

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

Minutes of the WADA Foundation Board Meeting 12 November 2020, via videoconference

The meeting began at 7.00 a.m.

1. Welcome, roll call and observers

THE CHAIRMAN warmly welcomed all the Foundation Board Members, as well as the Observers, to the meeting, which would be the first virtual Foundation Board meeting since the onset of the pandemic. He really hoped that it would be possible to meet in person next time. Before officially starting, he wished to take a moment to remember one of WADA's former presidents, the Honourable John Fahey from Australia, who had suddenly passed away in September. He had not known Mr Fahey personally but, from what he had been told, he had been an exceptional man, greatly admired and respected in politics and sport. He had been fully committed to WADA and anti-doping and was a true leader who would be missed by all those who had worked with him at the Agency. The previous September, the Executive Committee Members had stood for a moment of silence, and he asked the Foundation Board to observe a further moment of silence in honour of Mr Fahey, and once again he extended WADA's heartfelt condolences to Mr Fahey's family, friends and colleagues.

THE CHAIRMAN welcomed the new Members of the WADA Foundation Board who had joined in January that year and for whom it was the first WADA meeting: Ms Lind from Sweden, Ms Temengil from the IOC, Mr Zhdanov from Ukraine, Mr Sobhy from Egypt, Mr Carroll from the USA, Mr Tanose from Japan and Mr Kralev from Bulgaria. The meeting was being observed by a number of media representatives among other people.

All decisions would be taken by circulatory vote after the meeting within a two-week response period.

The following Members attended the meeting: Mr Witold Bańka, President and Chairman of WADA; Ms Yang Yang, Vice-President of WADA; Mr James Sclater, representing Mr Andrew Parsons, IPC President; Mr Nenad Lalovic, Executive Member, GAISF Council, Member of the IOC, President, United World Wrestling; Mr Richard Pound, IOC Member; Ms Baklai Temengil, IOC Member, Vice President, Oceania National Olympic Committees; Mr Jiri Kejval, IOC Member, President, NOC, Czech Republic; Mr Fabio Pigozzi, President, International Federation of Sports Medicine; Mr Zlatko Matesa, President, Croatian Olympic Committee; Professor Ugur Erdener, IOC Member, President, World Archery; Mr David Lappartient, President, UCI; Mr Jean-Christophe Rolland, President, FISA, IOC Member; Mr Ingmar De Vos, Council Member, ASOIF, President, FEI, IOC Member; Mr Jan Dijkema, President, ISU; Ms Danka Barteková, IOC Member and Vice Chairman, IOC Athletes' Commission; Mr Abhinav Bindra, representing Ms Kirsty Coventry, IOC Member and Chairman of the IOC Athletes' Commission; Mr Seung-Min Ryu, IOC Member and IOC Athletes' Commission Member; Ms Emma Terho, IOC Member and IOC Athletes' Commission Member; Mr Joao Paulo Rebelo and Mr Lino Teixeira, representing Mr Tiago Brandão Rodrigues, Minister of Education, Portugal; Mr Krasen Kralev, Minister of Youth and Sports, Republic of Bulgaria; Ms Amanda Lind, Minister for Culture and Democracy with responsibility for sport, Sweden; Ms Gabriella Battaini-Dragoni, Deputy Secretary General, Council of Europe; Mr Igor Zhdanov, former Minister of Youth and Sports, Ukraine; Mr Ashraf Sobhy, Minister of Youth and Sports, Egypt; Mr Jean Larue, representing Ms Marie Celine Zialor, Minister of Youth, Sports and Family Affairs, Seychelles; Mr Vusumuzi Mkhize, representing Mr Nathi Mthetwa, Minister of Arts, Culture, Sports and Recreation, South Africa; Mr Marcos Díaz, representing Ms Andrea Sotomayor, CADE President, Ecuador; Mr Saul Saucedo, representing Mr Gerardo Fajardo, President of CONCECADE, Honduras; Mr Anthony Jones, representing Mr James W. Carroll, Director, White House Office of National Drug Control Policy, USA; Ms Fatima Morales,

President of the South-American Sport Council (CONSUDE), Paraguay; Mr Mohammed Saleh Al Konbaz, President, Saudi Arabian Anti-Doping Committee, Saudi Arabia; Mr Yingchuan Li, Vice-Minister, General Administration of Sport, China; Mr Yongcheol Park, representing Ms Younhee Choi, Vice Minister, Ministry of Culture, Sports and Tourism, Republic of Korea; Mr Tanose Taido, State Minister of Education, Culture, Sports, Science and Technology, Japan; Mr Richard Colbeck, Minister for Sport, Australia; and Mr Clayton Cosgrove, representing Mr Grant Robertson, Minister of Sport and Recreation, New Zealand.

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

The following representatives of WADA Management attended the meeting: Mr Olivier Niggli, Director General; Ms Dao Chung, Chief Financial Officer; Ms Amanda Hudson, Education Director; Mr Tim Ricketts, Standards and Harmonisation Director; Ms Catherine MacLean, Communications Director; Mr Tom May, Programme Development and NADO/RADO Relations Director; Mr Rafal Piechota, Office of the President; Dr Olivier Rabin, Science and International Partnerships Director; Dr Alan Vernec, Medical Director; Mr Julien Sieveking, Legal Affairs Director; Mr Gunter Younger, Intelligence and Investigations Director; Mr René Bouchard, Government Relations Director; Mr Frédéric Donzé, Chief Operating Officer; Mr Sébastien Gillot, European Office and IF Relations Director; Ms Maria José Pesce Cutri, Latin American Regional Office Director; Mr Rodney Swigelaar, African Regional Office Director; and Mr Kazuhiro Hayashi, Asian/Oceanian Regional Office Director.

The following Observers were present online: Hannah Grossenbacher, Michael Vesper, Richard Budgett, Hiroki Toyooka, Tomohiko Arai, Hidenori Suzuki, Takao Akama, Ichiro Kono, Yaya Mayumi Yamamoto, Yuko Murokoshi, Chihiro Maekawa, Yoshinari Ayabe, Kenji Takahashi, Yu Ueki, Masaki Tani, Michael Gottlieb, Nick Paterson, Andres Tobias, Simon Geinoz, Alexis Weber, James Carr, Andrew Ryan, Philippe Gueisbuhler, Carlos Roy, Valerie Fourneyron, Benjamin Cohen, Irene Kitsou-Milonas, Tomas Johansson, Anders Lindell, Diana Santos, Alexandre Husting, Viktoria Slavkova, Ms Shishuyun, Zhiyu Chen, Yan QingPing, Darren Mullaly, Luke Janeczko, Jaryd Williamson, Chris Butler, Chris McCleary, Travis Tygart, Bill Bock, Khalid Galant, Rezk Abdel Fattah, Mohamed El Shazly, Machacha Shepande, Yewbzaf Tesfaye, Michael Ask, Gabriela Ramos, Rob Koehler, Norma Barrios, Jocelyn East, Santiago Del Pino Muriel, Andrea Gotzmann, Emma Coburn, Maximilian Klein, Shane O'Connor, Marcellin Dally, Saul Saucedo, Walter Mokoena, Raluca Petre, and Sergey Khrychikov.

– **1.1 Disclosures of Conflicts of Interest**

THE CHAIRMAN asked the Members if they wished to disclose any conflicts of interest.

MS BATTAINI-DRAGONI said that she had asked to take the floor because she had a conflict of interest in relation to item 4.3 of the agenda, on nominations and voting for the Independent Members of the Executive Committee. She asked the technicians to disconnect her from the virtual meeting and then bring her back.

THE CHAIRMAN responded that, of course, the WADA staff would assist Ms Battaini-Dragoni when the time came.

2. May 2020 Meetings – Summary of May 2020 Executive Committee Virtual Meeting and Decisions made by the Foundation Board by Circulatory Vote

THE CHAIRMAN drew the Members' attention to the fact that there were no minutes from May 2020 given there had been no Board meeting. What was included in the files was the summary of the Executive Committee meeting which had been shared at the time with a copy of the circulatory vote that followed for the Board.

3. Director General's Report

THE DIRECTOR GENERAL stated that it was the first virtual meeting and the Members had no doubt missed seeing one another. For the sake of efficiency, he would not repeat what was in his report.

He would start by discussing COVID-19. There would be an update later on by his colleague Mr Ricketts on the overall situation and the impact on anti-doping. As far as WADA's operations were concerned, WADA had been working mostly virtually since March. The various regional offices had followed the rules in force in their respective countries. In Montreal, a maximum of 25% of staff members were allowed in the office, but WADA had been operating almost normally by virtual means. Obviously, there was an effect on meetings, and this meeting was a good example. To date, three Executive Committee meetings had been held virtually and had worked well. That would obviously raise questions as to the organisation of meetings in the future. The plan for the following year was to hold all meetings in person. He hoped that he was not being too optimistic and that it would be possible; but, obviously, it would be necessary to adapt to the situation. The possibility of having virtual meetings had been discussed the previous day at the Executive Committee meeting. Clearly, the Members would prefer to have in-person meetings because of the important conversations that took place outside the meeting room. In the future, it was likely that there would be a combination of virtual and in-person meetings since the technology allowed for it.

His next update was on the hearing that had taken place the previous week on RUSADA compliance. The meeting had taken place over four days from 2 to 5 November in Lausanne. Obviously, the matter had been complicated by the worsening of the COVID situation in Europe and as a result, the panel of three arbitrators had heard the case virtually. Some of the experts had also been heard virtually, as they had been unable to travel. However, the lawyers and a number of experts who had been able to travel had been present at the hearing. He had been told that the technology had worked well and that the proceedings had gone ahead as normal. WADA had put in place all the necessary resources and expertise to strongly defend the recommendation made by the Executive Committee. He did not know when the decision would be rendered, but had been told by the CAS that it should be before the end of the year. He would keep the Members informed.

On governance reforms, the previous day, the Executive Committee Members had appointed a Working Group on the Review of WADA Governance Reforms, and he would come back to that shortly. The Foundation Board would discuss the draft Code of Ethics. The Members would see an update under 4.1 on the current situation which would not be addressed directly given the time constraints.

It was also important for Members of the Foundation Board to be aware that WADA was finalising discussions with the Swiss Authorities. The Swiss Authorities had to approve the WADA Statutes and had raised an issue in relation to the new Statutes following the governance reforms on the roles of deputies. In principle, under Swiss law, normal foundation board members should exercise their rights personally, and should not be represented by deputies. WADA was obviously slightly different in terms of its structure and global representation. There had been a number of discussions with the Swiss Authorities to try and make them understand the situation. There had finally been agreement on the fact that deputies were necessary, but the authorities wanted WADA to amend its Statutes to make it clear that deputies representing Members would only act upon instructions received from the Members and that, given the fact that it was possible to have virtual or hybrid meetings, deputies should be there only when Members could not attend in person or virtually. The wording was still being discussed but, once finalised, the Statutes would be circulated among the Foundation Board Members for final approval.

The new 2021 Code would enter into force at the beginning of the following year, so WADA was obviously in the middle of reviewing the rules, which were being updated by all the stakeholders. The figures were changing on a daily basis, but he could update the Members on the latest figures. In terms of IFs, regrouping Olympic, recognised and AIMS federations, nine sets of rules out of 94 had not yet been provided to WADA. For the NADOs, there were eight outstanding sets of rules out of 54 in Africa; in the Americas, all had been submitted or approved; in Asia, there were two outstanding out of 44; in Europe, there were 13 out of 52; and, in Oceania, there were no sets of rules outstanding out of 17. In total, therefore, there were about 32 outstanding sets of rules that had not been reviewed out of 302 (about 10%) and he hoped that that would be done by the deadline.

On another important point, the Members would remember that in Katowice the previous year, the IOC President had indicated that the Sport Movement was ready to provide 2.5 million dollars for research and 2.5 million dollars for investigations in matching funds if WADA were able to get an equivalent amount from the Public Authorities. WADA had received one million dollars from China

the previous year, which had been matched by the IOC and had already been put to use to fund the research projects that year. Without that money, it would not have been possible to fund all of the research projects and an investigation project related to compliance. All of the governments would have received a letter from WADA recently, encouraging them to continue their efforts. Good news had been received the previous day from Saudi Arabia and he would ask the relevant Board Member to speak shortly about the contribution, for which WADA was very grateful.

The previous day, the Executive Committee had taken a number of decisions and made a number of recommendations to the Foundation Board. First, the Executive Committee had adopted modifications to the TDSSA dealing with more flexibility and the granting of applications for a longer period of time; some adjustments to wording and to the name of some sport disciplines and other minor changes had been proposed so as to be in line with other Standards that would enter into force in January 2021. The recommendation had been approved by the Executive Committee.

Then there had been a discussion on the composition of the Working Group on the Review of WADA Governance. The Chair of the Group would be Professor Ulrich Haas from the University of Zurich. The Public Authorities had submitted nominations for Ms Maria Clarke from New Zealand and Ms An Vermeersch from Belgium. The Sport Movement had submitted nominations for Mr Romano Subiotto from the UK/Italy and Mr Michael Vesper from Germany, and the Athlete Committee had nominated Mr Adam Pengilly from the UK. All had been approved by the Executive Committee and had been nominated to the Group. The terms of reference were in the Members' files. The Executive Committee had also discussed the possibility of adding a second athlete to the Group and had been favourable in principle but had referred the matter to the WADA Athlete Committee to discuss and come back with a consensus on who the athlete should be before it went back to the Executive Committee for formal approval.

The Executive Committee had discussed a document in the files about streamlining the work of the expert advisory groups and working groups; in other words, all the groups that did the groundwork for the Standing Committees. The discussion had taken place in response to a request put by the previous Working Group on Governance matters to streamline the operation of the various WADA groups. As a result, some groups had been renamed, reporting lines had been clarified and practical elements such as the number of Members and terms of reference, etc. had also been clarified. The document had been adopted by the Executive Committee with a few amendments and would apply henceforth.

The Executive Committee had approved the Standing Committees for 2021 which comprised 54 Members from 33 countries. As always, WADA had tried to strike a balance in terms of gender, geographical representation and expertise, so there were now 27 female and 26 male members on the Committees, and one position was yet to be filled. There were 16 athletes and 10 NADO representatives in the various Committees, all of which had been approved the previous day by the Executive Committee. The one outstanding position was for a representative of the Public Authorities on the Compliance Review Committee, to be filled later in the year once the process had been completed.

The Executive Committee had agreed on extending the compliance prioritisation policy for one year, which had been adopted in 2017 and basically allowed WADA to prioritise its work in terms of compliance. It had been felt and recommended by the Compliance Review Committee that it should be extended, in particular in light of the COVID-19 situation. A new proposal would be put forward in 2021.

The Executive Committee had approved the Intelligence and Investigations Department audit. The Members would recall that the Department had a special status and operated independently of the WADA Management. It was also audited by an independent auditor. The Report had been approved and would be posted on the WADA website in the coming days.

The Executive Committee had approved Memoranda of Understanding and the MoU template with IFs related to the use of SpeakUp! and in particular to ensure that those sports wanting to use the SpeakUp! system had a certain level of capability in terms of investigation before they could feature it on their websites.

The Executive Committee had approved the signature of an MoU with the UNODC to facilitate the exchange of scientific expertise and resources to enhance the analytical capabilities of laboratories. It would also help with information sharing on emerging substances, the exchange of information on transnational organised crime and the dissemination of information.

The Executive Committee had also approved a renewed MoU with the Partnership for Clean Competition (PCC) body to allow for cooperation in the field of research, be it scientific or social science research. That was a continuation of work that had been ongoing with PCC for a few years already.

The Executive Committee recommended a number of points for approval by the Foundation Board. The Foundation Board Members would see the list of the 'regular' Executive Committee Members (the Executive Committee without the two Independent Members) that the Executive Committee was recommending for approval.

The Executive Committee had then had a discussion on the appointment of Independent Members to the Executive Committee. The Executive Committee had received a presentation from the Chair of the Nominations Committee, and the Foundation Board would be given the same presentation, but by two of the Members of the Nominations Committee, as the Chair was not available to be present due to a prior engagement. Following the discussion the day prior, the Executive Committee had been satisfied that the Nominations Committee had carried out a proper evaluation of the candidates and recommended that the Foundation Board approve the recommendation from the Nominations Committee. The COVID-19 situation had had an impact on the current employment positions of one of the Independent Members, who would only now be free of all obligations at the beginning of March 2021, which was why the proposal was for the term of the two Independent Members to start at the beginning of March.

The Executive Committee proposed the endorsement of the Foundation Board composition, a housekeeping matter.

Item 7.3 related to a formality under the new Code to enter into force on 1 January 2021, and the Foundation Board would have to approve to the effect that WADA was bound by the Code even though it was not technically a signatory to the Code. The Executive Committee recommended that the Foundation Board approve this requirement.

The Executive Committee recommended that the Foundation Board approve some minor amendments to the WADA Investigation Policy. That Policy had been approved initially by the Foundation Board and should therefore also be amended by the Foundation Board.

He would be happy to take any questions on his Report and the decisions taken by the Executive Committee.

PROFESSOR ERDENER thanked the Director General for his very comprehensive written report and brief oral report on the Executive Committee matters dealt with the previous day. He had a short intervention. The Olympic Movement had proposed an honorary president position for the founding president of WADA, Mr Richard Pound. The Sport Movement supported modifying the WADA Statutes to allow for that position to be created and for the WADA President to be able to also invite the honorary president to some specific meetings or events.

MR POUND observed that WADA was regularly subjected to criticism by a group of NADOs and athlete groups complaining about its governance and it was important to know that quite a lot had been done and WADA should underline that, and perhaps the President or the Foundation Board itself should draw attention to the considerable changes that had been implemented to the governance as mentioned by the Director General. There were two Independent Members, in addition to the independent President and Vice-President. There was a working group in place to continue the progress made in governance reforms. There was ongoing work on getting the right athlete component in WADA. There were athletes on every single Standing Committee of WADA. There was the formation of an independent Nominations Committee and some of the results of its work had been seen, and there was ongoing work on the development of a Code of Ethics, which had reached a draft stage. It was important to draw some kind of public attention in the face of the rhetoric on the part of the usual suspects to the fact that there were many developments in terms of

transparency and governance, and that sort of diffuse criticism was really misplaced and, if those groups wanted to have any credibility on their own, they should recognise what had been done and not continue to complain on a generalised basis.

MR DÍAZ thanked the Director General for his extensive report and the summary of decisions taken the previous day by the Executive Committee. He wished to take the opportunity to highlight the large number of countries from his region which had already brought their rules into line with the 2021 Code. That could not have been done without the great efforts of the WADA Regional Office, and he wished to thank the Regional Office Director, Ms Maria José Pesce Cutri, and all of the WADA staff in Montreal. He also wished to highlight the importance of the improvements in governance and the commitment of the Management and everybody involved at WADA in the ongoing process of reform.

MR COSGROVE asked if the Director General, in respect of the governance group, could outline the rationale (and he meant no disrespect to Professor Haas) for how it was that the Chair was the same person who had chaired the previous group, and had also been asked to provide an independent opinion in respect of the US legislation.

The second question was one of detail as outlined in the 2019 Annual Report. Could the Director General confirm whether there was a detailed ledger on the Covington bill of 1.6 million dollars?

MS EL FADIL commended the Director General's very comprehensive report. In spite of the COVID-19 challenges, the administration of WADA had managed to make progress. Everybody knew that 2020 had been very challenging because of COVID-19. She thought that the Director General had summarised the outcomes of the previous day's meeting well. On behalf of Africa, she appreciated the efforts made, especially in the governance area, and hoped that WADA would complete what had been started.

MS BATTAINI-DRAGONI joined those expressing satisfaction with the Director General's comprehensive report, and she wished to touch on the consequences of COVID-19. It was an important moment with the new Code coming into force at the start of the following year and the various CAHAMA members realised how important it was to offer cooperation and support to WADA to make sure that the processes of aligning national anti-doping policies with the new World Anti-Doping Code could be facilitated. She wanted to express support on behalf of CAHAMA.

MR LARUE thanked the Director General for the update. Considering the many areas covered in the Report and feedback on the outcome of the Executive Committee meeting, it was evident that WADA was continuing the process of transformation of the Agency through advances in the governance reform programmes on which the organisation had embarked. Indeed, the appointment of Independent Executive Committee Members, the finalisation of the Governance Working Group and the process embarked upon to ensure that athletes were fairly represented around the governance table were all indicative of an organisation on the move. The wheels might be turning slowly on some issues but, considering the complex issues at stake and the fact that the organisation was still very young, he believed that the noise coming from some quarters criticising the Agency that it was not fast moving enough was, in the main, unfounded. Every day, there were statements, tweets and reports suggesting that WADA's Governance Reform was moving ahead too slowly. All kinds of things related to the process were seen and heard, but it should be clear for all to see, in spite of the limited resources available to the organisation and some detractors in the dark ready to attack the Agency for reasons unbeknownst to many, that progress was being made. He congratulated the WADA President, the Director General and the entire WADA team for standing firm and continuing to work towards the WADA envisaged by those who honestly cared about clean sport and the wellbeing of athletes.

MR KONBAZ congratulated the Director General on his report, which had been very comprehensive and clear. In 2013, Saudi Arabia had already contributed half a million dollars to the research fund. In response to the letter sent by the WADA President to the Saudi Sport Minister, Prince Abdulaziz bin Turki, following a meeting the previous day, the Minister had agreed to donate half a million dollars to the new WADA fund. He hoped that that would help progress clean sport, and he sent his regards to all the Members and to the WADA President.

MR JONES introduced himself. He was from the White House Office of National Drug Control Policy. Mr Carroll had wanted to attend the meeting that day but was having technical difficulties and had asked him to fill in while he was trying to get access. He had some questions about the Director General's Report and sought clarification. The first was about the proposal relating to the position of honorary president for Mr Pound. His understanding was that that recommendation had been put on hold at the previous meeting. He opposed the honorary designation for Mr Pound because it would upset the balance of power between the Sport Movement and the Public Authorities and there were other appropriate ways to honour Mr Pound's service to WADA.

There was a point about the pace of reform. Of course, he encouraged WADA to continue governance reforms, but thought that the pace was too slow. He would like to see reforms move at a faster pace. For example, after more than two years of deliberation, WADA had not yet confirmed the two Independent Members of the WADA Executive Committee. He sought clarification on those points.

THE CHAIRMAN thanked the Members for all their remarks, comments and questions. He thanked Mr Konbaz and Prince Abdulaziz bin Turki for their great contribution.

THE DIRECTOR GENERAL started with the issue of the honorary president. It had been agreed by the Executive Committee the previous day that there would be a discussion between the Sport Movement and the Public Authorities to find the appropriate formula. At the September meeting (and perhaps Mr Jones had not been updated), it had been said that WADA would not want to create an imbalance around the table; therefore, the proposal the previous day was that the honorary president would not be sitting at the table, it would be merely a title, and would therefore not be creating any imbalance. However, as it still appeared to be creating some questions for the Public Authorities, it had been agreed that the matter would be discussed further and a resolution might be put forward in May.

He thanked Mr Pound for his pertinent remarks and all those who had acknowledged the fact that a lot of work had been put into governance reforms and how they were moving forward. He also addressed the remark made by Mr Jones on the speed of the reforms. He thought that Mr Jones might somehow have been misinformed. Saying that the matter of the Independent Members had been discussed for two years was simply not true. WADA had first had to appoint a Nominations Committee, which had taken some time because WADA had taken the precaution of getting an independent firm to search and recommend the members of the Nominations Committee so that it could operate properly and, once the Nominations Committee had been established, there had been work to be done to identify the profile of the Independent Members of the Executive Committee. It was easy to say that things were not moving at the right pace. On the other hand, if one wanted to do things properly and follow due process, one had to accept that those things took time and that one would not want to cut corners. That was what WADA had been trying to do all along, and he was glad that some of the Members had recognised that in their interventions.

He thanked Mr Díaz for his remarks. The Regional Offices had been heavily involved in ensuring that rules would be in place at the start of the following year and the Americas Region was doing very well, as all of the organisations had submitted their rules in time.

He told Mr Cosgrove that his first point relating to Professor Haas had been discussed by the Executive Committee in September, and there had been a number of reasons for choosing Professor Haas. First of all, the idea for the Group was for it to be an expert group to discuss governance matters and operate in a similar way to the group responsible for Code revision; in other words, there would be broad consultation among all the stakeholder groups and the role of that particular group would be to try to gather the views of all the stakeholders and make sense of them, putting them into something that could then be recommended to the Executive Committee and the Foundation Board. Professor Haas had experience of chairing the original group on governance and had dealt with a number of issues related to that, and he had been part of the Code revision team, having done the consultation process a number of times with the various stakeholders; it had therefore been felt that he had all the competencies necessary to deal with governance. In addition, the first Working Group on Governance had been a challenging group and despite this, Professor Haas had been able to come up with recommendations and conclusions, so the Executive Committee had felt comfortable in appointing him as Chair given his skills and his previous record.

He was not sure he had totally understood the second question, but WADA had records of all the invoices in the accounts, and everything was accounted for. If he had misunderstood the question, perhaps Mr Cosgrove would like to clarify later.

He thanked Ms El Fadil for her remarks. These were indeed challenging times, and he thanked her for her support.

He told Ms Battaini-Dragoni that it was indeed important to support all the stakeholders during the pandemic, and WADA had transformed the TDSSA group into a new working group, which would be dealing with innovative testing and looking at what that meant in terms of COVID-19 and how to do things differently, as WADA wanted to be proactive and help its stakeholders.

He thanked Mr Larue for his remarks and said that WADA would continue to strive to evolve governance and make WADA a better organisation.

He thanked Mr Konbaz for the support given by Saudi Arabia and the extra contribution, which would undoubtedly please the scientists and would help WADA tremendously with research.

He thought he had responded to Mr Jones' two points. Hopefully WADA would find a solution and would continue to work hard on moving governance forward.

DECISION

Director General's Report noted.

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

MR RICKETTS shared a short presentation with the Members to give them an update, in particular on the impact of the pandemic on testing, including testing figures and information on the recent survey conducted with ADOs, and some outcomes from the recent Strategic Testing Expert Group meetings.

In relation to testing numbers, the graph on the screen represented a comparison of samples collected in 2020 with 2019 for the period from January to September. The figures had been updated. The number of samples collected included urine, blood and Athlete Biological Passport samples, and they were represented by the columns in the graph. The graph also included the number of testing authorities that had collected the samples, represented by the two lines on the graph. Since April, when testing had been at its lowest, a steady increase in samples collected had been seen through to September. Over 18,500 samples had been collected by 131 different testing authorities, 4,000 more than had been collected in August by 122 testing authorities. For October, WADA was currently at 18,000 samples and the figure was expected to exceed 20,000 samples, as many doping control forms were yet to be entered into ADAMS. Overall, the anti-doping community had responded well to the situation. Many were working hard to do what they could given the circumstances, which continued to evolve daily. He thanked all those involved for their continued efforts. The message continued to be that anti-doping organisations had to follow national and local government regulations and work with the authorities and that the safety of athletes and the sample collection personnel involved remained the highest priority.

Breaking down the sample numbers for September 2020, of the 18,580 samples collected in September, 82 NADOs had collected over 14,000 samples and 44 IFs had collected 3,857 samples. The total number of samples collected in September 2020 compared to September 2019 was around 70% and the level of out-of-competition testing conducted in the same month was 80%, up from 64% of out-of-competition tests conducted in August.

The number of samples collected by IFs equated to around 45% of the numbers collected in the same month in 2019. There had been a limitation on the number of sporting events taking place due to COVID-19; therefore, there had been a 70% decrease in in-competition samples collected in September 2020 compared to the same month in 2019, and the number of IFs that had collected samples had been at 57% compared to the same month in 2019.

Looking at the regions, the NADOs had collected over 14,000 samples in September. Europe led the way with over 9,000 samples, followed by Asia, the Americas, Africa and Oceania. The capacity of Europe and Asia in September was at a very similar level to September 2019 and the right-hand

side of the table outlined the number of NADOs in the regions collecting samples as well, which was positive.

In September, WADA had released an online survey for ADOs to further assess the impact of COVID-19 on the anti-doping community, and it had also been an opportunity for WADA to obtain feedback on the guidance documents issued, including the athlete Q&A and the testing guidance document, to see what could be further improved and how to be better prepared for the future. The survey had been issued in early September and ADOs had been given two weeks within which to complete it. 114 of 231 ADOs had responded, with a 49% return rate. The top three programme areas affected had been testing, education and general administration or operations of the ADOs. The top three programmes least affected had been TUEs, laboratory analysis and intelligence and investigations. 91% of respondents had said that they found the guidance document developed by WADA somewhat or highly useful, and 87% had said that WADA had provided sufficient information during the pandemic. The biggest concerns of ADOs had been the impact on testing and the health and safety of the athletes and the sample collection personnel. A full report on all the findings would be released to all stakeholders early the following week. Overall, it had been a very useful exercise and had provided some very good feedback to assist WADA in the future.

The newly appointed Strategic Testing Expert Group had met four times in October to discuss the short- and long-term effects that COVID-19 had had on global testing programmes. The group comprised 10 external members from the NADO, IF and laboratory community who had medical, science, legal and testing expertise, and it also included athlete representation. He referred to an update to the guidance document for testing during COVID-19 published originally in May that year and focusing on the health and hygiene procedures related to sample collection. The document had enabled testing to recommence and continue in a manner that had provided athletes with confidence in the testing programme, which protected their health and safety and that of the testing personnel and was in line with the International Standard for Testing and Investigations (ISTI). It had been enhanced by WADA and the expert group based on feedback from the ADO survey conducted in September, and there had also been input from the WHO and a group of testing experts from a number of NADOs which had been greatly appreciated. There were several new areas of guidance in the document, including testing at competitions, greater safety measures in relation to the collection of blood samples, testing of sample collection personnel for COVID-19 and, where testing could take place, prioritising those athletes who had qualified or were attempting to qualify for the Tokyo Olympic Games and Paralympic Games and encouraging the long-term storage of the first samples taken from athletes after any lockdown period and where minimal testing had taken place previously. The updated guidance document would be published later that month in English and French.

The Expert Group had also discussed the use of alternative sample collection programmes, which five NADOs (China, Denmark, the Netherlands, Norway and the USA) had piloted during the pandemic. WADA thanked them for presenting their programmes to the Expert Group. Two of the programmes had been fully in line with the ISTI and three had had some departures. One NADO had used a motorhome that had been converted into a mobile doping control station, which had driven around the country testing athletes outside their homes or at training facilities. Another NADO had involved doping control officers who had been tested for COVID-19 and had then served a period of quarantine prior to entering training centres and being accommodated for periods of up to two weeks at a time and had conducted testing on athletes using that facility during that time. The other three programmes had used a virtual system, using a video or phone connection to instruct the athletes through the sample collection and sealing process without the doping control officer being physically present inside the athletes' home. The programmes had involved the notification of the athletes at their home by a doping control officer who had then provided them with equipment to conduct the test, either at the door or by courier. The doping control officer had then maintained video or phone contact with the athletes from notification to the end of the test, with the athletes carrying out the tests themselves under the guidance of the doping control officer. Whilst the enhanced health and hygiene procedures in the guidance document were sufficient to allow a doping control officer to enter the athletes' home and conduct testing, that type of virtual testing system allowed testing to continue if restrictions were in place that prevented that, or if athletes were in quarantine or were at risk of infection. However, as he had mentioned, the programmes departed significantly from the ISTI in that there was no monitoring of the athletes when they were in the bathroom or witnessing of the provision of the sample, as would normally occur. That lack of monitoring did make it possible

to manipulate or tamper with the sample behind closed doors. The Expert Group had considered the procedures put in place to try and mitigate some of the risks of manipulation and tampering, including the athletes providing a tour of the bathroom area prior to providing a sample and then putting the camera outside the bathroom door, measuring the temperature of the urine sample after it was provided when the athletes came back on camera, and the measurement of room temperature. One NADO had also undertaken DNA analysis for athletes whose samples it already had in long-term storage for DNA comparison to make sure that the sample provided had been that of the athletes. That had, of course, incurred additional costs. The Expert Group had discussed a number of potential solutions, including whether the athletes should be monitored when in the bathroom, with the athletes putting the camera inside the bathroom to monitor their movements, making it harder for them to manipulate or tamper with their samples. The group had also considered, given the exceptional circumstances of the pandemic, whether it would be acceptable for athletes not to be monitored when in the bathroom, to enable some testing to occur despite it being in breach of one of the major aspects of the ISTI and sample provision. The outcome was that the Expert Group had agreed that further work was required to consider areas such as athlete privacy, IT security and technology advancements, legal enforcement and potential changes to procedures to see if it might be possible to bring the virtual programmes closer to being in line with the International Standards.

Another area currently being looked into was the dried blood spot programme, which had the potential to be successful in a virtual environment and complement the existing sample collection programmes, and work continued on that project, which WADA hoped to have ready for the Olympic Games in Beijing, if not earlier. Those were ongoing projects and any recommendations for change would be put first to the stakeholders for input as part of the global consultation process. WADA would continue to support and provide guidance to all stakeholders during the pandemic, in particular through the Regional Offices and the dedicated COVID-19 platform located on the homepage of the WADA website.

MR TEIXEIRA said that Europe was ready to support WADA in addressing the consequences of COVID-19, in particular those that affected the alignment of national anti-doping policies with the new 2021 World Anti-Doping Code.

MR TANOSE thanked Mr Ricketts for his presentation. As he had mentioned at the Executive Committee meeting the previous day, he welcomed and appreciated the significant efforts made by WADA to resume testing. In Japan, the number of tests had increased steadily since July in accordance with the WADA guidance document. Currently, all doping control officers in Japan were required to take PCR tests before conducting testing to prevent infection. As the host nation of the Tokyo 2020 Olympic Games and Paralympic Games the following year, Japan would be collaborating closely with the Foundation Board Members and WADA, the IOC and IPC and would be making adequate preparation and taking the necessary precautions with regard to the virus and conducting testing. He sincerely encouraged WADA to continue to demonstrate leadership in that matter.

MR RICKETTS thanked Messrs Teixeira and Tanose for their comments.

DECISION

COVID-19 Anti-Doping Impact Update
noted.

4. Governance

– 4.1 General Governance Reforms Update

DECISION

Update noted.

– 4.2 Members of the Executive Committee 2021

THE DIRECTOR GENERAL said that the Members would have received the list of Executive Committee Members for the following year. The Sport Movement section of the list already incorporated the term duration. The Executive Committee Members were now appointed for three years; and, because of this new reform, there would be a rotation implemented to ensure that not

everyone changed in the same year. The Sport Movement had designated terms of one, two or three years among its Members, and WADA expected to receive such information from the Public Authorities by the end of the year. From the Sport Movement, the Members were Professor Erdener, Mr Kejval, Mr De Vos, Mr Lalovic and Ms Barteková; and, from the Public Authorities, the Members were Ms El Fadil, Ms Sotomayor, Mr Tanose, Mr Kersch and Mr Robertson. Those were the Executive Committee Members the Foundation Board would be asked to approve by circulatory vote.

DECISION

Proposed Members of the Executive Committee 2021 to be approved by circulatory vote subsequent to the meeting.

– **4.3 Independent Members of the Executive Committee**

THE CHAIRMAN said that, in the absence of Ms Smith-Gander, Ms Zalaznik and Mr Fairweather, two of the members of the Nominations Committee, would present the recommendations of the Committee.

MS ZALAZNIK thanked the Foundation Board for the opportunity to share the process and the final recommendation with the Foundation Board. She would go through the process. She apologised on behalf of the Chair of the Committee, who had had other commitments and was unable to be present at the Foundation Board meeting that day.

The Nominations Committee understood the critical importance of the appointment of the first Independent Members and had worked hard to design and execute an appointment process in which the Members could have confidence and which external stakeholders would also be able to acknowledge as appropriate. As the background paper explained, it had not been a straightforward exercise. At the January meeting, the Committee had advised as to the process it would follow. Importantly, in January, it been able to sign off the role profile for the candidates, allowing the Committee to create targeted interview guides, so as to gather all the relevant information in a fair and comparable form from the candidates and their referees. The Committee had also raised concerns about independence. Given that the Independent Members would be nominated by the Sport Movement and the Public Authorities, the guidance had been that having more than one candidate for each position would allow for greater confidence in the integrity of the process because, with only one candidate, the role of the Nominations Committee became one of mere confirmation and background checking, and background checking was an activity outsourced and conducted by the internationally reputable company Control Risks. It was that view, which remained unanimous and unchanged, that had led the Committee to be unable to make any recommendation in its report at the May meeting.

Following May, there had been several conversations and the Committee had very much appreciated the conversations and felt it had been heard by the representatives it had met, and had also appreciated the legal opinion from an independent firm about the difficult matter of independence.

In the end, the Nominations Committee had been presented with only one candidate from the Sport Movement, Dr Patricia Sangenis. As the Members would see on the next slide, the Committee had advised that there were no concerns in the Control Risks background check and that, in the Committee's opinion, Dr Sangenis met the definition of independence by WADA. Therefore, in the Committee's opinion, there was no impediment to the Executive Committee appointing Dr Sangenis.

MR FAIRWEATHER said that the Public Authorities had presented four candidates to the Committee, which had worked very hard with the collaboration of WADA, the candidates and their referees, to conduct a very thorough process, as shown on the next slide. A great deal of enthusiasm had been shown by candidates for the process: they had made themselves available for interview at short notice, they had been very well prepared and had offered strong benches of referees. They had been welcoming of a competitive process. The referees had also been well prepared, and they had understood the role extremely well. They had been forthcoming and very balanced in their assessments. What was critical in allowing referees to act in that way was the promise of

confidentiality, and they had been positively impressed to be working with an independent committee and had all expressed support of WADA's governance.

In terms of the process, each candidate had been interviewed by at least two Committee Members. The interviews had been overlapped across interviewers, creating a circle of exposure to the candidates, allowing the Nominations Committee to compare across the candidates even though it had not interviewed each candidate. The Nominations Committee had generally interviewed the candidates first, and had then had targeted questions for the referees. The interviews themselves had used the targeted interview guide described previously to assess against that agreed profile, and there had been individual questions based on the candidates' resumés or the Control Risks background reports. After the interview, the specific areas to be probed in the reference checks had been agreed upon so as to complete the full picture of the candidate. Each reference check had been documented in a file that the Committee Chair had saved. It was confidential, as promised, but available as evidence of the process should it ever be required. The notes in the candidate interviews had been treated similarly: there was an interview summary and scoring sheets for each one. The scoring sheets were the final step in the process.

The next slide recalled the criteria that the Nominations Committee had identified to assess the candidates. The Nominations Committee had scored on a five-point scale against the criteria. The Members would see an empty score sheet to give them an idea as to how that had been done. That had generated a preferred candidate, which the Nominations Committee unanimously recommended for appointment to the Executive Committee.

It was really usual for such processes to be conducted in a remote format given that the market for talent was a global one, and the process had not in any way been negatively affected by the current working environment necessitated by the COVID-19 pandemic.

MS ZALAZNIK informed the Members that, in relation to the candidate, Ms Gabriela Battaini-Dragoni, unfortunately, due to an unforeseen extension of her current employment appointment, she had been unable to meet the independence test at that point in time, but she expected to become independent in February. The Nominations Committee recommended her, as she had a very strong strategic approach to decision-making, a strong ability to make positive relationships and was very forward-looking in her orientation in seeking outcomes. Other candidates had of course been able to demonstrate evidence of those qualities as well, but only Ms Battaini-Dragoni had demonstrated all of those above expectations, and of course she would also add to gender diversity.

The WADA Foundation Board had entrusted the Nominations Committee with making the recommendation, and she thought that the Board could be comfortable extending the trust because of several factors. First, the Executive Committee had defined the terms of reference to mandate the Nominations Committee. Second, it had used a reputable global recruitment firm to help appoint an independent Nominations Committee. Third, the Committee had been constructed by the recruitment firm to the Executive Committee's specifications to bring all the relevant skills to the task. Fourth, the Executive Committee had agreed on defined criteria in relation to the role profile. Fifth, the Committee had built a robust process that had been followed rigorously without cutting any corners. Sixth, the Nominations Committee had come to a unanimous recommendation. All those things gave her the confidence that the Foundation Board had a strong basis to accept the recommendations from the Nominations Committee. That concluded her presentation.

THE CHAIRMAN thanked Ms Zalaznik and Mr Fairweather for their very comprehensive report and thanked all of the Members of the Nominations Committee.

MR JONES thanked the Nominations Committee for its report. He sought further explanation as to why certain public authority candidates had been chosen over others. Four qualified candidates' nominations had been submitted. What factors had been considered to choose Ms Battaini-Dragoni over the other candidates? More transparency was necessary so that stakeholders knew the factors taken into account by the Nominations Committee when selecting candidates to advance to the Executive Committee. He also requested that the legal opinion on independence for Executive Committee Members be shared among all Foundation Board and Executive Committee Members so as to understand the perception of the lawyers on the criteria for independence.

MR COSGROVE endorsed the view articulated by his US colleague Mr Jones. He found the presentation rather strange, in that he acknowledged confidentiality within the appointments process, but the Committee was not an appointing body. The Committee was a nominations body. The authority for appointments lay with the Foundation Board. It was strange that the report was silent on why some candidates, or a candidate (with no disrespect to his good friend Ms Battaini-Dragoni, whose contribution to the Agency had been immense), had been considered not eligible, or less eligible than those proposed. He noted for the record that his understanding was that those who had previously been viewed by the Nominations Committee unanimously as being ineligible were now currently being proposed with very little explanation. The Foundation Board was being asked as the public face of WADA to appoint on the basis of a deficient report. He acknowledged his US colleague's request and, before proceeding to make an informed decision, the Foundation Board needed a report that was authoritative. The question in relation to Ms Battaini-Dragoni's position, which was conflicted until some time in February as he understood it, was whether any consideration had been given to an extension to that conflict. What would happen thereafter? He knew that there was a view that WADA had taken some time to reach that place; he acknowledged that there was a view that WADA should get on with it, and he was one of those who had called for an acceleration of the whole governance reform process, but that did not negate the need to get it right. For the record, the view of New Zealand was that that report did not provide information in a transparent way to enable a normal board or authoritative body to make appropriate decisions. That was a concern, because WADA had (or had had) a reputation for transparency and that reputation needed to be guarded very closely.

DR SOBHY thanked the President for the opportunity to take part in the meeting. As per his recent conversation with the WADA President, he referred to the Egyptian Centre being made available by the African Union for learning and education on anti-doping and drug abuse and nutritional supplements: many different schools to assist African countries with their education programmes and help them educate target groups, leading to clean sports and anti-doping. It offered courses for athletes, doctors, coaches, administrators and anybody interested in learning more about anti-doping and protecting the value of clean sports, and played a key role in informing athletes' attitudes towards doping, and athletes often turned to them for advice on topics such as health, sports culture, nutrition, supplement and doping risks, including links to websites where people could find useful information and statistics, education guidelines and accurate and practical information to help protect clean sport and ensure compliance with the World Anti-Doping Code. The documents ensured that the African sport community had the necessary information to enable them to abide by anti-doping and nutritional supplement rules and regulations. The Centre would be supported by WADA and Africa. It would be ready in a few months' time, in cooperation with WADA.

The other issue he sought advice on was for the Egyptian laboratory. If there was a committee or a group that could visit the laboratory, he thought that it would be very useful for WADA.

Egypt was considering making a contribution to the research fund, and he would personally ensure that the money was sent.

He had a question about the authority that recruited the NADO board. Was it the government or the minister?

THE CHAIRMAN thanked the Members for their comments and opinions on the Nominations Committee. The Foundation Board would vote on the recommendation made by the Nominations Committee. However, it seemed to him that the Nominations Committee had been set up for a reason: its task was the comprehensive analysis of candidates for the most important positions at WADA. It had been decided to establish the Committee because the process of assessing the candidatures was very complex and required special skills, and the Nominations Committee had performed that task very professionally, hence his great confidence in the work of Ms Smith-Gander and her team. If WADA questioned each and every recommendation made by the Nominations Committee, did it really make sense to keep it? He thought that WADA should have faith in the Nominations Committee, which comprised great independent experts. He had full trust in the Nominations Committee and was grateful for its great work. The process of appointing the Independent Executive Committee Members was the core of the first phase of WADA governance reforms, and, bearing in mind that the stakeholders had continuously called on WADA to accelerate

the reforms, he thought that the nominations of the Independent Members was a really positive step. WADA had agreed on the recommendation that both candidates would start their terms as Executive Committee members on 1 March 2021 to avoid questions on the independence of one of the candidates, Ms Battaini-Dragoni, who would be completing her mission as Deputy Secretary General of the Council of Europe in February. He referred to the Director General and Ms Zalaznik and Mr Fairweather to provide any additional response.

THE DIRECTOR GENERAL told Mr Jones that the opinion received from US lawyers on the issues he had referred to would be circulated and had already been circulated in September to the Executive Committee.

He thanked the Egyptian Minister for his comments. He did not have time to go into all the details, but his team would be in touch and were aware of the laboratory and the various issues mentioned. He thanked the Minister very much for considering a contribution to the research fund.

MR FAIRWEATHER said that, if he understood correctly, there had been a question on the independence and initially the question of some of the candidates being ruled ineligible and then the Nominations Committee changing its mind. That question had been answered by the legal opinion received and which the Director General had just offered to pass on. That had cleared up that confusion, so he did not think that there were any issues in that respect.

In terms of the process, he thought that the criteria had been gone through in quite a lot of detail. It was really up to the WADA Management if it wanted to share any of that information more broadly, but the Nominations Committee view, supported by a Committee member who was a senior executive for a global company, was that the information shared had been appropriate, so the Nominations Committee was confident that it had gone through a very robust process. The Nominations Committee had been very strict in putting all the information together and had made a commitment to preserve confidentiality because many of the people were in existing positions or could be applying for other positions and the Nominations Committee did not wish to compromise any future applications.

MS ZALAZNIK added that the Nominations Committee had been unanimous in its agreement. A clear procedure for the candidates had been shown. It had applied equally to everybody. The Nominations Committee had exposed why the recommended candidate had certain strengths above and beyond the other candidates, and the Nominations Committee felt, having discussed with professional experts, that it would be best not to reveal everything on the candidates because the candidates might apply for other positions. That was why the process was being shown, and the Nominations Committee felt that it was sufficiently robust and it had been done fairly and applied equally to all. The Nominations Committee had dealt with the process step by step to be confident that it had done a good job. The referees had been very helpful in terms of understanding the candidates, and the Nominations Committee really appreciated their role in the process and she thought it had acted professionally.

Not wishing to press the point, MR COSGROVE wanted to make an observation. It was an odd process. He had no difficulty with the Committee's point of view, but the Foundation Board was effectively being asked to act and make decisions blind. If that were an employment process with a number of candidates being put to an employer, the employer quite rightly would want to know why their preference had been ruled out, because the employer might have a preference, and obviously there had been four nominations put forward by the Public Authorities, so he assumed that there would be at least more than one Public Authority that had expressed a preference for one candidate over another. Given that it was going to be a circulatory vote and there was some time, he proposed that a supplementary report be provided. He did not think that anybody was asking for detailed confidential sensitive information about the candidates, but he had to say that he found it quite absurd that an authoritative body was being asked to make a decision effectively blind with no information. The Foundation Board was being told that one candidate was eligible, given a criterion, and that was it. The Foundation Board was not being told in any general sense, let alone a detailed sense, why the nominations of others had been rejected. He understood the view that a group of experts had been appointed to nominate folk, but that did not mean that the Foundation Board should abrogate its responsibility and invalidate its authority and simply blindly take a recommendation on faith with no rationale apart from saying that one individual met a criterion. That was not a

transparent process; it was a very odd and strange process and, in respect to colleagues around the table, he would have thought, regardless of their views about particular candidates, that the Foundation Board would want to ensure that those being appointed in that brand new process were the best and absolutely appropriate, so he would request that, in the interregnum between the meeting and the circulatory vote, some additional information be provided so that at the very least those other countries that had nominated individuals could rest assured that the Foundation Board was indeed, with no disrespect again to Ms Battaini-Dragoni, making an informed decision and the best possible decision. He endorsed the Nominations Committee, but would have thought that there would be an authoritative report.

MR JONES stated that the US shared the concerns expressed by the colleagues from Oceania, and whilst he respected and appreciated the work of the Nominations Committee, would like more information on how the criteria had been applied. He understood the criteria, but just wanted to know how those had been applied to the various candidates. For example, releasing the score cards for the candidates would help understand the factors better and how they had been applied to the various candidates, so the US was simply asking for more information about why one candidate had been chosen over another so that, in the future, it would have a better understanding of how the Nominations Committee applied the factors.

MR DE VOS said that the Sport Movement had been somewhat silent on the matter. He thanked the Nominations Committee for the work done. It had been a lengthy process and WADA had had some discussions about it already. It was very important to understand the rules. The rules had been followed and correctly applied. He knew that there were some suggestions from the Nominations Committee to review some parts, and that was precisely why the Working Group on the Review of WADA Governance Reforms had been created, and it should also consider the Nominations Committee's proposals. He was a bit surprised, because his understanding was that all the candidates were known by the parties that had presented or proposed them, and it was really important that the elections go ahead. WADA was often criticised, as mentioned in the introduction, for the governance process not going fast enough. This was clearly a moment for insisting that the process not be delayed. There were some reasons why the taking of office of the candidates would be slightly delayed, for reasons of independence, but it was clear that the election needed to go ahead and the Independent Members needed to be operating as soon as possible and certainly before the next meeting of the Executive Committee.

THE CHAIRMAN stated that the objective of the Nominations Committee had been to prepare the recommendations for WADA and that had been done, so the recommendations would be put to the Foundation Board.

DECISION

Proposed Independent Members of the Executive Committee to be approved by circulatory vote subsequent to the meeting.

– **4.4 Foundation Board**

4.4.1 Memberships 2021

DECISION

Memberships 2021 noted.

4.4.2 Endorsement of Composition for Swiss Authorities

THE DIRECTOR GENERAL informed the Members that there was a request to acknowledge the composition of the Foundation Board for that year to be shared with the Swiss Authorities.

DECISION

Proposed composition of the Foundation Board to be approved by circulatory vote subsequent to the meeting.

– **4.5 Composition of Working Group on the Review of WADA Governance Reforms**

DECISION

Composition of the Working Group on the Review of WADA Governance Reforms noted.

– **4.6 Expert Groups and Working Groups Report**

DECISION

Expert Groups and Working Groups Report noted.

– **4.7 Standing Committees 2021**

DECISION

Standing Committees 2021 noted.

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

THE CHAIRMAN said that the item was very important from a governance point of view, and he hoped that it would be possible to progress with the discussion that day and approve the Code of Ethics in May the following year. He asked the drafter of the Code of Ethics to take the Members through the different models, including the additional one requested by the Sport Movement.

MR KAISER informed the Members that he would guide them briefly through the first draft of the Code of Ethics. The Members had received two documents: the draft of the Code of Ethics that had been prepared based on the instructions and information provided by WADA, and a draft that included an amendment requested by the Sport Movement after the first draft had been sent to the Executive Committee. He had been asked to include that suggestion in a variation of the Code of Ethics. The substantial modification had to do with the bodies that implemented the Code of Ethics, but the principles of the Code and the ethical principles would remain the same in both drafts.

The Members would probably remember that they had adopted new Statutes in Katowice making specific reference to the possibility of adopting a Code of Ethics, and it was based on that article that he had been asked to draft the Code of Ethics. All of the points he would make would apply to both drafts.

On the scope, the people covered by the Code of Ethics would be all WADA officials, not only of WADA bodies such as the Foundation Board, Executive Committee and Committees, but also consultants, agents and contractors. The issue of WADA staff was still outstanding because they already had a commitment in their employment agreement, so it might not be necessary to include them in the scope. The activities covered by the Code would be those conducted by the people concerned in their capacity as Members of any Committee or body of WADA, including during meetings, but also when acting otherwise in their normal civil activities, provided that such activity undermined WADA's interests. For example, if a person were found guilty of corruption in a completely different scope to sport, it would make it difficult for that person to be compliant with WADA principles. The Code contained fundamental ethical principles of honesty, fairness, integrity and transparency, impartiality, respect of human dignity (no discrimination) and no harassment. There was nothing new there; those were basically the principles found in most of the ethics codes or policies in various international institutions.

In terms of implementation, there were greater differences. He would go first through the WADA draft with two alternatives (attachment 3) and then the Code as suggested by the Sport Movement (attachment 4). In the WADA draft, in relation to the bodies in charge, WADA officials would have a

duty to report any facts they heard about that might constitute a breach of the Code, and those in charge of implementing the Code would be the Ethics Officer, the Independent Ethics Board and the Executive Committee. The Ethics Officer would be independent of WADA, appointed by the Independent Ethics Board. There would be a process of assessment and vetting by the Nominations Committee. The Ethics Officer would hold office for five years and would then be replaced by somebody else, and would report to the Chair of the Independent Ethics Board. The Independent Ethics Board would comprise seven people independent of WADA and WADA stakeholders, and they would be appointed by the WADA Foundation Board, but that would not prevent the Olympic Movement or the Sport Movement in general and the Public Authorities from submitting candidates who would be then vetted and appointed by the Foundation Board. The Chair would report to the Chair of the Executive Committee in relation to decisions or to inform the Committee on what had happened during the year.

In terms of investigation of complaints, in the first stage, the Ethics Officer would initially be responsible for conducting the investigation, would have to inform the person concerned, and would be collecting all the information, consulting documents, including fairly private documents such as bank accounts, for example in the event of fraud or corruption. There would be a possibility for the person concerned to be heard either orally or in writing, and of course to be assisted by legal counsel. Depending on the complexity of the case, the hearings would be oral or written, in conformity with the governance principle and the right to be heard under Swiss law. At the end of the investigation, in the event of likelihood of a breach of the code, the Ethics Officer would report the result of their investigation to the chairman of the Independent Ethics Board.

In the second stage, first the Independent Ethics Board would have to decide whether it had jurisdiction based on the explanation given by the Ethics Officer. If the Independent Ethics Board confirmed the likelihood of a breach of the Code, the Board would examine the case. If the likelihood was not confirmed, the Board would render a final decision, which could be appealed to the CAS by WADA or by the person concerned, who might wish for a formal judicial decision to be cleared by arbitrators and not only by the Board.

The first alternative in the draft was that the final decision lay with the Executive Committee, and the second alternative was that the final decision lay with the Independent Ethics Board in the event of a breach of the Code of Ethics. In both alternatives, the work of the Ethics Officer would not change: they would remain in charge of the investigation.

For the first alternative, with the decision taken by the Executive Committee, there would be three steps. After the investigation by the Ethics Officer, the case would be examined by the Independent Ethics Board based on the report of the Officer. The Independent Ethics Board would appoint a panel of three of its Members, with one acting as rapporteur to speed up the process. Then, there would be written or oral proceedings in compliance with the principles of due process, and of course the person concerned might be assisted by legal counsel. At the end of the process, the Independent Ethics Board would decide on whether or not there had been a breach of the Code and, in the affirmative, whether sanctions or measures should be taken. Those two recommendations would be presented to the Executive Committee for decision. The right to be heard in writing before the Executive Committee would be guaranteed, because the person would already have had a chance to make an oral presentation before the Independent Ethics Board. The Executive Committee would then decide on whether or not there had been a breach and, if there had been, whether or not to impose measures or sanctions. The decision would be final but subject to an appeal to the CAS.

In the second alternative, the decision would be taken by the Independent Ethics Board, and there would be only two steps. The investigation would again be conducted by the Ethics Officer, the Independent Ethics Board would again appoint a panel of three Members, there would be written or oral proceedings before the Independent Ethics Board, and then, what was different was that the decision of the Independent Ethics Board would be adopted by a majority vote of the panel, all Members would have to be present to take the decision as it was a very important decision, but there was a mechanism in the event of absence of a member to be able to take a decision at a subsequent meeting on a majority principle. In that event, the Independent Ethics Board would have to decide whether or not a breach had been committed and whether or not measures or sanctions should be imposed. The decision would be final subject to an appeal to the CAS, and the Executive Committee

would not be involved in the process. There would also be an opportunity for the Independent Ethics Board to publish the decision in an anonymised form to protect the person concerned.

He had adapted the first draft to respond to the request from the Sport Movement. The ethical principles were the same. The bodies in charge of implementing the Code were different. There would still be an Ethics Officer, but then there would be a panel appointed from a permanent ethics list, a bit like the list of arbitrators at the CAS, and then the Executive Committee. The Ethics Officer would be independent of WADA but appointed by the Executive Committee. The term of office would be five years, but they would report to the Chair of the Executive Committee. For the investigation of complaints, the Officer would investigate in accordance with the same system described in the previous draft, but would report to the Executive Committee, and the Chair of the Executive Committee would then appoint a panel of three individuals who would be picked from the permanent ethics list. On the permanent ethics list, there would be 12 individuals, four proposed by the Public Authorities, four by the Olympic Movement or Sport Movement and four independently chosen. All the individuals of the permanent ethics list would be assessed and vetted by the Nominations Committee and then appointed by the Executive Committee. As to the decision on complaints, the panel would investigate complaints in accordance with the same procedure as in the WADA draft, and the panel would report the results of the investigation and make recommendations to the Executive Committee. The person concerned would have the right to be heard in writing and the Executive Committee would decide on whether or not there had been a breach and, if there was one, whether or not sanctions or measures would have to be imposed. The decision of the Executive Committee would be final subject to appeal to the CAS. The difference was quite substantial in relation to the bodies in charge.

In terms of measures and sanctions, there was a large range, from a warning to removal from office in serious cases or other appropriate sanctions. Provisional urgent measures could be taken against the person concerned by the Chair of the Independent Ethics Board or the Chair of the Executive Committee depending on which draft was adopted. He would be happy to answer any questions that the Members might have.

MR SIEVEKING wanted to update the Members on the situation in relation to the consultation process. The closing date for the first period of consultation would be 15 December and the second consultation period would take place from early February to 26 March 2021 in order to finalise the document in May 2021.

MR JONES observed that it was very important for WADA to establish a robust and independent ethics system. Governments in the Americas had raised concerns about the Sport Movement's proposal to eliminate the Independent Ethics Board; for example, the Government of Canada recommended having an Ethics Officer from an independent organisation who was not a WADA employee to coordinate matters in relation to breaches of the ethics code. The ethics proposals on the table needed serious consideration, which was why he recommended referring the matter to the Working Group on the Review of WADA Governance Reforms for an opinion on the most appropriate structure to implement an independent ethics process.

MR LALOVIC apologised to his colleagues from the Executive Committee for his absence the previous day; unfortunately, the IOC Executive Board meeting had been scheduled at the same time. As mentioned by his deputy at the Executive Committee meeting, he thanked WADA and Mr Kaiser for developing a model taking into consideration the comments of the Sport Movement and for the very interesting presentation shared with the Members that day. The key word in that complex area was pragmatism. WADA should be precise in identifying the needs and tailor the model so as to avoid creating an unnecessarily complicated model. It was obvious that the Sport Movement would prefer model C, but he reiterated that the Sport Movement would of course engage in the consultation process and provide more detailed comments and feedback.

MR DIJKEMA supported the comments made by Mr Lalovic and underlined that there was not one model that fitted all. It was important for WADA to ensure that the final model would be pragmatic and tailored to the organisation.

THE DIRECTOR GENERAL responded to the comments and suggestion made by Mr Jones. WADA could certainly seek the opinion of the Working Group on the Review of WADA Governance Reforms.

It was a very important matter and it would be useful to have the opinion of the Working Group. The matter had already been discussed by the previous group on governance. It would be a Foundation Board decision and it would need to reach some agreement on one model. As soon as the new Working Group was operational, WADA could certainly submit the various options on the table to them and seek the Group's opinion, which would be shared with the Foundation Board. It was a good suggestion.

DECISION

Code of Ethics/Independent Ethics Board
Update noted.

– **4.9 Athlete Representation Model Update**

MR SANDFORD gave a brief update on the work done by the Working Group for Athlete Representation. It had been an ongoing process for nearly two years. The Working Group had been reformed that year and had been making some good progress, so he started by thanking the Members of the Working Group, because it was not an easy topic and a lot of detail had to be worked through, and the Group was trying to do that as quickly as possible.

There were three models, which had been presented to the Executive Committee in September, so he apologised to all the Executive Committee Members who had already seen the presentation, which was essentially exactly the same. The models dealt mainly with the composition of what the WADA Athlete Committee might look like and the process that it would be necessary to go through to get that composition. There were currently three models, and it was obviously a work in progress.

Model A would have 15 Members and the term would be three years; looking to the right of the slide, the Members would see that there was a nomination or electoral process. With that model, there would essentially be eight categories of athletes on the WADA Athlete Committee, and they would get there by being elected, by being ex officio Members elected to their resident athlete committee or by being appointed. There would be three athletes from IFs, and there would be an online election for those athletes. There would also be four Members of the IOC Athletes' Commission and two Members of the IPC Athletes' Council. They would need to be elected Members of those bodies and then they would be ex officio on the WADA Athlete Committee. There would then be a category of appointed Members, with one from NOCs, one from NPCs, one from player unions, one from recognised sport and two appointed based on diversity and expertise, bringing the number to 15 Members.

Model B would have 15 members for a three-year term. There would be eight elected members, an online election and any athlete meeting the eligibility criteria would be able to run for election. Every ADO, or major event organiser, IF or NOC that was an ADO, and all the NADOs doing their work would be given one vote and they would give that vote to their athlete committee, so each would have one vote and, if they had an athlete committee, the athlete committee would have that vote; if not, they would be able to nominate the athlete committee they thought best represented the athletes in their jurisdiction to cast that vote. There would be two ex officio members, one from the IOC and one from the IPC, and then five members appointed based on skills and to ensure diversity.

Model C was similar to model B in some ways, but there was an extra layer of independence required of the members of the WADA Athlete Committee. There would be nine elected by an online election, and one ADO, one vote as in model B, then six appointed for skills and diversity. One of the things that was common between all of them was that there was a mixture of appointed and elected members. That was pretty standard for athlete committees, the reason being that, although WADA wanted to have elected representatives, the elections did not always meet the diversity or skills requirements. It was therefore good to have space to appoint members as well. The models were quite different, as was the composition and how people got there, but there were some similarities between all three: the number of members and the term lengths, and the fact that all of them would use a nominations panel (not to be confused with the Nominations Committee). There would be three people on the panel, one from the Nominations Committee, the Chair of the Athlete Committee and one other person from the Athlete Committee to do the work required in relation to appointments. Depending on the different models, they would have more or less work to do.

The next slide was probably the best to illustrate the comparisons between the three models. Model A would have three athletes elected by the IF athlete committees through an online election, six members of the IOC Athletes' Commission and IPC Athletes' Council elected to their resident athlete committees and who would then become ex officio members of the WADA Athlete Committee, and then the appointed members, four of whom would have to be on an athlete committee, and then two to balance out any diversity or skills requirements.

Model B would have eight elected members, two ex officio and five appointed members and, again, the athletes could come from anywhere, so every athlete committee in the world would be able to nominate athletes.

That was the same for Model C, so any athlete committee or any athlete meeting the eligibility criteria would be able to run for any of the positions, the only issue being the added eligibility criteria through the independence required of the members of the Athlete Committee. Model C also set out in more detail what would happen if the ADO allocated the vote to give to its athlete committee did not actually have an athlete committee and there was a back-up procedure whereby the ADO would be able to set up an athlete working group specifically to make sure that athletes could cast the vote. Those were the models in brief. He would be more than happy to take questions.

Since he had presented it to the Executive Committee in September there had been a good meeting with the Olympic Movement to discuss concerns and issues related to the models. There were some more meetings coming up with the Public Authorities over the coming months and the idea was to present a final proposal to the Executive Committee in May 2021. Obviously, he read the same media reports as everybody on that call and there were many calls from athletes around the world for athlete representation within WADA and for anti-doping to be improved, and he was obviously keenly aware of the pressure to get that right, so the more feedback that he could get from the stakeholders and the greater the range of opinions, the better.

MS TERHO thanked Mr Sandford for the presentation. She highlighted one point about Model A that had come up during the discussion earlier. Even if there was mention of an ex officio member, the main thing was being able to form the WADA Athlete Committee from athletes elected by their peers to represent them, and those athletes were to represent them in all athlete-related issues, and obviously anti-doping was a crucial one under the Code and one of the topics they were elected to represent other athletes on, so it was not that they would be representing the organisation whose athletes commission they had been elected from in the first place. They would be representing athletes in general in all athlete-related issues.

MS BARTEKOVÁ commended the work of the Athlete Representation Group and the recent consultation meeting held with the Sport Movement stakeholders. It had been a great meeting. She encouraged the Group to continue with the consultation. She was happy that there was good communication in the WADA Athlete Committee. For the future round of consultations with Public Authorities and with the Sport Movement, she suggested that all the Working Group Members participate so that there would be a good exchange of views allowing Members to have a good overview of all the concerns of both stakeholder groups.

MR DÍAZ thanked Mr Sandford on behalf of CADE for his presentation and highlighted the importance of the athletes. He appreciated the ongoing coordination in the consultation process within the region and he would make sure that the different leaders from the sub-regions of the continent would be available to share and hear the comments.

DECISION

Athlete Representation Model Update noted.

5. US Stakeholder Update

– 5.1 Update on discussions with the USA (ONDCP report)

MR BOUCHARD referred to the meeting that had taken place between the WADA President and the Director of the ONDCP, Mr Carroll. The US Government was a long-standing partner in the protection of clean athletes. It had been a member of the WADA Foundation Board since the creation

of WADA and had been extremely engaged in the fight against doping in sport. The previous summer, the ONDCP had issued a highly critical report to the US Congress on WADA's governance reform. WADA had followed up with a detailed annotated response to the US Congress highlighting a significant difference of opinions. The relationship between the two had cooled over the summer. Subsequently, there had been an exchange of letters between the WADA President and Mr Carroll, and both had expressed a desire to establish dialogue. A number of discussions had taken place over the summer between WADA representatives and the ONDCP to express views on topics of common interest and, on Friday 6 November, the WADA President and Mr Carroll had met virtually. The conversation had lasted an hour and had been extremely productive, with both leaders sharing the common goals of working together in a better way for the good of the athletes and the global anti-doping system.

He referred to some of the points raised during the meeting. Mr Carroll had reaffirmed the US commitment to work with WADA from within WADA, that WADA was not an adversary and that the ONDCP intended to remain engaged with WADA and pursue reform from within the organisation in a collaborative manner. The intent of the Report to the US Congress mandated by law had been to give what the ONDCP believed to be an honest assessment of WADA's governance structure and the ultimate goal of the report had been to make WADA stronger. Mr Carroll had indicated that it was important to see additional governance reform particularly as it related to athlete representation. The desire of the ONDCP was to collaborate. The matter of withholding funding, whilst still an option on the table, was a last-resort mechanism for the US Government, but Mr Carroll had also indicated that, when the next ONDCP Report was to be provided to the US Congress in early 2021, the ONDCP wished to be able to report positive progress in the areas of WADA's governance review, the role for independent athletes in WADA's governance and US representation on WADA's Committees and Groups.

In turn, the WADA President had indicated that he had been pleased to hear the US Government's commitment to work with WADA from within WADA, and had said that the Agency was committed to moving forward and strengthening the relationship with the US and that the meeting was a very good step in that direction. The WADA President had also noted the desire to have US representation on WADA's Standing Committees and had welcomed the strong US participation and involvement, as had been the case for nearly all of WADA's history. He had also indicated that WADA had to be mindful of diversity at all levels, but noted that there were some new US nominees for the WADA Standing Committees next year. On governance reform matters, the WADA President had noted that changing WADA's governance was an ongoing democratic process, some changes to date had been quite significant in scope, and WADA wanted to continue to make progress in relation to the implementation of governance reform, especially in relation to athlete representation and the creation of the new Code of Ethics. There had then been an exchange of views on how the two organisations could work together to strengthen and harmonise the anti-doping system in the US. There had also been discussion about the impact of COVID-19 on the global anti-doping system. Finally, the President had expressed WADA's willingness to work with the ONDCP to address the issue of college, university and professional sports, which currently operated completely outside the framework of the World Anti-Doping Code, in spite of the fact that they concerned by far the majority of US athletes.

In conclusion, he would say that both the WADA President and Mr Carroll had been united in their views. It had been an important meeting at which WADA and the ONDCP had been able to discuss a number of areas of mutual concern in an open, transparent and honest way. They had both agreed that the partnership between WADA and the US Government was vitally important to protect clean sport around the world and that a direct line of communication should be maintained to avoid misunderstandings in the future. As such, they had committed to strengthening their partnership. The meeting was an important step along a renewed path of dialogue and collaboration. That concluded his report on the meeting of 6 November.

DECISION

Update on Discussions with the US noted.

– 5.2 Consequences of the Rodchenkov Act

MR BOUCHARD said that there was not much to report on the Rodchenkov Anti-Doping Act for a very good reason. WADA had continued to monitor progress in the US Congress. As the Members would remember, the bill required the approval of both the US Senate and the President of the US. The approval of the bill was still a possibility, in spite of the change of government. It could happen quickly in the context of a lame duck session; but, having said that, it could take time given the important issues that the US Congress was currently dealing with. It was expected that the Senate would focus on COVID-19 and the rescue package over the coming days and weeks. It was generally expected that little legislative activity would be taking place. The potential approval of the bill by the US Senate was an issue of concern for WADA considering the negative unintended consequences that it might have on the anti-doping system worldwide. WADA had clearly expressed those views publicly and had also expressed them to the relevant committees of the US Congress. WADA had indicated that it supported some components of the bill, for instance that governments use their legislative powers to protect clean athletes, and supported measures to facilitate the exchange of information between the US Anti-Doping Agency and law enforcement agencies, and also whatever protection could be provided to whistleblowers. However, concern had been expressed about the potential extraterritorial implementation of the bill; but, at the same time, WADA had always indicated its willingness to collaborate with the US Government and provide any explanation or advice to ensure that the bill was complementary to WADA's effort to protect clean athletes worldwide. That concluded his report.

THE CHAIRMAN addressed a couple of issues before opening the floor for comments. He reassured the Foundation Board that working hand-in-hand with the US stakeholders was very important to him, which was why he was glad that his meeting with Mr Carroll the previous Friday had been positive. Both had agreed that the partnership between WADA and the US Government was extremely important. They had also agreed to continue their open bilateral communication. The previous Friday, a number of issues had been discussed, including the ongoing WADA governance reforms, the US Government and athlete representation within WADA, but also how to strengthen the anti-doping system, including in the US. He had mentioned his concerns about major leagues and college sports. The majority of US athletes (estimated at around 80-90%) were outside WADA's regulatory regime and the World Anti-Doping Code requirements. That included half a million NCAA athletes and all the major league athletes, as their organisations were not Code signatories. He continued to believe that it was unfair that those athletes were prevented from participating in a more rigorous anti-doping system. He was also concerned that those athletes would not be covered by the Rodchenkov Act. It had been made possible thanks to an amendment to the initial draft of the bill, and that amendment excluded all major leagues and academic sport from the application of the Rodchenkov Act. Most of those concerns had been raised during the meeting. Therefore, he had offered WADA's assistance in developing further cooperation with the US stakeholders to encourage that they all finally sign the Code. He had indicated education as a good starting point. That should be the main objective for USADA, as it was primarily responsible for the anti-doping system in the USA and, as he had said, WADA would be more than happy to help. It had been a friendly and productive meeting. He opened the floor for comments and questions.

MR JONES reiterated that the US representatives appreciated the series of conversations held with WADA and looked forward to a constructive working relationship with WADA, other Public Authorities, the Sport Movement and other anti-doping stakeholders. To clear up any misperceptions, they did not view WADA as an enemy, they did not view the Sport Movement as an enemy and were not trying to change the DNA of WADA. To provide some more context, it was very important for anti-doping stakeholders to understand that there was broad bipartisan consensus in the US that more reforms were needed to strengthen the global anti-doping system. Democrats and Republicans did not agree on much these days, but they all agreed that the Russian doping scandal and WADA's handling of it had seriously undermined confidence in the global anti-doping system. In addition, recent scandals involving WADA Foundation Board Members Dr Tamás Aján and Mr Anders Besseberg, who had been directly linked to doping fraud whilst serving in leadership roles at WADA, had further damaged WADA's reputation in the US. He reiterated that they had no desire to withhold funds from WADA and viewed withholding funds as a last resort if other efforts to reform WADA were unsuccessful. The reforms included increasing athlete representation within the WADA governance

model and removing real or perceived conflicts of interest among those serving in leadership roles at WADA. They believed that the WADA Working Group on the Review of Governance Reforms had the capacity to make recommendations that would improve WADA's governance and credibility and they would strongly support the work of the governance reform group. He reiterated that the US wanted to have a better working relationship with WADA. The US wanted to work with WADA and other anti-doping stakeholders to develop consensus, common-sense proposals for improving the global anti-doping system.

The US advised against WADA's continued opposition to the Rodchenkov Act. WADA was fighting a lost cause by continuing to oppose the Rodchenkov Act given the broad bipartisan support for the bill in the US Congress. The US generally opposed WADA's interference in the affairs of a sovereign nation. As had been said previously, it was not appropriate for WADA to use Public Authority member contributions to lobby against that Public Authority. WADA had stated that its goal was to have a better relationship with the US Government, and its continued opposition to the Rodchenkov Act was likely to harm the relationship with the Congress and the White House. The US desired a closer working relationship with WADA and all anti-doping stakeholders and did not intend to withdraw from the global system. The US looked forward to closer collaboration with all anti-doping stakeholders in the future.

PROFESSOR ERDENER thanked Mr Bouchard for his report and wished to raise two important points. The Sport Movement fully supported an open dialogue with the ONDCP and, of course, the WADA President's efforts on the matter and looked forward to achieving progress on it soon. That was very important.

On the Rodchenkov Act, whilst the Sport Movement supported initiatives that could strengthen anti-doping investigations and the sanctioning of members of the athlete entourage, it reiterated its concerns about the damaging effects that the extraterritoriality of the Rodchenkov Act could have on the global harmonisation and efforts in the fight against doping in sport.

MS BARTEKOVÁ said that, as an athlete representative, it was in the interest of all the athletes to have one strong coordinator of the anti-doping system and not to undermine the role of WADA worldwide. She was very happy to hear Mr Jones' confirmation that there was no wish to undermine WADA's role worldwide, so she would be very happy for the dialogue to continue and the efforts to harmonise the system and fight against doping in sport were ongoing. Regarding the President's comments on the major leagues and university or college sport leagues, which were quite interesting and important in terms of the number of athletes not covered by the WADA Code, she indicated that it would be great if they could fall under the Code to ensure a level playing field for all the sports in the US.

MR DÍAZ thanked Mr Bouchard for his report and thanked the WADA President for the direct bilateral approach with the US. That was very important. He informed the Foundation Board Members that CADE was engaged in a constructive and respectful dialogue with the US on a regional level. CADE took the matter very seriously.

MR COSGROVE expressed the view that it was pleasing to see that dialogue was on a more professional footing than it had been in the past. History would show that public exchanges of the sort that had been had over the past few months were not productive in trying to resolve such issues.

How much money had been spent by WADA to date on the Rodchenkov issue? He raised the question because he saw that there had been a further allocation of some 400,000 dollars for the coming year. How much of Members' money did WADA intend to spend in the future in an attempt to change the sovereign right of a state to make laws? He thought that it was a germane point that had been raised, but it was a dangerous point: that WADA was effectively using the Members' money against a member. He thought that it was crystal clear to the global community, particularly the US, that WADA had communicated its point of view on the Rodchenkov Act. He would submit, on listening to the US friend, that WADA had lost the battle and its point of view had been communicated, so he would urge WADA to move on and deploy its resources in a far more productive way than pursuing the sovereign right of a nation to make laws. The US had got the message and had rejected the message, and he thought it was time that WADA put the issue to bed and got back to its core mission rather than pursuing further inappropriate activity.

MR COLBECK supported the comments that had just been made by Mr Cosgrove. It was very clear to him from his discussions and conversations that both sides of politics in the US were very fixed in their view. That was a bipartisan issue and, as Mr Jones had said, there were not too many things in the US that were bipartisan at that moment. He was concerned to hear that there was funding being allocated to try and campaign against a government undertaking its sovereign right to make laws, and he did not think that the dispute (and his view had not changed on that) served WADA at all well; in fact, he thought it undermined WADA to be involved in that dispute. It was quite clear from Mr Jones' comments that the US was looking to supplement, not to override or overtake or undermine, the work of WADA. The US clearly wanted to be a strong partner in that sense, and its actions were about its oversight of business and industry that operated within that country wherever they were in the world and he thought, to be frank, that that might have some value. He supported Mr Cosgrove in the view that there was no value in pursuing that dispute. WADA's energy should be put into continuing the reforms that it had been talking about over the past few days in relation to improving governance and providing the opportunity for more athlete representation, which was one of the things that had sparked the US action in the first place. As he had said a number of times, WADA should not get so involved in the fight that it forgot what the issues were. WADA should deal with the issues and move on. He strongly supported his friends from New Zealand and the US in that sense. That was not a fight that WADA needed to continue, and WADA should certainly not be allocating further resources to campaigning against one of its own Members.

MR DE VOS congratulated the President on his efforts to create that dialogue. It was very positive that dialogue was happening in a very constructive way. He also thought that things needed to be put in context. It was not necessary to talk about a fight or an attack on a specific nation. He thought that many people, including the Sport Movement, were very concerned about one specific aspect of the Rodchenkov Act, and he could agree with the President in that there were some good things in the Act upon which they could agree, but WADA had also been seeking advice to understand the consequences for the athletes, in particular when it came to extraterritoriality and the extraterritoriality principle of the Rodchenkov Act which could have an impact on the sovereignty of the other states, but perhaps that was another discussion. It was necessary to have a clear situation for the athletes and a clear way of sanctioning and avoiding an athlete being prosecuted or sanctioned twice for the same thing, and that, basically, was one of the most important things. It was really important to see it as clarification and trying to understand and rectify a situation rather than as an attack, which was not constructive at all. He also respected the opinion of all the stakeholders, but WADA was a democratic organisation, and, in the end, it would be the organisation and the stakeholders who would take decisions in relation to the governance reforms as well.

THE CHAIRMAN clarified some issues. First, it was not true that WADA was lobbying against the Act. In all his interviews, he had frequently underlined that WADA was in favour of governments giving special powers to their ADOs and supported such initiatives. On behalf of the stakeholders, WADA had simply expressed its concerns in relation to the impact of the Rodchenkov Act on the protection of whistleblowers and the extraterritoriality issue, but WADA was not against the Act in general, as he had said on a number of occasions.

THE DIRECTOR GENERAL thought that the point had been summarised well. WADA had never lobbied against the Act per se but had had concerns (raised by more than 50% of its constituency) and, in a democratic context, it had been only natural for WADA to raise the concerns, which still existed. WADA had probably lost the battle and had to accept that, but that did not mean that the concerns did not remain. They did, and they had been highlighted by the Intelligence and Investigations Department on many occasions. That was part of a democratic process, and he was surprised to hear that WADA should be silent and accepting when it had concerns regarding an Act that will weaken the world anti-doping system. That was WADA's view on extraterritoriality in particular. As far as he knew, WADA had not increased the envelope it was spending on that particular matter, and there were many other things that WADA had been doing in the US outside the Rodchenkov Act. WADA had not been actively dealing with the Rodchenkov Act per se in recent times, but there had been many other issues raised and which needed to be addressed and, as was pointed out earlier, there was a lot more work to be done in the US in particular at the level of college sports and professional leagues, which required WADA to be involved. WADA intended to be productive and constructive in relation to the US and wanted to work with and not against it; but, given how the system works in the US, WADA needed to be present and have its voice at least heard

in Washington and for that, had to invest some money in working with the US. Almost the same discussion had taken place a year previously and there was nothing new to note that day; all this was approved within the budget.

MS YANG said that she wanted to support the President because everybody always talked about how important the US was for the anti-doping communities, and it was definitely necessary to be united in the fight against doping in sport. It was not that WADA wanted to lobby the public authorities; there were some concerns to be raised, and it was important to have the US as part of the fight against doping in sport.

THE CHAIRMAN added one important argument. For him personally, it was nothing new that WADA was working with the governments on national law. When he had been the Minister responsible for sport in Poland in 2016, there had been problems adapting the national rules to the WADA Code, and WADA had worked with Poland and assisted on that, so it had not been lobbying against Polish legislation but rather it had been helping. He thanked everybody for their remarks.

DECISION

Consequences of the Rodchenkov Act noted.

6. Finance

– 6.1 Government/IOC contributions Update

DECISION

Government/IOC Contributions Update noted.

– 6.2 2020 Quarterly Accounts (Quarter 3)

DECISION

2020 Quarterly Accounts Update noted.

– 6.3 Draft Budget 2021

THE CHAIRMAN said that the Executive Committee had recommended the 2021 budget for approval at its September meeting. The item was to be presented to the Foundation Board.

MR NG said that, based on the recommendation of the WADA Finance and Administration Committee meeting in August and the Executive Committee meeting in September, he was asking the Foundation Board to approve WADA's Draft Budget for 2021. The WADA Management had prepared and presented two scenarios for the 2021 Draft Budget to the Finance and Administration Committee in August. The first scenario was a 2021 Draft Budget prepared in accordance with what had been approved by the Foundation Board in 2018, with an 8% increase in contributions year on year from 2019 to 2022, and that was the one for which the Finance and Administration Committee was seeking the Foundation Board's approval. The second scenario was a 2021 Draft Budget without the financial contribution of the US, as there was the possibility that the US might withdraw future funding for WADA. He understood that there were positive developments; however, the possibility of the US withholding its funding still existed, which was why the Finance and Administration Committee was also putting forward the second budget scenario.

MS CHUNG presented the highlights of the 2021 Draft Budget. All the details and supporting information could be seen in the Members' documents. The 2021 budget had been prepared with two scenarios, as had just been mentioned: the usual budget with the 8% increase, including the US contribution, which was the one that the Foundation Board was being asked to approve, and the second scenario, with reduced expenditure to take into account the possible withdrawal of US funding.

For the usual budget, in terms of contributions, the total income was 43.4 million dollars. The agreed 8% increase had been applied and, assuming business as usual was restored after the COVID-19 crisis, WADA would be back to its normal course of operations. The IOC and the Public Authorities each contributed 20,220,000 dollars and there were other funders, including Montreal International. Under the hosting renewal agreement, from 2021 to 2031, the annual contribution from Montreal

International would go up from 1.5 to 2.44 million dollars. The other contribution of 250,000 dollars was fairly recurrent thanks to Australia, Japan, the City of Lausanne and the Canton de Vaud, and was assigned to specific projects or activities. There was also a contribution of 500,000 dollars from Saudi Arabia for research. With all that WADA had to deliver, it would be unable to do so without the funders' continued support to WADA. WADA was very grateful, especially in these extraordinary circumstances.

There were still some outstanding dues for 2020. WADA was currently at 95% for the Public Authorities; those that had not yet made their contributions were therefore encouraged to do so.

Those responsible for preparing the 2021 budget had been very cost-conscious when putting the budget together. It had gone through a number of iterations to make sure that it was in line with the Strategic Plan. Strategic projects had been prioritised, as had staff hiring. It had been decided not to go ahead with the expansion of the Montreal office as originally planned, allowing WADA not to be tied up with long-term high fixed costs, representing significant savings in the long run. WADA encouraged at least one virtual meeting where possible for all committees, and would remain agile and make adjustments when required.

In terms of projects and activities and expenditure for 2021, the first on the list was the Olympic Games and Paralympic Games, which had been postponed from 2020 to 2021. She was hopeful that everything would return to normal once a vaccine was available and that the Olympic Games would go ahead. The Strategic Plan led by the Executive Office would be continued, for example, the operational plan and KPIs, strategic projects with more emphasis on the whistleblower programme and expanding the investigations operations and network, and research with extra funding. Those were just some of the highlights. All the details were in the package for consultation.

Capital expenditure was budgeted at a much more reasonable level than seen in previous years. The total income was budgeted at less than expenditure, so a deficit of close to 1.9 million dollars had been budgeted, but cash remained positive at close to 280,000 dollars, mainly due to reductions in capital expenditure and timing in spending.

That covered the business as usual for the 2021 budget.

Moving on to the budget without the US contribution, which was still a possibility. The contribution from the US was about 2.9 million dollars for 2021. The plan was for any loss to be mitigated by seeking additional contributions from Public Authorities for around 1.5 million dollars, to be matched by the IOC. Of course, expenses would have to be reduced, so had been budgeted at 43.5 million dollars, a reduction of 1.2 million, across all WADA Departments. There would be cuts to delay hiring to the second half of the year, WADA would convert more in-person meetings to virtual meetings, and some strategic projects might not happen. Of course, there would be a deficit, of 3.5 million dollars, and a cash negative situation. She hoped that WADA would not reach that point, but that was the projection. With what WADA had experienced this year through virtual meetings, there would be a push to accelerate digital processes and automation and have more efficiencies in WADA's processes.

In terms of cash positions, WADA was looking at unrestricted cash of about 10.9 or 11 million dollars in the event that it had to pay off all the commitments. That concluded the 2021 Draft Budget. She asked the Members to approve the 2021 Budget as presented under scenario 1.

MR JONES said that the Public authorities from the Americas region formally requested that the Foundation Board postpone the 8% increase for 2021. As the Members were aware, COVID-19 had severely disrupted economies in the region. Many governments in the Americas had significant budget deficits because they had spent money to enact economic stimulus measures to prevent their economies from collapsing due to COVID-19. In light of WADA's cost savings due to COVID-19, the Public Authorities requested that WADA seriously consider postponing the 8% increase for 2021. There was past precedent for that: WADA had postponed increases to dues following the 2008 market collapse. He also understood that WADA would be receiving a substantial contribution increase from Montreal International in 2021 from 1.5 million to 3 million Canadian dollars, as well as the contribution from the Government of Saudi Arabia. The increase in revenue, together with lower expenses due to COVID-19, should be taken into consideration in the 2021 budget decision.

THE DIRECTOR GENERAL responded that everybody was aware of the difficulties related to COVID-19 and totally recognised the issue. The matter had been discussed by the Finance and Administration Committee and the Executive Committee and, given that the 8% increase had been agreed upon for a few years, it had been agreed that WADA would look at what that would mean for 2022 and come back with a number of projections, but it had not been suggested by the Finance and Administration Committee or the Executive Committee to make any changes for the following year, and there had been no request for that to be done by any country until the intervention that had just been made by the US.

MR NG added that the Director General, CFO and the Management had done a lot to ensure efficiency and gone into all different areas of cost-cutting. As everybody knew, the expectation was for WADA to do more, in spite of that very challenging situation. Different numbers and situations had been considered very carefully by the Director General, the CFO and the Management team, as well as the Finance and Administration Committee and the Executive Committee.

DECISION

Draft Budget 2021 to be approved via circulatory vote subsequent to the meeting.

7. Legal, Code and Compliance

– 7.1 LIMS Cases and RUSADA Update

MR SIEVEKING informed the Members that WADA's Legal Department continued to closely monitor the status of the follow-up work conducted by the IFs and major event organisations on cases sent the previous spring by WADA's Intelligence and Investigations Department, the so-called LIMS packages, which had contained evidence from the McLaren report and Moscow laboratory information management system (LIMS data). A request had been made for a decision as to whether to conduct further investigation or push for an anti-doping rule violation against any athletes whose samples had been identified as suspicious. WADA needed to ensure compliance and consistency from a legal point of view and ensure that each of the decisions had been taken following proper investigation because, in some cases, the ADO that had received the package needed to do additional investigation (assisted by WADA), and then the ADO needed to take a decision, which could be to go further and charge the athlete or close the case. That had already happened since the previous spring and WADA had accepted some decisions to close cases. Any decision was duly reviewed not only by the Legal Department but also by external counsel, and WADA also sought the opinion of the Intelligence and Investigations Department. Should WADA not agree with a decision or the outcome, it would go straight to the CAS.

DECISION

LIMS cases and RUSADA Update noted.

– 7.2 International Weightlifting Federation Update

MR SIEVEKING said that the Members would have noted from the report of the Intelligence and Investigations Department that it had made some recommendations and highlighted the importance of ensuring that negative samples could be stored for longer, as they could be useful to pursue DNA analysis. The second point related to the ability for WADA to access documents to systems managed by signatories. That was only the beginning. WADA had taken due note of the recommendations, was reviewing them and would come back with concrete proposals but was aware that it could lead to legal issues, in particular in terms of data protection. So in summary, the department was reviewing that and would come back with information and proposals related to the two points highlighted by the WADA Intelligence and Investigations Department.

The Department had been following up with the ITA, which was doing result management for the IWF on all pending cases. In addition to the numbers in his report, there had been further decisions from the ITA, so WADA had been able to close 18 more cases, and additional information and updates had been given on cases for which no decision had been received. He would keep WADA and the Foundation Board updated.

Finally, in relation to Dr Aján, WADA had written twice to the IWF and the ITA to find out whether there might be a legal way under the rules applicable at the time (the anti-doping rules in force at the time of Dr Aján's presidency) to associate the conduct of the former IF president with tampering. WADA had also asked them to look into specific rules, internal rules such as statutes or codes of conduct, that might be applied to address the alleged improper behaviour. The ITA and IWF were looking into that, and there would be a call on the matter the following week with the Intelligence and Investigations Department and the Legal Department to discuss specific follow-up in relation to the potential improper behaviour of Dr Aján.

MR YOUNGER emphasised that WADA had been investigating and cooperating with law enforcement agencies since the beginning of 2019 on the matter. The enquiries were still ongoing, and his Department stood ready for any support needed. It also worked with its trusted partner, the ITA, and had already shared intelligence reports with the ITA and worked hand in hand with them to ensure that all investigations mentioned in the reports were managed thoroughly. That included managing the outcome of Operation Arrow, and the Department was still conducting interviews of athletes and officials, but he was confident that it would be able to hand over the evidence to the ITA very soon to discuss possible result management processes. He hoped that the Members would understand that he could not share more details about the Arrow methodology at this time, because it was necessary to make sure that the overall objective to apply the successful methodology to other sports and identify more doppelgangers would not be endangered. In that respect, it was first necessary to assess whether the cases were legally strong enough to pursue anti-doping rule violations or whether it was necessary to adjust the investigative strategy for other sports. In the next step, WADA would collect and secure all the evidence for the other targeted sports. Once the evidence was secured, it would be possible to disclose the strategy and methodology. He was confident that, for the next Executive Committee or Foundation Board meeting, he would be able to share more outcomes on operations with the Members.

MR DONZÉ thought that it was also important to give the Members some information and clarification in terms of the compliance situation of the IWF and what WADA had done on that particular front over the past few months. Since the publication of the McLaren IWF investigation report in June that year, the compliance team had carefully reviewed all available elements from a compliance perspective and provided regular updates to the independent Compliance Review Committee. In order to be in a position to open a compliance procedure, it was necessary to take into account two particular elements. WADA could open a compliance procedure only under the ISCCS based on evidence. Currently, there were allegations that were being further investigated by the WADA Intelligence and Investigations Department and also a number of law enforcement agencies that had started criminal investigations based on the work of the Intelligence and Investigations Department. That meant that WADA needed allegations of breaches of the World Anti-Doping Code by the IWF or any other anti-doping organisation to be translated into evidence. The second element was that the ISCCS, which had come into effect on 1 April 2018, did not apply retroactively. That had been confirmed by external and internal legal advisors, but also by the way in which WADA had had to address the non-compliance of the Russian Anti-Doping Agency under the new Standard. At this stage, WADA did not have evidence that non-conformities from the IWF or any other ADO in relation to weightlifting, or wrongdoing by officials who might still be in place, had occurred after 1 April 2018. That had been discussed on several occasions with the Compliance Review Committee. The Compliance Review Committee supported that position unanimously, but its Members had asked the WADA staff to continue to review all new elements that might come from various WADA Departments or external sources and update the Committee accordingly. That was exactly what was being done in terms of compliance of the IWF and what would be done in relation to any other World Anti-Doping Code signatory.

MR TEIXEIRA said that the European Council expressed some disappointment that violations of such gravity as uncovered in the IWF case had not yet resulted in the opening of a non-compliance case against the signatory to the Code. Although the efforts in the investigation and the updates were recognised.

MR LALOVIC said that he would not go into detail, as it was still an interim document, but he thanked the Intelligence and Investigations Department for sharing the information with the Members and welcomed the update received that day. The point raised in relation to the access to

critical information and how that might be facilitated beyond the cooperation of the signatory was still a very important topic to consider. The Sport Movement had raised some concern about the matter and fully understood that it was a process and many aspects in relation to access to data might need to be discussed further. The GDPR regulation was one of them, given that a certain level of consent would be required from private organisations. Would that also be possible when a NADO was registered as a government organisation? He took note that WADA had acknowledged those points and looked forward to receiving more details and proposals from WADA in that regard. He thanked the Intelligence and Investigations Department under Mr Younger's leadership for its efforts and fantastic work done to date. It was not an easy task, but it was a very necessary one.

MR SANDFORD asked Mr Sieveking how big the problem of significant delays to result management was in other IFs. Was that something that the Members should be concerned about in other ADOs or was it only confined to the IWF? On compliance, as the report noted, WADA had known about that since 2010. Once the Compliance Standard had entered into force, why had WADA not set a deadline back in 2018 to trigger the ISCCS and start that process?

MR JONES echoed the comment made by Mr Sandford. Why had the IWF President been allowed to continue to serve on the WADA Foundation Board during an eight-year period over which the IWF had been ignoring hundreds of communications from WADA about dozens of cases not being timely processed? What safeguards had been put in place to ensure that no other sport leader continued to serve on the Foundation Board when their sport organisation had not been timely processing anti-doping cases?

MR SIEVEKING responded that the Compliance Standard had entered into force in 2018, so all cases of non-compliance preceding that date were not covered by the Standard and could therefore not be subject to legal proceedings. For the pending cases, the IWF had received a letter from WADA asking for the resolution of all pending cases within six months and if, within six months, there was no proper follow-up, that could lead to consequences under the 2018 Standard. WADA was following the recommendation of the legal opinion it had received. That also explained why it had not acted before.

Responding to Mr Lalovic, data protection issues in fact existed and WADA would be looking at them very carefully and would provide some proposals taking into account all of the requirements.

In relation to Mr Sandford's comment, the IWF had definitely been the leader in terms of pending cases. It did happen with other ADOs, but he could say that everything was currently being processed under the 2018 Code Compliance Standard and any ADO with pending cases would be at risk of non-compliance if pending cases were not addressed in a timely fashion.

MR DONZÉ responded to Mr Jones. The WADA Legal Department had been dealing with the IWF Legal Department and there had been no evidence or even allegations of anything deliberate on the part of the IWF to delay result management. That had come to light as a result of investigations carried out by Professor McLaren and the WADA Intelligence and Investigations Department and media reports. In terms of representation on the Foundation Board, the Intelligence and Investigations Department, which acted independently, had shown that it was not shy about investigating Members of the Foundation Board. The Intelligence and Investigations Department had come up with a number of elements in relation to the former president of the IBU, and the same had applied to the former IWF president. He thought it was important in terms of operations to explain that.

DECISION

IWF Update noted.

– **7.3 Code Article 20.7.1 – Roles and Responsibilities of WADA**

MR SIEVEKING referred to the fact that WADA was an anti-doping organisation and had responsibilities under the Code, so there was a new article in the 2021 Code that required WADA to accept the Code and commit to fulfilling its role and responsibilities under the Code through a Declaration approved by the Foundation Board. The Declaration was in the Members' files. As indicated by the Director General earlier, the Declaration was straightforward and this process was

a formality. It had been recommended by the Executive Committee the previous day for approval by the Foundation Board, and that approval would be sought by circulatory vote after the meeting.

DECISION

Code article 20.7.1 to be approved by circulatory vote subsequent to the meeting.

– **7.4 Possible Sanctions due to Unilateral Withdrawal of Funding**

MR BOUCHARD stated that the discussion to be held was not connected to the US; it was important to mention that. Some people had made that connection. The WADA President had mentioned this to Mr Carroll when they had met on 6 November. The fact was that the recent threat by the US to withhold funding had exposed a weakness in WADA's rules, and that was the issue. WADA's rules did not currently address the potential risks of governments unilaterally withdrawing their agreed funding should WADA not fulfil certain conditions. He was not talking about payments not made by countries due to economic or political reasons; he was talking about governments setting conditions for the funding to be provided to WADA. The fact that WADA did not have the ability to address that potential risk could have huge consequences on its financial stability. As the global regulator of anti-doping in sport, WADA saw it as a huge risk, not only because it affected financial stability, but also because it could be interpreted that some of the Agency's decisions or actions were being taken primarily to protect that funding. In the end, the risk for WADA was also a risk for the global anti-doping system and, therefore, he firmly believed that discussing the matter with the Executive Committee and Foundation Board was the responsible thing to do. Some Public Authorities on the Foundation Board felt similarly and had asked WADA to explore what possible consequences could be developed to begin a discussion on how to address the risk, including, but not necessarily limited to an adaptation of WADA's rules. The idea was to look at the issue more broadly, because the scope of the risk could be such that WADA had to develop tools to be able to address the risk. He thought it important to provide a bit of context before asking his colleague to address the matter in greater detail.

MR SIEVEKING said that there was nothing in the current rules that addressed the question of potential unilateral withdrawal of funding by a government. That had raised concerns among WADA stakeholders and WADA had been asked to explore the possible consequences of not paying contributions to WADA. The Management had started looking at possible avenues to address the situation. He was not speaking about a government delaying its contribution for economic or political reasons unrelated to WADA. It was an attempt to think about addressing a situation whereby non-payment could be used as a means of putting pressure on WADA. Legally, governments were not signatories to the Code, so they could not be bound by the Code. None of the Code rules was directly applicable to governments. Nor were the governments subject to proceedings for non-compliance; therefore, the consequences of such government behaviour would have to affect Code signatories in order to have some effect. Another consequence of that was that it would be possible only if the action of deliberate withdrawal of funding was recognised as grounds for non-compliance, so it should be an infraction, and that would have to be addressed somewhere. Not everybody would be happy to start looking at the Code again, and he understood the need for legal security. If the matter were to be addressed, it should probably be addressed in the Code, and then the consequences in the event of a violation could be addressed by the rules set out in the International Standard for Code Compliance by Signatories. What the Members could see in the paper were only suggestions. The Management was simply sharing its initial ideas about potential amendments that could be made to the Code, and that was a work in progress. He would be happy to receive comments or suggestions and was seeking support to continue the work. He was not pre-empting any decision; the Management was looking at the question with all of the required prudence in liaison with WADA's external counsel and also taking into account the need for legal security. The intention was to fine-tune the question and come back to the Members with additional or updated suggestions in May 2021.

MR JONES stated that, despite WADA's assertion to the contrary, he believed it was very much a personal attack on the US. The US strongly opposed any attempt to amend the Code to penalise Public Authorities that decided to withdraw funds from WADA and asked that the proposal be withdrawn. Again, the US saw it as a personal attack and it would be contrary to WADA's stated

desire to improve relations with the US Government. The 2021 Code had not yet even come into effect, yet WADA was seeking to revise the Code to single out the US Government. It had taken three years to finalise the Code after multiple rounds of consultation and revision, and it appeared that WADA was trying to fast-track that change at the expense of the US. The US viewed that as an affront to the sovereignty of all Public Authorities, and it would undermine the legitimate authority of governments to independently evaluate whether to spend public funds and ensure the accountability that funds appropriated by governments were used for beneficial purpose.

MR COSGROVE made some observations. He noted that Mr Bouchard had said that the propositions were not connected to the US. He referred him to a letter that the WADA President had sent to him on 16 September, and he was looking at the letter, which talked about (unnamed) public authorities seeking to have those propositions explored because of the current situation, i.e. the alleged threat of the US to withdraw funds, so he thought that it was an absurd proposition or a massive coincidence of timing to say that it was not directed at the US situation. He also noted that the issue of the withholding of funds had not appeared to be an issue for WADA for years if one looked at the track record of some 60 countries currently withholding their funds or that had not paid their share (which was probably the more correct term), and that had gone on year after year. He asked the President a direct question, because he thought it was germane. The President had said publicly (and he would appreciate a direct answer) that Public Authorities, in writing to him, had approached him and called for the propositions to be examined, and therefore he assumed that there was a mandate to have those propositions go forward, but nowhere had there been any identification of which entities or Public Authorities or the number of entities and Public Authorities that had called for those propositions. The President had indicated to him (and, he believed, to other Foundation Board Members) that that should not be disclosed because of confidentiality and diplomacy; therefore, if that was the case, that lacked transparency. He asked the President to disclose at the very least the number of Public Authorities and entities with which he had met and which had asked for the issue to be examined. During his meetings, the President, would of course have made detailed notes and records of those meetings and disclosing the number and rationale for that in no way breached confidentiality, but it did provide the Foundation Board with some context. Further, he noted the Director General's comments earlier in the meeting in relation to governance in terms of adhering to and observing due process. He submitted that those propositions had in no way observed or adhered to due process. The Code would not come into force until 2021, and yet the proposals purported to amend that Code in some sort of rushed fashion without any proper process or widespread consultation. If the proposals were going to go forward, and he thought it would be absurd if it did, given that it was an attack and was perceived as (and, whether the Members liked it or not, perception was the truth) an attack on one of the Members, and there were 60 others that, for some time, had not paid their dues, was WADA going to incorporate those 60, deem them to be non-compliant and then sanction them? He suggested that WADA would not have too many Members left if it went down that road. The proposition also asked WADA to consider impinging upon the independence of NADOs. It suggested that NADOs use their best endeavours to encourage governments to pay their dues, and it contemplated that, if they did not use their best endeavours (and how that was defined, goodness only knew), they would somehow be sanctioned or made non-compliant. That was an ill-thought-through proposition given that the NADOs guarded, quite rightly, their independence from governments. That was the whole foundation on which NADOs had been set up. Equally, the proposition suggested, and he found it ironic given some of the arguments put forward to have Russia re-enter WADA in order not to punish the athletes (that was one of the arguments used in that proposition), that athletes would somehow be prevented from participating in international competition because their government had not paid. He thought that it was ill-conceived, that all of those on the Foundation Board were owed a duty of care in respect of those who had put forward, as was their right, the request for those sorts of sanctions and propositions to be examined, and the President should at least advise the number, but those entities themselves should advise who they are and make their argument. It might have validity, or it might not, but to proceed under the cloak of confidentiality went against the very tenets of WADA: openness, accountability and transparency.

His final point was that a new administration was being put in place in the US. The US had the perception that this was a direct attack on their country. He suggested that, if WADA was trying to grow the relationship with the US and with the new administration, then proceeding with these

propositions was exactly the wrong thing to do and a very unprecedented move for WADA. It was an ill-thought-out set of propositions. In his view, it should be dropped; but, if it was going to continue, WADA would also need to address the 60 others. He would be grateful if the President could answer his questions directly at the conclusion of that discussion.

MR POUND wondered if a little history might be useful in that discussion and, since he had been there at the time, he recounted what had happened. The IOC had called for a world conference on doping in sport in early 1999 and he had been charged with preparing the organigram for the new organisation being proposed: an independent international anti-doping organisation. He had had six equal blocks (using the CAS model) of voting: the IOC, Olympic athletes, IFs, NOCs, governments and a miscellaneous one including an event organiser, somebody from the pharmaceutical industry, a coach and so forth. The conference had taken place in Lausanne and the governments had been hugely insulted (one had never seen such insulted-looking governments in one's life), saying that they would leave the conference and withdraw unless governments had at least 50% of the voting power in the organisation. He had been chairing the conference, so he had gone back and spoken to the IOC President, and the IOC President had been concerned, but he had concluded that it was a better idea than the one that he had initially had and that, if the governments were there, that would be good for the organisation, because it would get them off the side-lines where they had been sitting and shooting at the Sport Movement and, if they had 50% of the control, they could pay 50% of the costs. He had therefore gone back and spoken to the Ministers and said that if they did not like his model (they had hated it), and if they really insisted on 50% (they had), they could have it, on two conditions: one was that there would not be time for the governments to take the usual several years of consultation before acting. WADA would need to be in the field on 1 January 2000 starting to test before the Olympic Games in Sydney. The governments had agreed and understood, and everything had been done by the end of November 1999. The second thing was that, with 50% of the control, the governments would have to pay 50% of the costs. There had been great consternation about 150 countries arguing about their share of four million dollars, with a lot of hot air but not much substance, so he had said that the IOC would pay the governments' share for the first two years but that, starting in year three, the governments would have to figure out a way of paying their share and, to give credit where credit was due, by 2001, the governments had worked out a continental allocation. The Americas had paid a certain percentage, as had Asia, Oceania, Africa and Europe. That formula had been put in place and, within each region, there had been an agreement. He knew that it had been quite easy in the Americas with the involvement of the ONDCP. The US had said that it would assume 50% of the responsibility for the Americas, Canada had said that it would assume 25% and the rest of the Americas had been at 25%, and that was the commitment made by the governments to each other and WADA.

Fast-forwarding to 2003, the World Anti-Doping Code had been adopted. There had been a unanimous decision by all of the stakeholders that it be adopted, and then it had to be put in force, as all agreements did. In the Sport Movement, it had not been difficult because there had been meetings all the time, and the deal had been that the Code would come into force on 1 January 2004 and the entire Olympic Movement would adopt and ratify the rules in time for the Olympic Games in Athens. That had been done. The governments had said that they could not just accept an agreement adopted by a non-governmental organisation and would have to figure out a way of making it binding on them, and the avenue they had chosen in due course had been the UNESCO Convention. They had not been able to get it done in time for the Olympic Games in Athens but had thought that they would be able to get it done in time for the Olympic Games in Turin and, again, to give credit where credit was due, the Convention had unanimously been adopted by the Conference of Parties in the autumn of 2005. The Code had started off by saying that the agreement between governments was that stamping out doping was the primary objective, that they agreed with the principle of equal funding. The Sport Movement had agreed with a complete and equal partnership, and had alternated the WADA Presidency between the Sport Movement and the governments, so it had always been meant to be an equal partnership. Looking at the current situation, within the sport side of things, adherence to the Code and avoiding Code violations, everything was in place. There were penalties established and operating quite well (although not perfectly), as had been seen, but there were no consequences whatsoever for government failure to apply the Convention, and the Convention contemplated that the World Anti-Doping Code would be the foundation or the primary tool for government conduct. He therefore thought it was reasonable to ask about how to get consequences

for failure to abide by the Convention. His first suggestion would be to ask the governments what they suggested. UNESCO had been unable to arrive at any sanctions for a state-sponsored doping system. There had been no consequences on the states involved. He asked the government representatives, which knew how governments worked, to help WADA figure out what they should do and what the consequences should be and how they would be imposed, and what should happen if one of the consequences was that they reneged on their obligation to pay their dues. There might be all kinds of other actions that would lead to that but, focusing on that one, what did they propose? The Members might come to the next meeting with a series of government proposals on how to deal with non-compliance, because there were currently zero consequences on half of the stakeholders. The sport side had consequences and they were imposed, but there were none for governments, and that was no longer an equal partnership, so his suggestion was that the President serve the ball into the court of the governments and say that he heard all of the noise and ask the governments what they suggested, so that WADA could consider their suggestions as a Foundation Board and figure out what the statutory response should be.

MR DÍAZ appreciated the summary provided by Mr Pound. The Council of Sports of the Americas, presided by the Minister for Sport of Ecuador, after consultation in the region, had formally and transparently put to WADA its concern, bearing in mind what had been explained about the formula, about a country in its region unilaterally withdrawing and expressing that possibility in writing. In its letter, CADE had asked WADA to figure out a procedure by which there could be a consequence that prevented a government, not when it was unable to pay, but if the decision was unilateral because it was not in favour of or did not agree with a position or a demand, from withdrawing its funding from WADA. CADE had expressed its concern to WADA in this regard and requested a possible solution. It was a very complex issue to handle, bearing in mind that sovereign countries, Public Authorities, were bound only when they were signatories to the International Convention against Doping in Sport (there would be 180 signatories the following month). In the Convention, it was very clear that signatory governments committed to the funding of WADA, so he did not know if legally there was a procedure enabling WADA to put forward some kind of sanction. He understood the issue of affecting athletes because of a government not complying with a commitment in the Convention, but he believed that it might be possible to examine the possibility within the Bureau of the Conference of Parties and WADA of creating mechanisms, bearing in mind that the commitment of the Public Authorities came through the Convention, that acknowledged the particular part of the funding of WADA, that could be accepted by all WADA stakeholders. That might be a way of guaranteeing some sort of consequence if a country decided unilaterally to withdraw. It was also necessary to clarify that, when addressed the previous day at the Executive Committee meeting, it had been made clear that the statement by the US had not led to the issue being raised. The issue had been seen as something that could arise in any part of the world. On behalf of the CADE presidency, he wanted to thank WADA for putting the matter on the agenda and for looking at it very carefully. He was open to continuing the discussion.

MR COLBECK said at the outset that he wished to support the comments made by New Zealand with respect to transparency. Australia was one country that had requested the information and had been written back to in quite blunt terms and told that it would not get the information. As soon as that matter had been raised, he had said that, if somebody had something to say in that forum, they should come out and say it and not hide behind a cloak. The Members ought to be sufficiently frank with one another to be able to come out and say what they meant. They ought to be mature enough to do that. There was a fair bit of dancing around the issue. There had been a lot of discussion about some sort of sanction if somebody threatened to withdraw their payment. The amendments in the papers did not say that; they talked only about non-payment, no cause, no definition of what had brought about that circumstance. They talked only about non-payment and, as mentioned by the New Zealand representative earlier, there were 60 countries that would fail that test. He knew that there had been a conversation the previous evening about going back to the Governance Committee, and he took the WADA President's point about a circumstance whereby a nation might, for a reason of having a sanction (the current circumstance perhaps, with Russia), withdraw funding because of being suspended through process. He thought it reasonable to have a process in place for something of that nature, but the amendments proposed in the papers did not say anything about any of that. The Members should be open and transparent and prepared to say what they meant. He acknowledged that there had been an agreement the previous evening to go back to the Governance

Committee and put in place something that might work with the right definitions, but it was walking and quacking and looking a lot like a duck at that moment. The Members ought to be prepared to acknowledge exactly what it was. He did not blame the US for being upset. He did congratulate the President on the engagement with the US, which was really important, and he thought those conversations had been quite productive, but it behove the Members, as Mr Pound had said, to find a way through the process that was sensible in the interests of everybody. It was in everybody's interests to be sitting around that table. That was why they were there. He was there for the Australian athletes and athletes all over the world. He wanted them to be able to compete fairly against one other on equal terms. That was why the Members were there and they should not forget that. They were taking a lot of time to provide a level of representation around the table for the athletes. The Members should deal with those things. He wished to particularly support New Zealand's comments with respect to transparency; that was one of the things that would make WADA work and work well, because everybody would understand what was going on and there would be no dance.

MR DE VOS thanked Mr Pound and Mr Díaz for the history lesson. It was very interesting, especially for Members like him who were not long-standing Members of the organisation. He agreed with what Mr Colbeck had said in relation to the content of the papers, which referred only to non-payment. He did not understand why the US was upset. The Members should not forget that the US had started with a public declaration threatening to withdraw funding because it had not got what it wanted or disagreed with WADA. If one started to use that as a political instrument, one needed to accept the consequences. It was necessary to focus on what needed to be done, because there was a gap. In the interest of transparency, WADA really needed a mechanism in the event of non-payment by a stakeholder. That should apply to the Public Authorities and the Sport Movement. It was necessary to be prepared for everything. That was also important because WADA should never accept athletes being taken hostage by such actions. The conclusion by Mr Pound was right: see what the Public Authorities proposed. It was very easy to find a solution, but that was the key message: come up with a proposal and sort it out. It was necessary to find a solution. It was not a non-issue.

MS BARTEKOVÁ reiterated some of the points already mentioned. It was important to stress once again that WADA was based on a partnership and all the stakeholders were partners in building a strong anti-doping system. Everybody should pay their dues. Everybody should stick together. She built on one point that had been discussed at the previous Executive Committee meeting, which was that the athletes should under no circumstances be held hostage. The point had been made in reference to a different issue, but she relied on the WADA Management to take it into consideration while that issue was being discussed as well.

THE CHAIRMAN thanked the Members for their comments and Mr Pound for the historical perspective. He reassured the Members that the discussion was not directed at the US. The recent US threat to withhold funding had exposed the fact that WADA's rules did not currently address the potential risk and, frankly, there was a weakness in the system. If stakeholders were able to withhold agreed funding as a result of WADA decisions, it would cause a lot of instability for WADA and the global anti-doping system. He asked the Members to imagine a country being unhappy with a WADA decision or other steps taken against its top athletes, for example. WADA's responsibility was to protect clean sport and ensure that justice was served. If the country decided to retaliate and withhold its funding, what tools did WADA have to protect the organisation and ensure the stability of the system? As the global regulator, it needed to address that kind of risk. WADA needed to ensure that its funding was not placed at risk because of the decisions it took. That was what every responsible president would do, which was why he wanted to start the discussion on possible consequences that could be applied to a stakeholder if they withdrew the funding it had agreed to. That was just the beginning of the process. WADA was not pre-empting any decision. It was prudent to look at it with legal advice, and the intention was to fine-tune the idea based on consultations with the stakeholders and come back in May 2021. Of course, different mechanisms and tools would be explored to address the issue and how WADA wanted to continue working on the mechanism to be approved by the statutory bodies. In relation to what Mr Cosgrove had said about his bilateral meetings, there had never been any conspiracy about who had initiated the discussion. He believed that it was not up to him or the WADA Management but up to those who had raised the matter to decide with whom they wanted to share it, and he was pleased that the question had been answered by the CADE representative. As to the athletes and how they might be affected by what WADA

discussed, he wanted to be very clear: athletes could not be held hostage of any political games. He had stated that clearly on many occasions. WADA had to find a way, but athletes could not suffer because of that. To conclude, he was not sure if it really mattered who had initiated the discussion; the matter was relevant and an open discussion would follow.

MR JONES noted for the record that the US strongly disagreed with Mr Pound's characterisations and those by others that there were no consequences for countries that did not pay. There were consequences and the US thought that they were sufficient. The consequences were that, if countries did not pay their dues, they lost their access to the Foundation Board seats, the Executive Committee seats and the Standing Committee seats. That was deemed sufficient punishment for countries that did not pay their dues for whatever reason and, again, the US thought it was a direct personal attack on its Government and, again, if WADA wanted to go down that road, that would be a factor considered by the US in its future relationship with WADA. He wanted to make that perfectly clear for the record.

THE CHAIRMAN thought that he had clearly stated WADA's position and process.

DECISION

Discussion on Possible Sanctions due to Unilateral Withdrawal of Funding noted. Public Authorities would consult and present proposals in advance of the May 2021 meeting so that it could be taken into account in any proposal that will be put forward.

– **7.5 Signatory Compliance Prioritisation Policy**

DECISION

Signatory Compliance Prioritisation Policy noted.

8. Intelligence and Investigations

– **8.1 Intelligence and Investigations Audit Report**

DECISION

Intelligence and Investigations Audit Report noted.

– **8.2 International Weightlifting Federation Investigation Report**

DECISION

Investigation Report noted.

– **8.3 Amendments to WADA Investigations Policy**

MR YOUNGER referred to the proposed amendments to the WADA Investigations Policy. It had been for two reasons: first, in response to discussions that WADA should publish more investigative results, but to ensure no damage to confidential sources and witnesses should the reports be leaked to the public, the Intelligence and Investigations Department had developed a procedure together with the WADA Legal Department allowing WADA to publish a summary of investigative results, as had been done recently with the IWF investigation. Secondly, as a result of a wider discussion, the policy had been amended so that, in exceptional cases and under strict conditions, interim reports could be provided to the Director General. That would be done only if critical non-compliance or severe anti-doping rule violations were detected during an ongoing investigation. Those were the proposed changes.

DR SOBHY said that 100,000 dollars would be contributed to research and investigations.

DECISION

Amendments to WADA Investigations Policy to be approved by circulatory vote subsequent to the meeting.

- **8.4 SpeakUp! Properties use Memorandum of Understanding with International Federations**

DECISION

SpeakUp! Memorandum of Understanding with IFs noted.

9. Written Reports

- **9.1 Athlete Committee**

9.1.1 Athlete Engagement Activities

THE CHAIRMAN said that the additional report on athlete relations was a new initiative under his presidency. He informed the Members about various initiatives related to athlete engagement. From the start of his presidency, and even before it had begun, he had assumed that one of the most important goals of WADA (and it was also a personal goal) should be to get closer to athletes, making WADA a more athlete-oriented organisation. He was glad that that was reflected in the new WADA Strategic Plan. He had recently launched an athlete engagement strategy and had met with different athlete groups from around the world. Since April, he had had an opportunity to speak to the WADA Athlete Committee and a number of individual athletes, including representatives on the Foundation Board and Standing Committees, every continental athlete commission, the IPC Athletes' Council and the Chairs of IF athlete commissions. In September, he had hosted a virtual athlete round table with representatives of some 20 athlete groups from around the world, including players' unions and advocacy groups. His intention was to listen, engage and build stronger relationships with athletes worldwide. He wanted to build bridges for future dialogue on the diverse views of the international athlete community and wanted to hear the many views and opinions out there. There was not one athlete voice; there were many, and some were louder than others. To better understand athletes' problems and expectations, it was necessary to talk to them all, whether they were critical or positive about WADA. WADA's job was to listen to those voices, and it was the athletes' right to express an opinion on the activities; however, all of that should take place based on mutual respect and credibility. Unfortunately, things did not always work that way. For instance, he saw that the loudest criticism on transparency came from groups about which WADA knew very little. It did not know much about their strategic objectives, who financed them and how many members they had. In spite of that, he would always be in favour of dialogue, so he encouraged athletes to treat WADA as a partner, to contact WADA directly, to communicate their concerns and expectations and to report to WADA on the need to improve what it was doing. That was what the vast majority of athletes did. They were very strong in their views. They wanted WADA to put more thought into further strengthening the global anti-doping system; they wanted to compete with others who were subject to the same robust doping control programmes. They did not want to be part of the political games, and he respected that. There were many athlete voices, but no athletes were better than others. He was convinced that WADA could only get stronger by listening to those different athlete voices. He was happy to receive constructive criticism to improve the fight against doping. He asked for athletes and their representatives to be vocal. Continuing that engagement, he intended to meet with other athlete groups such as those in the national ADO system, and that was his plan for the coming weeks. That took a lot of time, but communication was key. The meetings provided clarity for athletes and also created two-way communication and dialogue, so WADA had to be willing to listen and be approachable. He hoped to be making stronger partnerships that would benefit WADA and all athletes with an interest in clean sport. The next part of the plan was under development, but he was dedicated to making athletes a priority and that was only the beginning of his effort.

MR RYU thanked the Chair for his great report. As an athlete representative, he wished to thank WADA and the President for their efforts to strengthen athlete engagement and for initiating direct communication between the leadership and athletes globally, which was a valuable opportunity to share ideas and experience within communications, so it would be an encouraging message to all athletes on their engagement as key stakeholders. He congratulated WADA on the five-year Strategic Plan comprising the athletes' voice to protect clean sports and clean athletes. He thanked the President again for all the work he was doing for the athletes and for WADA.

THE CHAIRMAN thanked Mr Ryu.

DECISION

Athlete Engagement Activities Update noted.

10. Other Business/Future Meetings

THE CHAIRMAN invited Ms Gabriela Ramos, the Assistant Director General for Social and Human Science at UNESCO, to say a few words.

MS RAMOS commended the work being done. She was honoured and delighted to attend for the very first time in her capacity as the Assistant Director General for Social and Human Science at UNESCO the virtual meeting of the WADA Foundation Board. That week had been a sport week. The previous day, she had participated in a coalition for sport and development launched with all the development agencies, so she felt that sport provided not only the space to build cohesive societies, but it was also emerging as one of the important tools available to recover from the pandemic and find solutions for the impact it was having on societies. In that regard, the sport world infrastructure, in which WADA played a crucial role, was really important, and she was very pleased to hear about all the very good progress made, and she really hoped that the long-term relationship between WADA and UNESCO would be strengthened over the coming months, in preparation for the eighth session of the Conference of the Parties of the International Convention Against Doping in Sport, which was scheduled to take place from 26 to 28 October 2021. In order to amplify the existing cooperation, she looked forward to determining together new perspectives for synergy and in particular in relation to information sharing and mutual representation in events and activities. In October 2019, COP 7 had adopted some major proposals, notably in order to reinforce the Convention's governance, which was currently fully enforced through the formal role given to the Bureau, enabling it to coordinate the work between the two COP sessions and to contribute to enhancing cooperation with anti-doping stakeholders. Furthermore, the COP had set a road map for that biennial, focusing on major expected deliverables under the supervision of the COP 7 Bureau and the Approval Committee of the Fund for the Elimination of Doping in Sport. Thanks to that innovative approach, the year had been filled with actions aimed at increasing information sharing, reinforcing compliance levels and promoting sport values, ethics and integrity. Some of the issues she had wanted to share with the Members included the open consultations among anti-doping stakeholders in relation to the next UNESCO medium-term strategy, as well as the programme and budget. There would be two rounds of virtual regional consultations with national compliance platforms in June and October focusing on the impact of COVID-19 on anti-doping measures and implementation of conventional commitments. The first ministerial webinar on traditional pharmacopeia, sport values and the impact of COVID-19, an African perspective, had been organised in June with the support of the African Union and the WADA regional office in Africa. There had been a preliminary consultation meeting of the COP 7 Bureau in August, followed by a communiqué on the Rodchenkov Act and US funding of WADA and challenges faced by the States Parties in the anti-doping efforts, as well as the first formal meeting of the COP 7 Bureau held in Moscow in October, and she thanked the Russian Government for hosting the meeting, at which WADA had been a very active participant, providing significant input, which had been greatly appreciated by all the representatives, especially considering the time difference.

In relation to the operational guidelines and the framework of consequences for non-compliance with the Convention, the Bureau had decided to establish a smaller task force made up of 13 countries to update and consolidate the two texts to reflect the needs and challenges of all States Parties. The work of the task force would be complemented by one global written consultation among States Parties, launched on 19 November and finalised on 17 January. Virtual regional consultations with all six regional outposts of UNESCO were scheduled to take place from 7 to 11 December. The secretariat

of the Convention and she was joined by Mr Marcellin Dally, and the team were fully committed to continue facilitating and coordinating the implementation of COP resolutions, as well as monitoring the implementation of the convention under the leadership of Mr Díaz. In that respect, the secretariat had put in place a system of constant dialogue to accompany the Public Authorities for the 2018-2019 period. Several tools had been shared with States Parties, including a new video tutorial explaining the monitoring framework of the Convention, and the secretariat was also organising virtual exchanges with non-compliant parties requiring tailored feedback. She was also pleased to note that new States Parties had been welcomed to the Convention, Sao Tome and Principe in October, and Lebanon, whose ambassador had delivered the instrument to the Director General a few days previously, and she had been very pleased to be there. That marked a new milestone in the life of the Convention with 191 States Parties. UNESCO really counted on WADA to achieve universality as soon as possible, as only four countries had yet to adhere: Afghanistan, Guinea Bissau, Niue and South Sudan. In recognition of the moral force of international multilateral cooperation as enshrined in the Convention, that would contribute to improving the ownership of UNESCO's member states of sports ethics, values and integrity. She congratulated Mr Mohammed Saleh Konbaz on his re-election to the Foundation Board. His strategic leadership as the Chairman of the Anti-Doping Convention had left a solid legacy on which the COP 7 Bureau was building and capitalising. She thanked the Members for the opportunity. She looked forward to cooperating and to supporting WADA's very important work.

THE CHAIRMAN assured Ms Ramos that UNESCO was an important partner for WADA. UNESCO had always been an ally of WADA in the fight for clean sport. He thanked her for her presence.

THE CHAIRMAN informed the Members that WADA intended to meet in person in May in Montreal and that he hoped that it would be the first Foundation Board meeting to be live streamed. WADA had also confirmed the meeting hosts for September (Istanbul, Turkey) and November (Brisbane, Australia), so he thanked the hosts for their kind offers. He thanked the Members for their participation. Despite the circumstances, he hoped that the virtual meeting had been positive and informative.

Upon the conclusion of the meeting, the Members would receive a series of decisions to be taken by circulatory vote. He asked them to respond as soon as possible to facilitate the actioning of the various items, including the budget and invoicing of contributions for the following year.

He also wished to take the opportunity to thank Mr Pound, who would cease to serve on the Foundation Board at the end of the year. As he was sure everybody was aware, Mr Pound was the founding President of WADA and had been with the Agency since 1999. The new governance rules prohibited him from continuing on the Foundation Board, but WADA would be forever thankful for his guidance and contributions over the past two decades. Without him, there would not be a WADA, as he had been the one to initially discuss it with the Public Authorities and agree on the hybrid nature of the organisation. Without him, WADA would also probably not have a World Anti-Doping Code, as he had been instrumental back in 2003 in bringing everybody under the same roof to harmonise the rules. It would be too long to list here his contributions to the fight against doping in sport. As the current President, he was humbled and thankful for all Mr Pound had done for anti-doping and he would certainly continue to look to him on a personal level for advice and recommendations. On behalf of WADA, he sincerely thanked Mr Pound.

It was also the last meeting for Ms Elwani, who had been with WADA for 18 years either as an athlete representative on the Executive Committee or an ANOC representative on the Foundation Board. He thanked Ms Elwani.

He truly hoped to be able to see everybody in person in May in Montreal. Until then, he asked the Members to keep well and safe. They should not hesitate to contact him or the Director General and his team if any questions had not been answered that day.

Lastly, he thanked the dedicated staff for supporting and planning the meeting. He also thanked the Observers and media who had participated. He wished everybody well as they continued to navigate during these extraordinary times.

DECISION

Executive Committee – 20 May 2021, Montreal,
Canada
Foundation Board – 21 May 2021, Montreal, Canada
Executive Committee – week of 13 September 2021,
Istanbul, Turkey
Executive Committee – week of 15 November 2021,
Brisbane, Australia
Foundation Board – week of 15 November 2021,
Brisbane, Australia

The meeting adjourned at 12.00 p.m.

FOR APPROVAL

MR WITOLD BAŃKA
PRESIDENT AND CHAIRMAN OF WADA