

Minutes of the WADA Executive Committee Meeting 17 November 2012, Montreal, Canada

The meeting began at 9.00 a.m.

1. Welcome, roll call and observers

THE CHAIRMAN formally declared the meeting open and welcomed all those present. Obviously, the Code review was going to be a priority. The Executive Committee was the decision-making body on the Code review. A final draft was about to be submitted, and there was to be a discussion on it later. He certainly encouraged the members to contribute to that discussion so that, when they got to the end of that particular process, they would know that they had given it every opportunity to be as effective as possible when, ultimately, it was signed off on. The budget appeared to have troubled the members in recent times, but he was particularly interested in some guidance from the members on the Code review to ensure that WADA came up with what would work for everybody.

He distributed the roll call and asked the members to sign it.

The following members attended the meeting: Mr John Fahey, AC, President and Chairman of WADA; Professor Arne Ljungqvist, WADA Vice-Chairman, IOC Member and Chairman of the WADA Health, Medical and Research Committee; Ms Beckie Scott, Member of the IOC; Mr Javier Odriozola, representing Mr Jaime Lissavetzky, WADA Executive Committee member for Europe; Mr Craig Reedie, IOC Member; Mr Patrick McQuaid, President of the UCI; Mr Alec Moemi, representing Mr Fikile Mbalula, Minister of Sport and Recreation, South Africa; Professor David Gerrard, representing Mr Murray McCully, Minister for Sport and Recreation, New Zealand; Mr Gian Franco Kasper, IOC Member and President of the FIS; Dr Patrick Schamasch, representing Mr Francesco Ricci Bitti, President of the International Tennis Federation and Member of ASOIF; Mr Bal Gosal, Minister of State (Sport), Canada; Mr Edward Jurith, Senior Counsel, Executive Office of the President, ONDCP, USA; Mr Yoshio Yamawaki, representing Mr Hirofumu Ryu, Minister in Charge of Sports, Japan; Mr David Howman, WADA Director General; Mr Rune Andersen, Standards and Harmonisation Director, WADA; Mr Frédéric Donzé, Director of the European Regional Office and IF Relations, WADA; Mr Rob Koehler, Education and Programme Development Director, WADA; Ms Julie Masse, Communications Director, WADA; Dr Alan Vernec, Medical Director, WADA; Dr Olivier Rabin, Science Director, WADA; and Mr Olivier Niggli, Legal Director, WADA.

The following observers signed the roll call: Mikio Hibino, Lane MacAdam, Andy Parkinson, Bill Rowe, Christian Thill, Françoise Dagouret, Shin Asakawa, Vassos Koutsoundas and Graeme Steel.

– 1.1 Disclosures of conflicts of interest

THE CHAIRMAN asked if there were any conflicts of interest that the members wished to disclose. He noted that this was not the case.

2. Minutes of the previous meeting on 10 September 2012 (London)

THE CHAIRMAN drew the members' attention to the minutes of the previous Executive Committee meeting held in London on 10 September. To his knowledge, nobody had formally approached WADA to indicate any changes.

PROFESSOR LJUNGOVIST said that he should have observed this earlier: it was on page 8 of the minutes, three lines from the bottom, when he had been reporting on the retesting of the Beijing samples. The minutes stated that he had said that some athletes, even very important ones, had been found positive, "including gold medallists". He might have said that but, if so, it was wrong, because it had been one gold medallist and not medallists.

MR ODRIOZOLA said that, on page 9, the beginning of the answer of the Director General referred to Mr Lissavetzky and not Professor Ljungqvist, because he was the person who had raised the question about the working group.

THE CHAIRMAN responded that the changes would be made. On that basis, did he have the members' permission to sign the minutes as a true and correct record of the meeting?

DECISION

Amended minutes of the meeting of the
Executive Committee on 10 September
2012 approved and duly signed.

3. Director General's report

THE DIRECTOR GENERAL informed the members that he would go through some of the items simply to accentuate some of the issues that might draw comment or questions from them.

The first item was UNESCO and, as the members would see in the report, there were currently 172 ratifications with three more in the pipeline: they had sent their hard copies to Paris and WADA awaited the bureaucratic process to shift them.

The members would also note that the legislation report partially commissioned by WADA with UNESCO had been published. There were still many countries that had yet to introduce effective legislation in relation to trafficking and distribution, and that was a matter that continued to concern WADA, which would continue to take it up with UNESCO and governments. WADA had circulated that report to all governmental Foundation Board members to ensure that they were alert to it.

Regarding Interpol and WADA's chief investigative officer, Mr Robertson's wife had sadly died a couple of weeks previously. Mr Robertson had asked for some appropriate time and had not attended the Interpol meeting, and would not make any presentation to the Executive Committee for obvious reasons.

As far as the WCO was concerned, he had hoped that a secondment would be made to the WCO but, regrettably, the attempts of WADA with one of its more effective international customs offices had not worked and WADA was now seeking a secondment from a country that would be interested in having an officer placed in Brussels to help with anti-doping work.

The members would see the report in relation to the NADOs that WADA was paying special attention to. He could give a brief update on those. WADA was making progress in Brazil: the NADO there had started work, and was involved in sample collection already. WADA had another visit planned for 22 November. The major issue as he currently saw it, and the regional director from Montevideo had visited Brazil a couple of weeks previously with an expert, was really the training of DCOs, so that there would be sufficient available for the Olympic Games in 2016. WADA also wanted to make sure that the NADO was in a position to operate alongside the IOC in relation to issues such

as pre-Games testing, the gathering of what was described as intelligence or information that might be helpful in creating the test distribution plan for pre-Games testing, in the same way that the UK anti-doping body had done in London, so those were the two issues WADA was trying to progress in Brazil, and he hoped to be in a position to give the members even more positive information in May.

Ghana was a country like most African countries with little resource to spare for a national programme. It had agreed to be part of one of the RADOs in Africa, to learn from that experience and then take on a national programme in due course if it had the resource to do so.

WADA continued to work alongside Russia, which had taken the initiative of hiring an investigative officer, who was a former officer of its intelligence department, described in the old days as the KGB, and so Russia had somebody on the ground for that purpose. Again, WADA would continue to liaise with Russia, and had sent a science group to see that things were working in terms of the laboratory. The idea for Sochi was to have a laboratory on-site, in the same way as Vancouver had had a satellite laboratory, so that would require an accreditation process and so on.

The members would see from his report that, in Turkey, there was still some resistance from a couple of sports to the progress made by the NOC, which had taken over responsibility for anti-doping there.

He added two other countries. WADA had paid a visit to Jamaica the previous month. The programme was again up and running after a lull caused by the resignation of its CEO, who had gone into politics, and it had taken a while to find a replacement. That had happened and the programme was running again.

He also mentioned Kenya. The WADA President and the regional director had visited Kenya the previous month and had suggested that Kenya look at an independent enquiry in relation to allegations made through the media about doping by its elite athlete runners.

ADAMS had been used successfully in London at the Olympic Games and the Paralympic Games. WADA had made advances to ADAMS: the ABP profiles were now available on ADAMS and WADA was reviewing those and would continue to do so to ensure that, if there were abnormal profiles, proper attention would be paid by the anti-doping organisation responsible, whether that be more testing or a sanction process. WADA had just signed a contract for the phone application and that would be in place the following year.

Consequent to the members' instructions from the September meeting, he had written to the five countries concerned about compatibility of their IT systems with ADAMS, and he had not had any response from any of the five since his correspondence.

On management, all of the members had seen the list of activities that the management was mandated to undertake by the Code and the members. There was also a list of projects required of the WADA management that might lead to activities. The management was often asked to prioritise such lists, and it was almost an impossible (if not a totally difficult) task to make a management decision on issues that were really governance issues but, if the Executive Committee wished the management to do that, it would list those activities in the priority that it suggested that the Executive Committee direct the management to take. There had been no increase in staff since 2004, although there had been some changes and restructuring, but the management kept getting asked to do more with no real increase in resource. There would be more activities required of the WADA management going forward as a result of the proposed changes to the Code, and he asked the members to bear that in mind when looking at the increase in activities asked of the management. There would come a time when the management would have to say that it could not do something. WADA did not have a team that liked to say that; the team tried to stretch each day beyond the number of hours given.

The members would see that the management had provided the IO team reports from the Olympic Games and the Paralympic Games, and these were posted on the website.

In his report, he had mentioned extra funding. This was an issue that the management had been asked to deal with for a couple of years. Explicit mention had been made in the financial papers of the extra monies received from some countries in addition to their regular dues. They were extraordinarily invaluable to anti-doping activities. WADA worked with governments to ensure that, at the end of the day, it got 100% from governments, although it was a little lower than that in terms of actual dues, as there was extra money, and the IOC had kindly agreed to match the extra monies until WADA did get to 100%. He had a letter he had received from the Minister of Sport of the Russian Federation and he wished to quote from it: "Considering the strict position of the Council of Europe that the member states refuse to increase their annual contributions to WADA's budget, we understand that it practically means the cutting down of the budget, and it will influence firstly scientific and education programmes and research, which are sometimes more important than testing. Russia has decided to take measures to support WADA and to contribute financially to reinforcing the fight against doping and to developing new anti-doping programmes. We hope therefore to add 300,000 euros to WADA's account going forward to allow your agency to continue those activities you planned for upcoming years. I hope we will start to make this voluntary contribution to WADA additionally to our regular contribution from 2013". He thought that that was a significant gesture, and had written back to the minister to thank him. He could not confirm that it would be paid until the money was received, but it was a gesture from Russia that indicated significant support.

Also of extra benefit to WADA were the hosts who met the costs of WADA's scheduled meetings, and he had mentioned the Athlete Committee meetings that had taken place in Japan and Russia, which effectively meant that WADA had not had to use the budgeted accounts allocated for those meetings. He was not so positive for 2013, but would work with those looking to host the Athlete Committee meetings in 2013 and see what they could contribute by way of assistance, and he would come back to that later in his report.

He had to mention the USADA Armstrong decision. It was a very significant decision, as he thought everybody understood, in uncovering a major conspiracy to defeat the rules. USADA had issued its detailed and well-reasoned decision based on a significant amount of collected evidence, a number of riders had provided sworn testimony, and all those riders under USADA's jurisdiction had been sanctioned for a period of six months, and not two years pursuant to the substantial assistance clause in the Code. The UCI had elected not to appeal, and WADA had taken independent legal advice from senior counsel as to whether there were any aspects of the decision that WADA should appeal. The advice had been not to appeal. WADA had asked the independent counsel to look in particular at the question of limitation. It had been addressed in the opinion, and the advice had been that USADA had construed the statute of limitations pursuant to US law, so WADA had not appealed and it had not appealed the six-month sanctions against those athletes who had given substantial assistance because those sanctions had been issued pursuant to the Code. Nor had the UCI appealed those. There were still two hearings to be carried out by USADA: one in relation to the trainer and one in respect of a doctor, so there was still an ongoing case at USADA level. He anticipated that that would mean more evidence and more information that would come from those particular hearings. He understood, and he was sure that Mr McQuaid would tell the Executive Committee, that the UCI was also conducting an investigation; he was not aware of its scope or the people who might undertake it, but WADA had a great amount of information and evidence that it could put to an independent body if it had appropriate terms of reference. He thought that the case exemplified what WADA had been saying for some time, ever since BALCO and Marion Jones, that sophisticated cheats, often aided by very bad and unethical people, could beat the testing programme. WADA's initiatives in joining with law enforcement bodies and others had been instrumental in

many big cases from Turin onwards, and were becoming very noticeable. He hoped that USADA's initiative would awaken awareness and action in other anti-doping organisations. He gathered from the meetings that had taken place in Europe the previous week that many of the NADOs in Europe were now looking at ways and means of starting those enquiries to ensure information could be made available to them. WADA's protocols, which had been issued a few years previously, could be of great assistance in that regard.

Turning to the Ljungqvist symposium in Stockholm, it had been hugely successful, highlighted by a very strong focus on social and health issues around doping, which showed, and he thought that governments would take note, that doping was taking place at a much lower level than elite athlete level, and was a significant issue as far as the health of societies was concerned. The trickle-down effect of doping continued and he had mentioned that in London. Amateur cyclists and schoolboys were involved in doping cases, and WADA needed to be alert to that and needed to make sure that the information it received about the trickle-down effect was passed on to the governments, where some work could be done. He had mentioned the Danish report, and thought that initiatives like that had to be talked about as much as possible to ensure that societies could benefit from WADA's advice.

He had mentioned in London the IOC retesting, and Professor Ljungqvist had referred to the matter that morning in relation to the minutes. The hearings in relation to the athletes concerned about positive results of retesting had not yet taken place, so it was not an issue that could be discussed in terms of particular cases. He could say that WADA was working with the IOC so that there would be good protocols in place as to the reason for storage and the reasons for retesting, and when retesting or reanalysis should take place.

He referred to several special projects in his report, and had said in London that WADA was engaging INADO to help it with the paperless project. WADA would still be part of that but had neither the time nor the money to undertake the project itself. It was regrettable that WADA could not do so, but it was a decision that had had to be taken in terms of how WADA's staff was spread among the activities required.

He hoped that statistics would be in a better shape by the end of the year, so they would be presented in a far more encompassing fashion in 2013.

WADA kept trying to initiate the Better Practice programme, something about which Mr Donzé would talk to the Foundation Board the following day. One of the problems was that those who really needed the programme did not have the resource to get engaged with WADA, so WADA was finding it difficult to deal with the IFs because of their lack of available time and people. That was a bit of a problem. WADA had engaged in an initiative for the World Games, to be held in Cali, Colombia, in July the following year. WADA would be part of the anti-doping programme initiative for that event to help plan the programme well in advance. WADA had people going to Cali the following month to sit down with the organising committee and those responsible for the anti-doping programme so that WADA's assistance could be given then, and not just at the time of the event. He hoped that would mean that, at the time of the event, there would not be so much need to hover around and give guidance on a daily basis. That was the sort of model that WADA would then have for other major games organisers, and WADA could participate with them in their planning process rather than at the time of operation.

WADA had contracted a new IT service provider. The transition from the former provider to the new one was proceeding; there had been a few minor bumps, but nothing that had caused any difficulty.

The risk assessment project to which he had referred in London continued. There might be a report by May. The internal risk management assessment report should be completed by the end of the year.

The quality of anti-doping programmes was something WADA had been asked to report on in the next compliance report. Many recent initiatives indicated that compliance had to have the standard increased, and WADA was looking at working with those international companies and firms that did compliance work on a regular basis to see whether they had ideas as to how to measure quality. In that regard, he wished to make a brief comment on the Working Group on the Ineffectiveness of Testing. He had spoken the previous day to the chairman, who wanted more time so as to have an in-person meeting of the group early the following year, but had wanted him to exemplify the fact that, going forward, the bar for compliance had to be raised and implemented by WADA in such a way that quality testing and programmes were being seen to be reported on.

Regarding the major leagues, he had visited the NFL and Major League Baseball people in October. It had not been possible to meet with the NHL people, as the NHL was still involved in a lockout, and it was very difficult to get their attention while that was going on. The NFL had said that the issue of Hgh testing was likely to go to a special committee or individual appointed by Congress, because the players' association had not moved at all from its position, and the NFL was trying to look at a way of getting an appropriate outcome. He had not heard about progress there in the past couple of weeks.

One of the initiatives that the baseball people were looking at was putting more samples through CIR, because recently they had detected quite a number of synthetic testosterone cases, and all had been detected because the CIR system had been used, although the ratio had not been above 4:1, so it was obvious that athletes had been able to beat the 4:1 ratio quite easily and get away with it. A major initiative from Major League Baseball was that its people had agreed to host the Athlete Committee meeting in January in New York, and WADA was looking forward to working with them in that respect. They would help WADA in terms of the cost of the meeting and the provision of a couple of speakers from the major league, to give the WADA Athlete Committee a little bit of an insight into how the major leagues in the USA and their players' associations operated.

THE CHAIRMAN asked if the members had any questions or comments regarding the Director General's report.

DR SCHAMASCH congratulated the Director General on his report, which was, as usual, very extensive. He was still slightly concerned about the accuracy of statistics. He had seen the reports from WADA in this regard, but would like to know on which basis the statisticians would work, the kind of timeline, and the parameters to be used, and was still quite frustrated having heard that none of the stakeholders using systems other than ADAMS had responded, because EUGENE and SIMON were quite pivotal; so, if it was not possible to get this information, the statistics would still be biased. Therefore, a huge effort should be made in order to have the statistics as accurate as possible, as they reflected what WADA was doing and that was directly linked to the perception, which was also linked to the other topics on the "non-accuracy of testing" (he preferred that wording to "ineffectiveness").

MR MCQUAID thanked the Director General for an excellent report, as always. He had a couple of points, the first of which related to Brazil. It was a situation that concerned him and should concern all of the members greatly, particularly on a national level. The national coach of the cycling federation had recently resigned because he had claimed to have witnessed doping on a national level. There were only three years to go until the Olympic Games. What sort of activity was going on in Brazil in terms of anti-doping? It would seem to him that there was a lot lacking and, with only three years to go, he was afraid that another year or two would go by and suddenly the Olympic Games would be on top of them, and the situation would still not have improved.

In relation to the USADA investigation, the Director General had brought up the subject of independent advice received by WADA in relation to the possibility of WADA

appealing, and USADA had presented a case in such a way that there was no need to appeal against US law, but where did that leave WADA with the WADA Code in relation to that, and would it be possible to see that independent review?

The Director General had asked, and perhaps he could brief the members on the decisions taken by the UCI in relation to the independent commission. The UCI had naturally been very shocked to realise the amount and extent of doping activity that had taken place within that team during that period under their very noses. The UCI had not been aware of it. The UCI had been catching several riders during that period, but the group in question seemed to have been able to remain below the radar, and so the UCI had asked that an independent commission be set up to investigate why that had happened, and investigate a lot of the allegations made in the USADA report against the UCI or against activities or things that had happened within the UCI during that period made by athletes, and that that commission should be independent. He had approached John Coates, the president of ICAS, to assist the UCI in setting up that commission, and he had agreed to do that. Mr Coates had proposed a chairman, whom he had met that week and who was of a very high standing. He did not want to say any more as the chairman still had to formally agree, but had wanted to meet up so as to understand what the UCI wanted of the commission. The chairman had started off by assuring the UCI that it would be a completely independent commission, it would hold its hearings in public, and the UCI had asked that the commission report back by 1 June. The chairman was working with John Coates to define the second and third members of the commission, and hoped to get back to the UCI by the end of that month with the composition of the three-man commission, which would decide on the terms of reference, and the UCI would accept the terms of reference proposed. When the UCI made the announcement of the commission, hopefully in the first week of December, in that announcement there would be a statement whereby the commission would accept submissions from interested parties. As the Director General had said that WADA would certainly be interested in meeting up with the commission, that possibility would be there. That was the current situation.

PROFESSOR LJUNGQVIST thanked the Director General for his report and for mentioning his symposium in Stockholm again and the success it had had. It was difficult of course for him to talk about the success of the symposium, but the objective feedback received certainly confirmed what had been said. The symposium seemed to have been quite appreciated and very much welcomed by those present, and as mentioned also in the document, there had been an official conclusion published on the appropriate website. It was the first time that five important key stakeholders (WADA, the IOC, UNESCO, the WHO and Interpol) had come together on this issue, and it had been widely recognised that doping was used in society to such an extent that it did indeed pose a health threat and was a public health issue, and that had been further confirmed at the recent meeting with the pharmaceutical industry in Paris. This had been a successful meeting and it had been confirmed again by the WHO that this was a public health issue and it was important that the government representatives round the table recognise that. This was a very important issue to be dealt with by governments. A similar symposium might be organised in three years' time, depending on how things evolved.

He reiterated what had been said about a different matter, the concern from an Olympic point of view with respect to the larger countries or NADOs with problems. Most or many of them were involved in the Olympic Games, either as hosts or, in the case of Turkey, a country that was presently interested in hosting the Olympic Games, and those three countries, Brazil, Russia and Turkey, which had such huge problems in this particular matter, should be given high priority, although he did not know what could be improved in the three countries. There was also some concern with regard to the problem with the Turkish laboratory.

Of further concern was the paperless project that had been deferred to the new organisation, INADO. He wondered why this had been given less priority by WADA and

in particular wanted to know how WADA would make sure that the matter would be brought up as a priority matter in the new organisation. He felt confident personally as he recognised the competence of the people at INADO and its advisory group, and that was very good indeed, but he did not want to see a halt in the procedure related to the project as he felt it was of some importance.

MR REEDIE said that he had been one of the four people from the IOC invited to attend Professor Ljungqvist's symposium, and it had been well organised and interesting. There had been a very eloquent lady from UNESCO, and he had complimented her on her presentation. He had subsequently been rewarded with a letter from her thanking him for agreeing to recommend to the IOC that it would pay for a lot of UNESCO's work, so he warned the members about how complimentary they were to smart ladies from UNESCO.

Secondly, to follow on from the points made about Brazil, when looking at the wind-up from the London Olympic Games, and this had come from LOCOG and had been backed up by the IOC, the cooperation between the UK national anti-doping organisation, the IOC and, to an extent, WADA had worked beautifully and had set a standard for the Olympic Games going forward which Brazil could not currently do. Its NADO had about one-and-a-half employees, so somehow, whether through the IOC or government relationships in Brazil, it was necessary to get them to understand that, if they did not face up to this particular issue, the whole prospect of the Olympic Games was at risk. He thanked the Director General for the good news on the insane generosity of the Russian Government. Just to be clear, did that mean that they would pay the money in 2013 and every year, and when was WADA going to get it?

DR SCHAMASCH said that it might be raised later on but he wanted to thank WADA for the perfect meeting organised in Paris on Monday with the pharmaceutical industry which represented a milestone in such cooperation. It had gone very well and he credited WADA among the organisers.

To elaborate on what Mr Reddie had just said about Brazil and the collaboration with a very well recognised NADO, Ms Pesce should be thanked for the huge job she was doing in the continent, especially with Brazil. Brazil had started out-of-competition testing, but had sought the advice and assistance of Portugal, which had led to quite a national scandal because one of the DCOs (a man) had insisted on witnessing a lady passing urine, and that had caused a scandal in Brazil, so he did not know if this kind of collaboration was desirable for the preparation of the next major event in Brazil. That was something that had to be taken into consideration and, when the ad hoc group met, it would probably have to discuss the issue of the right collaboration with the right body.

MR JURITH thanked the Director General for his excellent report. He wished to make two quick points. He had had a meeting the previous day in Washington with representatives of the NFL Players' Association, who were interested in close collaboration with the ONDCP and USADA on their overall prevention and education efforts. He would pass that information on. He knew that there had been discussions in the past, but he thought that there were new personnel working on the issues and he thought they were more willing to collaborate with WADA. In terms of ADAMS and SIMON, he had had a conversation that week with USADA, which had received WADA's letter. It was working with the other nations and putting together a response, so he thought that WADA should be getting that shortly.

MR ODRIOZOLA congratulated the Director General on a very thorough report. He wished to briefly mention two things. Regarding the USADA case, he highlighted that the case against Armstrong showed the significance of non-analytical investigations and the importance of independent national anti-doping organisations, and the benefit of athletes providing information to help the fight against doping in sport. Regarding the paperless project, he understood the reasons for dropping it, but strongly encouraged WADA to provide INADO with every possible assistance to ensure the successful delivery of the project, which he considered very interesting.

He did not know whether he had understood Dr Schamasch correctly but hoped that, when Dr Schamasch referred to the Portuguese doping authorities, he was not implying that they were not appropriate. He had been a bit surprised to hear that comment against the Portuguese anti-doping organisation.

Before asking the Director General to respond in his usual systematic way, THE CHAIRMAN wished to make further comment on a couple of matters. He had been reminded of the hospitality and courtesies extended to so many of the Executive Committee members by LOCOG at the summer Olympic Games and Paralympic Games, and he wished to place on record the appreciation of WADA for allowing it to participate through such things as the Outreach programme and the Independent Observer programme, and to enjoy the event itself in so many ways, particularly the contests of the athletes; so, on behalf of WADA, he extended his appreciation and noted that London had conducted a magnificent Olympic Games, and many had had the joy of witnessing them in the manner he had described. He knew that some of the Executive Committee members had gone to the Olympic Games wearing not their WADA hats but other hats, and no doubt had had the same reaction he had briefly described, so he thanked London and the Olympic Movement for the privileges that had been extended for the two events.

Regarding the issue of the mandated tasks to which the Director General had referred and the fact that WADA was operating under the same equivalent full-time employees for 2004, WADA had not increased personnel, and yet, as he had reminded the governments that morning, if WADA approved the reinstatement of accreditation for the Turkish laboratory, that would cost money and time, in terms of steps to be taken and supervising the way back for the laboratory. That was an additional task that WADA did not normally put into its budget, and it seemed to him that, every time the Executive Committee made a decision to do something extra, it was requiring people to do more and putting further strain on the budget. This would be dealt with more fully when Mr Reddie presented the budget, but he asked for a ball-park financial impact statement on what the proposed changes to the Code might mean, because there would be costs associated with changing the way in which WADA used the rules, i.e. the Code in the fight against doping in sport, and he thought that the members needed to know that up-front. It was not a case of being able to absorb that time after time.

There was a great deal of goodwill in Kenya, which had won eleven medals at the London Olympic Games, and 15 in Beijing, so it was a powerhouse in track and field by any criteria, yet it was only one of 10 countries in a RADO, and WADA extended itself to 122 countries around the world through the RADOs on the smell of an oily rag, or certainly not a lot of money, in a way which meant that WADA was able to provide from its budget as little as five analytical tests in a year, and more came from the IAAF and Olympic Solidarity and the Olympic Movement, but that was as far as WADA could extend itself in countries like those in the RADOs in Africa, and that was just an observation that the members should contemplate in terms of where WADA was heading, and he knew that what had been suggested by a group of public authority countries, which had put together a paper, was that WADA should look at the priorities of its strategy, and see just where that might go, and more would be said about that again during the finance report.

He too had been going to say thank you to Dr Rabin in particular for the conference that had occurred the previous Monday. There was little doubt that this innovative approach had brought in a huge number of people. It had been sponsored by the French Government, UNESCO, the Council of Europe and WADA; the IOC president had come and spoken, but perhaps more importantly, a clear message had gone out to the laboratories and the companies that operated those on a worldwide basis that partnerships were essential in order to be effective. WADA had made a terrific start there thanks to the science team's work, but this had to be extended much further and he believed that the step taken the previous Monday would certainly be a good basis for WADA to do more in the future.

He had had the opportunity to spend some time with Professor De Rose the previous day talking about the broad issues relating to Brazil, and he had understood that there was a little bit of a turf war going on down there as to who did what. The new body had taken a long time to be formed and, in terms of putting people in place, longer than people would like to get the personnel, but the legislation had been passed and the money required had been fully appropriated through the government system. WADA had been asked to work with the IOC, and Mr Andersen and Dr Schamasch had been to Brazil many times together to try to progress the issue a little further, so he guessed that it came down to continuing those efforts, which WADA would do, but he assured the members that everything he had seen had shown him that a significant effort had been made.

The members would have heard about the WCO issue. WADA had thought that it had a secondee from the Swiss Government to the WCO, similar to the secondee funded by the French Government to Interpol. Unfortunately, that had fallen through, for reasons that the Swiss Government had explained. WADA would love to have an officer working with the peak body of border control to assist WADA in the context of the movement of performance-enhancing drugs across borders and the issue of trafficking; so, if any of the members could see their way clear to encourage their governments through the appropriate minister in their country to second some person, that task could be performed. The WCO would be happy to have somebody, but it was necessary to find somebody who would fund it, as WADA did not have the budget to do so, as the members were aware.

THE DIRECTOR GENERAL responded to Dr Schamasch. He could answer the question about statistics in two ways. First, the way in which the laboratories were reporting that year was different from the past and WADA should get more information within the system, provided (and he had to say that this was a very strong proviso) the anti-doping organisations, when they sent their samples to the laboratories, were clearly delineating the sport and so on in their papers. The second part of the response was that WADA was hiring a statistician to look at the information that it had to date, so he was talking about the accumulation of statistics over the past eight or nine years to see how that could be better presented. The brief that the statistician had was very broad, as WADA had to give that person the information and ask what could be done with it, bearing in mind the desire of the stakeholders to get more data, so that was a project in progress and he was hoping to be able to report from the statistician by the meeting in May. The report from the ADAMS information would be available a little later on the following year.

He thanked Mr McQuaid for the question about Brazil. That had come up in a couple of the interventions made. WADA was working with Brazil, but so were the Portuguese, and the members had heard that the Portuguese anti-doping agency had been trying to help Brazil. The fact that it had become embroiled in a scandal had nothing to do with the effectiveness or quality of the Portuguese NADO. He had to put that on the record. It had just been a mishap. Brazil was also seeking the help of UK Anti-Doping, so that the programme put into effect for the Olympic Games in Brazil would mirror what had been done in London.

WADA had asked UK Anti-Doping to be involved with the IOC in London because, at previous Olympic Games, WADA had been providing the expertise to the pre-Games testing task force. WADA had deemed that to be inappropriate, given that WADA had had its Independent Observers looking at that pre-Games testing, and therefore there had been a conflict, so WADA had suggested that the IOC take on UK Anti-Doping in the task force. That had been accepted, and had been highly successful, as mentioned. WADA really needed to work with Brazil on a regular basis and the regional office in Montevideo would undertake more regular trips and activities with the Brazilians. The WADA/IOC task force was more of a higher political nature, but the day-to-day activities needed to be monitored a little more closely. The progress made was slow but the legislation was in place, people had been hired, and operations were being undertaken,

so WADA needed to get a report on operations by the following May to ensure that they were moving as quickly as possible.

He thanked Mr McQuaid for the information regarding the UCI independent commission. WADA looked forward to being approached and would cooperate in whatever way it could.

He told Professor Ljungqvist that WADA had placed the symposium report on its website and WADA had benefited from the contact that had been facilitated with the WHO and, as a result, had made good friends with the representative who had visited Stockholm, and subsequently agreed to partake in the pharmaceutical conference in Paris, so that had overcome a past barrier of lack of liaison in that area, and he thanked Professor Ljungqvist for providing that opportunity.

He recognised the defects in legislation. WADA was trying to do what it could, although it was not within WADA's mandate to see that countries that ought to have legislation in place proceed.

Regarding the paperless project, WADA was not just handing this over to INADO and asking it to deal with it. WADA would be working with INADO on it. Mr Koehler represented the WADA team working in relation to overseeing the activities of INADO in general and, in relation to the project, Mr Koehler would oversee it and provide other expertise from the WADA office, so WADA would certainly look at it. If it did not work and INADO was not making progress in a few months' time, WADA would have to think about another way forward. Several NADOs already had paperless programmes in place and they were working, so there was a basis upon which WADA could build. It needed to ensure two things: security (for obvious reasons) and universality, as there was no point having a system that would work in two parts of the world and not the rest of the world, and there was no point having a system that did not have the security that WADA required.

He told Mr Reddie that he thought he had answered the Brazilian question. Regarding the money, he did not want to count chickens until they hatched, and he thought the proof would be in the receipt of the first amount, but the minister had promised that it would be an annual contribution, and it came from an annual contribution of 500,000 euros made over the past five years to UNESCO's voluntary fund. Russia felt that the voluntary fund was well established and therefore planned to reduce the 500,000 euros to 200,000 euros and pay the remaining 300,000 euros to WADA. It was ad infinitum, so WADA would just have to wait and see year by year if it received the money, but there was certainly no limit mentioned in the correspondence he had received.

He looked forward to talking to Mr Jurith about the NFL Players Association, because WADA had certainly had some issues with some of the personnel representing the association when WADA had had meetings with them and, if that could be overcome, he thought that the way forward would be easier; and he looked forward to receiving USADA's response about ADAMS.

He certainly agreed with Mr Odriozola about the importance of independent NADOs and substantial assistance from athletes. Mr Odriozola would have heard his response about the paperless project and, with regard to Portugal, he agreed with Mr Odriozola, but he certainly did not think that Dr Schamasch had been criticising the Portuguese NADO.

PROFESSOR LJUNGOVIST said that he was very grateful for the WADA support of the symposium that had taken place in Stockholm. He thanked the Director General for giving the keynote speech. He was very pleased that WADA had quickly posted the related documents on its website and he thanked WADA very much indeed for this cooperation.

MS SCOTT said that she had been encouraged to hear about UK Anti-Doping working with Brazil, and wondered if there were plans to further develop this cooperation. It was known that the London Olympic Games had been a success in terms of anti-doping.

Were there some thoughts about developing a model of best practice whereby the policies and procedures enacted to get things done could be put into place for future host countries, providing them with a checklist, so that they could use that set of criteria and guidelines in order to establish a lot of credibility and confidence among the athlete community and the public at large?

THE DIRECTOR GENERAL answered that WADA was trying to develop that in two ways, one of which was through the work that it was doing with the IOC for Brazil so that the IOC had a better model upon which it could base its programme going forward. The IOC programme was in place because of the contract that it had with the host city and country. With the major games organisers in general, that was what WADA was doing in Cali, Colombia for the World Games the following year. WADA was trying to work with the organisers to ensure better practice in terms of their anti-doping programme; by initiating the work immediately, WADA would be able to produce a model of best practice. That was the aim for the following year.

MR MCQUAID asked for a response in relation to the independent advice taken regarding the USADA report.

THE DIRECTOR GENERAL responded that the independent advice received had been on the report and the statute of limitations, and the answer was that the way in which it had been interpreted by USADA was not in conflict with the Code or the law in the USA which governed USADA's process.

DECISION

Director General's report noted.

– **3.1 Working Group on the Ineffectiveness of Testing**

THE CHAIRMAN stated that this item had been covered briefly in the Director General's report.

THE DIRECTOR GENERAL informed the members that he had met with Mr Pound the previous day. Mr Pound was asking for more time to have an in-person meeting with the group. WADA was trying to schedule that for 23 and 24 January. Mr Pound had asked him to mention one of the issues that he felt was important, that the compliance report for 2015 be much stricter and stronger and the quality of anti-doping programmes be measured within that compliance report. That was the point Mr Pound had wanted him to raise with the Executive Committee, but Mr Pound would report orally to the Foundation Board the following day.

DECISION

Working Group on the Ineffectiveness of Testing update noted.

4. Operations/management

– **4.1 Executive Committee appointments 2013**

THE DIRECTOR GENERAL said that he would go through the items and any comments or questions could be made after the conclusion of 4.2. The Executive Committee membership would be determined later that evening. The people from the sports movement had all been confirmed but WADA was awaiting the meeting of the governments from the Americas and Asia later that day to determine their representatives, so they would be inserted the following morning to be tabled at the Foundation Board.

MR GOSAL wanted to thank all of the members, as this was to be his last meeting. Canada had been represented on the Executive Committee for the past two years. He thanked the members for the wonderful experience.

DECISION

Proposed Executive Committee
appointments 2013 approved subject to
clarifications.

– **4.2 Foundation Board**

THE DIRECTOR GENERAL said that the Foundation Board membership was in the papers and the Executive Committee needed to recommend to the Foundation Board that it adopt it the following day.

DECISION

Proposed Foundation Board appointments
2013 approved subject to clarifications.

4.2.1 Memberships 2013

4.2.2 Endorsement of composition for Swiss authorities

DECISION

Composition endorsed for Swiss authorities
subject to clarifications.

– **4.3 Education Committee Chair**

THE DIRECTOR GENERAL said that perhaps the most important issue was to welcome Mr Jurith back to the table and ask the Executive Committee to confirm that he would be replacing Mr Ward as the Chairman of the Education Committee. Mr Ward had resigned from the government at the end of October, and WADA had been sent a letter from the ONCDP asking that Mr Jurith take Mr Ward's place. If those matters could be dealt with, he could update the members on the world conference.

THE CHAIRMAN welcomed Mr Jurith and said that there was a vacancy by virtue of Mr Ward's resignation from government, and the proposal was that the Executive Committee appoint Mr Jurith to chair the Education Committee and as a member of the Executive Committee.

DECISION

Proposal to appoint Mr Jurith as Chairman
of the Education Committee approved and
member of the Executive Committee
approved.

– **4.4 World Conference on Doping in Sport 2013**

THE DIRECTOR GENERAL said that the World Conference on Doping in Sport was scheduled to take place from 12 to 15 November 2013; the planning was well under way, and WADA had a very strong internal team headed by Ms Withers in relation to logistics. A professional conference organiser was being appointed in Johannesburg, and so progress was well under way. The report in the papers mentioned some of the detail, but he noted the draft agenda format, which the members would have seen. This had been put together as a result of suggestions made by the members at past meetings, and it followed the model that had been used in Copenhagen, giving each of the standards a separate session for discussion, and giving the Code four sessions (two from the sports movement and two from the public authorities), to give everybody the opportunity to speak. The Executive Committee would meet on 12 November, in advance of the World Conference on Doping in Sport itself, and the agenda followed there would be similar to the agenda used in Madrid, and the Foundation Board would meet on 15 November in two parts, first to consider revisions to the Code and the

Standards and pass those, hopefully, then to return to the conference itself so that the closing ceremony of the conference could take place. Later on in the day, on 15 November, the normal November meeting would take place (truncated, of course, to ensure that it did not go on and on) to cover the issues that had to be covered under the constitution, such as the approval of the budget. Unless there were any comments, this was a matter for information, to show the members that WADA was on track and that the management had taken notice of the members' suggestions.

DECISION

World Conference on Doping in Sport 2013
update noted.

5. Legal

– 5.1 Legal update

MR NIGGLI said that there were three matters to which he wished to draw the members' attention, as he thought that they should be of concern to the Executive Committee. The first related to the new regulation on data protection in Europe. This was a matter that had been on the table for over a year and discussed on a number of occasions. Since the Foundation Board meeting in May, the WADA President had met a number of ministers in Europe to raise the issues, and a number of MEPs to discuss the issues, and he gathered from the discussion that he had had with many member states and European representatives that the issue was well understood and actually the concern was clearly shared by member states, at least on the sport level; however, four days previously, when he had been in Paris at the meeting of the monitoring group of the Council of Europe and then CAHAMA, at which the European Commission had been present, the question had been raised and the answer he had received from the European Commission had been extremely disappointing. The position was basically that there was no change to the current proposal and the only solution put forward by the Commission was for individual member states to pass individual legislation to allow them to continue the fight against doping in sport. This was a very dogmatic position because, in reality, he knew that this would not happen and problems would be faced by many member states to keep doing what they were doing in an efficient way. The concern was still there, and he thought that what WADA wanted to hear from Europe and particularly the member states was how they planned to address the issue in the coming months. He had heard that the European Parliament was trying to finish this work before the end of its legislature, which was the end of the spring, and therefore it was a matter of urgency. It was a matter that was not, obviously, in the sport sector, as it was dealt with by the justice ministers and the justice division so, as much as possible, the European sports ministers needed to reach out to their colleagues and try to get solutions. There was probably no single solution, but it was important that a solution be found to allow for the fight against doping in sport to continue. This was a matter that was still very much on the table and on which he looked forward to hearing from the European representatives.

The second item to which he wished to draw the members' attention related to a recent case concerning a basketball player, and it was a matter of how the basketball IF was applying its rules. A player had been caught in Portugal and, in accordance with the Portuguese process, had been given a two-year sanction. The IF, rather than following the process set out in the Code to appeal the decision if it was unhappy with it or to recognise it if it was happy with it, had taken the decision on its own and rendered a new decision following its own process without involving the Portuguese at all, handing down a six-month sanction. The result was that there was a player banned for six months worldwide and for two years in Portugal, which was precisely what WADA had tried to avoid by harmonising anti-doping rules. WADA had appealed the FIBA decision before the CAS, as it did not agree with it, but it was a matter that raised questions about the non-application of mutual recognition, one of the principles of the Code, by an IF. He sought views from the members on how to move the matter forward with FIBA.

His last point was a general point in relation to methylhexanamine. This had already been discussed once, but the members would see from the list of cases that WADA had no less than 10 appeals pending on this substance. There were two issues, the first of which was that WADA did not agree that methylhexanamine was a six-month substance. A lot of decisions had been taken with the explanation that methylhexanamine was a supplement and therefore only a six-month ban would be given. There were a number of cases in which it had been taken to enhance performance and it was a real substance being used to cheat. This was why WADA was appealing these cases, and everybody needed to be aware that, for such cases, it was necessary to look at the specificity of the case before rendering a decision. The other point, which was even more important, was probably that it was the responsibility of each anti-doping organisation to educate its athletes on the substance, because use was very widespread. It was in a lot of supplements, and it was not on the label most of the time; it had been hidden behind geranium oil and similar substances, but studies had since shown that geranium oil did not contain methylhexanamine, so when there was methylhexanamine in a product that was labelled geranium oil, it was because it had been added, and this was a real issue on the market at the moment, so there should probably be a specific warning and education to all athletes.

THE CHAIRMAN said that guidance and a resolution were sought on the matter involving basketball. That was the case of Tyrone McNeal, which was in the report. Were there any questions or comments on any matter including the matters spoken to by Mr Niggli?

DR SCHAMASCH asked exactly where WADA stood with regard to Spain, as there were still pending issues there with the conflict between the Code and the new Spanish law.

PROFESSOR LJUNGQVIST thanked Mr Niggli for his report. He agreed entirely with the course of action that WADA had taken with respect to the cases mentioned. Had WADA investigated the extent to which there were other IFs with the same rules that would allow them to take a different decision to the national body?

MR ODRIOZOLA informed Dr Schamasch that he was not present as a representative of Spain; he was representing Europe, so he did not think that it was relevant that he talk about the exact situation of Spanish law, among other things because he was no longer in the Spanish Government. From what he knew, there was a very fluent interchange of work between WADA and the Spanish Government, and the new law was prepared and would probably be presented to the parliament shortly. He was sure that Mr Niggli had more information on the matter than he did.

On the matter of European data protection, there was a current review of the EU data protection framework that could have important implications for anti-doping organisations and athletes. Everybody knew that. The European representatives were currently exploring the options within appropriate EU structures to ensure that data protection issues related to the testing of athletes were fully considered in the current review without infringing on the system of effective doping controls. The three representatives of the EU countries would be there the following day on the Foundation Board, and they would be able to explain a bit more about the matter, but he noted that the current European Union presidency, Cyprus, and the incoming European presidency, Ireland, would ensure that the appropriate coordination between sport and data protection would take place so that input from sport would be considered within the EU structure in this process. He informed the members that the previous EU presidency, Denmark, which would also be represented on the Foundation Board the following day, had encouraged all EU member states to consider the possible implications of the proposed EU legislation on data protection on national anti-doping frameworks, so everything was being taken care of and he was afraid that this process was taking much longer than suggested by Mr Niggli. It was a matter of EU legislation and it would surely take some time to come into effect.

MR MCQUAID made a point on methylhexanamine. It had been mentioned that each NADO should start educating its athletes. WADA was asking each NADO to reinvent the wheel, so would it be possible to provide a memo to all the NADOs on that with the relevant information? He thought that education was the answer in this sense, but a memo about the dangers would be useful. It was hidden in some products so even reading the label did not help much. Therefore, whatever assistance WADA could provide to the NADOs would be useful.

PROFESSOR LJUNGOVIST agreed with Mr McQuaid. He recalled that a similar situation had occurred previously, about the time WADA had been created, or just before, when it had become known that food supplements could be contaminated with banned substances and, at the time, the IOC had issued a clear recommendation to its members in an educational manner to inform sport about this new problem, and that had subsequently been copied by WADA, so the management might look back to what had been done at the time to inform the world of sport about a newly emerging problem.

MR REEDIE said that, looking at cases that had been appealed or followed up, it seemed to him that, in the three cases dealt with, the WADA appeal had been upheld, so it looked as if the CAS jurisprudence was very much in favour of the view that this was a substance that could enhance performance and therefore should be subject to a two-year ban; so, while WADA was telling everybody to be careful, check the labels and tell the athletes, WADA might want to inform them that, thus far, the evidence was that, every time this had gone to the CAS, WADA had won appeals, and it was likely that the jurisprudence would continue.

DR SCHAMASCH apologised for raising the question before the wrong person.

THE CHAIRMAN said that WADA consisted of public authorities and sport bodies. Data protection was a law that would affect everybody in Europe if passed. The advice that WADA had been given was that it could be passed as early as the middle of the following year. There was some wish to get this through before the European Parliament was dissolved. It was clearly an issue for justice ministers. He had done what he could to alert European governments, particularly those with influence, to the fact that this particular law would have a massive adverse impact on the work that WADA did and, quite frankly, it would penalise European athletes. It might also penalise other athletes. He had always felt that this was an unintended consequence and that sport was being roped up in a broad change of law that might well have some merit, in a broad sense, so WADA was not critical of the fact that the right was there for laws to be passed that were considered to be in the interest of the community of Europe, but WADA was saying that this would interfere in a significant way with what WADA was trying to do. It was incumbent upon the members sitting around the table who represented the public authorities to have a programme in their countries, and this should be coordinated. He had called upon all government members at the previous meeting to go and see their ministers and justice ministers and to actively campaign to have this change occur. To his knowledge, that had not occurred; with the exception of one letter he had received from Portugal and a couple of other comments made that morning, no feedback had come saying that anything had been done, so he intended to ask those representing Europe the following day to tell him what they had done and what their plan was for the future, and indicate that he would expect a report back by the following May, if the law had not passed by that time, on what had been activated. WADA was a partnership of sport and governments and this was a government issue, and he had to say that he believed that there had been a significant lack of action despite the pleas and requests made, so he was speaking strongly, and he was trying to say on notice that the downside of all of this was significant and should not be underestimated, and now was the time to get going.

MR NIGGLI told Dr Schamasch that the information that he had was that the law in Spain was being changed; however, there was currently still a law that did not allow WADA to appeal and which was not compliant with the Code, but the information was that work was progressing and should result in a new law.

He told Professor Ljungqvist that, as far as he was aware, there was no other IF that did this, and it was not only the rule but the way in which one interpreted one's own rules, and that was what would have to be discussed with FIBA, but WADA had not had a similar experience with any other federation.

He acknowledged what Mr Odriozola had just said, but the feedback that he had received from Brussels was that there was a sense of urgency. Perhaps Mr Odriozola was right, and hopefully Mr Odriozola was right but, when one listened to Mme Reding, who was in charge of the file at the European Commission, she had said that the Commission wanted it put to bed before the beginning of the summer. He did not know, but he thought that WADA should not totally disregard what those in charge of the project were saying.

In response to Mr McQuaid and Professor Ljungqvist, in relation to methylhexanamine, there were a number of things already on the WADA website concerning the substance, including the scientific studies that showed that it was not contained in geranium oil. In every publication of the List in the past year, there had been in the explanatory notes a special paragraph clearly indicating that this substance appeared under different commercial names or did not appear at all, and WADA could certainly look at whether it should do something more. It was a supplement issue, like the others in the past, except that WADA saw that the manufacturers were using this substance widely, probably because it worked.

He responded to Mr Reddie that it did result in a two-year sanction, in cases in which it had clearly been used to enhance performance. It was not prohibited out of competition. There were cases in which it had been taken out of competition, and then it had still been found later on in competition, and it could have been used inadvertently, and those cases were in the range of six months, so WADA did not appeal them, but there were many cases in which it had clearly been taken just before the match to enhance performance.

MR REEDIE strongly supported the suggestion that the Chairman ask the European governments the following day to take him through the action they planned to take, if at all. If Mr Niggli happened to be spending a weekend in Madrid and had nothing better to do, he might speak to anybody there and say that WADA should have the right to appeal cases in Spain before the IOC Evaluation Commission turned up in the middle of March the following year.

MR ODRIOZOLA objected that some of the comments that had been made about data protection legislation were a bit strong. It seemed that Europe was the least legally binding continent in the world when in fact he thought it was exactly the opposite. Nobody was underestimating the possible problems that this legislation could pose to the fight against doping in sport, and that was why all the EU presidencies were working to ensure that this did not happen. Regarding the comment made about Madrid, he would like to hear from Mr Reddie about Turkey or Brazil, as he did not think that the situation was better in those two Olympic countries.

THE CHAIRMAN drew the members' attention to attachment 1 to the item, which was a six-page paper on the problem this proposed law would present, and he suggested that it was written in a way that laymen could fully understand: it did not require legal qualifications to understand it, and it had constructive suggestions of amendments that might be made if somebody was prepared to move that way that would allow the law to go through without any impact in the manner that it currently had, so it was in that context that he would take the encouragement from Mr Reddie and he would be asking the following day what had been done and what steps were proposed going forward, as this could be fixed only by Europe, and he expected the public authorities to play their part as members of WADA in addressing the issue and doing everything they possibly could. He did not believe that any positive steps had been taken that had meant too much in the past. It was necessary to start again and this time actually make sure that something happened.

The resolution he sought from the members was that WADA write to FIBA and indicate that it was WADA's view that, whilst FIBA continued to override the decisions taken under the WADA Code, it was non-compliant, and to explain what it proposed to do about it so that WADA's Executive Committee might consider FIBA's position again when it met the following May. Were the members happy for a resolution to be carried along those lines? He believed that basketball could no longer simply do what it believed it had the right to do. A discussion on this issue had taken place at the IOC conference in Copenhagen in 2009 by himself and the Director General, with the then president and the executive director of basketball, and WADA had asked them then to try to change their rules and to accept that the World Anti-Doping Code and its constituent members were bound by the Code itself, and that there could not be a parallel programme by any sport if there was to be compliance. FIBA had fully understood that, and now WADA was seeing this particular case, in which FIBA had implemented in practice a second decision that made a bit of a mockery of the Code itself by virtue of FIBA deciding to ignore the Code and take its own action, so he asked the members to agree that a letter along those lines be sent and for a report to be given at the Executive Committee meeting in May on the outcome of that correspondence.

DECISIONS

1. Proposal to write to FIBA in an attempt to resolve current issues and reconsider the situation at the Executive Committee meeting in May 2013 approved.
2. Legal update noted.

6. Finance

– 6.1 Finance update

MR REEDIE said that item 6.1 was the minutes of the Finance and Administration Committee meeting held in Lausanne way back in June, at which stage the committee had checked the 2012 budget to see if there were any revisions, and that had all been reported at the September meeting of the Executive Committee; it had looked at the 2013 draft budget in particular and three scenarios on contribution increases ranging from 0% to 4%. The Finance and Administration Committee had brought to the Executive Committee in September a suggestion that contribution increases would either be 0% or 2% in 2013, to which he would return in a minute. He would be happy to take any questions on the decisions taken by the Finance and Administration Committee quite a long time previously. The meeting had taken place at a slightly unusual time; it had had to be organised much earlier than usual because of the Olympic Games, which had got in the way of normal timing.

DECISION

Finance update noted.

– 6.2 Government/IOC contributions update

MR REEDIE said that this item dealt with the contributions payable in the current year and the contributions update. There were new papers that had been on the members' desks that morning when they had come in, so he would speak to those. In 2012 up to 15 November, WADA had collected 98.45% of the contributions due from public authorities and these were, of course, matched dollar for dollar by the IOC. He had been looking through the list and, in the main, there were several relatively modest ones; he knew that work went on all the time, but WADA should probably be doing a bit of work on Venezuela, which did not seem to have paid. The fact that Brunei had not paid did not mean that it was about to go bankrupt. He assumed that somebody just had not done it, and there were a couple of countries in Asia in which some efforts needed to be made. In Europe, Bosnia and Herzegovina and the Republic of Montenegro were the two

major countries concerned but, if work continued and these contributions were received, the chances were that the overall contributions paid to WADA in 2012 would be satisfactory.

DECISION

Government/IOC contributions update noted.

– **6.3 2012 quarterly accounts (quarter 3)**

MR REEDIE said that regular participants at the meetings would have heard him saying that the first quarter showed an enormous profit, the second quarter showed a lesser profit, the third quarter showed an even smaller profit and, at the end of the day, he thought that WADA would inevitably have a small deficit.

The Finance and Administration Committee also provided the members with his favourite document, which was the quarterly statement of budget against actual. Ms Pisani sent these statements to him regularly. He had gone through the most recent one in some detail. It looked to him as if perhaps the Finance and Administration Committee's slightly confident view of returns on investments would be overconfident; interest rates in the markets were pretty terrible, and WADA took no risks because half of the money it had was public money and WADA should not be taking risks with public money, so he thought that WADA would struggle to make the budgeted figure of 500,000. WADA was also a little low on laboratory accreditation; that again was outside WADA's control. He watched the litigation figures with concern but, as far as he could see, WADA did not appear to have an enormous case that was going to descend and involve large amounts of money, and again it was the view of the Finance and Administration Committee that the litigation costs should be met out of the normal accounts in the year, rather than dipping into the litigation reserve, which was always there if another big case such as the Landis case appeared.

The London Olympic Games and Paralympic Games had actually cost a little less than planned, and that was gratefully noted by the Finance and Administration Committee, and he was pleased to have heard the Director General say that the work done by the Outreach team and the Independent Observer team had been well received.

WADA had started the year with a budgeted deficit of around 1.8 million dollars and he thought that this would probably be brought in at somewhere round 600,000-700,000 dollars. WADA had been efficiently saving and for once the exchange rates had moved marginally in WADA's favour. All that meant was that WADA met a smaller deficit than anticipated from the unallocated cash resources, and that was a good thing.

DECISION

2012 quarterly accounts noted.

– **6.4 Draft budget 2013**

MR REEDIE said that the members would see the strategic and operational plan explanations. The Finance and Administration Committee went through these one by one, and this was the justification for the expense on any given item that WADA had agreed to meet, and that resulted in the final paper in item 6.4, which was the draft budget. As the members could see from that, there were two significant issues (he did not propose to go through the budget on a line-by-line basis, as he thought that the members would be pretty familiar with the level of expense that WADA had department by department, and 2013 was a non-Olympic Games year, and WADA was just looking at deficit). If there were a contribution increase of 2%, the deficit would be about 1.9 million US dollars; if there were a 0% contribution increase, the deficit would be somewhere just below 2.4 million dollars. The Finance and Administration Committee still believed that the sound financing of any organisation should allow for regular increases in contributions because, if one did not have regular increases in contributions, eventually there would come a time when one would have to severely cut activity, and

the Finance and Administration Committee understood that but would not look forward to doing that. In fact, the Finance and Administration Committee would not do it; it would be the Executive Committee that would do it, as cutting costs would be a political decision, and that inevitably would happen. That having been said, his information was that there were several governments represented around the table that were very reluctant to agree to a scenario whereby there would be any increases in contributions in 2013 and he thought it would probably be better, rather than him doing his usual song and dance act about how the end of the world would come, to find out the reality of the contribution system and, once he knew what that was, he would be able to make suggestions as to how to deal with it.

THE CHAIRMAN said that he could start off by saying that all those who wished to speak to a 4% increase would have the first opportunity to talk, but he thought that some opinions should be sought, particularly since Mr Reedie had flagged governments on what their thoughts were on increases, and it might guide how Mr Reedie finished up on this item.

MR REEDIE said that, if the members looked back at the minutes, they would see that the Finance and Administration Committee had been happy to consider increases of up to 4% but, after a long discussion, in reality, had decided that that would be silly, and that it would put up an option of only 0% or 2%, and the IOC would be happy with an increase of 2% if that was what the agency decided.

THE CHAIRMAN said that Mr Reedie had invited particularly the government members around the table to express a view on the 2013 budget in the context of increases.

MR GOSAL thanked Mr Reedie for the preamble to the budget item. As mentioned in September, he thought that, when looking at the governments around the world and the financial difficulties every government was going through, particularly for 2013, Canada would support a 0% increase in budget contributions that year and could revisit the issue once the economic climate changed. Canada was working towards that and so he would appreciate it if WADA could stick to a balanced budget and a 0% increase that year.

MR JURITH associated himself with the sentiments expressed by the Americas representative from Canada. This was tough. In the decade since WADA had been created, everybody had recognised the importance of the sport movement and public authorities partnership and all were committed to that, but the reality was unfortunately that governments faced very dangerous and treacherous economic conditions. The USA was coming out of the recession, although that might not be true for the rest of the world. As he was sure the members had observed from the recent US elections and what was happening in the aftermath, they were either going over a fiscal cliff in the USA or the alternative was going to be austerity, and there had been a major piece about that in the New York Times that morning. He noted that the Director General and the President had indicated that WADA had the same staff that it had had in 2004. The ONDCP had less staff than it had had in 2004 and they had to do more work. This was just a reality. It was unfortunate, but that was the case. He had not been at the September meeting but, in the paper that the majority of them had collectively put together, the governments had been responsive to the request from the WADA management to come up with some suggested areas in which they thought that the budget could be reduced. He looked forward to feedback. He thought that the bottom line was that, in such an environment, the governments had been forced to really examine priorities and establish priorities. It was interesting, for example, when the Executive Committee got into the Code discussion later on, the members would talk about a desire for WADA to have more investigatory authority, and that was fine; that was a discussion that should take place, but that was going to cost money, so it was not just the governments that were asking WADA to do more, WADA understood that the governments would like to do more but, in the desire to do more, the WADA management owed the public authorities or the sport movement an explanation of the priorities. If there was a problem with the current testing regime, and he looked forward to Mr Pound's report, did WADA need to rethink how it was doing its business? Did

WADA need to move towards more non-analytical findings and encourage the NADOs to do that? What was the capacity of the NADOs to carry out their responsibilities? Saying that WADA had to do more was not the answer. The answer was, what were the things that needed to be done? He was hopeful, as his colleague had just pointed out, that the fiscal situation would be over soon, but unfortunately it was a reality that most governments around the world faced. The public authorities and the sport movement were in partnership, and it was important to understand the reality of what the partners on that side of the table faced.

DR SCHAMASCH asked about attachment 1 to item 6.4 and the issue of IT. There was a project called Live Link Health Check, and he would like to know what it was, because he had consulted with the Health, Medical and Research Committee chairman, and they did not know anything about that. The second thing was, for clarity, would it be possible to have a separate item on ADAMS? He had found ADAMS under items 2, 4, 5 and 6, so would it be possible to have an exact overview of ADAMS costs?

MR ODRIOZOLA fully supported the comments made by his two American colleagues and summarised the European position on this. Europe had to reconfirm its position on 0% growth in the government contributions to the 2013 budget, and particularly, and more importantly, would like to support a balanced budget, as there were two options there but neither of them was balanced: one had a 1.8 million-dollar deficit and the other a 2.3 million-dollar deficit. The only difference was that one had a 2% increase in contributions and the other did not, but the deficit was absolutely unacceptable. He reminded the Executive Committee that the Finance and Administration Committee, at its meeting on 20 June, had clearly expressed that, and he quoted from the report of the Finance and Administration Committee: "The current deficit sought on the draft budget for both scenarios of 0% and 2% is too high and should be reduced". Then it said that, "It strongly feels that it cannot accept the present deficit". The Executive Committee was really faced with two options, neither of which was acceptable. It would be acceptable to have reasonable use of the unallocated reserves, and by reasonable he meant something around half-a-million US dollars, but not 2.4 million dollars. A reasonable deficit would allow WADA to consume the unallocated funds in a period of four, five or six years rather than two years, which was what the result would be if WADA continued with unbalanced budgets. He congratulated WADA on getting new resources from external sources, such as the 300,000 euros that Russia would hopefully be giving in 2013, but strongly requested that budgetary savings be presented to the Executive Committee.

PROFESSOR GERRARD endorsed the comments of his colleagues and, as a co-signatory to the document, also endorsed the balanced budget and 0% increase.

As a representative of the Asian region countries, MR YAMAWAKI stated that it was very useful for WADA to set priorities in strategic plans in allocating the budget more efficiently; however, even after such efforts to achieve higher efficiency and if it was still considered necessary to increase the budget, the Asian region would be willing to accommodate the budget increase, provided the other countries also agreed because, at the Asia/Oceania regional intergovernmental meeting the previous June, the participants had discussed and determined how to deal with the budget increase. According to the discussion, he mentioned the position of the Asian region.

MR REEDIE said that he would like to answer the questions, probably in reverse order, as he had particularly liked the Japanese contribution. He dealt with them in order. He thanked the Canadian minister. He had been slightly encouraged by the minister's comment that he hoped that the economic situation would improve and that WADA might be able to go back to the good old days when it actually secured some contribution increases.

He told Mr Jurith that WADA had received suggestions on a balanced budget from a government representative, but a balanced budget involved taking anything up to three million dollars out of the cost base, and it had been the view of the finance people that

that would be rather severe when there were all sorts of things to do, not least the additional work that was necessary on the Code. Mr Niggli would deal with the ADAMS Live Link Health Checks.

He told Mr Odriozola that he was quite right. The finance people had said consistently that this could not go on indefinitely. Again, he saw the comments about a balanced budget. He did not believe that balanced at any given time was the correct way to go when there were some funds there that could be allowed to continue operations. He did have some thoughts on how to settle priorities, because clearly that had to be done, probably not seven or eight months in arrears by a finance committee half-way through a year, and he would be happy to discuss these with the President and how to get their minds round the priorities, particularly once they knew how the Code was shaping up and what had to be done for the future, and he might actually be able to state clearly at the May meeting the following year what he thought those priorities were and the members would have an opportunity to comment on them. While he understood that governments were reducing staff, he took the view that WADA actually deserved congratulations for keeping the staff constant over the past eight years. The Director General and he occasionally had a serious conversation over the phone whereby he said that WADA should not just employ another person to do something, and he thought that WADA had covered a whole pile of work with a consistent staff and WADA's Executive Committee should be grateful to the staff for all the work that had been done.

He thanked Professor Gerrard for his comment and said that he understood Professor Gerrard's position.

He thought that the end result was actually possible. He had put to the President about a week previously a set of his suggestions of what cost savings could be made immediately to reduce the 2.3 million deficit down to a much more reasonable number. The Finance and Administration Committee had had a very hard look at the situation in Montreal and had unearthed a situation whereby the research operation, which was one of the very highly regarded parts of what WADA did, had been involved in a rather difficult allocation of funds so that a number of projects that had been approved over the past few years had simply not been delivered for whatever reason, either because the researcher to whom WADA had wanted to give the money had not been able to agree on a contract with WADA or on occasions the work had started and then it had been stopped and WADA had got its money back, but the end result was that WADA had garnered, in the research account, just over 3.2 million dollars, and in the social science research account there was also about 180,000 dollars for work that WADA had hoped to be able to do but had not been able to do, so he proposed that WADA did not agree to have a balanced budget. He would like to do the maths and work out how to present this, but he suggested taking 1.25 million dollars from the research account and 100,000 dollars from the social science research account, which would give 1.35 million dollars of additional resources that WADA had not expected to have; actually, WADA would be moving some money that it had under a heading and putting it into the general account, and that would reduce the deficit to around one million dollars. If WADA's friends in the Kremlin came up with 300,000 dollars, that would help the situation, and WADA had always managed to reduce a deficit, whether it was through efficiency or exchange rates, although the latter were rather dangerous things to rely on as they could blow both ways, but that would allow WADA to proceed with what it wanted to do in 2013 and start the year with a budgeted deficit of one million dollars and no increase coming from public authorities and therefore no increase coming from the IOC, and he thought that that was a reasonable way to proceed.

MR NIGGLI responded to the question about Live Link, which was a system to manage documentation, and the health check was probably familiar to Dr Schamasch. It involved checking that the system would still be alive a few years down the road, and that was what the technicians wanted to perform soon. For ADAMS, there was actually a very detailed breakdown of costs, but it was broken down as there were different types of expenditure, including recurring expenses, specific planning projects, and capital

expenditure, which was cash that would be spent over the year but amortised over a number of years, so that amount would not show up in the account - it would be spread over a number of years and, if one added them all together, the numbers would give the amount to be invested the following year in ADAMS, which was about 2.6 million, but some of it was an investment over five years, depending on how quickly it was amortised. The costs were separate because they were of a different nature.

PROFESSOR LJUNGOVIST said that, as he understood it, the proposal was to make use of the unused money for research projects, so it would mean that it did not affect the budget for activities within the health, medical and research sphere, beyond the already decided research projects, but his question was then to Dr Rabin, who had full control or supervision of the ongoing research projects and those that had not yet been started: to what extent, if at all, might this have a negative effect on what WADA was expected to be doing?

DR RABIN observed that it was unusual for him to intervene during the finance report, but he thought that there had been some projects that had not been delivered and had been stopped before completion, so WADA had received some money, which explained why some of the money had not been allocated. Recently, in particular over the past two or three years, the committees overseeing the quality of the projects and the ones to be selected for approval by the Executive Committee had been very selective and had therefore not spent all the money, so the current situation was that he personally believed that WADA could do as much as necessary with the money received and not necessarily keep too much in the bank; that should not affect the way in which WADA approved certain projects and continued some of the key projects that WADA wanted to continue and complete in the future.

THE CHAIRMAN noted the responsible approach taken by the Science Department and Education Department in respect of these research grants. He recalled a discussion with Dr Rabin along the lines of, if the quality of the applications was not up to the mark on the basis that WADA ought to be spending money on research to help WADA to be more effective, to hold on to the money and then maybe the following year some additional projects could be approved when the quality was better, and he thought that the paper in respect of the social science research grants told the members clearly that the Education Committee believed that the recommendations that it was making was for projects would assist, and there had been a case in both departments whereby they had avoided the "use it or lose it principle", which departments frequently adopted, on the basis that they could carry over for when the quality was present rather than simply put it into research for the sake of it, and he thought that the departments had been very responsible and commended both the directors and their departments for going that way. Nevertheless, it did provide an opportunity to take the accumulated reserves that had come through to a point where, without diminishing the work of the research in both areas, WADA could say that it was not necessary to get the money; that year, it could take some of the accumulations and substitute that for contributions that were not going to be forthcoming on a 0% increase and ultimately, instead of finishing at a 2.3 million deficit, WADA would finish with something like a million-dollar deficit with a 0% increase. He moved to the recommendation to the Foundation Board the following day to proceed with a budget that would mean a 0% increase and a deficit with the adjustment that he had just mentioned of around one million dollars.

MR MCQUAID agreed with the proposal, and complimented Mr Reddie on pulling the rabbit out of the hat at the final minute. The point he wished to make was that, in that day and age, when WADA was constantly being informed that athletes were beating the system, the fact that WADA had built up money in a reserve that should have been used for research did worry him a little bit.

THE CHAIRMAN said that he wanted to spend the money sensibly on research; he had no problem spending the money on research, but WADA got many applications that did not measure up, and he would sooner make sure that WADA just spent it on what would help, and that was the decision that had been taken in the past and he thought it

was the right way to go. Of course research was important and it would be a tragedy to drop it as WADA did need to get better, and science did need to aid WADA to be better, but it was necessary to make sure that it was focused, and in that context he pointed out that the members had on their tables a green paper that discussed the 2013 scientific research topics. What the Science Department sought to do was look at areas WADA was worried about or interested in, and ask for projects to be submitted for funding that addressed those areas, and the members would see what the Science Department was looking for in 2013. He believed that that was the responsible approach; WADA did need to focus the people who could help on the areas that would provide the most help.

PROFESSOR GERRARD said that he understood what Mr McQuaid was saying and thought it was a very important part of the publicity that should surround the statement regarding the financial situation. He would hate the incorrect message to get out there that WADA was lowering standards. He endorsed what the Chairman was saying, that, if the research was not up to it, WADA should not be investing in it. WADA wanted good quality research that was meaningful but, at the same time, there was the possibility of a perception out there, and Mr McQuaid had very eloquently expressed this, that people might be of a mind that WADA was cutting back in an area that WADA did not think was that important when in fact clearly it did, so it was the way in which this was packaged and entered into any dialogue that might be generated by it.

THE CHAIRMAN reassured Professor Gerrard that there was no intention to reduce the budget that was the normal budget going forward; it was simply a question of finding the money from the accumulation of the past few years for the reasons that had been explained, and using some of that money to maintain the level of research in science and social science, so he would take note of the words to ensure that there was no message about reduction.

Mr Reddie could pass on that recommendation to the Foundation Board, which was ultimately responsible for approving the budget.

He thanked the governments, which had spent some time and had a look at certain areas and come forward with the paper that had been circulated a week or so previously with some suggestions. Those suggestions had been worked over by Mr Reddie, himself and the Director General, and they believed that they needed to do a little bit more in terms of prioritising strategy. They had therefore decided on an ad hoc committee, comprising the President, the Director General and the Chair of the Finance and Administration Committee, and would allocate some time when they were in London the following February to start looking at those strategies and would come back to the May meeting with a more appropriate response to the paper that had been written rather than the oral response he had given that day. He thanked the members; he was always willing to examine constructive suggestions. There were some matters on which he would have grave difficulties moving, but there were other matters that certainly warranted further investigation. He assured the members that he had not ignored the work that had been done and would give another report on it at a later time.

DECISION

Proposal to recommend draft budget 2013 with a 0% increase and a deficit of approximately one million dollars to the Foundation Board approved.

7. World Anti-Doping Code

– 7.1 Code Compliance

MR ANDERSEN informed the members that the agenda item was on the members' table for review and recommendation to the Foundation Board. WADA was constantly working with the stakeholders to update them on laws, regulations and programmes, and the members would see in their papers that the management was suggesting that the Executive Committee recommend to the Foundation Board that eight ADOs be deemed

compliant the following day. There were still two IFs remaining; these were SportAccord members, and SportAccord had made it quite clear to the Sambo and Dragonboat IFs that, if they were not Code-compliant by the May meeting the following year, they would be struck off as members of SportAccord. WADA was working on updating the strategy on compliance monitoring. WADA needed a new strategy and he aimed to put this to the members at the May meeting for review and feedback.

THE CHAIRMAN said that the recommendation sought from the Executive Committee was that the signatories referred to be deemed to be compliant. Was that the wish of the Executive Committee? That recommendation would be put to the Foundation Board the following day.

DR SCHAMASCH said that one current concern related to the Democratic Republic of Congo, which was not compliant according to one of the reports and in addition had not paid its contribution to WADA, and it was the host of an upcoming major event. He did not know what could be done in this regard, because it was known that the previous major event in Africa had been held in Mozambique and there had been a similar problem of non-compliance, but that had been before the report had been published. Now there was this problem with the Democratic Republic of Congo, which was not at all compliant and had not paid. Was there something WADA could do?

THE CHAIRMAN acknowledged that he was lost, as he did not know anything about the Democratic Republic of Congo.

MR ANDERSEN answered that WADA was certainly working with Congo and the regional director in Africa was also working with Congo to get it up to speed, so WADA would step up its efforts there.

DECISION

Recommendation to submit proposal regarding newly compliant bodies to the Foundation Board approved.

– 7.2 Code and International Standards review

MR ANDERSEN informed the members that the Code review process had concluded on 10 October and WADA had convened meetings of the Code Review Team from 15 to 19 October. Just prior to the meeting, there had been four different groups meeting on the different standards and, in the standards teams, there had also been a member of the Code Review Team in order to synchronise the various international standards and the Code.

The members would see the submissions that WADA had received on the screen before them. The screen did not show perfectly the number of ADOs and countries that had contributed, as there were organisations that had submitted reviews on the Code based on several governments, but also on several IFs; for instance, Europe represented close to 50 countries and SportAccord represented 107 IFs, so the figures were actually higher in terms of representation than the figures that could be seen on the screen. Mr Young would take the members through the Code in detail and ask for comments after the presentation on significant changes based on what the Code Review Team saw as significant changes. The members should of course feel free to comment on any part of the Code, and then they would be taken through each of the standards. He gave the floor to Mr Young, the main drafter of the Code.

MR YOUNG commented on the feedback received to date: there had been some 525 pages of comments to go through and each member had read every page. He would focus on about a dozen points for the Code which were either changes from draft one to draft two or areas in which there had been no change but a lot of stakeholders' feedback had been received.

The first area was the idea to get rid of the B sample. It had seemed like a good idea when everybody had talked about it in that room some time ago, but the feedback from

the stakeholders had been that it was not a good idea. That feedback had been strong and almost universal, and it had come from governments, sport and athletes, and so the B sample had been put back in. Consequently, there was no change with regard to the 2009 Code.

On Article 2.10, which was the new article describing the anti-doping rule violation of prohibited association, the feedback received had been that this was a good idea as one did not want Victor Conte of BALCO fame traipsing around the Olympic Games, but the way in which it was written was too vague and ambiguous, and he would take full credit for that. The team had therefore gone back and changed the language, specifically with respect to notice to athletes, whereby it was not a violation for an athlete to associate unless the athlete had received written notice not to associate.

Regarding List criteria, the 2009 Code said that a substance went on the List in the determination of the List Committee if it met two of the following criteria: potential to enhance performance, potential detriment to health, or violation of the spirit of sport. None of those was a necessary criterion but two were needed. The change made in version one said that there were still three criteria but performance enhancement was a necessary criterion. The feedback received on that had been strong and mixed, but certainly the majority had favoured the way the change had been made in draft one. This was a policy issue, a political issue, an issue for the members to decide, and he just tried to assist them by framing the issue. At the principle level, there were two sides to the argument. One side said that, in the anti-doping world, the goal was to stop cheating, which had to do with intent to enhance performance or performance enhancement in some regard, and so the potential of a substance to enhance performance really should be a necessary criterion. The argument on the other side came largely from governments, but also from both sides, and it was that one of the purposes of the Code was to protect the health of athletes, and the governments were particularly concerned about public health, and so performance enhancement should not be a necessary criterion; health and spirit of sport should be sufficient. That was a framing of the principles heard from the stakeholders. On a practical level, WADA had also had comments from the stakeholders, and he spoke specifically about marijuana, as that was what a lot of the comments had focused on. Marijuana was prohibited only in competition, not out of competition. On the one hand, feedback had been heard that, if WADA was trying to catch the real cheats, it had way too many resources devoted to catching marijuana users. WADA should not have to go after marijuana cheats when those resources could be better used to catch real cheats. The other side of the argument, from a practical point of view, was if, on a Saturday morning, a father and his son were sitting having breakfast and the son read in the paper that WADA had taken marijuana off the Prohibited List, that would be bad for everybody and it would send out the wrong message. The final comment he would make to help the members frame the argument was that whether marijuana went on the List was something to be determined by the List Committee depending on what the studies showed for particular sports or disciplines. There had been some discussion, and this had been vetted carefully with lawyers and CAS arbitrators, that if WADA added performance to the List criteria as a mandatory criterion it might somehow have an impact on individual cases. As he had explained in London, the team had made the language very clear on that and that should be a non-issue in the discussion. He had spent more time talking about that point than any of the others about which he would talk that day, but he felt it important to frame the issue for further discussion.

As to the menu for analysing samples, WADA currently had a problem, which was that a number of anti-doping agencies told the laboratories not to analyse for all substances; others did not analyse for expensive substances such as EPO or the use of IRMS for testosterone as a budgetary matter when in fact they should be conducting that analysis in their sport. The solution that the Code proposed was that everybody understood that anti-doping agencies had limited budgets, and that WADA wanted them to be smart with those budgets and, just as there was intelligent test distribution planning, there should also be intelligent test menu planning, so the proposal in that draft of the Code was that

ADOs, if they wanted to do less than full-menu full-method testing, should go to WADA to discuss their intelligent testing programme. If that happened, they could agree on what was intelligent for a particular sport, for a particular discipline within that sport and so on. If they did not go to WADA to discuss that, and there was no agreement, fine, but they would have to test for all substances and all methods.

A lot of feedback had been received in the area of sanctions. The general tone was that there was a very strong consensus that stakeholders, be they governments, sport organisations or athletes (particularly athletes), wanted stronger sanctions to be imposed on the real cheats. They also wanted more flexibility to deal with people who simply made mistakes. The idea from the athletes in particular was that they wanted a standard four-year ban for serious doping. To accommodate that, the team had come up with a chart, which was annex 3 to the World Anti-Doping Code, taking about 12 pages of Code text that went into detail describing the sanctioning scheme, and putting it on two pages, but he would illustrate by talking about what would happen if somebody had a steroid positive. If somebody had a steroid positive under the language proposed in draft 2, the athlete would get four years unless the athlete could establish that the violation was neither intentional nor reckless. That was the sanction for a steroid, for EPO, for diuretics and for masking agents. For stimulants, the same criteria would apply but the burden would shift. If the ADO could establish that the violation had been intentional or reckless, it would be four years. For specified substances, it would be four years if the ADO could establish that the anti-doping rule violation had been intentional. The rest of the information on the chart was simply a useful tool to show how the various other provisions of the Code, such as prompt admission, no significant fault or contaminated supplements or no fault worked in the sanction scheme.

The 2009 rule for article 11 on team sports was that, if more than two members of a team committed anti-doping rule violations during an event, it would be up to the event organiser to impose an appropriate sanction. There was no specificity on what the sanction would be; there had been unhappiness at what had happened in some sports with respect to team sanctions, and there was certainly no harmony in team sport with respect to sanctions so, in draft 1, the team had tried to come up with a harmonised one-size-fits-all solution for sanctions against teams in team sports, and the feedback received had been that one really could not impose a one-size-fits-all scheme because of the differences between the different team sports. The feedback had been reasonable and rational, pointing out that WADA could not put all the team sports into a single pair of shoes, and so the team had gone back to the original 2009 Code language.

As far as article 17, on the statute of limitations, was concerned, the old rule had been an eight-year statute of limitations, but the team had learnt that the better job an athlete did concealing an anti-doping rule violation (and sometimes it was an athlete and a whole conspiracy of athletes and other people), the longer it took to discover. The approach in article 17 in the first draft had been to simply change the statute of limitations from eight to 14 years. The feedback from the stakeholders had not been that there was a problem with extending the length of the statute of limitations, but they wondered what that would do to storage of samples: would it now be necessary to store samples for 14 years? The response in draft 2 addressed that concern and so, for tests that were based on samples, the statute of limitations was ten years; for tests based on other information, which could be discovered in an investigation, the statute of limitations was 14 years.

Education was a very important part of the fight against doping in sport, and the article on education had been strengthened with feedback from the stakeholders, particularly those who had focused their efforts on education. The changes pointed out that education involved information and values education. The information provided basic information to athletes on, for example, what was prohibited and how the system worked. The values education focused on the values of clean sport and prevention. The second article on the screen was a clarification of the roles and responsibilities of WADA in relation to something that WADA already had the authority to do, but it made it clear

that WADA was given explicit authority to conduct testing and investigation on its own initiative.

The last item on the slide, article 23.5.1, added a timing flexibility to the monitoring interval. In the current Code, monitoring occurred every two years, and that did not make sense when WADA was changing international standards and the Code, as had been seen from exercises over the past half a dozen years with compliance; WADA really needed sensible timing determined by the WADA Executive Committee. It did not mean that WADA was not going to do compliance or monitoring, but that the timing had to fit with the circumstances. Requests had been received from the European governments in particular and some others that the principles of proportionality and human rights ought to be more prominently referenced in the Code, and the team had done that by specifically referring to proportionality and human rights under the purposes of the Code on page one and the introduction to the Code on page five.

Finally, in the Code section, as the members knew, towards the end of the Code, in articles 21 and 22 and the like, there was a list of roles and responsibilities of different types of organisation. Article 22 described roles and responsibilities of governments. The 2009 Code had an introduction before getting to the substance of roles and responsibilities of governments which said, "The following articles set forth the expectations of the signatories", and then it listed expectations of what governments would do. In response to feedback from governments, and in that case it had been almost exclusively European governments, the team had done two things. It had changed some of the language to be more consistent with the UNESCO convention, and it had also added a comment at the end which stated the obvious, which was that governments were not bound by the Code; they were bound by the UNESCO convention, but article 22 set forth the expectations of the people who were bound by the Code (signatories, athletes and sport movement) on what cooperation would be obtained from governments in this partnership, so it had been made very clear that the governments were not being forced to do anything.

THE CHAIRMAN said that he did not expect that every one of the changes would elicit discussion and debate, although he expected that some would elicit a number of interventions. He went back and referred to the first slide on the reinstatement of the B sample. Was there anything anybody wanted to say about that? It had been taken out and it had then gone back in again.

The second change was a clarification of prohibited association. Could athletes spend time with Victor Conte? In other words, athletes had to be notified that a person was no longer an acceptable person to be associated with, but athletes could not get into trouble if they did not know about that person being prohibited through some penalty or for some other reason, so that had been clarified in favour of the athlete.

DR SCHAMASCH said that it was the result of different discussions, but asked who would be in charge of notifying the athletes.

THE CHAIRMAN said that this had been discussed earlier. Could WADA develop a register, or could this be done with ADAMS? An athlete might make an enquiry and ADAMS could throw out an answer. He thought that some more work had to be done there. How might this work in practical terms?

MR YOUNG responded that the language was pretty clear. There was a who and a how question. The answer to who would notify was any ADO with jurisdiction over the athlete, and the answer to how was that the athlete would be notified in writing. There was no ambiguity there. The team had taken the strictest form of notification, so that the athletes would really know. There was no imputed knowledge or website that should have been seen. The athletes had to be notified in writing.

THE CHAIRMAN referred to the List criteria and the question of the obligatory performance enhancement plus one other or any two of three as it currently stood. Were there any questions or comments regarding that?

PROFESSOR LJUNGQVIST said that he had not taken the floor over the B sample issue as everybody knew his opinion on that, and he probably should not take the floor on this matter, as everybody also knew his opinion on this proposal. He wished to make some observations and comments. He noticed that it had been clarified that, in the example of a CAS hearing, the List would be accepted and not the reason as to why it had been put on the List. He still had some concern that clever lawyers would nevertheless question whether a particular substance or method was performance enhancing, and why it should be on the List. They were free to argue, he believed, and thereby cast doubt on the validity of the List as such. He was afraid that CAS panels often made use of the benefit of the doubt and tended to excuse athletes on those grounds, but there was one more aspect, if the List as such were acceptable, that worried him, and that was still related to the fact that there were very few, if any, doping substances with proper scientific studies that really proved the performance enhancement effect of them, although everybody believed that there were reasons to believe they were performance enhancing. WADA had introduced a new group of substances, S0, which meant that they were substances not yet on the market and therefore not tested for with respect to performance enhancement, as they were still within the pharmaceutical industry. Much of the discussion at the successful Paris meeting one week previously had been on that issue, that there were substances in the pipeline about which WADA did not know, and it wished the pharmaceutical industry to provide information about those substances, but there would be no way of establishing the performance enhancing effect of those substances before they were on the market. He repeated: even then, there was no ethical committee available that would accept any proper investigation into the performance enhancement effect of those substances. It was very attractive for him too to have the performance enhancement effect as a compulsory component, but it simply could not be done scientifically. That was the situation. No ethical committee would allow that. Substances could have a different effect on elite athletes compared to non-athletes, so one could not conduct a proper study on volunteers; they had to be elite athletes, and WADA was prohibited from carrying out the necessary investigation on elite athletes, as it would have to dope them, so this was a counterproductive proposal. He asked the same question over and over again: the present system had worked fine, so why change a system that worked well for something that was full of dangers and could be counterproductive? He could argue further, but that was his first observation. WADA would run into problems, and he was sure about that.

MR JURITH thanked Mr Young for his excellent job as always. With regard to prohibited substances, he certainly understood the concern of a lot of the NADOs and others about testing for substances that were not specifically performance-enhancing but, beyond that, and talking about cannabis and other drug abuse, when the governments had first agreed to sign up with the sport movement to create WADA, one of the major concerns had been the health of the athletes and the spirit of sport because, at the time, this had been felt to be one of the problems that needed to be addressed by an independent anti-doping agency, in addition to cheating. It was interesting, when one thought about governments vis-à-vis drugs, all of the governments round the table were signatories to a series of international conventions that called upon them to control the abuse of all of those drugs, whether performance-enhancing or not, if they were not under some kind of medical supervision, so governments had that obligation whether or not it was in the sporting context or any other context, so they could not pick and choose their treaty obligations. They did not have that luxury. As chair of the Executive Committee and somebody who had spent his professional career dealing with drug abuse issues, the decision to abuse drugs was based on a lot of facets, including peer pressure and the dangers in the sports context, and the desire to cheat or not to cheat, but a common factor in that was the introduction to drugs, and most of that introduction to drug use began with cannabis, and this was known through research. He concurred with the point Mr Young had made that WADA needed to think about the implications of what it was proposing, as it certainly did not want to be in a situation whereby it saw rampant cannabis use. That was clearly not the signal that WADA wanted to be sending to young

people, that it was not performance enhancement so it was not necessary to worry about it any more. He did not think that this was a position in which WADA wanted to be. On the other hand he certainly understood, particularly in light of the conversation about budget, that WADA needed to approach the situation and deal with cannabis and other drugs like that in a common sense way, so maybe the Executive Committee could explore some solutions and talk about potential thresholds, and look for some kind of compromise, that on the one hand WADA maintained the goal of catching cheats but on the other hand it was not sending the wrong signal to young people, as well as parents and athletes in general, about how serious it was about dealing with other drugs that by other treaty obligations all the governments had committed to do in addition to the UNESCO convention, so he thought that the Executive Committee could work this out and he looked forward to further discussion on it.

MR REEDIE said that Mr Jurith had made him think a little bit more clearly. He would be pretty concerned about changing one of the basic tenets of the whole system because of a problem with marijuana. Surely it must be possible to sort out the whole marijuana problem rather than effectively changing the emphasis on a system that had stood WADA in very good stead. He had always thought that the one that would come under attack was the spirit of sport argument, because there were lots of things that could be argued as being outside or inside the spirit of sport, but that seemed to be recognised almost universally as a reasonable thing for a sport organisation to have in its rules. He tended to agree with Professor Ljungqvist. He would like the Code drafting people to say why they had pushed this reasonably firmly without making it totally compelling. Why the emphasis on this? Was it simply marijuana?

THE CHAIRMAN noted the slide that said that a strong majority of stakeholders had supported it, which was what had driven the drafting team. Thus far, three members wished to maintain the status quo.

PROFESSOR GERRARD said that, of the three criteria, the spirit of sport was by far the most subjective and difficult to measure, because everybody had different attitudes, and he did not say that it was any less of an issue, but it was one that would clearly not be the same in various parts of the world. He was one for catching cheats, not people who were disrespectful of the law and misused prohibited substances but, if WADA was to be serious about cannabis, why did it test for it only in competition? Why did it not say that it would test for it out of competition? It WADA wanted a message to go to those kids, WADA stamped it as being a drug that WADA despised for a number of different reasons, not just the in-competition aspect. That was important. Issues of public health and sport were not mutually exclusive, and working in that area for many years and being clearly very supportive of the physical health activity, the relationship with strong links to public health attitudes, sport had a very important place in medicine. It was the misuse of substances used for normal clinical medical purposes that was his concern. Anabolic steroids had never been meant to be used to enhance the performance of athletes; they were used to treat clinical conditions. He did not have quite the difficulty that Professor Ljungqvist did in determining something that was performance enhancing, and he was mindful of the terrible public experiment that had taken place in East Germany from the sixties to the eighties, and he was reliably informed that the unequivocal performance-enhancing effects of things such as anabolic androgenic steroids had been clearly shown and he was also reliably informed that the place-getters in women's shot put in London would not have placed in Moscow in 1980. There was a bit of catching up to do, and that was an example of the performance-enhancing effect of those substances, as it was known that the women in that event in 1980 had all been drugged. He was one for maintaining the criterion of performance enhancement and moving towards acknowledging public health by allowing one of the other two, and he based that on personal thought and his clinical experience, and he thought some of the motion around that that brought the marijuana issue into context was another issue that he believed WADA needed to address in a separate discussion but, without putting her on the spot, he asked Ms Scott how the athletes felt generally about why WADA pursued a particular substance if it was not performance enhancing.

Notwithstanding the difficulties mentioned by Professor Ljungqvist, why would WADA be worried about it from the athletes' perspective?

MR ODRIOZOLA said that the European governments' position coincided with what Professor Gerrard had just said, although a consensus had not yet been reached. Most of the governments were in favour of focusing on the cheats. So, considering the criterion of performance enhancement as the one that had to be there, but also taking into consideration the specificity of sport and the need to ensure a public health agenda, the majority of governments took that line but a consensus had not yet been reached.

MR YAMAWAKI supported Professor Ljungqvist's opinion, which was in line with that of the expert in the scientific committee.

MS SCOTT said that, at the previous meeting that she had had with athletes, it had definitely been the consensus that performance enhancement should be emphasised and, while she understood the concerns of governments with regard to social drug use and abuse, when talking about an organisation such as WADA, it really was as it related to sport, and so the message had to be clear that it was in place to protect athletes and fight cheating in sport, and that was the mandate. The recreational drug use and abuse and messages around that had to be provided by governments and not necessarily by the agencies put in place to protect clean athletes. Having said that, she did understand that the system had worked to date and, if it was going to change things drastically, she thought that the athletes would understand that as well.

PROFESSOR LJUNGQVIST said that he had limited his intervention to the pure scientific problems. In order to prove the effect of a drug, one had to carry out double-blind crossover studies. No such study had been performed, except for on amphetamines some 50 years previously. There was a lot of indirect evidence. The women's discus thrower winner in London would not have qualified for the final eight in Seoul 24 years earlier, and there were lots of examples of that with regard to the eighties, when steroid use had probably been at its peak. His concern related to the very serious problem of new substances coming onto the market that were being used by athletes before they came onto the market, which was why the S0 category had been established, and the main reason as to the conference held in Paris, to ensure cooperation with the pharmaceutical industry, but there would be no way of having the necessary experience or proof, so introducing the compulsory component of performance enhancement would inevitably delay any sort of introduction of new substances in the pipeline that athletes were already using, so it would definitely be counterproductive and against the interest of WADA to delay being able to introduce new substances on the List when they should be introduced. That was the scientific aspect; then he had other concerns. He agreed that it was usually not a good way to try to solve a particular problem for one substance by changing the whole concept. The scientific point was very problematic since WADA was very much trying to be proactive and prevent athletes from using substances that were coming onto the market. If this component were compulsory, and he repeated himself a little, there would be no chance of introducing it. The List Committee would have its hands tied; there would be no way of telling, so he was deeply worried about the introduction of this. Of course he could understand that this aspect had been difficult to relay to all the stakeholders, who were very attracted, as he would also be, to having performance enhancement made compulsory, but life was not that easy, and science in particular.

MR YOUNG responded that this was a policy decision. It was the job of the Code Drafting Team to listen and draft based upon what it had heard.

He told Mr Reddie that the team had come down as it had done in the draft in response to the feedback from the stakeholders, not because it had made a policy decision that it was right or wrong. He was not going to address policy arguments; he would address some technical arguments.

He told Professor Ljungqvist that there had been language in the Code from day one that said that the List was the List and, if somebody took something that was on the List,

it was doping. He had spent a lot of time in his life dealing with creative athletes' defence counsels. That was not a sea wall that they had ever come close to breaching; they had tried a lot of others, but that was one that had held up, and he and the other lawyers working on this would strongly predict that it would continue to hold up. As to what the List Committee needed to look at to put something on the List, Professor Ljungqvist might not be happy with this as a scientist, but the team had tried to address his concerns from a legal point of view, which was that the criterion for whether something was a prohibited substance or not was not studies, it was if the List Committee determined in its sole discretion that the substance or method alone or in combination had the potential to enhance performance. Scientific proof had been taken out. That might be awkward for the scientists. The other point made by Professor Ljungqvist and Mr Reddie was why WADA should change the system that worked for one substance. That was a policy issue.

Mr Jurith had asked whether, if WADA was just talking about marijuana, this could be dealt with using thresholds. The answer was probably yes, in terms of the practical impact of a lot of marijuana cases. There was a current threshold of 15 but, even at 15, one found people who had smoked out-of-competition, which was not prohibited, but still tested positive in competition when they were not stoned or in any way under the influence of marijuana, so that threshold could be bumped up. As a non-scientist, he did not know what that was, and by bumping the threshold up there would be fewer cases and therefore less expense.

The other points were policy points; they had been well made but it was not his job to comment on those. He thought that they were consistent with the framework he had tried to articulate in the beginning.

MR REEDIE said that Mr Young's response was extremely helpful. The one thing he had to question was when Mr Young had referred to the representations made. He would be quite interested to know the relative percentage on representations and where they had come from, as his strong feeling was that the Olympic Movement would not want this emphasis to happen. He fully understood the health argument from governments, but wanted to know how heavy the recommendations had been and their source, if he was allowed to ask that question. If he was not allowed to ask, he would be even more concerned.

MR YOUNG responded that, consistent with the modus operandi of transparency, all 525 pages of comments were on the WADA website, so Mr Reddie could go to the website and see exactly who had said what. Rather than forcing Mr Reddie to go and do that, he explained that there was a mix from all sorts of stakeholders. There were some governments that felt very strongly that the performance enhancement criterion should be mandatory, and other governments that felt just the opposite on public health. The IOC had been clear in its position, but there were several sport organisations that felt that performance enhancement should be mandatory. There were probably more NADOs that felt that performance enhancement should be mandatory than not. That was his 30,000-foot summary; this had been the most commented on of all the Code provisions.

THE CHAIRMAN said that it was his feeling that WADA should leave it as it was, but under very strong notice that this was in no way a done deal. There would be one more round of consultation, so this could be resolved at a later time. If he took the very bald figures of the numbers who had spoken that morning, those who would be in favour of the status quo were a little ahead; on the other hand, he was aware that a strong majority of stakeholders supported the other view. He thought that the Executive Committee should let the debate continue for one more round. He was not sure that it would be any easier the next time but, if the Executive Committee decided to go back at that point, it might find another debate that started to flow because WADA seemed to be putting it in and then taking it out, etc. He suggested leaving it as it was, under strict and clear notice that it was by no means something on which the Executive Committee had reached a conclusion, but with further input it might well have a better and clearer

view the next time. He suspected that that might not be the case, but suggested putting it under notice and leaving the status quo in the Code draft that was proposed.

Slide four related to analysis; were there any comments on that? Effectively what had been suggested was that the Executive Committee pick up the recommendation of a year previously, particularly that a minimum of 10% of blood samples had been recommended as the number by the Executive Committee. The reality was that nothing had happened since then, and the current draft stated that all samples had to be blood and also urine, but that one could move backwards from there on the basis that WADA had the capacity to consider that, if one collected blood samples, it should be on an intelligent basis and in many instances that would be a complete waste of time; so, if one was serious about intelligent testing menus, then WADA had the capacity to say, for specific sports, that it did not see the benefit of proceeding with blood tests. That way, WADA would get blood tests done that should be done, and there would not be an attitude whereby WADA was seeing about 3% only and, if it were not for the UCI's blood passport contribution to that, it would be significantly less.

DR SCHAMASCH asked which body within WADA would take the final decision on this.

PROFESSOR GERRARD said that he was very supportive of the rewording of the Code and the inclusion and emphasis on intelligent testing. His comment was a little extension to the comment made by Dr Schamasch: it was clearly not going to be one sport and one-size-fits all, as there could be several disciplines within one sport. For example, in aquatic sport, there was no sense in testing a tower diver for EPO when in fact that emphasis should be placed on a 1,500-metre or 10-km swimmer, so clearly it was not going to be one sport and, with that in mind, he wondered whether WADA had got its head around the logistics that would be required to entertain the enquiries that might come from within a sport or a NADO for individual athletes for the reasons he had just mentioned. It was a logistical issue, a mechanism and a process.

MR ODRIOZOLA said that the European position again echoed Professor Gerrard's. The emphasis on intelligent testing was very welcome; however, the model proposed regarding selective menus for different sports needed some serious evaluation, especially regarding multi-discipline sports. In athletics, for example, there were completely different disciplines. It would also be helpful to address how menus for low-level national athletes might be addressed.

PROFESSOR LJUNGQVIST said that he liked the rewording, as many others had said, and thought that it was a step in the right direction, although it was difficult to tell whether this would be the end story. He had a question about IFs and NADOs: would meeting organisers not also be able to apply for exemption from the full menu?

MR YOUNG said that the answer regarding meeting organisers or major event organisers was yes and he thanked Professor Ljungqvist. He would add major event organisers.

By way of a clarification to Mr Fahey's intervention, there were two points to this. One was what kind of samples one would collect. The other was, when one collected the sample, what one would analyse it for. The team had not been very clear on the first point but could be clearer and say, if one was going to collect any sample, one would collect urine and blood, subject to the discussion with WADA, which was the same discussion on the menu of what would be analysed.

The body within WADA had not been determined; it would be determined if the proposal went through. It would take resources. At least in some of the feedback from stakeholders, it was viewed as important, as it went to the very heart of intelligent testing and analysis, and that hopefully addressed the issue of how it was that WADA could catch more cheats with the same amount of money.

Regarding what Mr Odriozola and Professor Gerrard had said about disciplines, the language in the article specifically addressed sports and disciplines, and there had been an explicit recognition from the stakeholders and on the drafting team that what a ski

jumper might use would be different to what a cross-country skier might use (and this applied to the examples given for athletics and aquatics). The idea would be, using the expertise of WADA and the IF and particular NADOs as to what was being used in their countries, WADA would come up with the smartest menu for the least amount of cost.

THE CHAIRMAN concluded that there was general agreement that this should go into the next draft in the form proposed.

Before commencing the afternoon session, THE CHAIRMAN acknowledged that the Executive Committee had been joined by Mr Moemi, who was representing Africa. He welcomed Mr Moemi to the meeting.

Continuing with the Code item, he referred to the fifth slide on sanctions. His take-out was that the bad boys and girls would get four years, which was what he thought everybody had wanted, and then there was the rationale that pointed to that, and the members were at variance in the context of such things as intentional and reckless and who had the responsibility to get those points in there. Were there any questions or comments on the sanctions proposal?

PROFESSOR LJUNGOVIST agreed to the paragraph as it stood, and thanked Mr Young, but his question was, to what extent was this now being supported by the stakeholders?

MR YOUNG replied that there had been good support from the stakeholders on this, particularly from the athletes, and one of the side benefits suggested by a number of stakeholders was that, if WADA went ahead and did this, WADA would not need to deal with the other issues that people had raised about the Osaka rule. The team had killed two birds with one stone, and come up with something that the athletes and others were happy with.

MS SCOTT asked about the issue of the reduction from four to two years when an athlete promptly admitted to doping, and WADA and the ADO agreed to the reduction from four years. Did this mean that, if an athlete was caught and admitted, the athlete would get an automatic reduction in sanction?

MR YOUNG responded that the idea was to save money by not having to go through expensive proceedings during which the athlete threw defence after defence against the wall, hoping that something would stick, so there was a benefit to the ADO when the athlete promptly admitted after he or she had been caught, but there had been problems with the old rule where the ADO (and there had been one of these with the UK) did not want the athlete to get an automatic reduction, and that was why the language had been added that there would be an automatic reduction only if the ADO and WADA agreed, so it was no longer automatic.

THE CHAIRMAN asked if the members would be happy to proceed with the proposal on sanctions.

Slide seven referred to team sports, and the language reverted back to saying that it was up to the sport itself, the event or otherwise to decide on the penalty, as it was impossible to get a one-size-fits-all provision in the Code, with teams consisting of anything from a couple of people to massive numbers, so how did one get a consistent rule that was fair to everybody in those circumstances? Were the members happy with the proposal?

The next issue was the statute of limitations, and Mr Young had explained the difference between ten years and 14 years, and focused in the submissions on the length of time for keeping samples, which entailed a cost. Were the members happy to proceed with that proposal?

On slide eight, the education article had been strengthened; that was what the slide said.

MR YAMAWAKI said that, at previous meetings, Japan had expressed the importance of education at school, so he appreciated the inclusion of the concept in article 18.1. It was very important to Japan to promote education at school.

THE CHAIRMAN replied that Japan did it extremely well, as he had commented many times. If there were no more comments, he would move on to articles 20.8 and 20.7.10, whereby WADA was explicitly given the authority to conduct testing and investigation.

MR JURITH said that he thought that it would be important to know (at least to the USA, as he did not know if any other governments had this concern), when talking about investigation, what exactly WADA was talking about. What would the role of WADA be? What would the scope of the investigations be? How would WADA investigate and intersect with national law and national law enforcement or the jurisdiction of the NADOs, RADOs or IFs? He was not saying that it was not important, but he had a lot of questions in his mind as to how this would work out in practice. In addition, he thought that it would be helpful, in advance of final approval of the Code the following year, to get some kind of estimate from staff as to what kind of resources would be required if WADA went down that route. If WADA were to carry out proper investigations, it would need competent staff to do that as, if WADA did not have competent staff doing that, it would get into a lot of trouble, so he asked for further clarification on the issue in terms of the intent and why WADA needed this authority, as he had a lot of questions about how this would actually work in practice.

DR SCHAMASCH asked, as long as WADA had the possibility to conduct tests on its own initiative, why the second part of the article ("as authorised by other ADOs") should remain because, if it could conduct tests on its own initiative, it did not need the authorisation of another ADO. The rest of the sentence was correct but, as long as WADA could carry out tests on its own, why was it necessary to keep the phrase about the authorisation by other ADOs?

THE CHAIRMAN quickly gave an example of where he wished WADA had investigative powers. He had been in Kenya one month previously and there had been a problem there in that a world-class Kenyan athlete had admitted to doping. This case had been exposed initially on German television and this particular athlete had indicated that everybody had been doping, and everybody knew that Kenya was a place to which a lot of athletes went from different parts of the world to get the benefits of altitude training, etc. WADA had recommended to the Kenyan authorities that they undertake an independent examination of what the athlete had to say, to see if Kenya did have that problem, as the athlete had alleged, and he had put that same point when he had gone to Kenya, stressing the independent nature of the examination to the minister and the NOC. The Athletics Kenya president had unfortunately not kept the appointment to go and see him, and he still did not know why. Athletics Kenya had decided that there was no problem and that the problems had been caused by coaches from other parts of the world, and had arranged to have all of the coaches kicked out of the country, protesting again that there was no problem. He had written again upon returning from Kenya to insist upon the independent investigation, if nothing else to clear the air and show the world that Kenya did not have a problem. He had been given all sorts of assurances that Kenya would put that together somehow. He had not the slightest confidence that anything would ever happen. When there was a problem, WADA said that there was a problem, and nothing happened and WADA did nothing. He did not envisage that WADA would in any way have powers of compulsion with the addition of this article, but he did envisage that this would give WADA the right to ask questions of athletes or others where there might be a problem, to ascertain the truth; whether or not WADA got the truth or the cooperation remained to be seen, but he also knew that the Armstrong judgement had clearly indicated that the capacity to ask questions and the independent corroboration of numerous witnesses had ultimately led to an outcome, the details of which the members had had a chance to read. WADA was not a testing agency but it gave itself some money every year to do some testing and it used that to get testing done when it was known that it was essential that testing be done, and nobody was

doing it so that WADA could be effective, and he believed that WADA needed the same situation to move when necessary. It seemed to him that, if he had been able to say in the letter he had written after his trip to Kenya that, unless the authorities had an independent enquiry, WADA had the right to carry one out, the authorities would act. WADA could currently ask and do nothing when they did nothing. That was why he believed that, to be an effective organisation in the fight against doping in sport, WADA had to have that capacity or authority; as to how far WADA could take it, he acknowledged that the extent was limited.

MR YOUNG concluded that the Chairman had just given a very good rationale for why WADA should have express investigatory powers. In response to the question as to how it worked, from the point of view of USADA, the fact that WADA had investigatory powers was extremely helpful. It was USADA's view that WADA having investigatory powers was a very good thing.

With regard to Dr Schamasch's comment on 20.7.8, the intent had been to have an either/or situation: WADA could do testing on its own initiative or when asked to do so by an IF. Perhaps "authorised" was not the right word and "requested" was better, and he would take note of that.

MR JURITH said that he did not want to labour the point, but he would. He was not too sure, he might be missing a step, but he did not understand how giving WADA express investigative authority solved issues that he was raising vis-à-vis how one carried that out. What was the relationship between WADA and the NADOs in carrying out their function, and the IFs in carrying out their responsibilities, and also national law enforcement agencies that might or might not be involved in a particular doping investigation? It seemed to him that the problem was one of competence or lack thereof of WADA's partners. If that was the problem, perhaps WADA should be devoting resources to that instead of creating an investigative unit at WADA. Perhaps this was the right way to go, but he had a number of questions in his mind as to how this was going to unfold.

THE CHAIRMAN said that he guessed it would all unfold in the same way in which WADA performed testing, and it usually employed somebody else to do it. All of this would require, when decided, an evaluation by the team as to how it could be put into effect in a practical manner. The rules gave WADA the capacity to be more effective and the strong view was, from his perspective and from many to whom he talked, that WADA needed the capacity to ask questions when others would not. What that translated into, he was not prepared to even try and give chapter and verse at that point. If the approval went through in November the following year, the Executive Committee would clearly have to come up with something that would allow WADA to do that and organise the resources that would allow WADA to undertake the responsibilities that the Code gave. He did not think he could provide an answer that day.

MR ODRIOZOLA said that, given the current evolution of anti-doping practices and what had been mentioned in relation to the USADA case, non-analytical investigations and the significance of all of that, the European position in general was in favour of the inclusion of the expansion of WADA's authority to carry out investigations but, after listening to the discussion, he thought that it was necessary to add some kind of clear explanation in the text of the new article.

THE CHAIRMAN asked if anybody disagreed with the proposal. He presumed that there was a general view that WADA should have the authority to investigate, and the manner in which that occurred would be determined in due course. He did not say for a moment that, when there was a suggestion for something to go into a draft, there had to be a paper behind it all that said how it might work, as it might never succeed. The ultimate test was the Foundation Board's approval the following November. It was just not practical to expect anything more. This question had not been asked on anything else that had been done.

MR JURITH said, with all due respect, that this was a very new matter, and it would represent a significant change to WADA's authority. WADA said that it was not a testing agency, but was it a regulatory agency or an oversight agency? Did it want to become an investigative agency? This went to the heart of what had been said earlier about priorities and resources and, when such a new matter was introduced, it was not a question of changing the statute of limitations. This was a significant step that the Chairman was asking the Executive Committee to approve and he thought that, in light of some of the issues he had raised, with all due respect, it was not a matter of saying, "Wait till we enact and we'll tell you how it's going to work". He did not think that that was the appropriate response for what might be a significant dedication of resources by WADA.

THE CHAIRMAN retorted that all he was asking for at that point, with respect, was that the next draft contain the provision of power to investigate and, in view of the concerns that Mr Jurith had expressed strongly, he was happy to ask the management to try and get a possible outline as to what the outcome could be when the Executive Committee came back to decide whether that would go forward past the next draft stage. Nobody was approving anything that day; the Executive Committee was just approving the next draft.

MR JURITH thanked the Chairman and said that that would be acceptable.

DR SCHAMASCH referred to article 23.5.1 and the period of two years. In the article, criteria were mentioned. Were there criteria other than the period that had to be decided on by the Executive Committee? Mr Young had referred in the slide to a two-year period, and in the text to criteria.

MR YOUNG responded that that was left to the Executive Committee.

THE CHAIRMAN said that the idea was to give the Executive Committee the power to overcome the difficulties WADA had got itself into in the past, putting a compliance report through at about the time there was a review changing the Code significantly, so what was WADA getting a report on compliance that year for? Would it not be better to wait for the new provisions through the review and have a report a year later? The idea was to give flexibility to the Executive Committee to determine the appropriate timing that would dovetail into something sensible. That was the purpose behind it. Were there any other questions on 23.5.1?

MR YOUNG said that the Chairman had given the response.

THE CHAIRMAN asked if the members were happy for that to stay.

On slide 9, one of the significant changes related to the principles of proportionality and human rights, and Mr Young had referred to that. He presumed that the members had had a chance to look at the wording and hopefully the proposal clarified some of the concerns expressed by the European governments in particular. Were the members happy to proceed with that?

On slide 10, regarding article 22, there had been some concern expressed over the language used relating to the involvement of governments, and the attempt was to better link the language to the UNESCO convention wording. Mr Young, in his opening comments that morning, had referred to the fact that there was a subtext note that indicated that article 22 had to do with the expectations of the stakeholders and not the obligations of the governments, so there was a clear indication that the Code did not say that it was mandatory but that there was an expectation to work in tandem, in particular with law enforcement agencies. He thought that the members would acknowledge that, if the proposal were approved, WADA would be a lot more effective in all that it did if it could work with others.

MR YAMAWAKI spoke as an Executive Committee member for the Asian region. He referred to article 22.2, which required each government to put in place a legal basis for sharing information. The Asian countries had the same concern as that expressed by the

European governments and, since the situation regarding anti-doping differed greatly among Asian countries, he believed that, rather than establishing a legal basis, each country should be allowed to put into place measures that fitted particular situations in individual countries. He clarified that article 22.2 was not the obligation of the governments of each country.

MR MCQUAID stated that he had two issues, and these had been submitted to him by ASOIF to bring up. One related to article 13.4.1, which had to do with TUE appeals. To date, if an athlete were denied a TUE, that athlete could appeal to a WADA TUE committee and, in the new version, the appeal would no longer be possible and the athlete would have to appeal directly to the CAS. He felt that the CAS was not the body to deal with medical TUEs. Also, additional costs would be added into the system. The second issue had to do with article 7.1.1. If WADA conducted a test and found an athlete positive, WADA would decide who would conduct the result management, either the IF or the NADO, at its discretion. He believed that this should be standardised; otherwise, there could be a situation whereby, for an athlete from Lithuania or Belarus, for example, WADA would hand it over to the IF and, for a British athlete, WADA would hand it over to UK Anti-Doping. In the long term, that would create friction between the IFs and the NADOs, as it was a subjective decision as to whom it did and did not go to and that could cause difficulties down the road.

THE CHAIRMAN remembered a strong debate about an issue at the French Open that had brought that change in. There had been an impasse on that particular occasion. That was the history.

MR YOUNG said that he would try to deal with the TUE issue directly when talking about the TUE standard but, if he forgot, he asked Mr McQuaid to ask again. For WADA tests and who did result management, the idea had been for WADA to look at it and figure out which organisation would be effective. There might be some disharmony or hurt feelings, but the idea would be that WADA would go to the agency that was in the best position to do effective result management.

MS SCOTT said that this was the third time the Executive Committee had been presented with the major changes to the Code; some came and went and others kept coming up. For an issue such as the missed tests eligibility period, which had been reduced from 18 to 12 months and had not come up for discussion that day, did that mean that it had been passed on and it was a given and would go into the new Code, or would that come up again for discussion later? She just wondered how these points were moving on.

MR YOUNG replied that the team had tried to pick areas in which it had changed between one and two or areas in which it had not changed between one and two, and there had been a lot of controversy. That particular point of three missed tests within 12 months instead of 18 months had been in the first draft and in the comments to the first draft it had not been a particularly controversial point. There had been some discussion, but there had seemed to be pretty broad consensus that people were more or less happy with it. That was the method to the madness of picking a dozen things with which to take up the members' time that day.

THE CHAIRMAN noted that it did not stop Ms Scott from bringing it up, if she wanted to.

MR ODRIOZOLA raised the matter of the definition of athlete, in the definitions at the end of the Code. There had been some confusion about the new definition and it was proposed that two sentences be reinstated, and these were: "NADOs are not required, however, to apply all aspects of the Code to such persons. Specific national rules may be established for doping control for non-international level or non-national level competitors without being in conflict with the Code." Those had been deleted and the European governments were asking for them to be reinstated.

THE CHAIRMAN asked if the governments had written to the team to do that. Mr Odriozola had read something that he had been unable to keep up with, and he was not sure that anybody had been able to. Was Mr Young familiar with this?

MR YOUNG said that the team had read every comment carefully, and there was no intent whatsoever to change the effect of the definition of athlete. Part of the team's marching orders had been to try to shorten the length of the Code, so it had replaced two sentences with eight words, "but they are not required to do so", and so the team had felt that the intent was kept the same and the explanation was shortened. If there was serious concern that that message was not coming across with the chosen words, the team could certainly put the other words back, but this had simply been an attempt to make the Code shorter with less expense in drafting.

THE CHAIRMAN said that there was still time if Europe wished to put the matter again. He thanked the members for their comments, which had been very helpful to the drafting team in the context of the last version that would be going out for consultation. The Executive Committee would pull things together in May when it met for the last time to make the recommendations that would go to the November meeting.

The four other papers were on the standards, and Mr Young would take the members through them one at a time.

MR YOUNG promised that, for the International Standard for Laboratories, his part at least would go more quickly than the Code. These were some of the less technical changes that had been made to the standards. The first was to deal with an issue that was seen frequently in cases, which was the significance of ISO accreditation. Before a laboratory got a method accredited by ISO, it was supposed to show the ISO inspector the validation process for its method, and the ISO inspector was supposed to sign off on it. It was not uncommon for defence lawyers in cases to ask to see all method validations so that they could pick them apart. WADA had been successful in explaining to arbitrators that that was the job of the ISO accreditor, and not a CAS panel, but this simply codified it.

The second point was about changes to laboratory suspension procedures. There were currently some mechanical fixed time periods in there, and the new principle was that a laboratory went off suspension as soon as the WADA expert team was satisfied that the problem had been solved, and the laboratory did not go off suspension until the WADA expert team was satisfied that the problem had been solved.

The third point was on tougher proficiency standards. WADA would be doing three double-blind tests and the ISL had been amended to show that two false negatives on those three tests would result in suspension.

The second page had to do with further analysis of samples, or retesting of samples, and there was a series of bullet points (all new) that outlined this in the new standard. One talked about when one decided to store, the next about storage for up to ten years, the next about resealing the A sample so both whatever was left of the A sample and the B sample (which was typically sealed) would go to the storage facility, making it possible to retest and check the A sample without bringing in the athlete to observe the opening of the B bottle. The next point was to make clear that the ADO got to pick the laboratory for further analysis because sometimes samples were stored not at the laboratory that had originally analysed them but somewhere else, and then finally there was more of a detailed description of the chain of custody and document retention procedures that should be in place for stored samples so that there would not be forensic issues if one of those stored samples turned out to be an adverse analytical finding.

DR SCHAMASCH referred to the first slide. He totally agreed with the proposal but wondered whether the text should not mention "except for what is covered by 4.4.11", which was the flexible accreditation, which had a specific approach, because the flexible accreditation was something that did not have to be incorporated in the scope of the

accreditation, so perhaps this paragraph could be referred to, saying that this was covered by an exception.

MR YOUNG agreed to do so.

THE CHAIRMAN asked if the members were happy to proceed with the changes to the laboratory standard.

MR YOUNG spoke about the privacy standard. The first point in article 5.3d of the privacy standard simply made it clear that the examples of how data might be used in 5.3a and b and c were not a closed list and private information might be used in connection with anti-doping purposes for other purposes as well as long as it was appropriately documented by the ADO.

The second part of the slide had to do with sharing of information with law enforcement bodies and it made clear that it was appropriate, it was under state law and, again, that it had to be documented and the need for processing was included.

On the next slide, the change of significance in the first paragraph was sharing not only with law enforcement bodies and government bodies; it was the addition of "or other authorities", and an example would be a state licensing board for doctors or trainers. The comment at the end of 8.3c made clear that, if one were sharing with law enforcement bodies, it would occur as provided by the applicable national law and regulations.

Article 9.6 was new and pretty straightforward, saying that, when there was a security breach, it was necessary to tell the athletes whose private information might have been breached, and this simply incorporated best practices in data protection in the standard. Those were, in his view, the most significant changes to the privacy standard.

THE CHAIRMAN asked if the members were happy for the changes to proceed in the draft.

MR YOUNG referred to the International Standard for Testing. There was lots of information on the IST on the procedures for sample collection, and there were very few changes there. An important part of the changes had to do with how WADA used its limited resources more efficiently to better deter and catch cheats. It was intelligent testing or smart testing, or whatever the members wanted to call it.

Whereabouts had been a historically important area of discussion under the IST. In many circumstances, one could not do effective out-of-competition testing without whereabouts, but that was not true in all circumstances. There had been a historical problem with there being a disconnect for many ADOs between their efforts to collect whereabouts on the one hand and their actual use of that information to conduct tests on the other. They were imposing a significant burden on athletes to provide their whereabouts, but they were not testing the athletes from whom they got the whereabouts information. This article focused on getting good out-of-competition testing and whereabouts was recognised as a part of that. There was a new flexibility that allowed ADOs to identify those athletes who would go into a registered testing pool that had to comply with the full whereabouts requirement, seven days a week, one hour availability, but gave them the opportunity to come up with other levels of whereabouts requirements for athletes where that most stringent level was not necessary.

The next slide was the change in the Code that was also referenced in the IST to which Ms Scott had referred. The team had coordinated the language of the international standards with the new language for the Code and this was the provision that said three strikes, either whereabouts or missed tests, within 12 months was the new anti-doping rule violation standard instead of 18 months.

The last comment that he would make in the general category of the IST, but it applied to lots of the international standards and the Code, was the fact that the team was considering coming up with a new international standard for result management and that was simply for ease of use of stakeholders. There was currently result management

in the Code and various international standards, and it would be more user-friendly to have it all in one place, and it would shorten the Code.

DR SCHAMASCH said that he totally agreed with the proposal on whereabouts, but feared that it could be an open gate to multiple interpretation of what was and was not necessary. He knew it was currently up in the air, but he thought that, as soon as one gave flexibility of that kind, the interpretation could be so different and many of the people who were against or did not totally agree with whereabouts would enter into that and cause problems. Mr Young was a lawyer and would understand.

MR YOUNG replied that he was a lawyer but he was not a magician! That was an absolutely fair comment. When WADA had first imposed a whereabouts requirement, the violation had been violating the whereabouts requirements of the ADO and the ADOs had been able to come up with whatever they wanted. WADA had then come up with a one-size-fits-all whereabouts, and that had not worked very well either, because all sorts of athletes had been providing whereabouts and ADOs were not using those to test them. This was a middle ground; it might be abused but it would be better than where WADA had been in 2003, although Dr Schamasch's point was valid.

THE CHAIRMAN asked if the members were happy to proceed with the next draft in respect of testing with those suggestions that Mr Young had gone through.

MR YOUNG said that one of the things that the team had done was to move some of the detail on TUEs out of the Code and into the international standard. Another thing the team had done was to clarify and simplify the conditions under which a TUE should be granted. The hope there was that, if that was true and people followed those rules, there would be better mutual recognition of TUEs granted by different organisations. The authority of who was the boss of a particular TUE process was something that had been the source of great debate and some controversy. In the current draft of the TUE standard, the NADO had final jurisdiction over the granting of TUEs for national-level athletes and those who did not compete in international competition. The IF had final authority over TUE decisions for international-level athletes or athletes who competed in designated international competitions, and major event organisations had final authority for who got a TUE for their competition. Working backwards from right to left on the chart, a major event organisation decided on TUEs for its competition so that everybody in that competition was playing on the same TUE field. If they denied a TUE, that did not affect the athlete's TUE granted by a NADO or an IF for other competitions. For the Olympic Games, the IOC decided on who got TUEs for the Olympic Games, but it would not invalidate national or international TUEs. As currently drafted, there was a different rule for IF decisions, and this was one that had been subject to considerable debate. It was easy enough if dealing with international-level athletes: the IF made final decisions as to whether they got TUEs for all purposes; but, if there was a national-level athlete who was competing in one international event and therefore had to get an IF TUE for that event and was turned down, as currently drafted (and this would be subject to some discussion), that national TUE went away. As to the recognition of TUEs, the members would find language that said that ADOs were encouraged to recognise others' TUEs unless that ADO was satisfied that the specified conditions had not been met, so the hope was that there would be recognition, the conditions had been tightened up, and it would make the situation better, but he did not know how much better.

The next change was important and pretty significant: greater flexibility for ADOs to grant retroactive TUEs, and these changes said that it was up to each ADO with jurisdiction to grant a TUE to decide which categories of competitors were entitled to get retroactive TUEs, and this made sense in the context of a marathon, for example, where there were all the best distance runners in the world and yet a whole pack of grandpas and grandmas who one would not expect to go through a prospective TUE process, so this would allow the IAAF, in sanctioning a marathon, to say that, for international-level athletes or elite national-level competitors, prospective TUEs were necessary, but grandpas and grandmas could get a retroactive TUE. That made sense. As drafted, it

was left entirely up to the ADO so, if it wanted, it could say everybody could get a retroactive TUE.

The second point was clarification of WADA's review function, and he would answer Mr McQuaid's earlier question. There were currently about 21,000 TUEs in ADAMS, and WADA had the authority to review all of those, although obviously that would not be a good use of WADA's scarce resources. There was currently under the Code some argument as to what happened when any athlete, national or international, came to WADA and said he or she had been denied a TUE and wanted WADA to review it. USADA had taken the administrative position that, if they were high-level athletes, it would do that, but it would not for all lower-level athletes, as that was a significant burden. The Code made it clear that, if a registered testing pool athlete requested WADA to review the denial of a TUE, then WADA would do so; if any other athlete requested WADA to review the denial of a TUE, then WADA might or might not do so at its discretion. WADA also had the power in its discretion to review any granting or denial of a TUE to any athlete. That was an allocation of resources issue. If an athlete did not like the fact that a TUE had been denied or if another body did not like the fact that a TUE had been granted, there would be an appeal process and, if dealing with international-level athletes, that appeal would be to the CAS. As to Mr McQuaid's point that the CAS was made up of lawyers and not doctors and was not the best body to deal with that, there was certainly some truth to that, but it had proved to be an effective appeal body in TUE cases and it was not made up of laboratory scientists but seemed to do a reasonably good job of understanding cases that were based on alleged violations of scientific rules, so he did not know who if not the CAS would be the appropriate appeal body when an athlete had been denied a TUE. This was something that athletes probably ought to have the right to appeal because the level playing field and protecting the athlete's health were the two platforms upon which anti-doping was based and, if there was an athlete whose a doctor was saying that the athlete needed it for his health, there needed to be a forum for that issue to get resolved.

MR MCQUAID said that Mr Young's explanation had made the issue much more complicated. If he understood correctly, for an athlete in an RTP who was denied a TUE, the system stayed the same; it was just other athletes who would have to go to the CAS. Was he right?

MR YOUNG responded that Mr McQuaid was correct. It could be other international-level athletes or national-level athletes. Those were the ones who could go to WADA, but WADA had discretion to either review or not review and, with 21,000 TUEs in the ADAMS database, it was simply a resource allocation issue.

THE CHAIRMAN said that he thought that Dr Vernec would say that WADA would do its best but would ask for three more doctors to work full-time.

DR SCHAMASCH asked whether, if an IF granted a TUE to an Olympic athlete and the Olympic Games TUEC was not happy with it, it could still appeal to the WADA TUEC in this regard. This had been done once in Beijing. That had been the process. The second question was that he had great concern that a TUE could be pushed in front of the CAS because of the medical confidentiality. The CAS was made up of lawyers and most of the TUEs were supported by medical information, which was covered by medical confidentiality. How would WADA cope with that?

MR YOUNG said that what would happen under the proposed ISTUE in the Olympic Games situation was that the IF would grant a TUE, it would come to the IOC TUEC, which could conclude that this was not an appropriate TUE and that it did not work for the Olympic Games.

DR SCHAMASCH said that he thought that the IOC would have to appeal to WADA.

MR YOUNG responded that, under the new rule, the IOC could say that the TUE did not work for the Olympic Games and then it would be up to the athlete or the IF to

appeal to the CAS. It gave the IOC the power to make the decision and stop the TUE and, if the athlete did not like it, he or she could appeal.

DR SCHAMASCH asked about the fact that all TUEs should be supported by medical information, which was covered by medical confidentiality.

MR YOUNG said that he dealt with such things all the time as there were TUE issues coming up on appeal on a fairly regular basis and the CAS had had to deal with that, and courts and lawyers dealt with respect for confidential medical information all the time.

DR SCHAMASCH asked if Mr Young had never had problems with any board of physicians.

MR YOUNG responded that he had probably had fewer problems with the lawyers than with the doctors. He was the only non-doctor in his family for three generations so he said that with some trepidation.

THE CHAIRMAN asked if the members were happy for the proposal to go out in that manner for further consultation in the next draft. On behalf of the Executive Committee, he acknowledged Messrs Young and Andersen and the drafting team, who had put countless hours into the process, the collation of the submissions that came through and then the subsequent evaluation and debate that frequently had the team for many hours on some sections. It did require a lot of thought and he appreciated that. In the end, the document would undoubtedly make WADA a better operation and he was sure of that, but the scrutiny was of course essential and the expertise that the team provided certainly helped significantly. He wished the team luck with the last little effort. He had suggested the previous day that the team must feel like it was in the home strait and he had got the feeling that it did not feel like it was anywhere near the home strait, and he accepted that on the basis that there was still a hell of a lot of work to be done, in the first half of the following year in particular, so the Executive Committee would work on it again the next time it met. Good progress had been made. It would undoubtedly attract further submissions, but that was what WADA sought when such drafts went out.

DECISION

Code and international standards review noted.

8. Education

– 8.1 Education Committee chair report

MR JURITH said that it was a pleasure to be back working with the Executive Committee again and he appreciated all the warm welcomes he had received that morning, even the one from Mr Reddie.

Education was a crucial element in the fight against doping in sport, and he thanked Mr Ward, who had left public service, for the work and time he had invested to ensure that the Education Committee was working as efficiently and effectively as possible. At the May Executive Committee meeting, the members had been provided with a detailed update of the Education Committee meeting that had taken place in April in Montreal. He was pleased to say that the Education Committee continued to fulfil the mandate set forth by the Executive Committee. Many advancements had been seen in the university project with the international university federation, and the Play True Generation programme continued to be expanded and would be present at the South American Youth Games in Natal, Brazil, later that year.

The new Digital Library had proved to be very helpful to stakeholders and would be expanded to include more information related to WADA activities and resources. He was also pleased to note that a new online learning program was being developed for elite athletes, consistent with what had been discussed earlier about getting timely information out to the athletes, particularly as changes were made to the Code. Moving forward, this program was intended to drive basic information as well as tools on moral

decision-making. The Education Committee had agreed to adopt recommendations that regional education symposia be held to increase the education capacity in regions of need. This was based on a survey carried out in 2011. Recently, a highly successful Asian education symposium had been held with the support of the Chinese anti-doping agency in Shanghai, and there had been over 50 participants attending from 24 countries in the region.

Regarding the social science research grant programme, Mr Ward had had a telephone conversation on it about a month previously and had asked him to sit in on it, and he could confirm that that year's programme had received applications from 18 countries. There had been a pretty good review of the applications on that programme. He asked Mr Koehler to provide the members with an overview of the research projects that the Education Committee was asking the Executive Committee to consider for funding.

THE CHAIRMAN said that he had had the chance to go to that conference in Shanghai and he commended the work of the Education Department and the hospitality and support given by the Chinese anti-doping agency. It had been very clear to him that the participants had come from areas that one would say it was simply important that people came from some of the more remote areas to get a better understanding of the obligations in education within the objectives. It had been beneficial; the questions and enquiry coming from the members of the audience had been particularly pleasing, as they had shown great interest. No doubt great benefits would flow from that particular regional conference. It had been good to be there.

DECISION

Education Committee chair report noted.

– **8.2 Social science research projects**

MR KOEHLER said that most of the information on the social science research projects was in the members' papers, although he would briefly go over what each project entailed and then seek the members' approval on behalf of the Education Committee and the ad hoc working group. WADA had received 32 applications from 18 countries and the division of those within the continents was on the screen. WADA was seeing a lot of applications from Europe, but continued to try to encourage and assist other regions to apply. In terms of the process and how WADA went about the whole social science research programme, every project received was sent out for an independent peer review and, once those peer reviews were back, the applications and peer reviews were sent to the WADA Education Committee and the ad hoc working group. The latter reviewed all of the applications in detail. One of the things that the group made sure of was that WADA did not fund projects for the sake of funding projects, because there were 350,000 dollars available. Finally, the recommendations were made to the Education Committee and then to the Executive Committee. Currently, there were two members of the Education Committee and two external social science research experts on the ad hoc working group, and a very in-depth review was carried out of the value the projects would bring to anti-doping education, the methodology of the projects, the expected results, the outcomes and how those could be used. That year, WADA had wanted to help stakeholders and researchers, so had improved the application form to provide more guidance, and had developed a question and answer sheet to assist with the application process. The team was recommending six projects for a total of just over 200,000 dollars. The projects were listed in the papers. ARRIPE was a project from France dealing with life skills and looking at how the life skills of the athletes could help WADA to more effectively implement prevention programmes. Project CONNOR was from Oceania, looking at evaluating what the stakeholders in Oceania believed regarding the importance of anti-doping and whether it was a legitimate process to have in place. That was important because, for any prevention programme, one had to have buy-in. If there was no buy-in and people did not think that there was a legitimate cause, there would be no progress, so it was a good base to look at in order to determine what

needed to be done in the region. Project GOULET was from Canada, looking at a double-impact study on coaches and athletes, and it took place over a two-year period during which WADA would benchmark athletes' moral reasoning and perception of anti-doping, put coaches through coaching education and have the coaches bring in prevention activities with the athletes and measure them the entire way, so the double-impact was that it would be possible to see how the athletes' attitudes changed, and how the coaches perceived and delivered the materials. Project JANN was from Germany, as a result of the change and expanding the social science research programme. The project would look at the effectiveness of NADOs, and would focus on Germany, the UK, Norway, Netherlands and Austria in three phases. First, it would review the organisational structures, regulations and management practices in the NADO, then measure the benchmark performances and how effective these were in preventing doping, and then take all of those, measuring the inputs, outputs and outcomes, and look at the strengths and weaknesses and how the NADOs could be more effective in their approach to preventing doping in sport. The KAVUSSANU project from the UK looked at moral values and compared the UK, Denmark and Greece, and WADA had asked the researchers to expand into Asia, looking at moral reasoning of athletes and doing a comparison study: was it possible to have one common moral value message or did the messages have to be tailored to each individual country? The final project was project LEVY from the UK, looking at personality traits and trying to figure out what types of personality traits were more likely to be engaged in doping and how to find those times of vulnerability in order to target prevention programmes.

Finally, he spoke about the young investigators award. Every year, WADA encouraged young master's degree students to submit their theses and four prizes of 2,000 dollars would be awarded to the top four; the decision was made by the Education Committee, but those would not be ready for recommendation until the following year.

THE CHAIRMAN asked if the Executive Committee would approve the proposals.

DECISION

Proposed social science research projects approved.

9. Athlete Committee Chair report

MS MASSE said that the WADA Athlete Committee had met in St Petersburg on 18 and 19 September. The main objective of the meeting had been to discuss the latest draft of the 2015 Code and collect members' comments for the Athlete Committee official submission to the Code review which could be found in the Foundation Board papers. She would highlight only a few key topics that had been discussed during the meeting.

The ABP was recognised as an important tool in the fight against doping in sport and its data needed to be shared universally with ADOs. It was recommended that the result management process be standardised; a universal system was the only way of keeping the "W" in WADA. It was also strongly felt that the athletes needed to be able to see their results in the program. Although material did exist for administrators, it was suggested to create an information resource for athletes to explain the purpose and details of the ABP. The active athlete members had commended the new ADAMS whereabouts module and confirmed that it was a great improvement on the previous version. They described it as very user-friendly, although WADA was reminded that the next priority should be developing iPhone and Android and other apps for the whereabouts module.

On data protection, it was felt that the EU was too highly regulated and should not impose its policy with regard to data protection on the rest of the world.

The members continued to encourage governments to better fund RADOs and NADOs to help increase the quality and breadth of their anti-doping programmes. Too many

athletes were still not tested out-of-competition and better education was also needed. The Athlete Committee stressed that sport needed to be tough on members of the entourage who assisted in doping and hold them accountable for actions that directly influenced athletes. A cultural shift needed to take place so that more responsibility was placed on these influential groups.

Committee members questioned the cost of the CAS and the potential difficulty for athletes to get a fair hearing when they had limited means. Additional information was requested to address these concerns for the next meeting.

It was strongly suggested that the 2015 Code be communicated in concepts, and broken down into smaller pieces for each target group to help understand the major changes. Members had discussed ways to engage with other athlete groups in order to explain the Code review and committee's views.

The Athlete Committee would meet twice the following year on dates to coincide with the Code review process to allow members to contribute again. The Athlete Committee extended its sincere appreciation to the Athlete Committee Chairman, Mr Fetisov, for hosting the meeting in St Petersburg.

DECISION

Athlete Committee Chair report noted.

10. Science

– 10.1 Technical Document EPO

DR RABIN said that he would be brief. He mentioned that EPO was certainly a very active area of research, not only from the pharmaceutical and biotechnology point of view, but also at WADA, quite a substantial amount of research money was invested in EPO analysis and the development of new ways to analyse for EPO. A WADA EPO working group met upon request and recently there had been quite significant changes and improvements and progress in the way in which it was possible to analyse for EPO, so the working group had met and suggested some modifications to the technical document on EPO to allow for better analysis and reporting of the substance. Basically, the group had followed the usual process, the working group had made some recommendations that had been reviewed by the Laboratory Expert Group, and then there had been a consultation phase conducted in July and August that year, so due process had been followed, and the members had before them the revised technical document as proposed for approval. He added one point, which was that, two days previously, a group of experts on EPO had gathered in Chicago and made a last-minute suggestion regarding the technical document which he wished to share with the members, as he thought that it was important to incorporate it in the document. In the event that two confirmatory methods were applied and gave two different results, instead of being reported as a negative, the result should be reported as an atypical finding, and the proposal was, at the beginning of section four, where there was a short introduction, to include two bullet points, one of which would start with, "When more than one method is used...", and the second bullet point would be added, saying that, "In cases where the acceptance and identification criteria are met for only one of the methods employed for the confirmation procedure, the sample shall be reported as an atypical finding". He believed that this additional point would allow for all the information to be passed on to the testing authority and would help improve the follow-up of the cases.

MR REEDIE said that he had been going to say that he would second the proposal.

MR MCQUAID noted that Dr Rabin was saying that it was evolving and there was a lot of technical information that showed that it was evolving, but was it evolving in relation to microdosing?

DR RABIN responded that it was certainly evolving in terms of the ability to test for EPO, increasing the sensitivity of the detection of EPO, which was why there was currently isoelectric focusing, and he thought that the limits of detection had been reached in terms of sensitivity, but some interesting potential had been revealed in terms of increasing the sensitivity, which was why the experts in the field believed that it was important to allow confirmatory procedures by one or the other or potentially the two methods to allow for the revelation of EPO cases including, he hoped, with microdosing.

THE CHAIRMAN asked the members if they wished to approve the revised version of the technical document to come into effect as of 1 March 2013.

DECISION

Technical Document EPO approved.

– 10.2 Re-accreditation of the Ankara Laboratory in Turkey

DR RABIN said that the Ankara laboratory had been accredited by WADA but the accreditation had been revoked in 2011 when the laboratory had reported some false positive results for modafinil. WADA had been informed that the laboratory was interested in regaining accreditation status and WADA had been in contact with the laboratory for several months. This interest had materialised recently in a letter signed by the new director of the laboratory, who had written to the WADA President indicating his interest in starting the accreditation procedure. In the letter, the laboratory director had requested that exceptional circumstances be considered for the laboratory, and these exceptional circumstances appeared as part of an article in the ISL. Following consideration of the request for reaccreditation and further analysis of the situation, no exceptional circumstances had been found as per article 4.4.12.3 of the ISL; however, it was believed that, given that the laboratory already had a long history and experience in analysis, the reaccreditation process should be fairly straightforward, and it was proposed that the WADA Executive Committee therefore ask the WADA Science Department to immediately engage in the reaccreditation process with the Ankara laboratory as a matter of priority and ensure that all steps be achieved as quickly as possible. Having said that, it was important to realise that the duration of the accreditation phase would be mainly dependent on the ability of the laboratory to successfully complete the various steps required in order to be accredited as established in the ISL.

THE CHAIRMAN said that the issue was firstly the reaccreditation of the laboratory, which required a process that was set out in attachment 2. There was an indicative pathway in attachment 2, and the members would see that numerous steps would have to be taken before full accreditation was granted and there was somewhere in the vicinity of about a year attached to all of that. Under the current standard, when that occurred, the question was put: exceptional circumstances. Had WADA established exceptional circumstances? From his point of view, Turkey was an important laboratory in geographical terms, and that alone quite frankly told him that WADA should give it whatever assistance it could to get back as soon as possible subject to the laboratory passing each of the steps to be undertaken, and much was in the laboratory's hands. Perhaps he ought to put it to the members that they might find in favour of exceptional circumstances or on the basis of geography, but recognise nevertheless that it would be good to have that particular laboratory back if it passed through the hoops it had to. He thought that the decision written was a little confusing. Was the Executive Committee prepared to acknowledge that the exceptional circumstances existed, to allow the Executive Committee to accelerate the reinstatement, but that there was still a process that had to be undertaken before that should occur?

PROFESSOR LJUNGOVIST confessed that he was a little confused and sought some explanation. The Health, Medical and Research Committee recommended giving priority to laboratories that had been operating well earlier but had lost their accreditation for one reason or another. They had the necessary experience and background, so he recommended giving priority to that kind of laboratory. He recommended proceeding in

accordance with that principle, but he would hesitate in recognising these as exceptional circumstances. He could not see what were exceptional circumstances in this case. The laboratory had taken the steps that it should take, namely to identify that it had made a mistake, as false positives constituted a very serious mistake, and the laboratory had announced them to those affected, and that was to be expected. He could not see that as exceptional circumstances; it was just the measures that one expected that responsible people would take. He suggested that WADA not consider exceptional circumstances as they were presented there but recommended taking quick steps to assist the laboratory to come back in full swing with a credible system in place.

MR MOEMI said that his proposal was more in line with that of Professor Ljungqvist. The best thing to do would be to ensure that the steps outlined in the document were undertaken before the Executive Committee endorsed reaccreditation. All those steps were quite important in terms of bringing credibility back to the laboratory and, if they were completed, at the next meeting in May, the Executive Committee should agree to support the laboratory to fast track its processes to meet all the requirements. If all of the steps were completed, the Executive Committee would be able to take an informed decision about reaccreditation.

MR REEDIE said that he thought he had a clear conflict of interest in the decision and declared that he would not take part in the decision. He asked for it to be recorded in the minutes that he had not taken part.

THE CHAIRMAN said that there was a dilemma. The current rules suggested that, looking at item one in attachment two, there was an explanation of exceptional circumstances. If exceptional circumstances were found, an adjusted accreditation process could be applied. If not, it could take a whole lot longer to conclude the process. To be perfectly honest, it was time to look at the term "exceptional circumstances" and the intentions that it signified as currently written. In the meantime, it was a question of whether to proceed with accreditation by the long route or the short route.

THE DIRECTOR GENERAL said that the WADA management suggested a blending as the Science Committee had put forward. The members might find a better solution to be that, although there were no exceptional circumstances in that particular case, because of the long history of the laboratory and the experience, the Executive Committee request that the Science Department immediately engage in the reaccreditation process with the Ankara laboratory as a strong matter of priority, so that the shorter step process to which the Chairman had referred could be taken, and the duration of the time that it would be required to achieve reaccreditation would depend on the response to the prioritised process.

THE CHAIRMAN asked if the paper in question was on the table. Did the Executive Committee members not have that suggestion? He knew nothing about it and, if he had been given it, he did not recall getting it. He knew that there had been a discussion on it. With respect, there was now a suggestion that enabled WADA to circumvent the exceptional circumstances. Did WADA want the laboratory back in a hurry or did it not? This had to be looked at properly; the whole process became a bit of a nonsense when the members were trying to hang their hats on a term such as "exceptional circumstances". He thought that all the members would like to see the laboratory back in operation sooner rather than later and were trying to find a convenient way of doing so under the current rules.

PROFESSOR LJUNGOVIST said that he was trying to be helpful and not complicate the matter further. It was in WADA's interest to have it reinstated in the proper way to be a safe laboratory, but he would hesitate using the exceptional circumstances clause as an excuse, because that would set a precedent. It was not exceptional circumstances to take proper action upon discovering that it had done something wrong. Although there were no exceptional circumstances, there were good reasons to proceed as quickly as possible to have the laboratory safely reinstated.

THE CHAIRMAN said that the ISL currently stated that exceptional circumstances were needed if WADA were to reinstate a laboratory in a hurry. That was why he believed that the whole process had to be looked at more thoroughly, as it circumvented the intentions. He would read the suggestion slowly and hopefully it might be agreed to. It was a revised decision that said that, "Following a careful study of the request for reaccreditation, no exceptional circumstances have been found as per article 4.4.12.3 of the ISL; however, given that the laboratory already has a long history and experience in analysis, the reaccreditation process should be fairly straightforward, and the WADA Executive Committee therefore requests that the WADA Science Department immediately engage in the reaccreditation process with the Ankara laboratory as a matter of priority and ensure that all steps be achieved as quickly as possible. The duration of the accreditation phase would then mainly be dependent on the ability of the laboratory to successfully complete the various steps". That was the proposed revised decision he had been given. Was that clear to everybody and, if so, were the members happy with it? He thought that the members all wanted to support this but appeared to have got bogged down with definitions.

PROFESSOR GERRARD asked how long the standard process would take as opposed to the rapid process.

DR RABIN replied that the shortest process seen in terms of completion of the proficiency tests and final proficiency test was anywhere between 12 to 15 months depending on the level of preparation of the laboratory and the performance of the laboratory in the tests, as WADA compared each laboratory to the existing laboratories to have a good comparison in terms of performance. If WADA were to speed up the process, being compliant with the rules of the ISL, it could probably be reduced to nine to 10 months (if all went well and the laboratory performed well) if WADA wanted to condense the proficiency tests.

PROFESSOR GERRARD said that he would be happy with the proposal, given the robustness of the current protocol put before the members. He would be comfortable if it were just a matter of a couple of months' difference.

THE CHAIRMAN understood that Professor Gerrard was referring to the sequence in attachment two. That had to be done either way; it was just a question of whether it could be done quickly or slowly. Exceptional circumstances would mean that it could be done quickly, but the Executive Committee did not seem to find exceptional circumstances to allow it to be done quickly. In any case, he thought that the members had agreed to the decision.

DECISION

The following proposal regarding re-accreditation of the Ankara Laboratory in Turkey approved:

Following a careful study of the request for reaccreditation, no exceptional circumstances have been found as per article 4.4.12.3 of the ISL; however, given that the laboratory already has a long history and experience in analysis, the reaccreditation process should be fairly straightforward, and the WADA Executive Committee therefore requests that the WADA Science Department immediately engage in the reaccreditation process with the Ankara laboratory as a matter of priority and ensure that all steps be achieved as quickly as possible. The duration of the accreditation phase would

then mainly be dependent on the ability of the laboratory to successfully complete the various steps.

– **10.3 Haematological Laboratory for the ABP – JCAC, Tokyo, Japan**

Referring to the mobile testing unit in Japan, THE CHAIRMAN said that he had been given the opportunity of looking at the vehicle with some of the Executive Committee members earlier that year. The vehicle had been beautifully set up and was a credit to whoever had designed it and put it together.

DR RABIN said that, to his knowledge, this was the first time that there was what he referred to rather casually as a blood laboratory installed in a truck to collect blood samples as part of the ABP, and the idea was to have this unit going to competition sites and collecting samples directly. Looking at the screen, the members would have a better idea of how the mobile unit worked, and would see a picture of the inside of the truck, which gave the idea of a collection room, and there was also a section with the analytical equipment. WADA had been very careful to ensure no overlap between the collection and analytical periods so, when the athletes were in the truck having their blood samples collected, the technicians were outside and, when the collection period was completed, the technicians could go in and perform the analysis. The laboratory had been assessed like any other normal laboratory, according to the established criteria that existed for blood laboratories, so there had been no particular circumstances for the laboratory to ensure that it could deliver the quality that was expected as part of the haematological module of the ABP. He was very pleased to report that the mobile unit had passed all of the requirements, both technical and administrative, and he referred in particular to the EQAAS programme for blood laboratories, and all the issues related to insurance of a normal laboratory and, as described in the cover document and the attachments, the laboratory presented to the members for approval, and this would be the first laboratory fully devoted to blood analysis in support of the ABP.

DR SCHAMASCH said that he was laughing as it reminded him of a proposal for a mobile laboratory that had been endorsed by the Prince de Mérode in the early eighties. He thought that it was a very good idea, but asked about the WADA position if a similar blood laboratory were touring other countries and continents.

DR RABIN responded that, now that the model was established, it would be acceptable; as long as the unit performed under the ISL requirements, such a unit could be used not only in Japan but also in other countries. If the model were to be developed, he thought that it was something that could be considered quite favourably.

PROFESSOR GERRARD asked about the economics of this. Was the Executive Committee privy to how much saving there would be in having blood taken and analysed under these circumstances as compared with one of the accredited laboratories?

MR YAMAWAKI asked his colleague to explain.

DR RABIN said that he had been about to say that WADA was not really looking into financial aspects, but the question was very relevant. Mr Asakawa had more information that could be interesting.

MR ASAKAWA said that there had been no in-depth investigation as to the financial impact thus far; however, transporting blood cost quite a lot of money, so sending the mobile truck could also reduce transport costs dramatically, as the mobile unit was also designed to collect urine samples, so collecting urine and blood at the same time meant that there would be no need to calculate blood transport costs.

THE CHAIRMAN thought that the Executive Committee might be interested in a year's time to hear back on the experience of how this was working and aspects such as the cost benefits. The members would all be keen to see how that worked. He praised the Japanese on their innovative approach.

PROFESSOR LJUNGOVIST understood that this would be solely for the ABP, and not blood sampling for the purpose of HCG analysis and that type of thing.

DR RABIN said that he was not aware of the possibility of such analysis; however, perhaps the facility allowed for blood collection and storage in sufficiently good condition to be brought to the laboratory and then conduct anti-doping analysis for Hgh or other substances but, as far as he could understand, it was for blood analysis with the Sysmex.

MR ASAKAWA confirmed that this would be only for the ABP.

THE CHAIRMAN said that the decision requested was that the WADA Executive Committee grant approval to the Japan Chemical Analysis Centre for the purposes contained in the conclusion paragraph, which would probably need to be tidied up for the minutes to make it abundantly clear, and it had been clarified that it would be used for the ABP.

There were two conditions: the insurance policy (which had been tabled) or professional indemnity insurance policy and also a signed code of ethics, so those conditions were attached to that approval, and he was sure that the signed code of ethics would be sent very soon.

DECISION

Proposal regarding Haematological
Laboratory for the ABP – JCAC, Tokyo,
Japan, approved.

11. Any other business/future meetings

DR SCHAMASCH expressed some concern in relation to the IOC and, as a matter of transparency, he raised the issue of the laboratory in Moscow. It was quite important for the Executive Committee to understand the situation regarding the laboratory, as Dr Rabin had gone to Moscow at short notice to pay a visit to the laboratory and had expressed some concern that could be shared by the Executive Committee, and it was also important for the coming year. He knew that some of the members would be in Moscow on 12 December but thought that it was important to alert members to the events in Russia.

DR RABIN said that he would be as brief as possible, as this was a fairly complex matter, but there was a double challenge for the Moscow laboratory. The laboratory would move to a new facility, so it would be a brand-new laboratory very close to where the current laboratory was, meaning a complete move of the laboratory, so that was the first challenge. The second challenge was the preparation of the laboratory for Sochi, and the reason for the short notice visit to the laboratory was because WADA had received very serious information from the national accreditation body in Russia which, when it had visited the laboratory, had raised some very significant matters about the way in which the laboratory operated, not necessarily in terms of quality, but in terms of process and quality management and organisation of the laboratory. This was something that he and his team had wanted to investigate on-site. The team had spent three full days at the laboratory investigating different aspects and it had been determined that what the national accreditation body had found was significant, and this had been raised directly with the director and WADA certainly expected significant changes in a matter of weeks to make sure that the laboratory could move to the new facility but also face challenges to be ready for the Sochi Olympic Games. He believed that certain elements were not yet in place to ensure that the challenges would be met, so it had been agreed with the Laboratory Committee that WADA would be extra vigilant about the way in which the two laboratories were assessed in the coming months, but there was certainly serious concern in terms of quality management and staffing that needed to be looked into carefully, and he hoped that the laboratory and the Russian authorities would look into this very carefully, as there were some serious concerns in the lead-up to the major event in February 2014. The IOC should also be aware of this and be an important actor

when visiting Moscow to make sure that some of the issues could be taken into account by the various Russian authorities. He had talked to the head of the national accreditation body to ensure that it would also carry out a thorough job in terms of assessing the follow up of the issues and WADA would do its work with some additional measures and, instead of sending only one expert, would probably send three experts and extend the length of its visit to the laboratory to ensure that all of the issues were properly covered, but there were some significant concerns at that point.

PROFESSOR LJUNGOVIST thanked Dr Rabin for the report; it was rather worrying, because there were events to take place before 2014 and he wondered whether the IAAF was aware of the situation. It would be holding its world championships in Moscow in the summer of 2013 and they would have to be announced possibly together with others that would be holding competitions in Russia in order to have a reserve laboratory ready to take the matter on board if something did not happen in the way that WADA hoped.

DR RABIN said that Professor Ljungqvist had made a valid point. He was due to meet with the IAAF representatives at the end of that month for different matters, and it was something he planned to bring to their attention when he met them.

MR JURITH asked if the national accreditation body was a Russian institute.

DR RABIN replied that it was a Russian organisation that was in charge of laboratory accreditation, and it had also overseen the ISO 17025 accreditation of the Moscow laboratory and would do the same in the future for the Sochi laboratory.

MR REEDIE informed the members that the draft budget had been distributed over lunchtime and would go to the Foundation Board the following day (attachment 2(A) to 6.4). It delivered the deficit wanted and noted under science and research and under education the existence of reserve funding. That was the way in which the members had wanted to present it.

THE CHAIRMAN said that the document had been circulated with an outcome approved that morning, with the actual figures in the draft budget document attachment 2(A).

MR ODRIOZOLA spoke on behalf of Mr Lissavetzky, who sent his apologies for not being able to attend his last meeting. It had been a privilege and an honour to represent the European public authorities on the WADA Executive Committee and he had always tried to give constructive interventions for the benefit of the fight against doping in sport. He thanked all of the members for their cooperation

THE CHAIRMAN responded on behalf of the Executive Committee to say that the four years had meant a lot of sacrifice and effort on the part of Messrs Odriozola and Lissavetzky and he thanked them for the sincere and courteous manner in which they had worked with WADA to achieve its objectives. He wished Messrs Odriozola and Lissavetzky both well and asked Mr Odriozola to pass on WADA's best wishes to Mr Lissavetzky.

THE CHAIRMAN highlighted that WADA had endeavoured to work in with a conference that a number of the Executive Committee members would be attending, the IOC session in Buenos Aires in September 2013, and the WADA Executive Committee meeting would take place in the same city, which made a lot of sense. He asked the members to save the date for the meetings that would take place over a week-long period at the world conference in November in Johannesburg.

He concluded the day by thanking the interpreters, the visual staff who had put the technology together to allow the Executive Committee members to communicate in the manner in which they did. A series of papers had been produced and work done during the day to tidy up budgets and provide fresh documents before the end of the day. The WADA staff gave up their weekends for the meetings, and were a very conscientious and dedicated team, and he thanked them for their efforts. He thanked the members for their courtesy and contributions.

DECISION

Executive Committee - 11 May 2013, Montreal;
Foundation Board - 12 May 2013, Montreal;
Executive Committee - 11 September 2013,
Buenos Aires, Argentina;
Executive Committee - 12 November 2013,
Johannesburg, South Africa;
World Conference - 12, 13, 14 and 15
November 2013, Johannesburg, South Africa;
Foundation Board - 15 November 2013,
Johannesburg, South Africa.

The meeting adjourned at 5.00 p.m.

FOR APPROVAL

JOHN FAHEY, AC
PRESIDENT AND CHAIRMAN OF WADA