it might not be necessary to change the GAISF statutes, and possibly make an adjustment to the WADA Code, leaving WADA the freedom, and perhaps under Swiss law it was good to keep that freedom, but at least it might be possible to indicate that basically one of the criteria for becoming a signatory would be to take into consideration whether or not one was part of the movement, and that was probably something that was worth considering. Where he disagreed was that it was not about the federations politicking or trying to kick out competitors, it was simply a matter of keeping order, and it was in the interests of everybody; it was not about being monopolistic, it was simply maintaining order and in most of the countries it was organised according to a pyramidal model. That was not by choice; it was simply the case and, if that was accepted from a public authority perspective (it was obviously the basis and core of the sport movement), he did not think that a joint partnership such as WADA should go around that and not also look at that point. Perhaps that point could be discussed with Mr Young and somebody from the IOC side and somebody else and, since there was a fantastic case on the table with ethical issues, it was not about a competitor, it was about ethical issues and violence in sport, and why would WADA have to accept such an organisation without having any regard to competition with others? There were other considerations and it was very fair to put them on the table from the sport movement side, so perhaps it might be possible to have a small conversation about that to see whether it might be possible to align and see what fitted in the Code. He thought that that would be better than just guiding principles because WADA also ought to defend itself against undue lawsuits and costs that were not needed.

THE CHAIRMAN said that he was all in favour of the last statement.

MR RICCI BITTI asked whether Mr Young had considered what sport organisations had raised about the problem of abuse of TUE submissions. Had that item been touched upon or not in that consideration?

MR YOUNG responded that it had, but the abuse of TUEs would be something that ought to be addressed in the TUE international standard. The Code was pretty high-level; the abuses occurred at the international standard level.

He told Mr Baumann that his team had intentionally kicked that can down the road on who decided and what the criteria would be. There would be a debate on that and, whether the debate was on Code language or guideline language, the Executive Committee was the directing body and if it said that the issues ought to be resolved in the Code, that was what would be done.

The only other comment was that his team had carefully considered the comments from the Council of Europe. A number of them had already been incorporated in the Code. A lot of the comments referred to areas that had been left open such as fair hearings and all of that, but quite frankly the Council of Europe had been one of the strongest contributors every time WADA went through the process and, when reading the Council of Europe's suggestions, his team got smarter and so would continue to give those careful consideration.

MS EL FADIL asked whether a decision was to be taken or whether there was still room for submissions from the regions.

THE CHAIRMAN explained that there was a consultation process under way in three stages, one of which was currently being worked on. The second and third were still to come and eventually, in Katowice in 2019, the members would receive a complete draft of the new Code. He hoped, however, that before then people from all of the continents would make contributions to the draft sent so that Mr Young and his team could work on it. The members would be asked to approve the Code only in November 2019.

MR YOUNG confirmed what the Chairman had said, adding that usually what was seen was the largest volume of stakeholder comments coming in after the first draft, so people reacted to the changes made and, in the course of looking at those, they got other good ideas or saw other problems, so it was usually a pretty small volume on the first draft. After that, in the second consultation phase, there was a large volume and then, in the last phase, a smaller volume, but that was where contested issues got worked out.

DECISION

World Anti-Doping Code and international standards review update noted.

10.6 International Standard for the Protection of Privacy and Personal Information – amendments

MR SIEVEKING referred to all the other international standards in relation to the Code review. All standards but that and the compliance standard would be posted on 4 June for review and comments by the stakeholders. He had taken Mr Baumann's point into consideration and that would be discussed. It could also be good to have two rounds for the standard on compliance. The ISPPPI had been reviewed to align the version with the famous data protection rules in Europe which would enter into force the following week. It had been necessary to act promptly and to be ready, so that was simply to align it. It was a good signal from the anti-doping community to show its interest in data protection issues. He did not want to go into details. The members had the track-change version in their files and, if they had any questions, he would be happy to answer them. As he had mentioned the following year, there would be a round of consultations for all other issues that members might want to discuss in the standard but, for the points that had been changed and submitted for consultation, eight comments had been received from stakeholders. There would be another chance the following year to comment on the remainder of the document.

MR BAUMANN requested as much information as could possibly be provided to ADOs in terms of what to do and what not to do given the new data protection regulation in place. Of course, everybody was doing their best. Nevertheless, if there were some particular pragmatic approaches to be able to protect one another, what to do and what not to do, the dos and don'ts, they would be very helpful.

MR SIEVEKING took note of the comment. Obviously, it was in everybody's interest to liaise and cooperate because it was not an easy set of rules to respect. WADA had already organised a half-day workshop on that topic at the symposium to guide the ADOs, but it was also obvious that each European ADO had to liaise with its own data protection authority and discuss concerns. It was also important that governments in Europe incorporate the notion of public interest of anti-doping in their legislation because it should be the legal basis. Consent was not accepted in Europe, even though it was in other countries. That was why in the standard the different legal basis was still available, but the national law prevailed. Obviously, that would be done, but it was important that each anti-doping organisation carry out an audit to assess the gap in terms of what was being done internally in practice and the requirements of the GDPR. WADA would be happy to assist. WADA was working and would publish a guideline to assist ADOs to comply with the standard.

DECISION

ISPPPI amendments update noted.

11. Legal

– 11.1 Report from the Office of the Privacy Commissioner

MR SIEVEKING said that he did not want to enter into great detail. As the members knew, the report came from the breach that had occurred in September 2016 when the Fancy Bears had phished some e-mail accounts and entered ADAMS. WADA had informed the Canadian Office of the Privacy Commissioner, which had launched an investigation. There had been a preliminary report in December and WADA had signed an agreement with the office. The report had not yet been published but, if the members wished to look at it, a copy was available. It contained a number of recommendations on which WADA was already working; most had already been put in place and others were under way, so WADA would comply with that. If the members required further details, he would be happy to discuss, perhaps in a face-to-face conversation.

DECISION

Report from the Office of the Privacy Commissioner noted.

– 11.2 Clenbuterol and meat contamination

MR SIEVEKING said that a mandate had been given the previous year to the WADA management and the WADA Ad Hoc Legal Group to see what options were available to deal with the question of meat contamination, because there had been no harmonisation and stakeholders had been having to deal with the case. When meat contamination had been established, some had closed the case on a result management level meaning no sanctions and no disqualifications, and others had brought it to normal result management, meaning no fault but a disqualification of the results. The conclusion of the legal group was that there were no solutions in line with the Code; the only option was to do normal result management and, if established, have the result disqualified. That was the only legal option. Other options were possible but would constitute a departure from the World Anti-Doping Code, so it would obviously be problematic to recommend to stakeholders that they violate the Code. Another option was to raise the threshold for the reporting of clenbuterol cases, but one never knew if it was the result of the contamination of a supplement, an anti-doping rule violation, or if it was the end of excretion of high-level cheats, so it was not that easy either. If the new version of the Code was accepted in 2019, WADA would have the solution of reporting meat contamination cases as an atypical finding, allowing anti-doping organisations to close the case at result management level if certain conditions, to be investigated, were met. Once the new version of the Code was accepted, in 2019, WADA would be able to recommend to stakeholders not to wait until 2021 to apply the rule but say that it had been accepted by the Foundation Board, so there was a gap from then until November 2019 during which he saw no possibility other than to follow the Code, meaning that an athlete eating a steak could theoretically be disqualified from an important event that could be a qualifier for the world cup of their life or something like that. That was not what WADA wanted, but the rules were what they were. An option would be for the Executive Committee to approve that stakeholders go against the Code for that specific situation and to allow the management to draft some guidance for the coming six to 10 months to avoid athletes missing possibly the competition of their lives for having eaten spaghetti Bolognese at Beijing airport, but it would also open a Pandora's box, and he was looking at Mr Taylor when he said that, because it could set a precedent, having the WADA Executive Committee approving guidance that constituted a departure from the Code. He would be happy to hear from the members on that.

THE CHAIRMAN acknowledged that that was not an easy situation because there was a legal situation, which in the main had to apply. The suggestion was whether the members were prepared to ask Mr Sieveking to prepare a possible derogation from the Code for a specific period as he understood it in that specific case of food contamination. What did the members want to do?

MR BAUMANN supported having a paper to read so as to understand and then approve or not.

THE CHAIRMAN noted that his feeling was that WADA was in the situation whereby, if it applied the law, it had the chance of being wrong and unfair, and he did not want to do that. Did the members agree to ask Mr Sieveking to prepare a suggestion as to how WADA might deal with the situation? He congratulated Mr Sieveking on breaking the two-minute mile.

DECISION

Suggestion as to how to deal with the clenbuterol issue to be prepared.

12. Intelligence and investigations

MR YOUNGER commented that he usually had no problem waking people up so, even if the members were tired, he thought that the next two to three minutes would be thrilling. The good news was that WADA had recruited a new confidential information manager, who was more or less a whistleblower manager, dealing not only with whistleblowers but also with all the confidential information that WADA received and also currently running the Speak Up! Programme. He had separated the department into two units, one of which dealt only with confidential information management, while the other was the investigation and intelligence service that ran the cases within WADA, and the other part dealt with anti-doping organisations outside WADA. The database had been established. Some fine tuning was required and all the information that came from all investigations carried out by WADA was processed, starting with the independent person commission and of course the LIMS database and the ongoing investigations and the 323 cases registered. He was speaking about 100,000 entities that needed to be manually entered into the database, so already there was a big database.

WADA had also organised the second ADIIN, the network for investigators in Helsinki. There had been 26 representatives, 14 ADOs, WADA and Interpol. There was still discussion as to how it would be organised in the future. There would be two levels. The first would be for those anti-doping organisations that had no clue about investigations to help them reach the second level, which would then be basic for investigators, then there would be an I&I expert group. There had been a great deal of discussion about that. It should comprise no more than 25 people and it should address current phenomena. Trust had been a big issue, who to invite and whether or not one could exclude somebody who no longer filled the group requirements. He was currently trying to draft a management paper, which he was quite sure could be provided to the Executive Committee in November.

In terms of activities, his department was currently discussing concerns and how to address and provide information, and he was quite confident that he would be able to provide the report and outcomes of the long-term projects at the next meeting.

Regarding Interpol, Operation Barium concerned more than 30 countries worldwide investigating performance enhancement substance trafficking. It was still ongoing. WADA supported the operation and he hoped that, as soon as all the investigations were done, Interpol and WADA would make a public announcement.

He would provide more detail the following day about the six other investigations carried out, one of which had been into the Kazakhstan biathlon team doctor in Brazil. He had been in the media and had been providing performance-enhancing drugs to athletes. There was also of course Operation LIMS, the Romanian laboratory and the identification of cover-ups of samples, how WADA had supported the panel from the Olympic Games and, of course, the IBU.

He also wished to raise two more sensitive investigations, one of which would be discussed shortly, Operación Puerto. The other one was China. The background information was that, on 21 October the previous year, the German television station ARD had produced a documentary on the Chinese doping programme, referring to more than 10,000 athletes who had allegedly been involved. The witness was Dr Xue Yinxian, who had had to flee China with her son and currently had political asylum and personal protection in Germany. Nevertheless, WADA had interviewed them and, unfortunately, there were no concrete allegations. Everything had happened in the 80s and 90s prior to the foundation of WADA. There were some traces dating back to 2008 and 2012 but they had very limited investigative value. The witness had never personally witnessed doping; she had dealt solely with the consequences and had recounted what she had been told by the athletes. Therefore, it was all hearsay, making it very complicated. Most of the witnesses she had mentioned were either dead or retired, so it was hard to get hold of them. Also, the 10-year statute of limitations would make it difficult to really follow up on those cases. Nevertheless, there had been some traces and WADA had found some athletes from the London Olympic Games in 2012, and he referred to the medical department of the IOC, with which WADA had had a very good discussion and had identified more than 100 samples, which would be analysed. The IOC would be paying, so it had been really helpful to have the IOC on board. Based on the results, if the allegations received led to positive samples, WADA would discuss the Rio samples, but did not wish to interfere with the IOC reanalysis procedure. Therefore, it had decided first to deal with the London samples and then determine what to do with the Rio samples. With regard to the Chinese allegation reported recently in the media, WADA was not following what was outside the statute of limitations; only when traces were seen to current athletes or people currently in charge would WADA go for them.

THE CHAIRMAN asked if there were any questions regarding the very quick summary of an awful lot of work.

DECISION

Intelligence and investigations update noted.

– 12.1 Puerto update

MR SIEVEKING said that, on the legal front, the case was still not over, and it would be over when everybody was dead or retired. What he had written in the document was still accurate. Just for the criminal procedure, there was the possibility to appeal at the constitutional level. He did not want to go into detail; it was likely that WADA would do so but, that time, it was the absolute last step. For the sport procedure, a strange decision had been handed down and the UCI and Spanish anti-doping organisation were going to appeal that before the Spanish sport administration tribunal. Everybody knew that the case had been going on for about 12 years, almost 13. There was not much to add but, if anybody was particularly passionate about the case, he would be happy to provide more detail later.

MR DÍAZ asked why a decision was requested in the agenda.

MR YOUNGER wanted to show the members from an investigative point of view what had been done and then he would explain why a decision was being requested, because a lot of money needed to be invested. He gave a brief overview of what had been done. WADA had had access to the 116 blood samples from Lausanne and there were 99 plasma or serum samples in Lausanne. A total of 27 DNA samples had been retrieved from the 116 blood samples. WADA had had 10 months, during which it had gone through all the documents, the police and media reports and open-source intelligence and had wanted to find out which athletes might be one of those 27. Altogether, 190 had been identified, but had been condensed to 167 athletes from football, tennis, cycling and athletics. They had been divided into three groups, the first being 'most likely'. The 'most likely' were the athletes mentioned in police reports or by the main investigator interviewed or by the media. If those criteria were met, the athletes had gone into the 'most likely' group. The second group was 'likely' (police or media) and the last 'possible', when the media picked on a specific athlete. Of the 167 athletes, 14 had gone into the 'most likely' group, 11 into the 'likely' group and 142 into the 'possible' group. WADA had first focused on the 'most likely' athletes, and only seven samples had been available, because it had been an old case, and had then focused on three samples from the 'likely' group. A comparison had been made with the 27 DNA samples and seven people had been identified, so WADA knew of seven athletes from the 27 DNA samples. Of the seven athletes, four were still current athletes (still active) and three were retired. The four current athletes had been tested between November 2017 and April 2018 and all had tested negative. One of the four had been sanctioned after the Puerto case and was currently not at the level at which he was tested according to normal procedure, as he did not have the performance of a good athlete. Therefore, of the seven, there was nothing more that could be done. What needed to be done (and that was why he was requesting a decision) was that, if WADA did the whole procedure, it needed to identify from the 'likely' 11 how many samples were still available, so WADA would need to call up all the laboratories, identify all the samples available for the 142 and perform another expensive analysis for the serum/plasma, the 99 untouched samples still in Lausanne, in order to find the DNA, and then repeat the entire process with all the athletes. The outcome, as the members could see, was that the seven identified had been only from the 'most likely' group. Three did not match, but WADA did not know, for the serum, whether there would be additional athletes or the same, like the 27. He would make sure that all those current athletes would be tested and that would be that. It would not be possible to disclose the names; he even thought that it would be dangerous to disclose them to the IFs, as nothing could be done since it was outside the statute of limitations, but WADA would have to invest at least 80,000 dollars, hence his question.

MR DÍAZ said that he thought that the matter had been discussed the previous year and the decision of the Executive Committee had been to go to the end, so he did not know why the members were being asked to decide on investing more money. He thought that that was the biggest scandal before Russia and, since WADA currently had the resources, it might decide not to go to the end but perhaps to publish the names. He knew that there could be no sanction, but names had been published in the Russian investigation. Why not then? What were the risks? Who would sue? He thought that that was the core value of WADA and, if it meant more money, that was the job that WADA was doing. That was his comment.

MR PIECHOTA said that Europe had expressed its position on Operación Puerto one year previously; in May 2017, it had asked WADA not to close the case before all of the relevant information had been shared by and among WADA and relevant anti-doping organisations. Europe

had noted that the extracted information might be useful for intelligence purposes and provide a better understanding of similar cases in the future and finally Europe had signalled that, given the urgency of the matter, the process should be completed as soon as possible. He asked why the information sharing request had not been met.

MR SIEVEKING responded to Mr Díaz. He was right, although it was not for him to answer that. It was not only the cost highlighted by Mr Younger. If one went right to the end, costs could be added for data protection experts. If WADA were to publish the name of somebody who was still competing and would lose a sponsor and so on, WADA did not have the money to fight that, so could take no risk there. As mentioned also in the same document presented one year previously, only Mr Younger and maybe somebody at the IF (once WADA had the advice of the data protection experts) would have the name, so it was not something that would be made public.

To the Council of Europe, WADA had not stopped; it was still involved in the criminal procedure, still involved in the disciplinary procedure, and he thought he could answer for Mr Younger about the time taken. He had received the full file in July the previous year and then he had received the LIMS information and, since nobody could be sanctioned on it, it was urgent but there was no sanction that could ever be issued on the basis of the Puerto case. Perhaps something could be done about the three members of the athlete support personnel in disciplinary proceedings in Spain, but even that was quite unlikely.

MR PIECHOTA asked whether he should expect the data to be shared with the anti-doping organisations.

MR SIEVEKING responded that that was the objective; if the decision was to confirm and continue, Mr Younger would find not only seven but possibly more and then he would have to see which anti-doping organisation had jurisdiction over those athletes and then determine at the data protection level how WADA could transfer the names to the applicable anti-doping organisation with no risk to WADA because, again there were already problems with insurers, as noted earlier by the Director General, which did not wish to pay for the cases and, if WADA was sued by an athlete because their name had been leaked, that would be very expensive and so WADA had to avoid that at all cost.

THE DIRECTOR GENERAL told Mr Díaz that he was absolutely right: the decision had been taken. The information had been just to highlight the fact that there was a cost involved and WADA would get to the bottom of it, but where it was important to make a distinction between that and the Russian case was precisely because the athletes concerned were outside the statute of limitations so their names could not be shared in the same way. Clearly, if they were still active, their names would be shared with the relevant anti-doping organisation and it could do something about its testing programme. If they were no longer active, WADA would take advice from data protection experts and might never give that name to anybody because then there would be a huge risk of liability. WADA had said that it would take advice from data protection experts and see how it might be managed, but it was a very sensitive issue and WADA had been advised already many times on it. WADA would keep doing the work and see how many more matched and then, of course, if they were active, WADA would share the information with the relevant anti-doping organisation. It would never be shared with a big group; it would be shared under a very confidential agreement.

THE CHAIRMAN concluded that the argument was a how-long-is-a-piece-of-string one. When WADA had decided to carry on, it had been on the basis that it would be better to try to do something positive than to walk away and do nothing. Presumably, the numbers were finite. There was nothing else out there about which WADA would find out in the fullness of time. That was the whole spectrum there and it looked to him as if it was unlikely that WADA would identify individual people from the work done, so the numbers were likely to be smaller. Was that correct?

MR SIEVEKING confirmed that the Chairman was absolutely correct.

THE CHAIRMAN said that, in that case, WADA should do what it had to do and see what the numbers were. Then, above all, it would be necessary to transfer that information, if it had to be transferred, under the strictest of cases to make sure that WADA would not be liable for that information becoming public. The members should not be naïve and believe that it might not become public; but, as long as it was absolutely certain that it had nothing to do with the members, that was all WADA could do. On that basis, he hoped that it would be possible to bring that to a conclusion and 31 December 2018 sounded like a good date to him.

MR SIEVEKING noted that the only problem might be that it was more of a laboratory thing. Because of all the priorities with LIMS, WADA depended on the laboratories, but he would do his best.

THE CHAIRMAN said that Mr Sieveking was the expert on that and the members were in his hands. There would come a time when Mr Sieveking would say that it was not worth spending any more time and effort to go to the laboratories for information, as they were not prepared to provide it, and that would be WADA's contribution to the end.

DECISION

Operación Puerto update noted.

13. European Regional Office/International Federations

– 13.1 2018 annual anti-doping symposium report

THE CHAIRMAN referred to the reports from the Lausanne office which would be discussed the following day.

14. Any other business

THE CHAIRMAN said that it had been a long day and he thanked the members very much for sticking with it. They had had to deal with a number of quite complicated issues and he was grateful to them. He thanked the interpreters, who had done a fantastic job all day. Those who had been looking at Samsung tablets were asked to hand them back. He asked the members to be ready to go to the top floor of the hotel to join him for a cocktail at 6 o'clock. He looked forward to seeing the members the following morning.

15. Future meetings

DECISION

Executive Committee – 20 September 2018
(Seychelles);
Executive Committee – 14 November 2018, Baku,
Azerbaijan;
Foundation Board – 15 November 2018, Baku,
Azerbaijan;
Executive Committee – 15 May 2019, Montreal,
Canada;
Foundation Board – 16 May 2019, Montreal,
Canada;
Executive Committee – 23 September 2019, Tokyo,
Japan;
Executive Committee – 4 November 2019, Katowice,
Poland;
World Conference on Doping in Sport – 5-7
November 2019, Katowice, Poland;
Foundation Board – 7 November 2019, Katowice,
Poland.

The meeting adjourned at 5.10 p.m.

FOR APPROVAL

SIR CRAIG REEDIE
PRESIDENT AND CHAIRMAN OF WADA