

**Minutes of the WADA Executive Committee Meeting
19 November 2011
Montreal, Canada**

The meeting began at 9.00 a.m.

1. Welcome, roll call and observers

THE CHAIRMAN formally declared the meeting open, welcoming all of the members and thanking them for the effort they had made to attend. He looked forward to working with them in relation to the agenda and all matters in respect of the collective fight against doping in sport. There was nobody at the table who had not been present previously, so there were no special welcomes. There was a full contingent in attendance. He would pass the roll call around and ask the members and observers to sign it.

1.1 Disclosures of conflicts of interest

THE CHAIRMAN asked the members to look at the issue of disclosures of conflicts of interest. Was there any member who had a matter that was in conflict with the business to be dealt with that day or matters more generally that had not previously been disclosed?

MR REEDIE said that there was an item on the agenda relating to compliance that involved the NOC of Great Britain. He was a director of the British Olympic Association, so it was entirely inappropriate that he take part in that discussion; therefore, he would not take part in that part of the agenda.

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; Dr Rania Elwani, Member of the IOC Athletes' Commission; Mr Odriozola, representing Mr Jaime Lissavetzky, Secretary of State for Sport, Spain; Mr Tenzo Okumura, Minister in Charge of Sports, Japan; Mr Craig Reedie, IOC Member; Mr Patrick McQuaid, President of the UCI, IOC Member; Mr Patrick Ekeji, representing Mr Yusuf Suleiman, Minister of Sport, Nigeria; Mr Bill Rowe, representing Mr Mark Arbib, Minister for Sport, Australia; Mr Gian Franco Kasper, IOC Member and President of the FIS; Mr Francesco Ricci Bitti, President of the International Tennis Federation and Member of ASOIF; Mr Lane MacAdam, representing Mr Bal Gosal, Minister of State (Sport), Canada; Mr Patrick Ward, Acting Deputy Director for Supply Reduction, ONDCP, USA; Mr David Howman, WADA Director General; Mr Rune Andersen, Standards and Harmonisation Director, WADA; Mr Frédéric Donzé, Director of the European Regional Office and International Federations Relations, WADA; Mr Kazuhiro Hayashi, WADA Asia/Oceania Regional Office Director; Ms Maria José Pesce, WADA Director of the Latin American Regional Office; Mr Rodney Swigelaar, WADA African Regional Office Director; Ms Julie Masse, Communications Director, WADA; Dr Olivier Rabin, Science Director, WADA; Mr Rob Koehler, Education Director, WADA; Mr Alan Vernec, Medical Director, WADA; and Mr Olivier Niggli, Finance and Legal Director, WADA.

The following observers signed the roll call: Andrew Ryan, Françoise Dagouret, Christian Thill, Patrick Schamasch, Saroshi Yamaguchi, Mikio Hibino, Bente Skovgaard Kristensen, Anne Jansen, Peter de Klerk, Abdulkadir Mu'Azuz, Louis Jani and David Gerrard.

2. Minutes of the previous meeting on 17 September 2011 (Lausanne)

THE CHAIRMAN drew the members' attention to the minutes of the previous Executive Committee meeting on 17 September in Lausanne. Were the members happy for him to sign those minutes as a true and accurate record of the proceedings of the Executive Committee and the decisions taken that day?

PROFESSOR LJUNGOVIST said that there was a factual mistake on page 48 of the minutes. The Chairman had referred to Professor Ljungqvist's institute for research. He was not aware of owning any such institute and suggested making a change to the minutes.

THE CHAIRMAN believed that he had been referring to the institute in Stockholm which did not carry Professor Ljungqvist's name, and apologised. The records would be altered.

DECISION

Minutes of the meeting of the Executive Committee on 17 September 2011 approved subject to proposed modification and duly signed.

3. Director General's report

THE DIRECTOR GENERAL informed the members that his report had been written some three to four weeks previously, so there were some aspects on which he wished to update them verbally. He would go through some aspects that needed updating, and also raise some other activities in which WADA had been involved over the past few weeks.

As far as UNESCO was concerned, the number of countries governed by UNESCO had increased to 194 with the addition of South Sudan. It was likely to increase to 195 with the further addition of Palestine, but there were some formalities that had to be completed before that occurred. Ratifications had increased to 163, with the recent addition of Bhutan, and there were three countries whose instruments were in the pipeline: Belize, Lebanon and Costa Rica. With the addition of those three, WADA would reach 166, hopefully before the end of the year.

WADA had attended the third conference of parties of UNESCO in Paris at the beginning of that week. The President had made an opening address on behalf of WADA, the Vice-President had made an opening address on behalf of the IOC, and the Foundation Board member Tony Pascual, representing the IPC, had also made an opening address. He had given a presentation of WADA activities and, generally speaking, WADA had partaken thoroughly in making sure that the UNESCO members were aware of what was going on at WADA. The members should be alerted to two aspects, one of which was the UNESCO Voluntary Fund, which continued. UNESCO hoped that more money would come from governments volunteering contributions to that fund; there was no change to the way in which it allocated grants so, if a regional organisation wished to seek money, it had to do it with the signing of three different governmental ministers. WADA continued to be part of the Voluntary Fund committee as an observer. This position was entrusted to him. Mr Marriott-Lloyd would be leaving

UNESCO at the end of the year, and his position would be advertised. UNESCO would seek to fill it in the normal UNESCO fashion. There were two other aspects regarding UNESCO activities. The report WADA was awaiting in respect of legislation had not yet been completed. Mr Houlihan had been entrusted with that task. WADA was pushing it and partly funding it, and WADA was hopeful that that would be completed by the end of the winter (in the Northern Hemisphere). The second project in which it was engaged was a documentary entitled "The War against Doping" starring the WADA Vice-President, to be published in the middle of 2012.

Regarding Interpol, Mr Holz had been re-seconded by the French Government to Interpol. The WADA President had met the French minister earlier that week in Paris and could report more directly on that. The chief investigative officer, Jack Robertson, had recently attended the Interpol General Assembly in Vietnam, and WADA was undertaking initiatives with Interpol on which it would report in May, including some more formal meetings with those engaged in investigations from NADOs, perhaps in March the following year.

WADA was working further with the WCO to try to establish practical ways of working together. There had been a few bureaucratic stumbles along the way, but he was hopeful that these would be overcome in the New Year.

For the standing committees, which he would table by the end of the day, WADA had received 36 nominations for the Education Committee, 44 for the Health, Medical and Research Committee, 23 for the Athlete Committee and 14 for the Finance and Administration Committee. By the end of the day, he would have completed the necessary discussions with the President and the chairs of the committees.

He referred to the help that WADA was giving to major national anti-doping organisations. WADA had progressed to the extent that Jamaica could be removed from the list. WADA had also progressed substantially with Nigeria, and he was sure that the Executive Committee member from Nigeria could update the committee. WADA had certainly had a lot of help from our African Regional Director and Mr Andersen, who had visited and we expected help from the South African NADO. Similarly, matters had advanced considerably in Turkey, again with Mr Andersen's intervention and visits to Turkey, and the members would see from the compliance report that the country had reached a very satisfactory state in a speedy fashion. Brazil and Russia were two countries with which WADA still had a lot of work to do. Brazil was hoping that its NADO would be brought into law, after which it would be able to progress. He had been told that a presidential decree might have been signed the previous day, so the country was showing some initiative at least in having the matter advanced governmentally. Dr Schamasch and Mr Andersen would be visiting Russia in early December to advance the programme in which they were involved in that country.

As far as the management was concerned, the members would see in the paper relating to compliance the recommendation that the next compliance report be deferred until 2015 and that ideas of the activities in which WADA should be engaged involve more of a partnership approach with signatories, to ensure that WADA achieved practice of a better kind than was currently occurring. If that was approved, WADA would reorganise its staffing structure with different job descriptions and responsibilities. Mr Robertson had already been mentioned. The former ADAMS manager, Ms Ndiaye, had recommenced work the previous Monday and would in the New Year work from the Lausanne office to ensure more direct communication with IF stakeholders, in particular in respect of ADAMS.

His report contained a fairly lengthy comment on clenbuterol. He had attended meetings in Mexico prior to the opening ceremony of the Pan-American Games in Guadalajara. He had met the PASO president, Mr Vázquez Raña, and governmental officials and ministers, and had discussed the vexed issue of contaminated food in that country. He had been told, and he did not think that this was a secret, that the

underworld was responsible for the steroid injection of cattle in some of the states of Mexico. There was a federal law there that prevailed and was being enforced in most of the states, but there were one or two states in which the "bandidos" had more control than the government, and it was a risky business to engage in enforcement. There was therefore a problem in Mexico. WADA had issued a warning on its website and would extend the warning and make all signatories aware that, if they were to host or participate in an event in Mexico, they should get a guarantee from the hosts that their athletes would not be exposed to contaminated meat. WADA had done that in relation to China. There had been an alleged problem in China; the government had assured WADA that it had resolved the problem, but WADA had suggested that anybody going to China to compete, or any federation or organisation intending to host an event in China, should get a guarantee from the host. This was a matter for governments and for the industry. It was very similar to the issue confronted in 2000 in relation to supplements, whereby WADA had put the onus back on those responsible, the governments and the industry. WADA intended to do the same in relation to clenbuterol. What had happened in Mexico at the FIFA under-17 World Cup was that there had been a report from FIFA (and he had a copy of it for anybody interested in reading it or taking away a copy) indicating that the meat ingested by players in almost all of the teams present had been contaminated. WADA had met with FIFA, considered the report, and discussed it with officials in Mexico. WADA wanted to engage in the research that FIFA was pursuing although, at present, WADA had been told that it could not engage in that research, so it would conduct its own research together with the Mexican Government in order to have more information in relation to clenbuterol. WADA was already partaking in research in respect of this substance, and one of the projects approved earlier that year, and even one approved the previous year, looked at the ability to differentiate between clenbuterol taken as a substance or as a performance-enhancing substance and clenbuterol that might be taken through contamination. WADA was advancing the issue and that was the position that WADA currently held. The management intended, unless told otherwise, to issue such a directive to all of WADA's signatories early the following week, that there be this warning and aggressive approach taken by those wanting to host events in those two countries. He was not aware of any contaminated food issues in any other countries.

With regard to courier costs, the management had advanced the discussion with DHL and expected a response early the following month. The management would share the information obtained with all of the anti-doping organisations. It was not for WADA to sign a contract with DHL, it was for the anti-doping organisations to do that; but, if WADA could get to a situation whereby courier costs were vastly reduced, it would expect the ADOs to pick it up. WADA had been asked time and again to look at reducing anti-doping costs, and this was an initiative the management had taken in response to the requests. The response would be distributed, and the matter would probably be discussed at the ADO symposium to be hosted in Lausanne by WADA towards the end of March the following year.

Regarding the major leagues, WADA had not given them high priority status due to the other projects in which it had recently been engaged but, on a peripheral basis, WADA had been involved. The NFL and the NFL players' association had reached an agreement whereby they were to include Hgh testing in their anti-doping programmes. He could only describe it as player power but, at present, the players were resisting such testing on pretty spurious grounds, and the matter had gone to Congress. This was an indication of player power, of which WADA was seeing more and more. The previous week, a new global players' association had been established, ostensibly covering 150,000 athletes, with the objective of challenging WADA, and a second objective of challenging the IOC. This was something that he had been predicting for two or three years. WADA would need to engage with the group, which had sprung from the European Elite Athletes Association but had expanded on a global basis. Returning to the issue of the major leagues, WADA had been in discussion with the NHL, which would be partaking in a Say NO! to Doping programme at its all-star game the following year.

It had worked with the NBA, which was currently in a lock-out. It had gone to the courts, but it had been discussing with WADA the nature and extent of its anti-doping programme once it got through the court proceedings.

The Independent Observer team had gone to the All Africa Games; the report had been completed and would be posted shortly on the WADA website. Another team had gone to the Pan American Games; the report had not yet been completed, as it had to go through the process of being shown to those responsible in Guadalajara before WADA published it.

He had mentioned the laboratory statistics for 2010 in September. He would mention the matter again the following day as there were some disturbing aspects, some of which he had raised in September. He had raised the matter before UNESCO. There had been 36 positive EPO cases in 2010 and, as he had said to the various bodies he had addressed in the past few weeks, that was pathetic and hardly a sign of a good, comprehensive anti-doping programme if only 36 cases could be identified. It was the drug of choice across all sports, and yet WADA was concerned that not many asked the laboratories to test for it. It was one of the factors that had led to the suggestions in relation to changes to the ISL, to ensure that WADA had copies of the contracts that all of the ADOs had with the laboratories to see whether there was this selective menu approach, which really deviated from the objective of the Code.

ANADO had not yet wound up; it had legal steps to take before completion. There had been no change to the payment out that would be received by those who were owed money, and he had circulated a list of those after the meeting in September. More than 900,000 dollars would not be available to anti-doping as a result. What had arisen was an objective from some of the NADOs to form a new body, described in their draft papers as the Institute for National Anti-Doping Agencies. They had held a meeting in Paris the previous weekend. They had shared with WADA the draft of their objectives; they intended to run an organisation more like some of the collective organisations under the sports movement, with a CEO or a secretary general and a part-time or other assistant. They were looking for contributions towards that; WADA had had informal discussions with them along the lines that WADA might be prepared to consider funding in the same way as it had funded SportAccord (it provided 160,000 Swiss francs annually to SportAccord under certain conditions that had been followed very properly by SportAccord, to the benefit of all concerned). He saw the same sorts of benefits going to the NADOs if a similar structure could be put into place. He asked for approval to pursue discussions with the new body once it came into place on the basis that WADA could consider funding under certain conditions, and he suggested that those funds and conditions be approved along the lines of the same agreement that WADA had with SportAccord. He thought that the organisation would be asking for some form of contribution to set it up early in the New Year. WADA provided the money to SportAccord on the basis that it was not to be spent for doping tests (it was to be spent only on overheads in relation to the operation of the unit, which included the salaries of those employed by SportAccord) and that WADA had a position as an advisory member of its committee and received audited reports from the body in relation to its activities. He wished to underline the fact that this had been very successful and Ms Dagouret had a very healthy relationship with WADA and had ensured progress in terms of compliance and other aspects, so it had been beneficial to WADA.

The members would be aware of the CAS decision in the IOC-USOC issue relating to article 45 of the Olympic Charter. The CAS had determined that that rule was effectively an extra sanction, which rendered the IOC rule not compliant. WADA had already been in communication with the IOC, which had immediately agreed that it would be abiding by the decision, and would not enforce or pursue that article, so it became null and void, and WADA anticipated that the IOC would be telling all of its members that those who had changed their rules to be consistent with article 45 should change them back or nullify them. He had a copy of the decision should anybody wish to read it.

He issued a reminder about the no-needle policy. This was not an anti-doping policy; it was a very good policy from a medical point of view and WADA certainly supported it, but it was not an anti-doping issue and could not be enhanced or enforced through anti-doping rules. He raised that to ensure that there was no misunderstanding or confusion.

WADA had been approached by FIFA following the approach from South American governments the previous May as to the use of non-accredited laboratories in South America. FIFA had raised this matter in 2005. He had attended a meeting of South American football federations to ensure that they were aware that they could not use non-accredited laboratories or expect any results from them to be upheld through the CAS. WADA encouraged countries in South America to seek accreditation for those laboratories, and had an application from Mexico and Argentina, but no others from any other country at present. He had written again to the governments and FIFA to remind them of this and encourage them to use the accredited laboratories, and persuade countries that wished to seek accreditation to do so.

Following a very useful intervention from the Spanish colleagues in Lausanne, the management had looked at introducing paperless meetings. WADA had tablets available and would run a meeting or two of its expert groups to see how effective and efficient that might be. The idea was to reach a situation whereby the members would attend the Executive Committee meetings and there would be a tablet on the table replacing the papers, or a tablet made available to the members upon their arrival at the hotel. WADA could not give the members a tablet in advance, as it did not have the resources, but it was a project that WADA had in mind. It would test it and would report back in May, after which time he hoped to be able to advance it further.

He raised the issue of translation for the Executive Committee and Foundation Board meetings. All of the papers that the members had were translated into French. It took a week or ten days for one person on the staff to translate the documents. He raised this not to deviate from the fact that English and French were both WADA official languages, but in relation to the fact that WADA was trying to save money. Was it necessary to have all the papers translated? He was aware of the fact that, of all the IFs that had French and English as their official languages, only two had all of their documents translated. It had to do with WADA saving some money in the way in which the members had asked it to do.

WADA had been invited to attend the IOC Entourage Commission meeting, and Mr Koehler and he would go and make a presentation in December on aspects learnt in relation to entourage.

The Tunis laboratory had been suspended as a result of a decision taken by the Executive Committee some five months previously. The suspension had been for six months. Over those five months, Tunisia had been in a state of civil unrest, and the aspects to which the laboratory had to attend had not yet been attended to. He thought that this was a situation of force majeure, and that WADA ought to extend the suspension for a further six months, to allow those responsible for the laboratory in Tunis to get back to work (as a government was now in place in the country) and to allow them to work with WADA going forward to attend to the remedial work. If that could be done inside the six months, the suspension could be removed earlier, but it allowed WADA to ensure that nothing went wrong in the meantime, as the suspension would otherwise need to be considered in another way. His recommendation, and he sought the Executive Committee's approval on this, was that there be such an extension.

Looking again at issues of extra money, when in Tokyo four or five weeks previously, he had held a meeting with the minister, and Japan had signed an agreement with WADA again to provide extra money to WADA for RADO activities in the Asian region, and he thanked Japan for that contribution, which was over and above the contribution that it made in relation to government funds. He added that Australia had done the same: WADA had signed a new agreement with Australia for extra money, which would go to

the running of the RADO in Oceania. Those were two examples of activities that WADA was pursuing to get extra funds from governments, but it was wholly dependent on the generosity of countries around the world. For the record, he wanted to make sure that thanks were given to Australia and Japan.

There was an issue in relation to the British Olympic Association which had arisen as a result of the CAS decision. Some of the members might have seen some of the exchanges in the media emanating from a speech made by the president of the BOA to an IF symposium in Lausanne on Tuesday, prior to its executive committee meeting on Wednesday, at which the issue had been considered, but it had been in the media on Tuesday that the BOA was not going to change its rule. This had been brought to the members' attention. It could be discussed under Mr Andersen's report. There was a full set of papers on the table as an addendum to Mr Andersen's report. He would prefer that the discussion take place during the discussion of the compliance report.

THE CHAIRMAN opened the floor for questions or comments.

MR MCQUAID thanked the Director General for the comprehensive report. In relation to clenbuterol, the Director General had talked about getting a guarantee from the host before taking an event to the country. Practically speaking, what did the Director General mean by that? He thought that it would be quite difficult to do.

In relation to China, the situation was not as bad. Was the Director General confident that events could be held in China without taking necessary extra precautions?

WADA had been talking to the professional leagues for quite a few years. What was the status of anti-doping in either the individual leagues or the leagues in general? The expanded union of athletes which would threaten or try to take on WADA and the IOC could very well turn any possibility of getting a good anti-doping programme going among the professional leagues in the USA if they started lining up with those athletes as well.

In relation to the Independent Observer missions, there had been discussion (and he knew as one who had been in an Independent Observer mission that had produced a report of some 200 pages, going into huge detail) about a more simplified Independent Observer mission taking place in the future. For those missions that had taken place in Africa and at the Pan American Games, had they been the traditional missions or had they been of a reduced nature and, if not, what were the plans for the future of Independent Observer missions and London the following year?

PROFESSOR LJUNGOVIST picked up on the clenbuterol matter. He thanked the Director General for the explanation, because he had been very worried when he had heard through the media that WADA had dropped the CAS case on the matter, which had felt like an indirect acceptance of the possibility that food contamination could indeed take place. As everybody around the table knew, that had been firmly and always rejected as an excuse by athletes. The first time he had heard of that type of excuse had been back in the early eighties, and this had been repeated over and over again, so therefore this had come to him as a matter of serious possible precedent, and he had been very worried. He was grateful that the decision had been based on information from FIFA, but he would of course be very happy to see that actual report. He thought that it should be understood that clenbuterol was a substance that was basically a veterinary drug, but in some countries it was also used to medicate human beings. There had been some famous cases of athletes who had been disqualified because of clenbuterol use, and the most famous one was the former world sprint star Katrina Krabbe in the early nineties, and two British weightlifters had also been sent home from the Olympic Games in Barcelona in 1992, so it had been around for some 20 years or more, and often the excuse given by the athletes for positive tests was contamination. It was a beta-2 agonist and these were used to treat asthma, but those substances had also been proven to act as anabolic agents, so they were on the List because of the

potential anabolic activity that they might have if they were taken orally or via injections. Most people treated for asthma with beta-2 agonists inhaled them and that was allowed, but the risk was that, since some were available for systemic use, there could be anabolic action. That was why they were banned. This was not the first time that the contamination matter had been raised, but it was the first time that it had been indirectly accepted, and that was the great concern. Therefore, the final sentence in the report in italics, that, "Clenbuterol remains a prohibited substance, and WADA will approach and study any positive case on an individual basis", was very crucial because, in his view, this dropping of CAS cases should not be taken as indirect acceptance of the contamination excuse; it needed to be evaluated on a case-by-case basis. He had no further questions but wished to emphasise this as it could be taken as quite a serious precedent and it was necessary to be very careful when evaluating and discussing this matter, and he hoped that the countries and regions in which contamination could take place in this way, namely China and Mexico, were following up on the issue and the risks were being eliminated, as it was a completely unacceptable, unethical and, in most countries, illegal way of treating cattle. Clenbuterol was being used in cattle breeding precisely because of its anabolic effect, as it created a muscular increase and there was an obvious cost benefit. The Director General had mentioned that this was being studied, the hope being that WADA would be able to differentiate between clenbuterol that had already been in a host animal before being consumed and clenbuterol that had been taken directly by an athlete. There was no answer as yet, but investigation was under way.

MR RICCI BITTI said that he did not know which decision WADA had taken, but it was a matter of great concern if the use of clenbuterol was no longer being treated as it had been in the past. He had two kinds of concern, one of which was operational. There had been similar tennis cases in Mexico in the past, and obviously there were some countries in which there was contaminated food, but to dismiss the matter of doping automatically was a very big concern and could go very far in terms of the strict liability principle, which formed the basis of the system. Had WADA accepted what FIFA had said? It seemed to be contradictory to be an appellant in a very important case and at the same time accept that it was necessary to consider this in a less strict manner. He did not know about the decisions. He was very concerned that, if there were no precise references, the principle of strict liability risked being infringed; and, on the other side, more research was needed to find out more about what was contamination from food and what was contamination not from food. He strongly recommended greater precision.

He had a question about the report and the DHL agreement. He had been asked to find out more. Obviously, the agreement was welcome; any agreement that reduced costs and optimised activities was welcome, but there was some concern among the rights owners. He had been asked to pass on this concern about infringement of the current rights of the rights owners.

He was surprised to see again the revised acceptance of new signatories. He had missed the previous meeting in Lausanne but had thought that the matter had been concluded at the meeting before that in Montreal, so he was surprised to see the matter on the table again. He would like to keep the sports organisations in the wording, as it was vital for WADA.

Finally, he repeated what he said at each meeting, congratulating WADA on its progress with UNESCO, but noting that he would also like to know which countries had legislation in place, and whether it was civil or criminal, and which countries had NADOs that could really be considered effective and operational.

THE CHAIRMAN noted that the matter regarding the revised process for acceptance would be dealt with as a separate item. Nevertheless, Mr Ricci Bitti's points had been noted.

MR MACADAM mentioned that his minister of sport regretted being unable to attend the Executive Committee meeting, as he was attending the Para-Pan American Games in

Mexico. Canada would be hosting the Pan American and Para-Pan American Games in 2015. He commended WADA and the work of its regional office in assisting many of the countries in the Americas in signing the UNESCO convention. There were five remaining countries, two of which were in progress, and he wanted to thank the regional office, in particular Ms Pesce for her efforts.

THE DIRECTOR GENERAL told Mr McQuaid that WADA was not yet sure enough to be able to say that there was no problem in China, so China and Mexico were still the two countries for which WADA had to make sure that alerts or warnings were given to athletes and those wishing to host events. As to the guarantee that WADA had obtained in events to date, he referred to the FINA World Swimming Championships held in Shanghai earlier that year. FINA had received a guarantee from the host that, if the athletes ate at a list of restaurants in Shanghai (and there had been about 20 restaurants on that list), they could be certain that the products (meat) would not be contaminated. There had been a similar approach in Guadalajara at the Pan American Games, at which the host had agreed to guarantee that nothing that the athletes ate at the athlete village would be contaminated, and a list of restaurants had been given to athletes at which they could eat without fear of contamination. That was the sort of approach that he thought was responsible and should be offered by the hosts.

Regarding the professional leagues, it would be pretty hard to give an update on the state of anti-doping in general in a couple of minutes, but the best word to use was "progress". The professional leagues worked under a collective agreement that they had with their athletes. Those collective agreements lasted for a period of time. The one with the NFL, which had been concluded just prior to the start of the season, would last for ten years, so it did not have a mechanism to change the collective agreement per se for ten years, but it did have ways and means of improving the programme within that agreement. The NFL did regular in-and out-of-competition testing; its list was almost the same as the WADA List, but its sanctions were not. The sanction process was getting closer and it was looking at using the US arbitration system and eventually the CAS. Regarding the NHL, it was in discussions in relation to its collective agreement, and there had been a meeting between WADA and the players and the NHL in New York a couple of months previously, and there would be another meeting with them in the coming months. Its programme was less in terms of the numbers of substances on the list, as it did not have all of the substances that WADA had, and it did not conduct as much out-of-competition testing as WADA suggested that it did, but it was edging towards getting closer to the Code. For the NBA, WADA had relied more on FIBA than on its own initiative but, with some support from Mr Baumann and FIBA, WADA had met with the NBA in June, and it was in discussions with its players and was trying to consider anti-doping as part of it. It ran an in-competition programme, but WADA was not so certain about its out-of-competition testing programme. Baseball was probably the league that had made the most advances in the past 12 months; its minor leagues were almost there, the sanction area was the area where they were not. The major leagues were subject to a collective agreement and they were engaging with their players' association and had asked WADA for assistance in relation to that. In a nutshell, that was the best he could give by way of an update.

Regarding the Independent Observers, the idea going forward was that WADA should be working with those hosting major events two years or 18 months prior to the event, so that their rules and programmes were in place and WADA could help them get the best possible programme. Then WADA would not even need to go to the event, or might have to go to the event in a different manner. That was the progress WADA wanted to make. That would require some changes to the Code in due course, and WADA needed to think about whether the observers should be called Independent Observers. WADA had reduced the team markedly for London, as it had done with the teams that had gone that year to the All Africa and Pan American Games. The team would be about half the size of the team that had gone to Beijing, and WADA would look at ways and means of

ensuring that the programme conducted in Vancouver was enhanced. In Vancouver, WADA had run an audit-style programme, meeting daily with the IOC Medical Commission and exchanging views. If there were things that needed to be changed or remedied, they had been changed on the spot. The one aspect on which WADA had not yet succeeded was reducing the length of the report. WADA was now working with those it sent on missions to ensure that they produced a brief report, which summarised what had gone on and did not include the sort of detail to which Mr McQuaid had referred.

He would of course give Professor Ljungqvist all of the information received from FIFA. This covered the question that Mr Ricci Bitti had raised. There had been four or five cases from the Gold Cup, run by the Americans in Mexico earlier that year, and all of them had been clenbuterol cases. WADA had appealed all of them as the athletes had been exonerated. During the compilation of material for the appeal, WADA had been given the report to which he had referred by FIFA, which it had compiled at the next event conducted in Mexico, the Under-17 World Cup. The content of the report had been pretty compelling, and WADA had formed the view that, if that information were made available to a court, it would obviously say that there was sufficient doubt that WADA could not pursue sanctions. He would make a copy for Professor Ljungqvist. One had to make these judgements where appeals were concerned. There was no point going to the CAS and wasting money in a situation whereby one knew at the outset that one would not be successful, so that had been the decision taken in relation to those four or five cases.

He thanked Professor Ljungqvist for his treatise on clenbuterol. It was exactly what he had tried to convey in his report. This was a very serious doping substance; it was something that WADA could not neglect when looking at research, and it was a very important matter to look at in terms of research. WADA was not changing its approach to clenbuterol, but it was considering the information it was given in relation to every case to see whether it could fit into the contaminated food. Not many would or should if people took advantage of the warnings and guarantees to which he had referred earlier.

He told Mr Ricci Bitti that he did not think that any more information was necessary in relation to the football cases. Mr Ricci Bitti's point about DHL had been well made. WADA did not intend to enter into any contract with any courier company. It intended to pass on the ability to obtain a better deal. Then it would be up to the individuals to decide whether or not it was worth taking advantage of. WADA would not do a tender or anything like that unless told to.

The legislation report from UNESCO was the one he had referred to that came from Mr Houlihan. WADA was desperate for it and would do whatever was necessary on its part to make sure that it was completed, even if that meant taking over the whole project. WADA would give UNESCO a couple more months, but he would be most disappointed if it could not be tabled at the May meeting.

He thanked Mr MacAdam for the gratitude expressed to the regional directors, who worked extremely hard in their regions and were very rarely thanked.

MR REEDIE supported the Director General about the comments regarding the national football league. He had found himself having to speak at a dinner in London to celebrate the international event played at Wembley, and had sat beside Roger Goodall, the commissioner of the national football league, and dealt specifically with the issue that the players' union had and its reluctance to accept a test for Hgh because the players did not believe that the test was robust. His contribution had come from three weeks before, attending the first session of the US anti-doping agency international conference in London, at which the whole of the first session had been on the quality of the test for Hgh and, while he thought that he had understood about one word in eight, at the end of the session, he had come away with a very clear view that the scientific world believed that the Hgh test was robust and that message had been passed on to Mr Goodall, who was about to try to use that with his players' union to try to move the thing forward.

THE CHAIRMAN responded that the general feeling about that was that it was just a ruse that the players' association had tried on, having agreed to Hgh blood samples for testing, but that was their right. It had certainly put WADA in the middle of the sandwich in all of that, as WADA had not wanted to be a party to their dispute, but they had dragged WADA in on the basis of questioning the scientific value of the test, and there was no doubt in WADA's mind and certainly in the scientists' minds as to the legitimacy of the methodology being used. He personally thought that Mr Goodall was a very astute and competent person and was very genuine in wanting to get football across the line.

MR REEDIE added that Mr Goodall was also grateful for the assistance he had been given by WADA.

THE CHAIRMAN said that it was good to hear that too.

PROFESSOR LJUNGOVIST said that the Hgh test was robust; the problem was that the window of detection was very narrow and therefore WADA was working on an alternative test, the biomarkers test, to have them combined if possible. WADA was also trying to widen the window on the existing test, but the existing test served its purpose when used properly out of competition. That was why there was a problem encouraging stakeholders to conduct such tests.

THE CHAIRMAN emphasised a couple of matters. With regard to the UNESCO process and the fund established, the 2.7 million referred to in the report was something that WADA had to take advantage of as best it could. WADA was doing its best and it was fair to say that, in a number of RADO countries, there had been great benefits, with the support of the regional directors in encouraging applications. The members should bear in mind that there was a resource there that could only aid all of the work and this should not be ignored. In the context of that research, he had been waiting for it for a long time too. The state of play in Paris on Monday had been a little difficult to understand. He had been told that lunch had been cancelled the day before, and apparently that had something to do with budgetary reasons, so there had been no lunch hosted by UNESCO. Whatever the reason, he hoped that the research would be supported by UNESCO. He agreed with the Director General that it ought to be done notwithstanding.

In relation to clenbuterol, he thought that enough had been said. He did not wish to sound like the expert, but it had been put to him time and again that thresholds should be considered. His understanding of a threshold was that it was just irrelevant; somebody could be under that threshold based simply on the time that had elapsed from ingestion of the prohibited substance to the time at which the sample had been taken and subsequently analysed. He thought that he was right in saying that, so he did not know that there was any capacity to consider the threshold aspect. The good thing was that WADA was trying to get research to tell the difference between direct ingestion and indirect ingestion through contaminated meat. It was without the slightest doubt always going to remain on the Prohibited List, and it had to be dealt with despite the difficulties in some parts of the world.

MR RICCI BITTI said that the threshold helped as a reference for people who were working. It was not the solution, but he could assure the members that contamination would be the defence of choice in all future cases, so a reference was needed, and this was his point. Thresholds clearly always saved some cheats, but it was the only way of having a reference. He was not saying that thresholds were the solution, but his view was that WADA was entering a minefield, and everybody would defend a positive test by saying that it was contamination, and the principle on which the anti-doping programme was placed, that of strict liability, would be in danger.

THE CHAIRMAN stated that the issue of thresholds was not in the mind of the List Committee going forward, and the committee was very clear as to the reasons for this remaining on the List.

PROFESSOR LJUNGOVIST said that there were some thresholds incorporated in the List and the principles for evaluating adverse analytical findings, but one had to analyse substance by substance. The metabolism might be quite different from one to another. He suggested consulting Mr Pascual from the IPC, who had been responsible for the analysis during the Pan American Games in Mexico City, because the Barcelona laboratory had had a separate laboratory there, and he had reported that preliminary data available suggested that thresholds would be very difficult, if not impossible, to introduce for the purpose of differentiating between positive or non-positive clenbuterol cases, but it needed to be further studied.

THE CHAIRMAN said that he knew that WADA would be paying attention to this particular substance for some time to come, but that was just a fact of life.

He referred to the support from France with Interpol, and also the assurances from the minister at that meeting the previous Monday that a keen interest was to be taken by the European ministers in the revision of the Code; they saw the need for the ministry itself and those appointed as elected representatives of the people to take a positive interest in the way this unfolded, and the minister had assured him that, whilst he was in that role, he would certainly do that, and he would encourage all of his counterparts in the 27 European Member States to do likewise.

The Director General had mentioned a process with which WADA should proceed regarding INADO, the new Institute of National Anti-Doping Organisations. The Director General had indicated that WADA would like to be able to proceed with that in the context of how WADA had assisted sport through SportAccord, and that, whilst conditions must apply as and when it became incorporated, which at that stage was likely to be in the earlier part of the following year, subject to those conditions that satisfied the Director General, President and Chair of the Finance and Administration Committee, funding be forthcoming to assist it in the initial stages. He understood that the members supported the proposal.

He referred to the proposal in respect of the Tunis laboratory, a suspension for six months. That suspension had to be either lifted or other steps taken in one month's time. Because of what the Director General had described as force majeure and the civil unrest in the country, the Director General had recommended that WADA extend the suspension for a further six months in the hope that some of the things that the laboratory needed to do to satisfy WADA that it was operating effectively and with absolute integrity would be done, with hopefully some settling within the borders of Tunisia to allow that to occur. Were the members happy for the suspension to be extended for six months?

DECISIONS

1. Proposal regarding interim INADO funding approved.
2. Suspension of Tunis laboratory to be extended for six months.
3. Director General's report noted.

3.1 Revised process for acceptance of new signatories

THE CHAIRMAN stated that WADA had deferred the matter at its Executive Committee meeting in Montreal because it had endeavoured to deal with it on the basis of no notice given and with some circulation of a couple of pieces of paper with a resolution attached during the course of the day. He thought that that had been unfair, and had been more than happy when some concern had been expressed simply to defer it. The Executive Committee had dealt with it again in Lausanne in September, and there had been further discussion and, subsequent to that, there was a paper that allowed for a process to proceed, and he asked the Director General to speak briefly to it.

THE DIRECTOR GENERAL said that, having received suggestions from some members, there was a revised recommendation tabled including another phrase, which he had been told would advance it. There was an inclusion of a clause that had been shared with the sport movement, which read: "It is now recommended that, when dealing with requests by sporting federations to become Code signatories, the WADA management must first consider whether there is an existing signatory representing the particular sport or any other circumstances that could potentially create a conflict, such as two applicants for the same sport, and if so shall refer the application to the IOC". That was an additional clause that covered an aspect about which the sport movement had been concerned. It had been given to the sport movement to discuss that morning.

MR KASPER remarked that it had to be changed anyhow. It was a step forward; this had been discussed within the sport movement and the IFs, and it was believed that it should be up to the sport movement to say yes or no with regard to new applicants. There were very few cases for the time being but there might be more. It was not only for new sports, or two federations for the same sport; it was also for groups that wanted to be signatories, just dealing with one discipline or one event, and he did not believe that WADA would be able to know what was going on in the different federations. There had been a good case discussed that morning with Mr McQuaid, regarding cycling and the Tour de France. He did not believe that WADA could deal with such potential conflicts, which was why he believed that the new wording of the article should be tried and WADA should come to the conclusion that a new applicant had to go either to the sport world stakeholders or just the IOC to avoid conflict in the future.

THE CHAIRMAN said that he would defer discussion until later in the day on the basis that the members should at least have a piece of paper to inform them about what they were discussing. This had arisen out of Rugby League and Rugby Union. Many of the members did not know either of those sports, but he would attempt to explain because they both existed in his country. In 1908, Rugby League had broken away from Rugby Union because many of the players had been getting injured and felt that they needed to be paid. Rugby Union on the other hand had said that there would be no payment to football players in its code, so, 102 years later, Rugby League had said that it would like to be a signatory to the WADA Code, and it had been referred to Rugby Union to make some comments. They were a million miles apart. The response in his country had been that it was absolutely ludicrous and insulting to the sport of Rugby League that had gone on for 102 years. That was an obvious case for him that should never have gone to Rugby Union. If there was no obvious case or the slightest doubt, then of course there should be further comment, but he did not think that one size fitted all. He asked for the piece of paper with the amendments. He would be happy to hear the members' views.

THE CHAIRMAN resumed the item following the lunch break. The members had had circulated a clean copy of the drafting exercises that had been going on before and after lunch, and it had been passed around about an hour previously. He trusted that the members had had a chance to look at it. The drafting team had included the IOC lawyer, so the perspective of the IOC and sport had been put into the draft. Were there any questions or comments in respect of the amended resolution that had been before the members for the past hour? He asked the members to approve the proposal.

DECISION

Revised process for acceptance of new signatories approved.

3.2 Future compliance reporting

THE DIRECTOR GENERAL said that the paper spoke for itself. He suggested that there not be a compliance report at the end of 2013 as mandated by the Code. WADA was supposed to submit a report to the Foundation Board every two years. It was suggested that that was inappropriate for a couple of reasons, one of which was that, at the end of 2013, the Executive Committee and Foundation Board members would be approving revisions to the Code and he thought that it would be inappropriate to be looking at further compliance reporting at that particular time because it would be confusing. The suggestion was to defer it until the end of 2015, which would give WADA an opportunity to look at the ways and means revisions would be implemented and in place. Over the past two years, WADA had received a fair amount of criticism because of the way in which it had had to go about its task of compliance. It was a task that was a regulatory body's task and one in which it was necessary to engage in sometimes unfriendly language to ensure that people were brought across the line. The suggestion for the next couple of years was to work together with the signatories on achieving better practice, to move from the rules and looking at intricacies in relation to the rules and so forth and get engaged more in practice. He had alluded to this when he had responded to Mr McQuaid's question about Independent Observers. WADA thought that it should be working with the smaller IFs to help them work out the best way of spending their money in anti-doping, and help them work together with the NADOs. By way of an example, Korfbal had jurisdiction around its world championships; it should run a programme of in-competition testing and out-of-competition testing at its world championships where it had its athletes present. Outside of that, its athletes would come under the scrutiny of the NADOs. Korfbal did not have either financial or human resources to be able to go beyond that. WADA should be able to work together with it and get a programme that was more satisfactory on that basis. That was just one example. In the same way, WADA thought that it should be working with major games organisers, the NADOs and the RADOs, and concentrating on on-the-ground practice, so that it could use its experience and its abilities to enhance practice so as to catch more of those who were obviously cheating and eluding detection. That was the idea. WADA would put that in place provided the members approved it. It would be started the following week. That was the urgency that he thought should be given to the change of activity. It would not engage WADA in seeking any budgetary change; it would be able to do this under the budget to be given the following day, and would alter the job descriptions and the responsibilities of the team. He knew from discussion with sports in particular that they would appreciate this. The President had had a meeting with the president of SportAccord in New Zealand in relation to that. He knew that sports would like to join with WADA and partner more. He suspected that the same applied to the NADOs (there had been some meetings in Paris), and that everybody would see this as something that could be done together and therefore enhance the fight against doping in sport. He sought approval of the strategy.

MR ROWE wondered whether the Director General could outline the intention, given that there would not be a formal compliance report until 2015, provided the proposal was accepted, the opportunity or process that might be in place to recognise those who would become compliant during that process or those who might fall out of compliance during that process.

THE DIRECTOR GENERAL said that the idea was that if, the following day, there was a list of non-compliant signatories approved by the Foundation Board, WADA should work with those non-compliant signatories until they became compliant, and WADA should be reporting to the members at every meeting on that progress, so WADA would not neglect that, but it did not need to report on those that were compliant unless they committed some horrible deed that meant that a non-compliance report should be submitted in relation to that particular signatory. That was the idea going forward.

PROFESSOR LJUNGOVIST asked whether that meant that those who were being followed up on and judged compliant would also be officially declared compliant.

THE DIRECTOR GENERAL replied that that was the idea.

THE CHAIRMAN said that the proposal was to defer the compliance report currently due in November 2013 until November 2015 and that the operations in the compliance area be focused on better practice and support for all those in the anti-doping world to operate under a better practice regime with assistance given going forward.

DECISION

Future compliance reporting proposal approved.

4. Operations/management

4.1 Executive Committee appointments 2012

THE CHAIRMAN stated that the members had before them an amended document in respect of the issue. He trusted that they had had an opportunity to look at it. A recommendation was required from the Executive Committee to be taken to the Foundation Board the following day.

THE DIRECTOR GENERAL said that this was a decision that could be taken by the Executive Committee for recommendation to the Foundation Board the following day. It was the result of the gathering of all of the information from the members in terms of the composition for the following year.

THE CHAIRMAN said that it was hot off the press, and he did not think that it required any discussion.

MR MACADAM noted that the Americas continued to discuss the approach to Executive Committee representation with CADE and the new president from Colombia, and would be revisiting that at the next CADE general assembly in February the following year but, until such time as the discussion took place, Canada was happy to accept the role.

THE CHAIRMAN asked whether everybody was clear and agreed to make the recommendation to the Foundation Board the following day.

DECISION

Proposed Executive Committee appointments 2012 approved.

4.2 Foundation Board

4.2.1 Memberships 2012

4.2.2 Endorsement of composition for Swiss authorities

THE CHAIRMAN stated that this was required for purposes of registration in respect of the Swiss authorities.

THE DIRECTOR GENERAL said that there were two lists: the current Foundation Board composition, for the Swiss authorities, and the composition for the following year, which was for the Foundation Board.

THE CHAIRMAN asked whether there was any matter on which the members wished to comment. It was a matter for the Foundation Board the following day.

DECISION

Proposed Foundation Board memberships
2012 and endorsement of composition for
Swiss authorities approved.

5. Legal

5.1 Legal update

MR NIGGLI informed the members that he would be relatively brief, since there were not too many updates to give from the time the report had been written. The Mexican case had already been spoken about. WADA had also withdrawn a Danish cycling case for the same reasons as the Mexican one as the facts of the case related to the same thing. He insisted that these clenbuterol cases required that each case be looked at individually, and that the evidence available be looked at, as it differed significantly from one case to another and, to avoid this becoming an easy excuse for the athletes, each case would require thorough examination.

He wished to provide an update on case number six, relating to Mr Keisse, in Belgium. A lot had been said around the table about this case. Two important things had happened recently, one of which was that he had tried to get another interim measure in Belgium, and this had recently been rejected by the Belgian court, which was good news, and showed that perhaps some reason was being obtained through the judgements, and the other thing that was important, not only for this case but also generally speaking, was that two decisions had been obtained in Europe, one in Italy and another in Germany, whereby the CAS decision on Mr Keisse had been recognised by the civil courts in the two different countries. This was known as exequatur process. The reason that this had been done was because, at some point, there had been a Belgian judge saying that the CAS was not recognised as a true arbitration institution and that therefore the CAS decision could not be implemented or executed in Belgium, and therefore it had gone to two other EU countries and, from both countries, a decision had been issued by the courts saying that CAS awards were true arbitrary awards, which could be recognised under the New York Convention. That was important in this case but also in general terms for CAS decisions, which could be enforced in that way.

Another item on which he had an update regarded case number nine, regarding Mr Cañas. This was also a case that had been ongoing for years. Mr Cañas had gone first to the European Commission, had lost and had then appealed to the European Court of Justice, and there had recently been a proposal from the court that it would not entertain the case on the merits but would file it as there was no more merit to the case, since the player had been retired for a number of years. WADA had of course indicated to the court that it would be satisfied with that outcome, so awaited the final decision, but it was likely that there would not be a hearing or anything and that the matter would be filed.

The final point to which he wished to draw the members' attention was another Belgian case involving Wickmayer and Malisse, two tennis players initially suspended in Belgium. There were two different procedures going on in parallel regarding the case, one of which was the CAS procedure, and the other was litigation in Belgium. The CAS procedure was still not moving as WADA was awaiting a decision from the Swiss Federal Court. Hopefully, there would be something favourable before the end of the year which would allow the case to move forward. In Belgium, there had been relatively good news, because the players had started litigation before the civil and administrative (the State Council of Belgium) courts, and WADA had not been accepted as a party to the case before the State Council of Belgium, but finally the highest authority in Belgium had declared that this case could not be tried before the State Council, as it was only a civil matter, and therefore the procedure before the State Council was over. WADA had been admitted as a party to the civil court, which would allow WADA to submit arguments to the court, and also to the European court should the Belgian court decide to refer some questions to a European level. That was good news but the case was not good news as it was taking a very long time and using up a great deal of resources and, by the time a resolution was obtained, it was likely that both players would have retired.

PROFESSOR LJUNGOVIST referred to the first matter. It was unnecessary to say that the IOC was quite disappointed with the outcome of the CAS decision. The rule was often referred to as the Osaka rule, which required an explanation for those who did not know it. It had been discussed and formulated during the course of the IAAF World Championships in Osaka in 2007, under the chairmanship of the current IOC vice-president, Thomas Bach, who was a lawyer, and the rule had been very satisfactory at the time, as it met the requirements of the athletes, not to be forced to compete against those who had been doping at the Olympic Games. The CAS had unfortunately ruled that this was not a matter of eligibility but one of a second imposed penalty, which would go against the WADA Code. The IOC was disappointed.

MR RICCI BITTI said that he had been involved in a very unhappy meeting in Rome, as the NADO sentence in Italy had been totally reversed by the CAS. The cycling case involved a doctor, Mr Lazzaro, who was a notorious repeat offender, a girl under the age of 18 and her father. The doctor had been banned for life, and the father had been banned for five years for the administration of blood, but the CAS had absolved the father and given only five years to the doctor. He had been told that perhaps article 2.8 of the Code might be clarified, as there did not appear to be a lot of difference between assistance and instigation. He had said that amending the WADA Code would not solve the problem if the CAS was a completely independent tribunal, but perhaps some attention should be paid to this during the revision of the WADA Code, as it did not look good.

THE CHAIRMAN said that he had had a look at the letter from the lawyer the previous day. It was a very complex area, but this was clearly a matter that should be brought to the attention of the drafting team and a matter for consideration during the redrafting of the Code. The lawyer had sent an interesting letter, which was also very complex. WADA had that in hand.

DECISION

Legal update noted.

6. Finance

6.1 Finance update

MR REEDIE said that the members would be pleased to hear that he did not propose to take them word by word and line by line through all of the figures that they had in front of them. The minutes of the Finance and Administration Committee meeting had

been before the September Executive Committee meeting and remained unchanged, and from them the members would see the recommendations from the Finance and Administration Committee.

DECISION

Finance update noted.

6.2 Government/IOC contributions update

MR REEDIE said that the members would see an updated version of the report, which took them to 17 November, indicating that WADA had so far collected 98.58% in terms of government contributions, so WADA had actually done really rather well in government contribution collection. He had a detailed list of those countries that had not contributed (there were one or two noticeable ones and a large list of very small ones indeed), but the figure of 98.58% with just over a month to go was in his view not disappointing at all.

The members had decided at the previous meeting to try to accelerate payment using their own connections, and he wished to pay tribute in particular to the president of the NOC in Turkey, who had spoken to his government and a new group of civil servants in the relevant government department who had simply not known about this, and the money had been in the bank within 24 hours. Frequently, a personal approach in these circumstances could work well.

DECISION

Government/IOC contributions update noted.

6.3 2011 quarterly accounts (quarter 3)

MR REEDIE said that the statement of quarterly accounts gave the absolutely detailed figures, showed the balance sheet and the profit and loss account, and it was pretty clear that there was a loss over the period of just over 4.5 million, but in the full year to date there was a surplus of about 5 million dollars. This was what one would expect, as WADA collected a large amount of contributions early in the year and fewer in the later part of the year, and he thought that everything was currently on line. Attached to that was the actual against budget figure. He had been through that with Ms Pisani, and nothing had happened in the nine months to September that had not been expected, and there was a rhythm to this and all these figures proved was that the rhythm was continued.

DECISION

2011 quarterly accounts noted.

6.4 Budget 2012

MR REEDIE moved on to what he thought was the principle issue, which was the calculation of the contributions that were made based on the budget for 2012. The agenda item set out the strategic and operational plan on which the 2012 budget had been based. The actual budget figures before the members in September had not changed, showing a 0% or a 2% increase. Unless anybody wished to go through the detailed figures, he thought that the members could deal with this more on an issue of principle rather than worrying about a few dollars here or there. In preparation for the meeting, he had also pulled out the minutes of the previous Executive Committee and Foundation Board meeting just to make sure that he was not going to be saying anything that came as a surprise and, in fact, the very full minutes were accurately representative of the debate that had taken place at the previous meeting. He could preface this by

saying that the members of the Finance and Administration Committee believed that sound financial practice was that there should be, if at all possible, regular increases in contributions. All of his experience in the business was that, if one stopped that, it was sometimes very difficult to go back to it. If it was entirely up to the Finance and Administration Committee, it would be pretty happy to propose a contribution increase of 2% from the public authorities, which would then be matched by the Olympic Movement. The Olympic Movement was comfortable with a 2% increase. To try to prove to everybody exactly what had happened, this actually showed the practical effect between 2010 and 2011 of what was effectively a depreciation in the value of the US dollar, which meant that, in many cases, people were paying less in real terms than they had been before. He had not wanted to submit thousands of pages of statistics but had looked back and found that, in some cases, some countries were paying less than they had been paying ten years previously, so the Finance and Administration Committee would like to think that there would be some understanding that the system had actually operated in the countries' favour. That did not apply to the Olympic Movement or the USA, which paid in US dollars. For practically everybody else, there were, in the main, advantages. The Finance and Administration Committee also thought that it was a not unreasonable calculation to make or figure to suggest. He was not talking about vast sums of money. 2% represented 264,000 US dollars split between all of the countries in the world and, looking at some of the countries and breaking down what they were currently paying and then applying 2%, Egypt would have to find 65 dollars, South Africa 400 dollars, Argentina 2,258 dollars, Brazil 5,591 dollars, Canada 19,154 dollars, China 4,810 dollars, India 1,871 dollars, the UAE 1,133 dollars, Austria 2,156 dollars, Denmark 1,767 dollars, and France and Great Britain, the powers of the European Union, 14,577 dollars. These were not world-shaking figures. He would be very surprised if any government treasurer regarded these as anything other than a rounding figure when doing the public accounts. He really thought that it was a not unreasonable request.

There was also a cash flow projection in the members' files, because the members needed to understand the impact of the decisions that they might make. WADA had been able to build up, by virtue of good collection of contributions, good management and a little bit of luck, a fund of what he called unallocated cash, which subsidised the normal operations of WADA and had done for the past two or three years and would do for that year and, depending on the contribution increases agreed on between 2012 and 2014, WADA would either run out of unallocated cash in the middle of 2013 or push it back by about another 12 months, so this was not insignificant. To that extent, there was not much doubt that, purely from a finance position, there should be a contribution rise because, if there was not a contribution rise, WADA would effectively end up being forced to reduce costs, because many of its costs involved payments in Canada and Switzerland, where the currencies were particularly strong and where WADA would take the hit, and ultimately WADA would end up doing less than it had done previously and what the world seemed to want it to do.

There had been a report only that week from Coventry University that somebody had compared the threats to sport between match-fixing and doping, and the doping issue had been 66 times greater as a risk than match-fixing. He was pleased to see that in terms of match-fixing, and 66 times in doping seemed to him to be quite a high figure. He thought that the work of WADA needed to go on. WADA was consistently asked to do more; however, every time he picked up a newspaper, he was told that the world was coming to an end, whether it was in Westminster, Brussels, Bonn or Washington, and he wondered when the world's politicians would learn from the world's economists or vice versa, and hoped that these issues would be resolved.

The message was clear from the Finance and Administration Committee: it thought that sound financing and sound progress should allow for a series of increases. He was sure that there would be a debate on the issue.

THE CHAIRMAN thought that Mr Reddie had given the members a clear explanation of the position in which WADA found itself and where that would project if certain steps were taken in the very near future, not the medium future but the very near future, and it was perhaps within that context that he asked the members to consider and express concerns or make their comments.

MR EKEJI thanked Mr Reddie for his very beautiful report and said that he shared the difficulties of the Finance and Administration Committee and WADA, but he was also thinking from the point of representation of knowledge. He happened to be the chairman of the committee of experts of the African Union Conference of Ministers of Sports, and there were about five African countries that made major contributions to the African Union, and Nigeria was one of those. He had been seeking information from the head of sports medicine who oversaw WADA and NADO issues in his commission. It had been really struggling to keep the programme going and yet it had to continue, and at the same time this had to be done without sufficient funding so, in his opinion, in view of what had been said, it was necessary to tarry a while, because events going on not only in Africa but also in the world did not make it easy for those who had to go and make requests to parliaments, even for half a dollar. He therefore suggested that the issue of an increase be stepped down for the moment, whilst everybody hoped that the economic situation in the world would improve. The matter should be given further thought, but it would currently be difficult for him to go back to the AU and explain the situation. It would be difficult to make it fly.

MR ODRIOZOLA said that he welcomed WADA's work in preparation for the presentation of the budget for 2012, as the Finance and Administration Committee had prepared two different options as requested, reflecting the different consequences and also trying to establish priority activities. He thanked those involved for the work done in preparation. He asked that the same options be given for 2013, so as to be able to judge. He supported what Mr Ekeji had just said. The public authorities had made it very clear at the Executive Committee meeting in September that the public authorities in Europe, Asia, America, Africa and Oceania just could not go for any increase, even if this was a 2% increase, as actually 0% was considered an increase, as most of the items in the majority of budgets around the world were going to increase, so he really urged the Executive Committee to go for the 0% increase.

PROFESSOR LJUNGOVIST said that he thought that he might be able to facilitate the discussion. There had been a fairly thorough discussion on the budget the previous time and he had posed some provocative questions (and he did not know how they had been taken), but this had been looked into from the Olympic Movement's point of view and it fully understood the situation on the part of the governments. They knew the Olympic Movement's position and what it hoped to see, but that was possibly wishful thinking given the current climate, although he hoped for better times in the future, as everybody around the table undoubtedly did. He just wanted to declare that the Olympic Movement felt that a 0% budget increase was a reasonable compromise under the present circumstances and would support such a budget for 2012 in the hope that there would be some increase in the not-too-distant future, even perhaps in the near future.

MR WARD expressed his agreement with his European and African colleagues, and also recognised Professor Ljungqvist's kind compromise. He also wanted to drive home the point made by Mr Odriozola that, given the economic situation throughout the world, 0% was an increase and, as those in the USA went to their legislative branch for appropriations, they would look at 0% as an increase. He was not sure whether Mr Reddie's crystal ball said that 2013 would be better than 2012, so again, agreed with Mr Odriozola's comment that the same type of rigorous considerations as WADA went forward into 2013 were going to be necessary.

THE CHAIRMAN said that he understood that the recommendation from the Executive Committee to the Foundation Board for the year 2012 was that there be a 0% increase.

It seemed to him that, with the dire warnings brought to the members' attention, with that recommendation going forward, there was probably some value in at least attaching a caveat that indicated that the Executive Committee recognised that this was for one year only and it did place the medium-term viability of the programmes of the organisation at some risk, and that was a matter that needed to be seriously considered when next the Executive Committee met to consider a budget. The recommendation from the Executive Committee of a 0% increase without there being a clear understanding that WADA was heading towards a situation whereby it would place the organisation at a level of risk would be a little bit unwise. Was there broad agreement that it should be stated with the recommendation?

MR ROWE asked whether the suggestion was that the 0% increase be approved but with some caveat that this would place the organisation at some risk. He did not agree with that.

THE CHAIRMAN interjected that he would prefer something to be added to the recommendation rather than it being simply 0% for 2012.

MR ROWE said that he did not think that the decision placed the organisation at risk, as there was still a cash reserve.

THE CHAIRMAN argued that the projections would, if it were repeated.

MR ROWE objected that there were still reserves of 5 million dollars, so he would not like to see anything attached to the recommendation stating that the decision would place the organisation at risk, as he just did not think that this represented the situation.

MR RICCI BITTI observed that he supported everything that had been said but wanted to make a useful recommendation that was currently very common in many organisations. He agreed with what Mr Reddie had said, that an organisation could not proceed with a 0% budget if it wanted to grow; so, to find the money, perhaps WADA had to take it from within from something else, and he recommended that Mr Howman start thinking about that if he had not already done so. Perhaps it was time to carry out an in-depth analysis of expenditure, as growth in some areas might need to take place at the expense of other areas.

THE CHAIRMAN stated that there was a chart that indicated that, with a 0% increase, the research grants would decrease significantly the following year along with social science research grants and out-of-competition testing. WADA was building in some significant decreases in activity and that placed the organisation at risk, although he agreed with Mr Rowe that this was perhaps not a good word to use. The work and responsibility of WADA had increased extraordinarily since 2002, so how did WADA keep pace with the constant demands? Thus far, it had managed to do so by asking its staff to work harder and fit more in, but one could not continue to do that year after year. He thought that this was the sentiment expressed by Mr Ricci Bitti. He knew that the stakeholders budgeted for one year and, if they did not want a rider attached to the recommendation, he would invite Mr Reddie to put some of the points to the Foundation Board the following day, and there should be no misunderstanding the following year that WADA could continue to operate at the level at which it currently was if the stakeholders adopted a similar attitude to their current one. And WADA would have to play catch-up, the reality was that, in order to get back to where it had been, and WADA had been lucky because it had collected more, and had had some years (not lately) during which the US dollar and other currencies had worked for WADA, although the opposite was currently the case. That was what worried him: the health of the organisation would slip very quickly into the negative if WADA were to take that approach. It had always been his view in budgeting that one should look for incremental increases rather than swings and troughs, as WADA would have to do twice as much the following year to get back to where it had been the previous year. He asked the members to understand that. He asked the members to approve that the Executive

Committee would recommend to the Foundation Board the following day that the 2012 budget proceed on the basis of a 0% increase in revenue.

MR REEDIE responded to Mr Odriozola's comment about options. He was happy to give options, but nobody should assume that the first option would be a 0% increase for 2013 as, when WADA ran out of unallocated cash, it would have to turn around to its funders and say that, unless they gave 5% or 7% or whatever it was, WADA would have to cut a whole range of programmes and, since the Olympic Movement met the authorities dollar for dollar, the pressure had to be on the public authorities. He understood the situation but it had to be quite clear that, going forward, if the agency were to be run properly in line with what the world wanted WADA to do, the principal source of revenue was contributions. WADA could look at trying to find some alternative sources, and he might mention that the following day, but it would not recover the kind of reductions with which WADA was faced. He just wanted people to understand the implications of the decision. That apart, he did not think that it was worth dividing up the splendid cooperation that there had been in the agency over the past 11 or 12 years, all for 264,000 dollars.

DECISION

Budget 2012 approved for recommendation to the Foundation Board the following day.

7. World Anti-Doping Code

7.1 Final Code compliance report

MR ANDERSEN informed the members that they had two or three new documents before them. One of these was an updated compliance report, which was the one that would be put to the Foundation Board the following day, and one was an addendum to 7.1, which was an update on what had happened since the members had received the documents on 28 October until the previous day at 3 p.m. The members would see from the addendum that there had been around 40 signatories put on the list of compliant signatories, and he thought that that was quite an achievement from 28 October until 19 November. Since the September meeting, he had been writing to all of the potential non-compliant anti-doping organisations informing them of their potential non-compliance and asking them to respond with explanations for their non-compliance. Only one stakeholder, Libya, had responded with an excuse. All of the other respondents had asked for more information and assistance in becoming Code-compliant. The provision of assistance was a crucial point, and had been mentioned that morning by the Director General. WADA would work with all the signatories to assist them in moving forward.

He wished to inform the members of the situation in Brazil. The previous day, he had received information from the ministry saying that legislation had passed all the ministerial obstacles in the government and that this would be signed by the president on Tuesday. That was the latest information received. Hopefully, on Tuesday, the legislation would be signed, meaning that the organisation would be up and running. Deliberations had already taken place in that respect, and the organisation had provided for 24 positions, and this had also been through the governmental budgetary process.

There had been a lot of progress since September. The members would see those stakeholders proposed for compliance and non-compliance in the updated document, which was the new and updated document to be tabled the following day.

The third document before the members was about the BOA, and he thought that it spoke for itself. WADA had not been monitoring the NOCs in the same way as the NADOs and IFs, but there had been a process during which WADA had reviewed all the rules or asked the NOCs to sign declarations recognising the Code as the core document

for their anti-doping activities. As mentioned that morning, WADA had full ability to review at all times any of the signatories to the Code to ensure that their rules or practices were in line with the Code. In that respect, because of the CAS decision whereby the so-called Osaka rule had been put aside, there had been correspondence with the BOA and WADA had received a letter from its president the previous afternoon.

That was the update, since the matter had been discussed thoroughly in September. He had no further information to provide.

THE CHAIRMAN said that the members had before them the report in the original papers complemented by an update of progress since the papers had been sent to the members over three weeks previously, further complemented by a paper that was fairly extensive and which the members might not have had time to read fully, as it contained some detailed attachments such as the Queen's Counsel's opinion, as well as some correspondence from the BOA and a recommendation in respect of the BOA. He invited the members to ask questions or make comments.

PROFESSOR LJUNGOVIST said that the Olympic Movement had had discussions about this and thought that it was time to make a decision about Code compliance. The report given to the members before the meeting was fairly clear and explained the situation, and the Olympic Movement had nothing to comment on what had been included in the original documents, but the report tabled that morning was a different matter. The Olympic Movement was not ready to make any decision on a paper that the representatives had not been able to read or discuss. He requested that this particular item be postponed until discussion of the matter had taken place. Perhaps this could be done during the lunch break. A decision should be given on the information circulated previously and the members might come back to the specific matter after lunch.

THE CHAIRMAN said that he would always apologise for late notice of matters; in this instance, the matter had been beyond WADA's control. When WADA had received confirmation of the CAS decision, WADA had sought advice because of its link to the decision in Great Britain, and the response had come by way of an extraordinary speech in the public arena the previous Tuesday. The speech had been circulated widely to everybody except for WADA. WADA had had to request a copy of the speech so as to be able to respond to questions by the media. The speech had been made indicating the position of the BOA before its executive meeting the following day, on Wednesday. Subsequent to the meeting on Wednesday, WADA had received a formal response the previous day. If the members did not deal with the matter that day, WADA would be dealing with it in May, and dealing with the BOA in May would be catastrophic for the Olympic Movement, because of the Olympic Games. WADA had obligations. The situation was that the BOA was, in the view of WADA in its role as a regulatory body, no different to any other organisation that would be declared non-compliant, and it happened to be a high-profile case because the president had gone and made public statements about which everybody had been reading. Ultimately, it was a matter for the Foundation Board the following day. The BOA was only one of many that were non-compliant. Every one of those had a right under rule 23.4.4 of the constitution if they were aggrieved by the decision to take the matter to the CAS. It was in this context that he asked the members to consider the duties and obligations of WADA.

MR RICCI BITTI said that he had received the speech and had read it during the trip to Montreal. Some people tried to involve WADA completely, for instance, in the sport world, it was clear from an ethical point of view; everybody had a lot of sympathy for the athletes, but this was an ethical matter, and the matter was a legal one, so he thought that WADA should consider its answer in terms of its involvement in the case, as it seemed to him that somebody was trying to involve WADA too much.

PROFESSOR LJUNGOVIST clarified that he had not asked for the decision to be deferred until May; he had talked about discussing the matter over lunch.

THE CHAIRMAN concluded that the matter could be dealt with that afternoon. He therefore thought that it would be better to have a debate in full that afternoon.

MS ELWANI observed that, as an athlete, when an organisation started selecting a team, it had the right to say that it wanted those who had not committed any doping offences, just as it had the right to decide on the age of the athletes it wanted in the team. She had no problem with it as an athlete and did not think that the organisation should be penalised for its actions.

THE CHAIRMAN objected that WADA had not been asked to make a judgement. WADA's duty was to look at its statute and ask what WADA's obligations were under that statute. The statute required WADA to look at the question of compliance and it had to make a decision on compliance. The CAS had made the decision that this was an additional sanction. 50% of all CAS cases in his country were by athletes appealing against the selection of teams. Anybody on the list, and there were dozens, could go to the CAS; the BOA was only one. Any one of those could go to the CAS and state that they had been unfairly declared non-compliant. When WADA declared non-compliance for anybody, it simply reported back to its stakeholders. It took no action. It was a matter for the Olympic Movement, the public authorities and the event organisers to decide what to do. The stakeholders were getting a report on WADA's decision on non-compliance. WADA was at the end of 2011 and had never made a complete compliance decision in all of those years. It had initially been due in 2006, but deferred until May 2008 when the Code had been revised.

MS ELWANI said that she would be ready to comment further on the matter that afternoon.

THE CHAIRMAN resumed that morning's discussion on the matter of Code compliance, first noting that Mr Reddie had declared his interest and would not participate in the discussion of the item. He believed that, in a matter of this nature, the issue was sometimes a little complex, as it related to a legal view, in that case, a CAS decision, and the members had been given the outcome of that decision and the fairly detailed Queen's Counsel advice based upon that decision. For those members who were not lawyers, he thought that it was appropriate in such circumstances to ask the legal counsel to summarise the legal position before he proceeded to ask for comments and allowed the debate to continue.

MR NIGGLI said that the first thing to say was that the starting point of the discussion was the CAS decision published recently in relation to the IOC Osaka rule. That set the framework for discussion. Clearly, it highlighted the fact that there was a CAS decision that considered that the fact that the athletes were not eligible to participate in the Olympic Games following a doping sanction was not an eligibility question but was an extra sanction that was not compatible with the Code. The question was how to deal with the decision. The BOA by-laws had a rule stating that athletes convicted of an anti-doping rule violation were not eligible to partake in any edition of the Olympic Games with the British team and, de facto, forever. There were some differences between what the IOC had and the BOA by-laws, and WADA had felt that it was not in a position to decide whether it was dealing with exactly the same kinds of animal or whether there were differences that would justify a different conclusion on the by-laws compared to what the CAS had decided regarding the IOC rule. That was why WADA had gone to a leading barrister in the UK, Michael Beloff, who had been available and ready to do it in a relatively short timeframe, and had asked him to state whether or not the by-laws rule was different and should therefore be treated differently at the IOC or if it fell into the same category and therefore the CAS decision would apply also to the by-laws. The main points of difference between what the IOC had and the BOA by-laws were fairly simple. One was the fact that the by-laws had a law for an appeal by the athletes as to whether or not they should be eligible, and he knew that this worked because out of the 20 or so athletes who had appealed, the rule had not applied to them. The other

question was the fact that the BOA by-laws predated the Code by many years; the other question was that the by-laws were under English law and not Swiss law like the IOC rules. This made a difference. All of these questions had been put to Michael Beloff. Looking at the opinion, all of these questions had been answered. First, it was the view of Michael Beloff that the fact that there was an appeal did not change the nature of the issue, mainly because the appeal did not allow for the rule to be challenged, and he did not think that having an appeal per se changed anything to the nature of the rule. The fact that the by-laws predated the Code had also been looked at, and the opinion stated that this did not change the matter, because once the BOA had become a signatory to the Code it had been the BOA's duty to amend its by-laws to become compliant with the Code. The fact that British law applied did not change anything according to him. He thought that the BOA would act ultra vires if it did not respect the commitment it had taken and that this was the same under English and Swiss law. Finally, regarding the big question as to whether it was an eligibility rule or a sanction, he clearly thought that the arguments put forward by the IOC were the same as those put forward by the BOA and that the conclusion reached by the CAS also applied to the BOA. He had reached a clear conclusion; it was on the first page of the opinion. The conclusion was that the BOA by-laws rule was not compatible with the World Anti-Doping Code. That was the situation. There was a rule similar to the IOC, a decision from the CAS, WADA had asked a leading figure from the country in which the rule existed to look at it, and the conclusion on the table was fairly plain, that there was the same kind of problem and the BOA rule was not compatible with the World Anti-Doping Code, with which it had agreed to comply. It was up to WADA, which had the responsibility of deciding who was compliant with the Code, to decide what to do next.

THE CHAIRMAN said that he would be happy to hear comments and further questions.

PROFESSOR LJUNGOVIST explained that, since he had asked for the matter to be deferred until after lunch, on behalf of the Olympic Movement, the matter had been discussed and the statement by Mr Beloff (a very experienced lawyer) had been noted, and the conclusion that had been reached was that WADA simply had to face the facts, that the decision of the CAS with respect to the so-called Osaka rule made the BOA non-compliant. It was a little ironic that, up until then, it had been compliant and now, because of the CAS decision, there was non-compliance. The Olympic Movement was very concerned that this be properly explained in the decision by the Foundation Board the following day, if the Foundation Board took the decision, that the sole reason that the BOA was not compliant was this particular issue. If possible, WADA should try to help the BOA and encourage it to go with its case to the CAS and, if so, assist it in any way. The Olympic Movement had no proposal as to a statement in that respect but trusted that this would be properly explained by the WADA Foundation Board. Those were the two elements: it was just this particular CAS decision that made the BOA non-compliant and WADA encouraged and would assist the BOA to bring the case before the CAS for a final decision.

MR MACADAM believed that Mr Niggli had given a very succinct analysis of the original legal opinion, but had some queries on the basis of the letter of response from the chairman of the BOA. It was hard for the members to distinguish, as it seemed like a "he said, she said" story in terms of refuting various claims and so on, and he wondered whether there was anything in his response that should be brought to the members' attention to the extent that it might guide the members in how to deal with this.

MR NIGGLI said that obviously there was agreement on the interpretation of the by-laws. Looking at the opinion and the letter, most of the points that he claimed had not been dealt with had been dealt with by the opinion. That was the conclusion. He would not enter into a debate; obviously WADA and Mr Beloff did not agree with the position taken by the BOA and, to get it resolved, it would be necessary to have a decision from an authority, probably the CAS, which would look at everything. As far as WADA was concerned, the letter received did not change the position based on the opinion received.

THE CHAIRMAN responded to Professor Ljungqvist by indicating that he had always seen this as being fairly simple. He thought that the IOC had acted impeccably in the manner in which it had dealt with the CAS decision. It had expressed its bitter disappointment, as it believed strongly in the Osaka rule, rule 45, and had not sought to hide that disappointment when the decision had come, but it had also indicated that it would respect the judicial decision, and would take it forward by using its very best endeavours in the review to see if it could reinstate something akin to rule 45, if not the exact set-up, and to him that had been a most responsible and impeccable manner in which to deal with it. WADA had then had little choice as a result of that CAS decision but to look at the other one, the stand-out, and that had been the BOA and, until WADA had received the letter about which Mr MacAdam had asked for an explanation, it had not had anything conveyed to it about the BOA decision. It had made that decision on the Wednesday, one day after the president had decided to make a speech indicating what the BOA was going to do, and this had been circulated to everybody except for WADA in advance. He thought that the courtesy had left something to be desired, but he was not sensitive and, in that regard, WADA had had limited time in which to effectively get advice before the members but had had no choice but to bring it to the members' attention. The law would change any time in the future on any of these issues and WADA had to respond as and when that occurred.

He often said, as a man who had spent 18 years making laws in parliaments that, if one got it right, one could abolish all parliaments. All of the members knew that that was not going to happen, so there would always be that need to adjust to the changing world in which they lived, and WADA had to adjust and respond as it had done in that instance to the obvious case when the IOC rule had been determined by the CAS tribunal. WADA's role was a regulatory one; it was asked to adjudicate in respect of all of its signatories in the manner in which the members had been seeing reports at every meeting to which he had been in the four years during which he had been the WADA president. WADA was now bound under its statute to make a decision on compliance. The members had a paper before them which indicated that there were some 48 bodies that were not compliant, and the 49th one was one that had been discovered only that week based on the position taken by the BOA, stating that it had no wish to change its law and that it would stand by it. Therefore, WADA reported to its stakeholders; it was as simple as that. It would make its decision through the Foundation Board the following day subsequent to the Executive Committee's recommendation that day and, presuming that the recommendation that had been foreshadowed by the Executive Committee was carried the following day, WADA would report back to its stakeholders. The BOA, if it still felt aggrieved by the decision, could certainly institute proceedings forthwith to the CAS under rule 23.4.4 of the WADA Code. That was a matter for the BOA to consider in light of what WADA did. He assured Professor Ljungqvist that, in the course of trying to communicate the decision, WADA would make it abundantly clear that it was the CAS decision that had given WADA no choice but to look at the BOA rule and that the previously compliant rule (because there had never been a decision to suggest otherwise), WADA had found, not only having looked at the matter on its own but more particularly on the independent advice, to be non-compliant, and it had acted accordingly. To the extent that the BOA challenged that rule, WADA would do everything it could to ensure that the matter was determined by the CAS with the input that WADA would clearly be asked to have at the earliest possible time. WADA had always cooperated in every case in which it had been involved; it had never played silly games in any of those cases and, in that instance, it would make sure that it put the appropriate resources into the matter being determined if the BOA chose to instigate proceedings after that weekend. He therefore gave the members that assurance on behalf of the WADA team. That being the case, the Executive Committee could go back to the decision required earlier that day under item 7.1 that it recommend to the Foundation Board that it approve the list of signatories declared non-compliant as appeared in the

original paper, to which an addendum had been added relating to the BOA, which had been the subject of the discussion. Was that clear?

Following on from the discussions at the previous Executive Committee meeting, MR ROWE asked whether there had been any change to the situation in relation to FIBA and FIFA.

THE CHAIRMAN replied that that matter had been discussed at length and a decision had been taken by the Executive Committee in Lausanne, and it had not been progressed in any shape or form by them or by WADA since that time.

MR EKEJI spoke about the addendum document under item 7.1. If he had understood correctly, the Chairman sought the Executive Committee's approval of the first document, which was dated October. He stated that, between October and the present date, his organisation had done a great deal to ensure that it implemented the various stages and steps prescribed by WADA in order to get out of the non-compliance stage and into the compliance stage. He thanked Mr Andersen and Mr Swigelaar for their guidance and support, which had enabled Nigeria to reach the stage at which it currently was, and he assured the Executive Committee that not only would he ensure that Nigeria implemented the final steps, but Nigeria would also encourage some of the other African countries to get into the compliance stage, given Nigeria's position in the African Union of Sports. He was somewhat at a crossroads, as the Chairman sought approval of the non-compliance report, in which Nigeria featured, and the updated document, which indicated that Nigeria was now compliant.

THE CHAIRMAN repeated what had been said that morning by way of assurance. A number of stakeholders were currently non-compliant, and some numbers had previously been mentioned; quite a number had progressed towards compliance and, at each meeting going forward, there would be a report given on those that had become compliant, and the converse would also occur, should there be another decision such as the one just talked about by the CAS or some other action taken by a compliant member that made it non-compliant. That would be reported to future Executive Committee and Foundation Board meetings. It was an ongoing process and the effort would be made by the WADA team, as had been the case for many years and not only during the past six months, although it had been much more intense over the past six months, in order to get as many as possible over the line and compliant. That movement could be seen in the charts. The progress from May to the current time had been quite remarkable, but they would keep working to assist. That was the way forward; WADA had to make the decision and report to its stakeholders, and what happened after that would be up to the stakeholders. In the meantime, WADA would be there to help and report on progress with the non-compliant stakeholders changing to compliant and perhaps occasionally the opposite if that was the reality of the situation.

He formally sought the members' vote on the recommendation, which was that, pursuant to article 23.4 of the Code, the Executive Committee recommended that the Foundation Board approve the list of signatories declared non-compliant as it appeared in attachment one and in attachment two, which related solely to the BOA.

MR ANDERSEN clarified that the proposal should refer to attachment 1, tabled document updated as of 11 November 2011, so it was not the document in the members' files; it was the document that had been tabled that day.

THE CHAIRMAN thanked Mr Andersen for his clarification and asked whether the proposal was clear to everybody.

DECISION

Final Code compliance report approved for recommendation to the Foundation Board the following day.

7.2 Code review

THE CHAIRMAN said that the members had before them a Code revision plan, to be noted.

PROFESSOR LJUNGOVIST noted that the IOC would like the Osaka rule to be incorporated in the Code review.

THE CHAIRMAN said that the IOC had accepted the decision of the CAS although it had been bitterly disappointed with that decision, and it would do its best to change the WADA Code to incorporate the rule through the review process and WADA would naturally respect that and look forward to the submissions.

DECISION

Code review update noted.

8. Athlete Biological Passport

MR VERNEC said that he would provide a quick update on the ABP; he had a presentation to highlight some parts of the report. The ABP was a valuable anti-doping tool and really should be part of an overall anti-doping programme; it was not really a stand-alone programme. It had been very valuable in target testing, and had on a few occasions been shown to be a direct means of an anti-doping rule violation. One of the things that WADA had a hard time measuring but should certainly not neglect was the fact that it had a deterrent effect. An increasing number of ADOs were now engaged in the ABP programme, and WADA had gone from just a handful of programmes in the past few years up to about 27, which were currently in different stages of implementation of the programme. There was cooperation between ADOs which had been enhanced with new ABP guidelines and would also be facilitated through ADAMS. He knew that there was a request on the table for approval of the technical documents. In December 2009, the first ABP operating guideline and compilation of required elements had been put forward, and the staff had spent a good part of 2011 reviewing this in detail, and had had extensive input from stakeholders, laboratories and medical and forensic experts, and had come up with the document that was in the members' files.

The first three parts in the technical documents (appendices A through to D), A through to C, had been looked at in some detail. These were mostly the scientific elements, and he had been pleased to find that, after a lot of discussion, these essentially remained unchanged and had been found to be robust. The document changes in A to C were really more of a cosmetic nature. The result management part, appendix D, had been changed slightly more significantly, and WADA had introduced the idea of the athlete passport management unit, for which, although it was run sometimes out of an ADO, WADA had used the model already existing with the Swiss laboratory to push together an APMU that became associated with a WADA laboratory. The point of this was that many ADOs were under-resourced and simply did not have financial access or access to the fairly scarce haematological expertise in existence, so by putting them in certain centres, this kind of knowledge could be spread and used on a wider basis. The APMU advisers would work with the experts and ADOs and planned cost-effective intelligence testing programmes, basically putting together centres of excellence.

The other thing the members might notice in annex D was that WADA delineated a more stepwise process for the evaluation of blood results, and he was talking about the haematological passport. There were some data points put in, then there was a longitudinal profile, followed by application of ABP software, then initial screening by an expert, moving on to expert panels of three people and so on. This had been clarified and was of significant help for APMUs going forward.

As far as the steroid and endocrine modules were concerned, he had very little to say, except that work was ongoing at the level of the laboratories. For the endocrine module, it might have been mentioned that there was a pilot project with the IAAF at the Daegu World Athletics Championships. WADA had been working with the IAAF and the Lausanne laboratory to look at the project. There was no information as yet, but it was currently being analysed and some information would come out of it shortly in the New Year.

In summary, he believed that the ABP was another valuable tool in the fight against doping in sport. It was not a stand-alone programme, and every ADO had to look at its own resources and requirements as it decided how to implement this. WADA was very ready to assist all of the groups starting the programmes, and was particularly putting a lot of energy into building APMUs so that they could then assist downstream a number of the smaller ADOs trying to implement programmes.

THE CHAIRMAN asked if there were any questions or comments.

PROFESSOR LJUNGOVIST asked about the steroid and endocrine modules. Was there a timetable with respect to those two modules? He commended WADA on joining the IAAF in its unique project in Daegu which had given data on the biology of top athletes at the international elite level that had not been previously available. These would be unique data and very useful for a better understanding of the biology of top elite athletes and also for further research.

MR EKEJI commended WADA on the efforts made to ensure that athletes competed fairly. He was talking from the standpoint of an athlete, and he honestly still wanted to come to terms with the fact that WADA wanted to subject athletes to blood tests. He thought that, if there was any way of improving on the urine sampling, that would make the athletes feel that WADA was not subjecting them to some kind of military test. He was still not comfortable with the fact that WADA would begin taking blood samples from athletes at some point.

MR ROWE said that he would appreciate a comment on how an organisation (and he was talking about his country rather than his region) could currently fully participate in the blood passport programme if it could not convert to the use of ADAMS exclusively, and this was with the imminent upgrade of the ABP programme in Australia. His NADO did not want to exclude the results of those profiles and wanted to contribute, but when Mr Vernec had said that WADA would be ready to assist NADOs, would that extend to trying to find some workable solution, at least for his NADO?

MR ODRIOZOLA observed that the document had been distributed very late, as was usually the case with documents from the Science and Research Departments. In combination with the very technical content of the documents, this led to positions that were not well analysed and, in similar situations in the future, there would be a serious risk that this could lead to no approval or support for the proposals. In this particular case, he thought that the documents should be reviewed to ensure that they did not give preference as to where the APMU should be incorporated, in a laboratory or an ADO, as article 5.2 stipulated that preference was given to the laboratory. He also supported the comments made by his Australian colleague regarding the exclusive use of ADAMS.

MR VERNEC responded that the steroid module was being looked at in the laboratory, and he expected that this would be completed somewhere in 2012 (he would like to say mid-2012); however, that would still be only a first stage and, once all of the laboratory variables had been obtained, WADA would still have to look at some of the other elements and seek medical expertise on how to evaluate some of the other physiological fluctuations, so it would be up and running to some degree in 2012, but there would be other elements upon which it would not be possible to start until the first phase had been completed. The endocrine module would clearly not be ready in 2012 and he would not like to set a date for that.

Regarding the blood samples, he stated clearly that this was not unique whatsoever to the ABP and the individual rights and ability to take blood samples from athletes had been debated in the past and pretty clearly accepted by the anti-doping movement. Athletes were sometimes very happy to have a blood test, so that they could be in and out of the control station in moments rather than sitting around waiting to produce urine samples.

In terms of the use of ADAMS, this was something that the passport was being built around to a large degree. A lot of the efficiency and security was based on the use of ADAMS, so information would be put into ADAMS and used by APMUs, contact with experts could take place through ADAMS; the idea of a single passport profile for a single athlete, which would then be shared by NADOs and IFs, could only be done with a single database system, and the single database system that was used by almost everybody in the world was ADAMS. WADA tried to work with some of the countries that were not using ADAMS but, at that point, the priority was to work with the system that WADA had.

He appreciated Mr Odriozola's concern about the later distribution; nobody had been working harder than he had to try to have this done by the end of the summer. There had been a considerable amount of input from stakeholders and scientists, and this had frequently gone back and forth, and some of the suggestions had come back late to WADA for all sorts of reasons. WADA worked very hard and he did appreciate and acknowledge that Mr Odriozola would have liked to see this earlier.

The technical elements did not really need to be discussed, as there had not been many changes to annexes A to C; all of those elements remained essentially unchanged.

MR ODRIOZOLA repeated his question about the preference regarding the APMU in the laboratory.

MR VERNEC replied that this was stated as a preference and was therefore very clearly not mandatory. The point had been debated and, because of some of the input from the stakeholders, those running APMUs or some sort of an athlete passport secretariat within their anti-doping organisations could continue to do so. He had said "preference" as WADA was trying to build a system, and did think that there were advantages for some of the new associations to move ahead in that direction, which was why the term "preference" had been used, to help them in that area, but it was certainly not mandatory.

THE CHAIRMAN asked the members to consider the decision requested that the Executive Committee approve the four technical documents, which appeared as appendices A to D of the ABP Operating Guidelines, in attachment one of the papers.

DECISION

Proposed Athlete Biological Passport technical documents approved.

9. Anti-Doping Administration Management System (ADAMS)

MR KEMP wished to provide a brief update on the status of ADAMS and the latest enhancements to the whereabouts system. He reiterated that WADA was well on track for the implementation date of 22 November. The Executive Committee and Foundation Board had been advised of this implementation date at the previous meetings in May, and ADOs had been advised at the end of August (on 24 August). Since the previous update in May, extensive testing and development of the new interface had been under way. WADA had also initiated a series of infrastructure upgrades to the servers and databases associated with ADAMS to ensure appropriate support and, in terms of testing of the new system, the representative group of testing organisations included a number of NADOs, IFs and members of the WADA Athlete Committee, and their feedback on the

interface to date had not only been valuable in terms of input made and incorporated, but it had also been wholly supportive; the feedback had been very positive.

Although the system would go into effect the following week, it would be done in the middle of the quarter so that the system would be fully in force on 1 January, so that more than sufficient time was available to ADOs using the system to adequately train and support the athletes who would be inducted into the registered testing pool and whereabouts system for the first time. He reminded the members that the enhancements related to the whereabouts module improved the technical process and the ability for athletes to submit their whereabouts; there was a much improved look and feel to the system, a much more modern look and, also, perhaps most importantly, it integrated a series of educational initiatives and support within the system so that athletes need not entirely be reliant on the support provided by their ADOs but rather the system itself would provide some support as they went through the system, and he would be happy to elaborate on that as required.

He showed the members what the calendar in ADAMS currently looked like for athletes. It was somewhat antiquated if compared to a Google or Outlook calendar, whereas the interface to be implemented that week was much more sleek in design but, more importantly, it was much more up-to-date in terms of functionality and ease of use.

Another highlight worth mentioning was the improved language capacity of ADAMS. Throughout the development process, it had been important for WADA to ensure that all the languages in ADAMS were being updated, so that any new terms or provisions made in the new system were translated well in advance of the actual implementation. In that respect, early in the summer, a new MOU with several NADOs and one IF had been developed to see that languages were adequately updated in the system, and also to build a placeholder system so that new languages could be added to ADAMS with minimal impact. As the members would see, ten languages were currently in the system, for which MOUs had been signed, and he took the opportunity to thank the relevant NADOs for their support in the translation of these languages, as well as to the UCI for the work that it was undertaking with respect to the Italian translation. The members would note the new languages that were being incorporated. At the May Foundation Board meetings, some Foundation Board members had strongly suggested that Chinese and Portuguese be integrated, and he was pleased to say that that would be done in the coming weeks, along with Bulgarian, Czech and Korean. The process for adding new languages was now much more straightforward, and it also reduced WADA's cost, as it was reliant and cooperating with NADOs to do that translation work rather than having to conduct it in-house.

In terms of future enhancements after whereabouts, WADA was currently finalising improvements related to major games use. WADA had held two meetings in the past month with the IOC, the LOCOG and the King's College laboratory to discuss changes related to improving the use of ADAMS during the Olympic Games in 2012, and he was pleased to report that not only were these on track but they were also enhancements to the system that he anticipated would support and improve the system for all major event organisers in the future. Another important enhancement would relate to the ABP module; some of the changes that the members had just approved to the annexes to the passport would require some modest changes in the system but, most importantly, WADA sought to integrate the existing ABP software into ADAMS itself, so that those organisations running a passport programme need not rely on ADAMS as well as the passport software, but could do it in one comprehensive database.

Another important priority for WADA was the incorporation of automated data retention and deletion in accordance with the annex recently approved to the International Standard on Privacy and Data Protection, so that was being worked on as he spoke. A further step would be additional enhancements related to the athlete interface; the changes being made that week to the whereabouts system really focused

on the whereabouts process itself and the submission of whereabouts information, but WADA had also initiated changes regarding what athletes would see when they logged in with respect to accessing test history, applying for TUEs and a few other modest improvements. It was his hope that, in the future, once WADA had completed the athlete interface enhancements, which he saw as a priority, it would then pass on the look and feel to other modules in ADAMS, which would assist a larger number of organisations.

He mentioned the work being done on a potential mobile whereabouts application. There had been many calls from ADOs and certainly from athletes, advising WADA that it would be of benefit if it could integrate a new system for iPhones, Android phones, BlackBerries, that sort of thing, so that athletes could update their whereabouts remotely from a mobile device, and he was pleased to report that WADA was well into discussions with the Dutch NADO on the good work that it had done to date on its own mobile whereabouts application, and WADA was looking at ways and means of incorporating its work into ADAMS, so that was ongoing and certainly something on which he hoped to report further at the next meeting.

MR ROWE apologised if he had missed this in the report, but asked whether WADA planned to enhance the reporting capabilities of the ADAMS whereabouts module.

MR RICCI BITTI noted that ADAMS had been down for seven days and asked if there was a plan for some kind of back-up, which he believed was vital, as only seven days had proven to be damaging to organisations. WADA should consider a back-up sooner or later in the future.

THE CHAIRMAN said that Mr Ricci Bitti would not be surprised to hear that, when he had arrived in Montreal, he had asked the same question: whether there was a business continuity plan or a disaster recovery plan. He had received appropriate assurances

MR KEMP responded with respect to enhancements on the reporting side of things. Currently, the enhancements on the whereabouts system related only to what an athlete saw; so, in terms of what the ADO saw in reporting the information, if it was the same visual that the athlete would see, it would change. If not, it would not. This was something that would be changed in the future. There would actually be a bit of a patchwork; depending on the report that the ADO saw, it might see it in the new look and feel, or the old look and feel. The priority for the time being had been on what the athlete saw. In terms of technical changes to the reports for ADOs, they had not changed.

Regarding the recent downtime of ADAMS, WADA had taken stock of the challenges that had arisen, and he was pleased to report that all of the necessary redundancies were in place. Unfortunately, there had been an issue with the redundancies in place at the time and, as a part of the upgrades to the servers and other elements of the operating system of ADAMS, it had been a good opportunity to ensure that all necessary systems were in place to make sure that this would not happen again, and he was confident that this was the case.

THE CHAIRMAN said that everybody's fingers were crossed with regard to IT.

DECISION

ADAMS update noted.

10. Education

10.1 Education Committee Chair report

MR WARD said that, at the May Executive Committee meeting, his colleague, Mr Baum, had given a detailed update of the Education Committee meeting, which had

taken place in May 2011 in Montreal. One recommendation he wished to highlight again related to social science research. The Education Committee had recommended that an expert working group be appointed to review the social science research projects. Mr Koehler would provide more details on the process but, as the chairman, he stressed that the new process had definitely added value to the programme.

Before providing an overview of the social science research grant programme, he wished to highlight the importance of education in the fight against doping in sport. Everybody had the responsibility to educate the elite and young athletes about the dangers of doping and empower them with the skills to reject doping through effective prevention. With education as a mandatory element in the Code, he was pleased to report that more stakeholders were expressing interest in implementing education programmes; in fact, earlier that month, the Education Department had held an African education symposium in Johannesburg, and the number of participants had been indicative of the interest in anti-doping education. The symposium, which would be expanded to other regions, had been attended by 52 participants from 30 different countries in the African region.

Regarding the social science research grant programme, he had also been pleased to see an increase in applications from Africa, as well as Asia and Oceania. At the May Education Committee meeting, one of the objectives had been to try to engage countries in which social science research was lacking. He thought that the Education Department had taken a step in the right direction in promoting the programme globally and would be encouraged to continue to do so in the future.

In conclusion, he was pleased that WADA continued to be a strong advocate for education, and he encouraged all stakeholders to invest their time and resources to educate their leaders of today and tomorrow.

He invited Mr Koehler to provide the members with an overview of the social science research projects to be considered by the Executive Committee for funding.

DECISION

Education Committee Chair report noted.

10.2 Social science research projects

MR KOEHLER provided the members with a brief overview of the process for the 2012 programme, which was no different from previous ones. There had been a call for proposals sent out in March, and the deadline had been in July. That year, there had been an increase in applications from Africa (up to six), and an increase from Asia and Oceania. Europe remained fairly constant, leading the way in terms of applications submitted, followed by the Americas.

The Education Committee chairman had mentioned the new process for 2012. He would talk about how the process had been set up, but all of the research projects had been sent to two peer reviewers, and also afterwards to the Education Committee and the expert working group, and everybody had had a chance to review the proposals, and recommendations had been made by the expert working group to the Education Committee. To give an idea as to the expert working group composition, there had been two members with an in-depth knowledge of social science research from the Education Committee and two outside experts in social science. A lot of time had been spent with the expert working group on looking at the actual methodology of the research projects. This had been done in the past, but this time there had been a little more quality and examination of the details. WADA had received a lot of great research but the expert working group had felt that, based on the hypotheses and some of the mechanisms put in place by the researchers, they would not achieve the results sought. There had been great ideas but, in some cases, a lack of methodology. The other thing that the group

had done was make recommendations to change the application form. Unlike scientific research, social science research was often carried out in the language of the country; as a result, WADA was providing more guidance to the researchers on how their methodology should be set out when applying to WADA for grants, to ensure that the outcomes were achieved. The group had developed a series of questions and answers to assist and guide the researchers, and those would be released in time for the next call for proposals.

The expert working group and the Education Committee were making a recommendation to the Executive Committee to fund four open research projects and two targeted research projects for a total of 102,450 dollars. WADA would be issuing a call for proposals in December, to be tabled at the Executive Committee meeting in May 2012.

As for the overview of the projects for that year being recommended by the Education Committee for funding, the first came from Ivory Coast, and looked at ways of helping students abandon doping practices and trying to find out where the athletes were exposed to doping, why they were exposed and who was exposing them. There was very limited research in the region, and the project addressed an interesting perspective, as it talked about preventative measures in the school as well as the community, which played a vital role in the region. It looked at a multi-phased approach. The benefits to the anti-doping community were that the project was aimed at developing an education programme, so there was an outcome and it could be transferred to other countries within the region. It was action research, in which the community and the schools were involved in educating young people.

The next project came from South Africa, and it looked at mindfulness of athletes when making decisions not to dope and what type of athlete was making those decisions. The project had very good hypotheses, very good research methods, provided an insight into possible use of drugs in sport in South Africa and, again, the data was extremely limited in this region. Again, looking at the cost, 5,700 dollars, it was a very good return on investment.

The next project came from Greece, and it looked at team sports and the influence that team sports had on an athlete's decision to dope from a group and individual perspective. There was targeted research currently under way and he thought that this was nice complementary research; again, for 6,500 dollars, the amount of information that the project would yield was well worth the investment that WADA was putting in. The Education Committee believed that the researchers would have the right methodology and clear research questions to achieve their outcomes.

The next project came from Belarus; again, there was very limited knowledge in terms of research in Belarus, but it was an interesting project as it looked at the old-guard, or more mature, coaches versus young coaches coming in, and their attitudes to doping, if there was a difference and how this could have a direct effect on the athlete refusing to dope or helping the athlete decide not to dope. It fitted well with what was currently going on with entourages and how they played an important role in an athlete's decision. This had actually been a larger project in terms of scope and the committee had recommended reducing the cost to 18,250 dollars for a one-year project.

The Education Committee also recommended looking at two targeted research projects. The first was to update the current literature review that had been carried out in 2007, for several reasons. The existing one was cited by a lot of researchers and it avoided duplication, so WADA tried to gather everything that was out there regarding social science research, and it needed to be updated. WADA was looking at engaging Susan Backhouse and doing an English literature review as well as expanding it to other languages, so as to have a more comprehensive literature review and in order to guide further research in the future.

The final research project recommended looked at why athletes said no to doping. If one looked at the majority of research, it talked about why athletes did not dope, as opposed to looking at the positive things associated with saying no to doping. This project took a more proactive approach, to have more positive messages for why athletes should not dope.

The Young Investigators' Award had been very successful the previous year. There had been eight applications from young researchers that year, and these had been narrowed down to six. The six researchers came from Austria, Spain, Switzerland, the Czech Republic, the UK and Greece, and a decision would be made once the Education Committee received their final theses, and the top four would be given a 2,000-dollar award plus a certificate. With regard to the previous year's programme, of the four researchers who had won the prize, three had gone on to do a PhD related to anti-doping, so it had encouraged them to continue in the field and a relatively small investment had had a good influence on young investigators.

In summary, the Education Committee was recommending to fund 102,450 dollars' worth of research that year, with a call for proposals to be sent out in December to encourage the researchers who had applied for the previous year's programme to reapply with improved methodology.

MR ROWE asked a question, which might have been answered. The external experts now gave the opportunity to examine the methodology; did WADA provide an opportunity to come back with a revised methodology within that funding round, or was that something that might be looked at in a subsequent funding round?

MR EKEJI thanked Mr Koehler for the report. He was interested in the research but also slightly disturbed that ANOCA did not appear to be represented. What he meant by ANOCA was Africa, as there did not appear to be any African countries involved and, secondly, he did not know if serious efforts had been made to engage African countries. He had been involved with that level of sports administration in Africa and thought that, in the future, it might be necessary to deal with regional blocks. He had had reason to talk about why athletes should not dope as concerned Africa in particular. Most of the athletes in the African region were certainly very challenged and the coaches were not as educated as their European counterparts, so that was an area that WADA should have a look at, working with various blocks and finding ways of assisting ANOCA. He would like to have the feeling that Africa had been properly covered in the area of social science research in sport.

THE CHAIRMAN said that one of the enlightening matters that had come out of this particular proposal was that two of the four general grants proposed for funding were from the African continent.

MR ODRIOZOLA congratulated Mr Koehler on a very fantastic report, and he particularly appreciated the fact that the targeted research involved an updated literature review, as that was something that added a lot to the available literature on social science research. The only thing he wanted Mr Koehler to clarify regarded the last paragraph on page 2 of the decision. It was stated that a total of 102,000 dollars had been allocated for the first round of the open research projects, and that would leave 332,000 for the second call based on a 2% increase, or 282,000 dollars based on a 0% increase; however, in the draft budget, he saw that the amount allocated for social science research was the same for 2% or 0%, so he did not understand the difference. In addition, the figures did not add up to 350,000; any of those amounts added up to a different figure, so he asked for clarification if possible.

MR KOEHLER answered Mr Rowe's question. Based on the feedback received from the peer reviewers, WADA gave information on ways in which they could improve their methodology directly to the researchers who had applied, in addition to comments made by the expert working group. WADA would give information, as there were some good

projects; they were just missing some of the core details sought by WADA, so WADA would be feeding back and the call for proposals would be sent out in December.

Regarding Mr Ekeji's comments, this was the second year that WADA had been running the Young Investigators' Award, and WADA had a comprehensive database that it sent to all universities, but WADA could always improve reach and outreach to different regions, and it would continue to do that and focus on those countries and regions from which it was not getting many responses. One of the reasons related to the recent success had been the symposium held in Johannesburg two weeks previously, with 30 countries present. WADA was committed to working with them and learning more from them. It was a particular interest and had been the first symposium of its kind that would be rolled out to other regions. It was a high priority.

He told Mr Odriozola that there had been an oversight in the paper, so 350,000 was the budget put forward. He would have to look at the numbers that did not add up according to Mr Odriozola, 50,000 for targeted research plus the four other projects, because he had done the maths that morning and everything had seemed to add up. He would not overspend the 350,000, and he would be happy to recalculate the amount at lunchtime with Mr Odriozola if necessary.

THE CHAIRMAN sought the members' support in approving the social science research grants (four general, two targeted, and four Young Investigators' Award projects to be determined by the committee in the coming days).

DECISION

Proposed social science research projects approved.

11. Athlete Committee Chair report

THE CHAIRMAN informed the members that Mr Fetisov had been unable to attend the Executive Committee meeting as there were elections in Russia, so asked Ms Elwani to present the report.

MS ELWANI stated that the WADA Athlete Committee had gathered in Colorado Springs on 7 October for a meeting hosted by the IOC and USOC on the occasion of the fifth International Athletes' Forum. Members had received comprehensive information and updates on specific anti-doping matters and in turn had been able to advise and comment on a variety of topics. The members had been given two very useful presentations, the first by Richard Young on the Code review process, and the second by USADA's CEO, Travis Tygart, who had given a detailed perspective of a NADO. The key outcome of the meeting had been the Athlete Committee calling on ADOs across the world to increase the amount of blood samples and to conduct more tests for EPO. The Athlete Committee members felt very strongly about this and had agreed that it was the only way to tackle the problem of sophisticated dopers; this message had been communicated by WADA on behalf of the athletes. The committee had also said that ADOs should concentrate more on testing for harder drugs and less on recreational drugs such as cannabis. WADA had explained the reasoning behind the paperless project and the need to help reduce costs involving testing by developing fully electronic doping control data. The committee had also been given a detailed update on ADAMS and the soon to be released 3.0 whereabouts module and how it would be simpler to record movements. Committee members Sara Fischer and Alberto Moreno had reported on the European Elite Athletes Association conference in Madrid in September. The committee had made two requests to WADA during the meeting: one, that WADA continue to work on harmonisation of anti-doping programmes and laboratory capabilities, and two, that WADA continue to communicate the Code review process to athletes for their input. Overall, the members of the Athlete Committee had considered it a very productive

meeting. The following day, the WADA Athlete Committee and the IOC Athlete Commission had held a joint meeting for the first time; the WADA Athlete Committee had shared issues and matters discussed the previous day such as the lack of EPO testing, ADAMS, the compliance report and the Code review process, as well as the outreach programmes in Innsbruck and London.

The next meeting in 2012 would be generously hosted by the Japanese Anti-Doping Agency in Tokyo on 20 and 21 February on the occasion of its tenth anniversary. The second meeting would be held on 18 and 19 September in St Petersburg, Russia, with the financial support of the Russian Government.

MR WARD thanked Ms Elwani for the comprehensive report. He was curious as to whether or not she could go into a little bit more detail on the discussion on concentrating more on testing for harder drugs and less for recreational drugs, especially given the fact that marijuana potency had changed so dramatically over the past 30 years.

MS ELWANI responded that the Athlete Committee saw that sometimes a lot of sanctions were handed down to athletes for these drugs, which were considered perhaps a habit or things that might not be appropriate to do as athletes, but they were not affecting the other athletes, and the committee did not believe that they were unfair on the other athletes, so the Athlete Committee felt that research and efforts should be concentrated on the more sophisticated drugs on the List and that there should be more targeted testing for those using and designing sophisticated drugs instead of spending money doing targeted testing for the drugs used in the community and known to be used in the community; the sanctions were not the same, athletes were more interested in the performance-enhancing drugs and the issue of fairness.

MR ROWE said that he might be wrong but he was not sure it was as simple as that, as he thought that, when samples were collected and sent to laboratories, the full menu was hopefully tested for, and substances were detected. Some of those substances might be steroids or cannabis or a full range of things; then, the anti-doping agency was left with the issue of dealing with the presence of a substance, so he did not think that it was quite as simple as just doing a test for one substance or another.

MR MCQUAID said that he knew where the athletes were coming from, and it related to comments made by the Director General about the amount of EPO positives in testing. The athletes had the perception that testing was done for limited products rather than the full menu, which included EPO, which was why a lot of people were getting caught for cocaine and similar substances, as it was the cheapest thing to test for, by and large, whereas EPO testing was expensive, and the athletes were not getting caught for EPO use. That was the perception that the athletes were getting, and he thought that the perception was largely correct.

THE CHAIRMAN said that a number of ADOs saw certain sportsmen and women as reasonably good targets for marijuana use, so that also led to a disproportionate number of marijuana positive tests.

MS ELWANI said that perhaps the Athlete Committee meant out-of-competition testing because, for testing in competition, whatever the athletes were faced with, they would get a sanction for, but the athletes were talking about out-of-competition testing when there was a certain suspicion that a group of athletes was using certain drugs. The Athlete Committee would like to target those athletes rather than those using cannabis.

THE CHAIRMAN thanked Ms Elwani for the report.

DECISION

Athlete Committee report noted.

12. Science

12.1 International Standard for Laboratories

DR RABIN said that he would like to present the more than 100 pages of the International Standard for Laboratories in 10 to 12 slides on the screen and recall why the ISL had been up for revision. There was certainly a need to introduce some specific provisions for steroid profiling which were not present in the current version of the ISL. It had also provided an opportunity to adjust a few provisions; science being what it was, there was always progress and a lot of activities were developed that sometimes reflected in the provisions of the ISL. It had also provided an opportunity to update the External Quality Assessment Scheme, which was a very intense programme in the Science Department and for the anti-doping laboratories, and in particular the evaluation process of the WADA-accredited laboratories, and finally, at the September Executive Committee meeting, there had been a request to postpone the approval of version 6.1 of the ISL to include a couple of provisions, and this was why they had been included and the standard was being presented for approval that day.

One of the new provisions added referred to the independence of laboratories, and this echoed ISO 17025, which referred to the integrity of the process. There was no such element in the ISL and it had been felt by the laboratory expert group and the laboratory directors themselves and the WADA management that it would help to have this provision for the accreditation and reaccreditation of laboratories. He was grateful for some of the comments received, in particular from Europe, focusing on the aspect of administrative independence, proposed to be replaced by operational independence, which focused more on some of the issues currently being faced. Surveillance assessment of the laboratories was something that existed in the current standard but had been expanded slightly to incorporate some of the activities in the investigation aspects of anti-doping; in particular, if one came across situations whereby an anti-doping laboratory could be involved in some of the activities, WADA now proposed having unannounced audits of the laboratory and also the possibility to retest some of the samples held at the laboratory. This had raised some questions, in particular from the World Association of Anti-Doping Scientists, which had requested some ideas as to what could trigger such unannounced testing, and WADA had clarified this with the laboratory expert group, to the point that he believed that the expert group was reassured of the intention behind the provision.

Regarding the retention of samples, WADA had been made aware by the IOC that there was a slight discrepancy between the urine and blood section in the ISL, and the best approach had been discussed with the legal experts. It had been decided that the best approach would be to align the two provisions on the urine testing, which meant that, after an A and B sample had been analysed, the samples should be made available for research or discarded, to avoid situations that had been faced in the past whereby athletes could request reanalysis of their samples, sometimes in other laboratories, and, as everybody knew, the possibility of degradation of substances would create a very significant issue for the anti-doping laboratories and the anti-doping system.

The delay between the A and B samples had been discussed previously, as the members might recall. There had been a recommendation from the ad-hoc group, which had said that there was an issue regarding having a mandatory timeframe of seven days between the A sample analysis and the B sample analysis. The "shall", which was an imperative, had simply been changed for "should", which was a recommendation, and this was something that would be further discussed with the people in charge of the Code review process because, as the ad-hoc group had recommended, this should be issued in the ISL and in the World Anti-Doping Code if deemed necessary.

As for the testing report, there were two things that had been included in this section. The first was to mirror the changes in the International Standard for Testing, which had been approved in Lausanne in September, and also the obligation for the laboratories to report negative results in ADAMS. This was deemed very important, not only for WADA capability, but also more generally speaking for stakeholders to make use of the information available in the anti-doping laboratories.

Regarding service to customers, a new subsection had been included in article 5.3.7.2 to ensure responsiveness to WADA, in particular to deal with the concern that existed that there could sometimes be menus altered in the agreement between some testing authorities and the anti-doping laboratories, and WADA had recently been faced with situations whereby it believed that it would be important for WADA to have the opportunity to further investigate such situations and request additional information from the anti-doping laboratories. This was something that had been discussed with the legal colleagues, and the result was the provision, which he thought was acceptable for the laboratories and their clients.

The members would probably hear more and more in the future about measurement uncertainty. He would not go into detail, but a technical document had been issued by WADA in 2010 that dealt with measurement uncertainty and decision limits; this was extremely important in the science of analysis and in the WADA-accredited laboratories the issue had not been escaped and it had been addressed up-front with the laboratory expert group and experts in the field. WADA had needed to align the ISL with the provisions and all the elements put in place in the technical document issued the previous year, not only in the urine section but also in the blood section.

The EQAS was one of the pivotal programmes for laboratory accreditation and WADA had gained seven years' experience in the programme, which was very advanced when compared to other EQAS programmes in all other areas of testing laboratories. WADA had decided to move from four to three rounds of EQAS that year, giving it more opportunity to provide adequate feedback to the anti-doping laboratories. The number of samples had not been reduced because WADA had increased the number of double-blind samples, so there was still a minimum of 20 samples delivered to the anti-doping laboratories, not counting the educational samples. The evaluation criteria had also been reviewed, also including steroid profiling, which was something new, and WADA had certainly reviewed all the aspects of the evaluation criteria for the laboratories to ensure that they were up to date with the practice of the EQAS programme.

Also for the laboratories, some of the aspects recently faced with unsatisfactory results, is to distinguish between technical versus administrative errors, they should not necessarily be judged with the same seriousness. In addition, the possibility for WADA to provisionally suspend some laboratories in the advent of major deviations from the rules, should be maintained to protect the anti-doping system. Also the review process of potential issues from the anti-doping laboratories by the Disciplinary Committee was acted in the ISL, in particular after the CAS had had the opportunity to face such a case in appeal from a laboratory.

An issue had been faced that year, created by one of the anti-doping laboratories prematurely releasing information without informing the NADO, the IF or WADA, and this was a recommendation that had been received directly from the ad-hoc group to insert such a provision as part of the code of ethics of the laboratories. This concluded the key changes in the ISL and he would be happy to answer any questions.

MR ODRIOZOLA observed that the mandate from the European public authorities was very clear on this point. They were absolutely ready to approve the revised version of the ISL with one very clear reservation: they requested the deletion of articles 4.1.8 and 4.4.3, which were actually exactly the same. One was for new laboratories and the other one was for established laboratories. The basic argument in favour of deletion was that the requirements of laboratory independence were already defined in ISO 17025 and, in

article 4.2.1, to be an accredited laboratory, one actually had to obtain ISO 17025 so, if one got the accreditation, it meant that one was complying with the requirements of laboratory independence, so to add two more articles stating again this previously administrative and now operational independence was clearly redundant and could lead, as had been mentioned at the September Executive Committee meeting, to high risks of legal complications in court cases if such independence was not ensured, because obviously the whole case could be based on the question that that particular laboratory in which the positive sample had been taken was not independent so the process was not valid. Why should this independence be reiterated when it was already one of the requirements for laboratories obtaining ISO accreditation? Moreover, if this standard came into force on 1 January 2012, there would be ten or more laboratories that could be challenged with regard to administrative, or operational, independence. He had to admit that progress had been made, but there was a serious risk.

MR MCQUAID said that he had a question about article 4.4.10.3, which was on page 27: "As part of an announced or unannounced assessment/inspection, WADA retains the right to request copies of laboratory documentation and/or request reanalysis of selected A and/or B samples either on site or in another laboratory of WADA's choice." The moving of samples from one laboratory to another was something that athletes had tried to do in the past and which WADA had refused and now WADA had taken it upon itself to move samples from one laboratory to another for testing, and this could to some extent undermine the confidence of the athletes in the system.

PROFESSOR LJUNGOVIST said that he had noticed in articles 5.2.2.6 and 6.2.6.6 that there was what should be reported or included in the report, amongst other things, the name of the testing authority "if provided". His understanding was that this was compulsory information and should always be provided. That was just a minor remark.

When Mr Odriozola had mentioned the issue of independence, it was absolutely vital that it be clarified in the standard that there should be operational independence. The operational independence was so vital to the credibility of the work of the laboratories in the eyes of the general public, not least the athletes.

MR ROWE made a suggestion that might be taken on board. There was a reference in annex A to the disciplinary committee. Some reference in addition to the procedural rules that had been developed might be helpful to let people know that there was a system of procedural rules that would be applied. He knew that this was made clear if a laboratory was subjected to these things, but it was thought that it might be a helpful reference.

THE CHAIRMAN added that that was made very clear: anybody given a provisional suspension or suspension was advised fully as to what steps could be taken as a result.

DR RABIN responded regarding the concern expressed about the independence of the laboratories. It needed to be understood that ISO 17025 was by definition a standard that was not specific; it was very general to all laboratories conducting analysis, and the very essence of the ISL was to develop specific rules that could be applied to the anti-doping field and in particular the anti-doping laboratories, so in a sense the ISL went beyond and allowed WADA to address issues such as the independence of the laboratory director and personnel, the geographical location and quality integrity of analysis and reporting, so this was important. There was one aspect that should not be omitted. Currently, WADA sometimes received requests from laboratories that were not yet WADA-accredited or ISO 17025-accredited, so not having this provision in the ISL echoing ISO 17025 prevented WADA from taking any action vis-à-vis the laboratories. Independence was very important. This provision had been discussed with the ILAC people, who were ISO stakeholders, and the laboratories, and everybody had agreed that this provision would be important in the ISL. Not having laboratory independence would probably be an even higher risk at a legal level if it was demonstrated that there was no independence of the laboratory and then confidence in the reporting of the laboratories.

As to the issue of enforceability, it was recommended that the standard come into force as of 1 January 2012, but having the possibility to enforce did not mean that it would be enforced immediately, and WADA was very much aware that there would be a progression between having the rule in place and the possibility for WADA to discuss with those laboratories and supporting authorities potentially affected by the situation to develop a process to try to address it over the next year or two. He thought that a clear distinction should be made on this.

As to the issue raised by Mr McQuaid about reanalysis and the right to move samples, this would be under exceptional circumstances, in particular coming from information from investigations, which was something that should be taken into account now that the activity was developing in the anti-doping domain. This issue would need to be looked at and there should be a possibility to have reanalysis on-site or, if a method was not available or sensitivity was not good enough, to transfer to another WADA-accredited laboratory under WADA's responsibility and chain of custody.

Regarding the comment on mandatory information, it was necessary to distinguish between two things: this was already requested under the IST and normally the testing authorities were responsible for providing this information. The laboratory should receive this information and would report on it if available; however, if it was not available to the laboratory, WADA could not bind the laboratory to something that was not its responsibility, so the laboratory was told to report it if it had it.

Regarding the disciplinary rule, he had wanted to refer to the disciplinary panel in the ISL which was new. In fact, the rules of operation of the disciplinary panel were in the hands of the colleagues in the Legal Department and the object of a procedure of the Legal Department, so this was why there was the wish to refer to the disciplinary panel in the ISL, but not the way in which it operated, as this was something that fell under legal activities.

THE CHAIRMAN confirmed to Mr Odriozola what Dr Rabin had said and said that, to the extent that operational independence was an objective given to WADA by the ad-hoc committee chaired by Mr Reddie some years ago, all of the members would recognise that there should be no undue influence between one arm of anti-doping and the other, to the point that there was any risk of there not being total integrity. The application of that could only be narrowed down to a limited extent, and Dr Rabin had spoken about the physical location and not having the same laboratory director as the anti-doping organisation director or similar sort of management arrangements; otherwise, WADA would certainly be putting the public on notice that something might be going wrong. That was going to require time. He did not want a suggestion that would allow a grandfathering period for this to happen of one, two or three years, but would like to see WADA have a discussion with each laboratory on the practicalities and that it try to tailor the timeframe to change that, to suit any economic circumstances that might be put up, any economic cost that might be raised in the course of it all. He did not think anybody would argue that WADA wanted to see anti-doping there and laboratories here and WADA did not want the same people sharing the lunchroom and talking about what each was doing, otherwise WADA would put the whole process at some risk. It was also necessary to be respectful of the fact that governments made decisions based on what they thought was cost-effective and, if WADA asked for certain changes, it should allow an appropriate period of time for those changes to be made without imposing a financial impost that was not reasonable. In practice, WADA would take its time, despite the date of 1 January.

MR ODRIOZOLA said that it was very good to have the Chairman's assurance, but insisted that this would be an international standard in force on 1 January 2012. The Chairman was not saying that WADA would be having a standard without trying to put it into force, because that would be rather strange. It would be in force as of 1 January 2012. Everybody agreed on the fundamentals and the importance of independence for

laboratories; nobody was calling that into question, but he was calling into question the necessity of having those three lines repeated twice in the ISL, because the article stated "in compliance with section 4.1.5D of ISO 17025", so actually the definition of independence came from ISO 17025, which was in article 4.2.1, so it was redundant to have it again in two other articles. How many laboratories were there in Europe? He was bringing the opinion of those 22 laboratories, or maybe 18 out of those 22, or rather the member states in which those laboratories were situated and were financially making it possible for those laboratories to exist. The opinion of course came from the laboratories to the governments. It was the advice that he had been given. In order to ask for the deletion of this article, the laboratories' opinions had been sought.

THE CHAIRMAN appreciated that Mr Odriozola had been given that advice. Dr Rabin dealt with laboratories every day and his view was that the laboratories supported this and Professor Ljungqvist said the same thing.

DR RABIN stated that, during the drafting of those provisions, WADA had intensively discussed them with the members of the laboratory expert group, external and independent experts who were members of the group and with the laboratories and, to answer what Mr Odriozola had been saying, when WADA had drafted this provision with the members of the laboratory expert group, all of their views had been gathered, and WADA had also opened the provision for debate in Dresden at the end of February 2011 with all the anti-doping laboratory directors present, and he could assure Mr Odriozola that, at the end of the discussion, they had been supportive of the provision, as they saw this as a way to protect them from any external pressure and ensure the integrity of the results, so this was something that was well understood by the anti-doping laboratories and it would not have been possible to push this forward without their support. This needed to be made clear, as it was part of the process.

THE CHAIRMAN said that he could only take the unequivocal advice of the Director of Science, who had made it abundantly clear that the laboratories believed that this was in their interest and give the assurance that, despite the fact that this was passed, an appropriate period of time would be allowed to take into account any additional costs that might be involved in the so-called physical separation that might occur in a couple of small instances. If this was in the interests of anti-doping, he really struggled to know why WADA was not prepared to do it. Did Mr Odriozola wish to move any amendments?

MR ODRIOZOLA said that he could not approve the amendment.

THE CHAIRMAN asked the Executive Committee to approve the revised version of the ISL to come into effect on 1 January 2012.

DECISION

International Standard for Laboratories
approved by all members, with one exception
(Mr Odriozola).

12.2 Implementation of mandatory methods by laboratories

DR RABIN said that this was to follow up on the discussion at the previous Executive Committee meetings in May and September about the implementation of mandatory methods by the laboratories. The point had been up for discussion and he was happy to report that a lot of progress had been achieved by the anti-doping laboratories. In September, the Executive Committee had contemplated laboratories facing issues in Sweden and South Africa. For Sweden, there was reassuring news that the two mandatory methods, namely IRMS and EPO, were now well in progress. The laboratory had made a great deal of effort to implement these two methods, so this was a work in progress. WADA had received not so long ago some very reassuring news from South Africa that the laboratory had received the money to purchase and implement IRMS in

the laboratory, so this would come in the future. Based on this information and the progress achieved, he requested proper monitoring of the laboratories but that no decision be taken on that occasion. The matter could be readdressed in May if there were any particular concerns at that time.

THE CHAIRMAN drew the members' attention to an additional document before them which summarised what Dr Rabin had just explained. The recommendation was to defer the matter to allow for further progress to be made which he was confident would lead to a much happier position come May. Were the members happy to approve deferring the matter until May on that basis?

DECISION

Proposal to defer matter regarding the implementation of mandatory methods by laboratories approved.

12.3 Outcomes of the WADA research programme

DR RABIN said that the members had received a document that morning, and it was an extract of some of the research projects completed. It was almost impossible to give the outcomes of over 140 projects completed to date. Some of the key achievements had been taken to try to provide an overview of the scope of activities in the WADA research programme.

He drew the members' attention to the presentation on the screen, and explained why WADA invested such a significant amount of its budget in research. It was obvious that science progressed daily and WADA needed to integrate this science into the existing tests and methods used by the WADA-accredited laboratories. It was also necessary to develop new tests and integrate new technologies in order to progress in WADA's ability to detect substances, not only existing substances but also new substances, or apply new markers. The members had been discussing Hgh earlier that day, and this was exactly the situation WADA faced with a new substance to detect and new markers to develop. The members had also spoken about the ABP; this was very much a work in progress, with the first module implemented and more to come, and finally this was one of WADA's responsibilities: to anticipate future trends and practices in doping, which meant that WADA had to look at what was currently going on and what was coming in the future. How did WADA achieve this? It needed to identify the specific issues and develop scientific concepts, and it usually requested a proof of principle. WADA was usually involved in these three activities in the very early phase of identification of the issues; then it was up to the research teams to develop the scientific concept and bring the proof of principle. If this was satisfactory, then WADA could be involved in the validation of methods and, of course, the implementation of such methods or results coming out of the research. The bulk of the research money was dedicated to competitive research grants, and it was the role of the Health, Medical and Research Committee to review the applications and grants and make sure that they were sound and fulfilled WADA's needs. There was also targeted research, as WADA did not always receive the applications it sought to address some of the issues it faced, and believed that it was important to be in a position to go to research teams and request their contribution to some of the anti-doping issues faced. It was also important to have reactive research capability, when WADA faced unanticipated issues, and he highlighted designer drugs, or some of the drugs coming out of the industry being marketed. WADA had to react extremely quickly in order to develop its ability to detect these drugs. Not only did WADA have these research activities; it needed at all levels, not only the acceptance of research but also the progress of the research, outcomes and implementation, to have solid review processes in place internally and with the experts with which it worked in order to ensure that WADA was delivering high quality outcomes for the money spent. Who was involved? One of the big benefits of the programme was that it was international and

open. There were many research teams not traditionally involved in anti-doping activities that submitted research projects to WADA which were approved every year, so science and competence coming from outside the anti-doping world was extremely important in terms of how WADA developed anti-doping activities and research. Of course, anti-doping laboratories and scientists were key as they understood the field and, very importantly, knew how to format the outcomes of research so that it could be implemented quickly by the anti-doping laboratories. There were a few anti-doping organisations, NADOs or IFs, which had budgets for research, and it was important that WADA and they work together. Finally, and this had been seen to grow over the past few years, there was the involvement of the industry. It did not necessarily request research grants, but it was becoming increasingly active, providing WADA with information and sometimes new drugs to enable WADA to develop its capacity, and all these elements formed the pillars of the research programme developed over more than ten years.

Looking at some of the challenges faced in the past, back in 2002, when he had joined WADA, there had been some immediate issues to be faced and he had the privilege of discussing these with a lot of people in the field. There had been a list of the hot topics that WADA needed to address, including Hgh, Dynepo, a new EPO very close to the human endogenous EPO, which had certainly been a very great concern, blood transfusions, HBOCs and so forth. These had been hot topics and something WADA had needed to address quickly. What had WADA achieved since 2001? He wished to highlight three areas, starting with blood manipulation, a very active field of doping. Very early on after the onset of the research programme, WADA had been able to introduce the detection of heterologous and homologous blood transfusion, as well as HBOCs, at the Athens Olympic Games, and he thanked the IOC colleagues for allowing WADA to work closely with the Athens laboratory to bring these new methods in for the Olympic Games. WADA had had to deal with some of the new EPOs in 2005, EpoMax, Dynepo and, in 2008 the new generation of EPO, CERA, and CERA had been detected in several samples at the Beijing Olympic Games, as the IOC had taken it upon itself to retest some of the samples. One could see the progression of some of the EPOs WADA faced. There had also been the EPO biosimilars and, to give the members an idea of the challenge WADA faced, in 2002/2003, there had been about seven or eight EPOs on the market. Then, the EPO patent had been made public and, in 2010, WADA had been facing some 110 or 120 EPOs, so WADA had had to look at them to make sure that it could detect them and, if there was a good method currently in place, which had some limits, of course, it was because of all of the research put behind it and improvements on the initial method allowing WADA to detect the substances.

Blood transfusion was certainly something of great concern to WADA. It had been able quickly to address the issues of heterologous and homologous blood transfusion, as he had said, but autologous blood transfusion remained a challenge. WADA had been able to make some progress with the introduction of the ABP and the plasticizers, but this was still very much an issue in progress. New substances faced included Hematide, a new generation of EPO, which could now be detected, and a next generation, which would be around in 2013 or 2014 but which needed to be addressed immediately: HIF-stabilisers. There was a progression in the drugs faced and, every single time, WADA had been able to address those challenges and strengthen its anti-doping capability.

Looking at anabolic steroids, one of the most abused class of drugs, as early as 2003, WADA had faced designer steroids, and that had been a wake-up call for everybody, as these were drugs developed specifically for the purpose of doping. WADA had started working with USADA, which had been able to detect tetrahydrogestrinone very quickly, and WADA had been able to detect desoxymethyltestosterone. They were complex names but they showed that there were people out there who could develop designer drugs, and this was a real threat that WADA had had to face. WADA had addressed

another drug in 2004, a designer drug with 1-testosterone, so this kept coming and was a real threat.

In 2008, WADA had faced a brand new class of substances, selective androgen receptor modulators, also known as SARMs, and these were basically the best of what anabolic steroids could do. They were anabolic steroids that were not anabolic steroids, with all the benefits but without the side effects. Working with the industry, WADA had been able to develop its capacity to detect SARMs in under two years.

Looking at hormones, this was one of the big challenges WADA faced. He had spoken about Hgh and the fact that WADA had been able to introduce the detection of Hgh for the first time in Athens, with the isoform approach. That had been a major step forward and represented the conclusion of several years (probably four) of research. WADA had then faced a new class of substances, some also designer drugs, which could block the oestrogen pathway of the anabolic steroids and enhance the use of anabolic steroids or reduce the doses needed by the athletes when taking anabolic steroids. WADA had been able to address this issue quickly. In 2007, WADA had faced the issue of insulins, and had developed the capacity to detect insulins, not all, but most, in particular those developed by the industry. In 2008, Hgh had been introduced in routine testing, and it had taken WADA four years between the first time it had introduced the test to the time it was confident that it could roll this test out for routine testing by all the anti-doping laboratories. There had been so many questions to be addressed, not on the test, but on how it could be applied. In 2010 (and perhaps in 2012), there had been the possibility to introduce a complementary test based on the markers of Hgh that were affected. This was a project started by the IOC and the European organisations back in 1996, so sometimes it took a lot of time, particularly where drugs secreted by the human body were concerned, and WADA needed to distinguish between endogenous secretion of those drugs and exogenous administration by the athletes.

Gene doping had been a challenge from the beginning, and he referred to the first conference organised by WADA in Banbury back in 2002, at which gene doping had been considered a major threat for the future, and since that time WADA had invested a significant amount of money as genomic, proteomic and metabolomic research was extremely expensive. For the first time, WADA had identified a concept that could be applicable to anti-doping and was working in particular with two teams, one from Europe and one from the USA, combining their competence for the detection of gene doping in blood which a few years ago would have been absolutely impossible, so WADA was making significant progress in that field as well.

Going back to 2002 and looking at what had been achieved, many of the issues listed at the time had since been completed. WADA had some advanced concepts for gene doping; designer drugs would not disappear, and WADA would need to remain vigilant, so this was always something that WADA would need to monitor. Indirect Hgh detection would shortly be introduced, and there were other concepts also under consideration. WADA needed to strengthen its position on autologous blood transfusion. There were some interesting projects ongoing; many projects had failed in the field, not that they had been unable to deliver interesting results, but it had not been possible to implement them for anti-doping simply because the window of detection had been way too small. Cell doping was certainly something that would be looked at closely, even if was not believed to be an immediate threat by some of the experts with whom WADA was working. Working more with the industry, WADA should be in a position to receive more information with regard to numerous drugs in development with some doping potential.

Current and future challenges faced included autologous blood transfusion, new drugs, for which WADA was working with the industry, designer drugs, and here, WADA was in a better position than ever before to work with police forces and Interpol and, through Jack Robertson, the chief investigation officer, WADA had close contacts in order to retrieve information to nurture reflection and the reflection of the List Committee.

WADA would certainly have to deal with peptide hormones, a very active area in the industry; gene doping was a work in progress; WADA needed to continue to enhance its capability to detect substances with new methods or improve existing methods; and cell doping was certainly on WADA's radar, in particular having heard about the use of stem cells (this was something that WADA was discussing very actively with its experts, who considered that this was a low priority).

For 2012, WADA would continue with the identification of priority areas; it was very important to establish the framework of anti-doping research, and WADA had established the research themes for 2012 which would leave the priority sectors for WADA, and finally he wished to raise a point that he believed was absolutely essential: strengthening the network of anti-doping organisations involved in research. WADA had been able to establish excellent collaboration with its counterparts and colleagues in Australia, but it needed to strengthen and develop the process with other people, in particular in the USA and with NADOs that sponsored research. This was something that needed to be intensified in the coming years. There was more information in the handout and there was certainly more work in progress as there were still more than 150 research projects currently under way.

MR MCQUAID said that he thought that the presentation was the core of what WADA was about in the fight against doping in sport. That week had not been a particularly good one for the image of the fight against doping in sport, because WADA had discussed a couple of times that day the presentation that Mr Moynihan had made to the forum earlier in the week. Within his presentation (never mind the BOA and rule 45), Mr Moynihan had also been quite critical of WADA and the success of WADA since its inception, and he had quoted Marion Jones and others who had been able to defeat the system for many years, saying that the system was not good enough. He had been listening to Mr Moynihan making his presentation and, within five minutes of him finishing his presentation, he had gone on the Internet, and he had read an interview with the Director General in Paris, and he quoted: "Do you think that we have the science to track those who dope in a sophisticated manner? 'Personally, I don't think we do', Howman said to a conference. 'We're catching the dopey dopers, not catching the sophisticated ones. It is pathetic, we must increase the quality and efficiency if we want to continue the fight.'" He certainly agreed that that was what WADA had to do and that was the situation, but the image that gave of the actual fight against doping in sport was not very good for the athletes who read that and saw that WADA itself was throwing its hands up in the air and saying that it could not win. WADA definitely had an issue to deal with and it was the fundamental issue of how WADA moved forward in the fight against doping in sport and how it could continue to improve the fight against doping in sport, which everybody around the table wanted to do, but there was definitely a lot of work to be done and the question was how it should be done. He had two specific questions, and he thought that this was worth a discussion. He would like the experts to convince him that WADA was further down the road than it appeared.

Dr Rabin had mentioned autologous blood transfusion, and he saw that it had been number one on the list of priorities for 2011, and WADA was now heading into 2012. Where was WADA with that and how did Dr Rabin see it in the short term in terms of WADA having an actual validated test for it? The second question, which was somewhat related to that, was about plasticizers: where was WADA with a test for plasticizers?

DR RABIN responded that autologous blood transfusion was probably one of the most difficult challenges WADA had had to face, simply because of the problem of distinguishing between own cells and own cells in an athlete's body. WADA had tried with colleagues in other organisations (particularly USADA, as WADA was working hand in hand with USADA on certain concepts) a lot of different things, including looking at the blood from astronauts. WADA had found some markers at the surface of blood cells that had been affected when blood cells had been stored and reinfused but, the body being what it was, those cells were usually modified and sometimes destroyed within a matter

of hours to avoid an immunogenic reaction from the body. WADA had approached this and some indirect concepts. The ABP was obviously one of them and this was a tool; today it could clearly be seen when blood was removed, but it was more complicated to see when blood was reinfused, as sometimes the volumes could vary.

With regard to plasticizers, he thought that these were a potential indication that something had happened, but it would be difficult to make it proof, for the simple reason that sometimes people were exposed to exogenous sources of plastic, which could increase in their bodies. There had been lengthy discussions with the people in the laboratory expert group and they had come to the conclusion that the best thing would be to accumulate figures from routine anti-doping tests, and see when what was currently considered a reasonable value was crossed, in order to show that this abnormality was extremely rare and could potentially be related to doping practice. WADA was continuing more advanced projects, and still had four or five projects in order to detect autologous blood transfusion. He hoped that one of them would deliver progress and a better method. WADA had been involved in this for the past ten years without the ultimate tool; there were tools, but not the ultimate tool. Even some of the experts in the field said that it would be extremely difficult to have one tool to address this particular issue because of the difficult nature of autologous blood transfusion, but WADA was making progress, and he assured the members that WADA had received some interesting results that week from a team, illustrating that WADA pursued every single opportunity to make sure that it could be applied to anti-doping testing.

THE CHAIRMAN said that Mr McQuaid had issued a challenge to the management team for reassurance in light of the comments he had seen earlier that week from two sources. He shared the Director General's frustration in respect of some of the methodologies that WADA was applying. There was absolutely no doubt that WADA was seeing analysis being done on specific menus by many of those who were taking samples, and they were doing that based upon the cost and keeping that cost down, and consequently EPO was not being detected as it was the more expensive part of the blood analysis and it was frequently just being excluded. WADA knew that blood samples had been reduced to the very low single numbers and Mr McQuaid's sport had contributed to those numbers being a little higher than they otherwise would be through the ABP; so, until such time as WADA got a realistic outcome on blood testing, Hgh would not be detected. The drug of choice, EPO, was not even being tested for in many of the samples taken, and Hgh was not being tested because WADA was not doing blood testing. As a result, WADA had recommended 15% for blood testing; it was not mandatory and he suspected that it was not going to happen. He thought that that was the frustration that everybody felt at times; WADA had got to a certain point, and he believed that the biggest risk that the fight had was complacency. He had watched the interest that his minister back home and ministers in many other parts of the world were showing in match-fixing; he had been fascinated with the figure mentioned that morning by Mr Reddie, that 60 times more people would cheat by using performance-enhancing drugs than those who were likely to be involved in match-fixing, and yet that seemed to be the latest thing that everybody was getting into. The members all knew that people had been pulling up race horses since before they were born and doing other silly things in sports as well. It was that complacency that he believed had to be overcome. It was his message in all his discussions, and he knew that it was fully supported by the Director General, who had let his expression of frustration surface the other day by saying that WADA could do better, and WADA could do better and the members had to keep making sure that they reminded one another of that.

He thought that the presentation on science was the best he had ever seen: he had actually understood it and seen enormous progress. He would like every potential drug cheat to be taken into a room and shown that presentation and told to look out because WADA was getting better. Sometimes members worried about science because they did not understand it, although Professor Ljungqvist always did and looked at him as if he

were stupid every time he said something! That had been a very good indication of where WADA had come to and what the challenges still were; undoubtedly, those challenges would never go away, but he felt reassured that day more than he had ever felt in any other meeting about the money being spent on science, so he wanted to give credit where credit was due and thanked Dr Rabin for the presentation.

With regard to costs, MR MCQUAID asked whether anything was being done to bring down those costs, for EPO testing for instance.

PROFESSOR LJUNGOVIST responded that there was a project under way which was still under validation and could hopefully result in a cheap screening method for the detection of EPO doping, although not confirmation. It could tell WADA to target or initiate or go further with certain samples. It was still under validation, but it was fairly advanced; it had met some obstacles, and obstacles could never be predicted. Dr Rabin and he had hoped that this would be in place years ago, as they had with the biomarkers for Hgh. That project had been introduced in the nineties and given the title "Growth Hormone 2000" in the hope that it would be in place for the 2000 Olympic Games. It was 2011 and it was still being worked upon. There was so much frustration that could be vented, but he recommended caution in expressing that frustration, as it would be taken the wrong way by the athletes and their entourage.

He had heard a presentation on diabetes and insulin recently at a meeting of top scientists. The strong potential of insulin as a doping method and substance had been explained, and it was on the List. Did anybody know of laboratories analysing for insulin? Had there been any positive cases? He thought that there had been one. There were internal deficiencies in the system, but he thought that the members should be careful about expressing this and giving the wrong impression. WADA was certainly working on it but, when talking about compulsory methods for laboratories, insulin was one example of many insufficiencies in the system. This was internal information.

THE CHAIRMAN said that WADA had effectively given a monopoly to 34 laboratories and they could charge what they liked, to be perfectly honest. There had been recent examples in Australia whereby others had said that they could do certain testing for a quarter of the cost of the accredited laboratory, and then there were the difficulties of accreditation, chain of custody and all those issues considered important in the interests of the integrity of the system. The cost could come down if WADA changed some of its thoughts, and he had had a wonderful answer from Dr Rabin when he had mentioned the matter. Dr Rabin had said not to blame him but to blame the lawyers. WADA had to keep working at finding ways and means of getting the cost down. The fact was, it was expensive.

Dr Schamasch had given him a note saying that Dr Rabin's presentation had been extremely easy to understand and should be on the WADA website. That might be discussed later. Perhaps it could be circulated electronically.

PROFESSOR LJUNGOVIST formally suggested that the presentation be given to the Foundation Board members the following day because it required additional oral comments.

THE CHAIRMAN said that the timeframe would be looked at.

DECISION

Outcomes of the WADA research programme noted.

13. Standards and Harmonisation

13.1 Paperless project

MR ANDERSEN said that this was a follow-up from the Executive Committee meeting in September, at which the matter had been discussed and the management had been asked to look at how to engage others in this work. Wherever he went to present this paperless system, he was met with the view that this was something that had to be done, so he was encouraged by that. Since September, he had submitted the IBM feasibility study to the IOC for review to look at how its IT system might link into this. He had also been in contact with USADA, which had developed such a system and was looking at using tablets at doping control stations to reduce and finally eliminate doping control forms, transport forms, pre-doping control forms, etc. He was quite encouraged by the contact with USADA and WADA would work with it to try to take advantage of some of the developments USADA had looked into. WADA continued to work to develop the system further.

MR ROWE noted that, at the Executive Committee meeting in September, it had been noted that the processes and plans might require a legal review to ensure that certain issues would not cause a problem. Could Mr Andersen provide any advice on that?

MR ANDERSEN responded that this was an ongoing consideration. He was working with the Legal Department, which was looking into this. It would be reviewed when there was something on the table, but there was nothing concrete on the table and therefore the matter had not been looked into too deeply.

THE CHAIRMAN said that it was work in progress and something that everybody would love to see happen sooner rather than later, and WADA would keep trying to overcome the difficulties before bringing a positive proposal back to the Executive Committee in due course.

DECISION

Paperless project noted.

14. Any other business/future meetings

THE CHAIRMAN asked if anybody wished to raise any matter.

PROFESSOR LJUNGOVIST thanked the Chairman for allowing him to distribute the note among his friends in the WADA administration and Executive Committee. It spoke for itself but it was the first announcement of an upcoming symposium entitled Doping as a Public Health Issue. It had been given to him on his birthday. He had been very flattered and honoured to receive such a gift from his own government, his own medical school, the Karolinska Institute, and the Swedish sport umbrella bodies, to stage a symposium in his name in 2012. He had chosen the title himself as he felt that doping was very much a public health issue and not solely related to sport, and sport had been dealing with the issue quite successfully over a long period of time, whereas society had more progress to make. This had been made public; the first announcement had been made on 16 November, and he had informed the President and Director General and the IOC president that this would be coming up. The symposium would be held at the Karolinska Institute in Stockholm on 21 and 22 September the following year. He hoped that the members would be able to note this in their agendas.

THE CHAIRMAN said that the members could take the information back to their own countries. WADA was at the forefront of all discussions on the question of public health, and so much was said about elite athletes, yet the matter was so much broader than that. He was sure that the symposium would be a success.

MR REEDIE made a suggestion as a result of a decision that the Foundation Board might take the following day on compliance. It might be helpful for WADA to consider, when presenting the results of that to the stakeholders that, particularly as far as the

Olympic Movement was concerned, and he was specifically representing NOCs, it might be prepared to offer some assistance to those very small NOCs that had difficulty (for example, in Oceania, there were Kiribati and the Solomon Islands, and in the Americas there was Haiti). It might be helpful if WADA said that it would do its best to make these people compliant by using its connections with its RADOs or whatever. It was a specific Olympic Movement request and he asked the management to consider that.

THE CHAIRMAN responded that Mr Andersen would do that in his presentation. There was a level of civil unrest in the Solomon Islands. Kiribati had a population of 20,000 people and he suspected that compliance in anti-doping was not a priority when that was the total population and there was one hospital and a couple of buses and a few schools; notwithstanding, any assistance WADA could give, it would. It was a given. It was a good point to make.

That brought the members to the end of the meeting. He reminded them of the arrangements for the following year. The meetings would take place at the end of the week in May 2012 to allow those who travelled to Montreal to go on to the SportAccord meeting in Quebec City. WADA would be having its meetings at the end of the previous week to try to help those who would be going to both. In September, WADA had agreed to pay tribute and respect to the Paralympic Movement by meeting in London; the members would be attending the closing ceremony and proceeding to the Executive Committee meeting in London in a very historic building known as the Guild Hall.

He thanked each of the members for their contribution; he could always leave the Executive Committee meeting with the feeling that there had been a frank but constructive discussion with a good amount of goodwill always present. If members were not open and honest and frank with one another, they would not get the results. He thanked the support team not at the table, and the directors who had prepared the papers. For the first time in about ten years, Ms Withers had not attended a meeting, the one that had taken place in September. She had given birth to a daughter, but was back on this occasion despite being on maternity leave, and it was nice to see her again after her period of absence for a very justifiable reason. The team at the back of the room had had a bad start to the day because of technology. He asked the members to acknowledge all those who had contributed to the success of the meeting in the usual way.

DECISION

Executive Committee – 17 May 2012,
Montreal;
Foundation Board – 18 May 2012, Montreal;
Executive Committee – 10 September 2012,
London, UK;
Executive Committee – 17 November 2012,
Montreal;
Foundation Board – 18 November 2012,
Montreal.

The meeting adjourned at 3.30 p.m.

FOR APPROVAL

JOHN FAHEY, AC
PRESIDENT AND CHAIRMAN OF WADA