



**Minutes of the WADA Executive Committee Meeting  
14 May 2011  
Montreal, Canada**

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The meeting began at 9.00 a.m.

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

THE CHAIRMAN welcomed the members to the Executive Committee meeting. Earlier that week, there had been a significant event in Sweden, and the Vice-President had indicated a wish to express some appreciation regarding that event.

PROF LJUNGOVIST said that he had moved into a new decade age-wise, and there had been a major celebration in Stockholm, for which he had not been prepared. His birthday had actually taken place during the Easter holidays, so he had not imagined that there would be a celebration; nevertheless, there had been, and he had received so many celebrities at a reception, including representatives of WADA (Mr Craig Reedie had attended on behalf of WADA), and he thanked the President for the kind letter and the WADA staff and Mr Howman for the video greeting sent to him during the actual ceremony. This had been the number one greeting, a great favourite, which had created an atmosphere that had been very helpful for the rest of the celebrations. He had been very fortunate to have so many friends from all over the world attending the celebration and particularly grateful to have been celebrated also by WADA. The celebrations had not ended there. The previous day, upon his arrival, a magnum of champagne had been waiting in his hotel room, and he now had some problems working out how to make use of it before leaving the following afternoon. He might need some assistance. He thanked everybody for having been so kind to him.

THE CHAIRMAN congratulated Prof Ljungqvist, and thanked Mr Reedie for having formally represented WADA. Being a Scot, Mr Reedie had had a significant birthday around the same time, and had decided that it would be far less expensive to celebrate his significant birthday at the same time at Prof Ljungqvist's expense, so there had been a motive for representing WADA. He did not want to create a precedent, celebrating birthdays at the start of every meeting, but certainly Prof Ljungqvist's was worthy of mention. He thanked Prof Ljungqvist for the energy that he still showed despite his youth.

He formally called the meeting to order and acknowledged all present. There were some people there for the first time and he tried to make a practice of acknowledging them. They included Mr Lane MacAdam, representing the Canadian minister to be announced, as the previous minister, Mr Lunn had lost his constituency at the recent elections and a new minister had not yet been announced by the prime minister. He also welcomed Mr Richard Baum from the USA, who was representing Patrick Ward. Lastly, there was a new member from the African continent, Minister Adedoja from Nigeria. There was only one apology, from the Athlete Committee Chairman, Mr Fetisov.

The following members attended the meeting: the Hon John Fahey, AC, President and Chairman of WADA; Prof. Arne Ljungqvist, WADA Vice-Chairman, IOC Member and Chairman of the WADA Health, Medical and Research Committee; Ms Rania Elwani, Member of the IOC Athletes' Commission; Mr Javier Odriozola, representing Mr Jaime Lissavetzky, Secretary of State for Sport, Spain; Mr Fujiwara, representing Mr Kan Suzuki, Minister in Charge of Sports, Japan; Mr Craig Reedie, IOC Member; Mr Patrick

McQuaid, President of the UCI; Mr Taoheed Adedaja, 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 Gary Lunn, Minister of State (Sport), Canada; Mr Richard Baum, representing 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 Kazuhiro Hayashi, Director, Asia/Oceania Regional Office; Ms Julie Masse, Communications Director, WADA; Ms Maria José Pesce, Director, Latin America Regional Office; Mr Rodney Swigelaar, Director, Africa Regional Office; Mr Frédéric Donzé, Director, European Regional Office and International Federations Relations, Dr Olivier Rabin, Science Director, WADA; Mr Rob Koehler, Education Director, WADA; Dr Alan Vernec, Medical Director, WADA; and Mr Olivier Niggli, Finance and Legal Director, WADA.

The following observers signed the roll call: Patrick Schamasch, Christian Thill, Françoise Dagouret, Andrew Ryan, Takumi Inoue, Louis Jani, Peter De Klerk, Akinwumi Amao and David Gerrard.

## **2. Minutes of the previous meeting on 20 November 2010 (Montreal)**

THE CHAIRMAN drew the members' attention to the minutes of the previous Executive Committee meeting. Was it the members' wish that he sign those minutes as a true and correct record of the proceedings of the Executive Committee on the occasion of its meeting in November 2010?

PROF LJUNGOVIST wished to make a minor but significant amendment under item 3.3 regarding the Executive Committee location for September 2011. He had been reported as saying that, on behalf of the Olympic Movement, he supported the idea of going to the IOC's home city for the next meeting, but the next meeting was the meeting that day, and he had meant the September meeting.

### DECISION

Minutes of the meeting of the Executive Committee on 20 November 2010 as amended by Prof Ljungqvist approved and duly signed.

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

THE DIRECTOR GENERAL informed the members that there were now 156 ratifications of the UNESCO convention; there were three in the legal pipeline and essentially 33 to go. The members would see a list of those 33 and understand some of the issues relating to countries on that list. He could confirm that the UNESCO conference of parties would be convened in Paris from 14 to 16 November later that year. The President would be in attendance making a welcome speech and he had been asked to make a full presentation on behalf of WADA. The voluntary fund administered by UNESCO had grown to four million dollars. Part of that growth was due to the generosity of contributing countries and, from that fund, there had been a number of very successful applications for money, and he understood that the total amount of grants handed out by UNESCO was now 750,000 dollars.

WADA continued the relationship with Interpol, and representatives had visited Lyons in February. WADA was grateful to Interpol for helping to facilitate some of the current investigations around the world, and also to Mr Holz for participating in the WADA investigation symposium in Sydney. WADA was awaiting the result of his request for a second term of secondment from the French Gendarmerie. His two-year term would expire later that year. WADA had supported his request in writing to the French Government.

The World Customs Organisation was a new initiative, and the members would see on the table the memorandum of understanding that had been drafted and accepted by both bodies. Unless anybody had any objection, the intention was for him to sign the document with the secretary general of the WCO in June. It was modelled essentially on the Interpol memorandum of understanding, and those who had read it would notice the similarity in the terminology. It granted WADA the same form of relationship with the WCO as it did with the police through Interpol.

The NADO project targeted key countries in which WADA was slightly worried about the progress made by NADOs. WADA had taken Jamaica off this list and had put Cuba on it, had checked Cuba and would take Cuba off it. Those were the two countries that had passed muster, so to speak. WADA still had concerns about the others: Brazil, Nigeria, Turkey and Russia. WADA's work would continue; it had special projects in relation to Russia and Brazil, and WADA representatives would be in Brazil in early June. The special IOC-WADA project team, consisting of Mr Andersen and Dr Schamasch, had visited Moscow the previous week, and had said that things were moving along appropriately. They would be following up the visit with more enquiries and seeking more information on how things were progressing in Russia. The minister had agreed that the new laboratory would be built and in place by November 2012, so WADA had written letters commending him and making sure that he would keep to that timeline.

WADA had attended the SportAccord meetings in London; this had been a very significant occasion for sport and therefore a very useful occasion for WADA to be present to make presentations and meet as many as possible from the sport movement. WADA had had a booth in the hall provided for many people to show their wares, and the compliance team and IF director had been present, along with the WADA marketing expert, Ms Spletzer, also at the booth. This had proven to be very successful. WADA would do this again at SportAccord the following year in Quebec City. The SportAccord meetings would be taking place in 2012 from 21 to 25 May. The management had thought that it would be a gesture to those who went to that meeting to put the WADA meetings closer to that time rather than force those people to go back across the Atlantic and then return, so he suggested that the WADA meetings take place on 17 and 18 May 2012. Unless there were any objections, the dates would be confirmed, as WADA had had to book hotel rooms and the venue for the Foundation Board meeting. The initiative had been taken on the basis that the sport movement would appreciate it, but also because it would enable the President to stay on after the meeting and travel to Quebec.

In relation to SportAccord, the SportAccord anti-doping unit was working well; Mr Donzé was now on the advisory board, and changes were being made to the way in which the unit was operating. It was now looking at conducting testing programmes for federations. What was surprising was that the larger federations, even some of the Olympic federations, had asked SportAccord to do their testing. WADA had thought that it would be the smaller federations making use of this unit, but that was just the way it was. WADA contributed 160,000 Swiss francs to the budget of the unit on an annual basis, and had committed to that for a period of five years; this would be year three, so there were two more years of that commitment.

Regarding the management team, Mr Niggli would be moving from Montreal to Lausanne; his job as legal director would continue, and WADA had made very satisfactory and appropriate arrangements for that to occur. Mr Niggli would spend some of his time in a private law firm and the bulk of his time in the WADA office in Lausanne. As the members might have noticed, Ms Withers was pregnant, so he would be losing his left arm as well as his right arm when Mr Niggli left and Ms Withers took maternity leave. It would be necessary to work out how to cover those gaps internally, and WADA had a few plans in place and would proceed and organise appropriately.

He had made a comment in his report about the Japanese regional office and its operations since the earthquake and tsunami, and he knew that his friend from Japan would be making a presentation after his report and would answer questions, and so he would leave that issue to his colleague, but wished to thank him for the cooperation from

the Japanese Government and thank his team in Japan for working under quite difficult conditions for a period. He also thanked the Olympic Council of Asia, because WADA had made use of the office made available by the OCA in Kuwait for some of that period.

In relation to the attendance of members, he had been asked to put this matter on the agenda as a result of some concern as to the lack of ministerial attendance. The members would see that that meeting was no exception: there were more deputies than members, and WADA was asking for ideas on how that might be addressed or whether it should be addressed.

Regarding the CAS, he had had meetings with Mr Coates, the new President of ICAS, and Mr Reeb, the Secretary General of the CAS. These had been fruitful but frustrating, as WADA had not yet advanced some of the issues about which it was very concerned, notably access to the CAS by athletes, particularly national-level athletes, in an inexpensive and speedy fashion. After the ICAS meeting the following week, Mr Coates had agreed to correspond further with WADA to look at a meeting with the president in Sydney, and a subsequent meeting with both when the IOC Congress convened in South Africa later that year. There were a number of challenges against the CAS in European courts. They were not anti-doping challenges, but challenges suggesting that the CAS was not an appropriate venue for athletes to take their grievances, as it was not independent, it was too close to the IOC and it did not provide for the sorts of rights that they had at national level. WADA happened to disagree, and WADA had supported the CAS in the stance that it had adopted at lower-level courts. When these matters went to the European Court of Human Rights, WADA did not have a say. Once they got to the European Court of Human Rights, it was the country that had a say, and WADA therefore had to liaise, in this situation with the Government of Switzerland, which was where the CAS headquarters were. WADA had agreed that it would liaise with the CAS to ensure that, when the government was briefed, it had a full briefing, including anything that WADA could add to it. That was a positive suggestion that had come out of the meeting with the CAS in London. There were still money issues, and Mr Niggli would provide further information in his report.

Regarding player groups, WADA continued to notice the unionisation of player groups. There had been a media conference the previous day convened by the European Union athletes, who had presented a report that was critical of WADA in the area of statistics. The athletes had a point, and WADA had already corresponded with them to suggest meeting in relation to this. It was an example of how the unions of athletes were getting stronger. They had threatened at their press conference that hundreds of athletes would be going to the European Court of Human Rights. They had threatened to do all sorts of things. As he had said to the media in relation to that, it was one thing to threaten, another to act, and a third to be successful. All of these situations were responded to by WADA, and if there was any challenge to WADA or WADA rules, WADA would ask to be present, but there had not been one case over a ten-year period in which any athlete had been successful in showing that his or her rights had been breached. That was a pretty good record. If a decision taken by any tribunal said otherwise, WADA would suggest that its Code or protocols be amended. WADA was not scared about any attacks on it by any of these courts.

As to the major leagues, most of the meetings with the major leagues would be held over the summer. The NFL had a lock-out, major league baseball was already in its season, but it had a collective bargaining period going on, and it was the same situation with the NBA. WADA's discussions with them, however, had been fruitful, and WADA knew that they were comfortable about collecting samples for Hgh analysis, and they were still the key sports for blood collection, and WADA would like to see more follow-up. There was one league in Australia that did it, the AFL, which was a private league that had embarked on blood testing, for which it ought to be commended, and Hgh analysis. That was most helpful

ANADO was bankrupt, and had agreed that it had to wind up. It owed something north of 300,000 dollars. The bulk of that money was owed to its own members, some

was owed to laboratories, but nothing was owed to WADA or any of the IFs, so ANADO had to deal with that. WADA had been talking to some key members in the hope that they would form a new ANADO. WADA had encouraged them to stick to their knitting, and to become a body that was effective as a voice of advocacy for NADOs and not to expand into commercial operation, as they had obviously shown a pretty useless record in that regard. WADA was now waiting for that body to be formed. WADA had said that, if it provided a business plan and an appropriate budget, and if it needed to be sourced in a similar way to SportAccord, then WADA would be receptive to such a request.

He had mentioned IOC issues that were matters that WADA had referred to the IOC, the retesting of samples from Turin, which he knew was under way, the opinion provided to the IOC in relation to the Belarusian cases, and a request essentially for WADA to be involved in the Entourage Commission. WADA had offered to be involved when this commission had been established and had yet to receive an invitation to attend and give a presentation. It was important to state that WADA knew a lot about entourage and what the entourage was getting up to, and it would be useful for WADA to be able to share information.

The International Weightlifting Federation had held a symposium, attended on WADA's behalf by Mr Donzé, at which all of the national federations and all those involved in anti-doping on a national level had been gathered in Istanbul. This was an effective way of ensuring that NFs adhered to the IF rules and understood what they had to do in the area of anti-doping. This set a healthy precedent for others to consider.

He had referred in his written report to the IOC rule in relation to entry to the Olympic Games. The IOC and the USOC were seeking an advisory opinion on this. It had affected anti-doping, because athletes who were subject to a two-year sanction, if they wanted to go to the Olympic Games, needed to get that sanction reduced to six months. If they did not, they would be precluded. WADA had a rule that encouraged athletes to share information with WADA. WADA was therefore finding that very few athletes were volunteering information in situations in which WADA had thought that they would. That part of what WADA had put in the Code was not working, essentially because the rule encouraged athletes to have a go and challenge their sanctions flat-out. There was an ancillary pressure on the tribunals to try to reduce sanctions to six months in situations that WADA might have considered inappropriate. He hoped that those issues could be considered when the writers of this advisory opinion convened.

A significant piece of research had been conducted by ASOIF, and he had outlined the areas in which recommendations had been made. WADA had responded positively to those issues, through the presentation made in London at the congress and subsequently in writing. A separate series of recommendations had been made by the congress, and WADA had responded to those as well. Some of them had already been addressed, but some would require a little more discussion to see how WADA could assist the summer Olympic IFs. One of the issues had been raised by a number of federations and NADOs: cost. WADA had suggested looking in more detail at the budgets of the federations complaining about costs to see what percentage of their income they were spending on anti-doping and to give them guidance as to how that expenditure could effectively be made, in other words, provide an economic model of best practice. To do that, WADA would need full disclosure, but it would be happy to do that, as there appeared to be a lot more emphasis on how the money should be spent rather than numbers of tests. WADA had been saying for some time that it was quality and not quantity, so this opportunity to address the issue of money might be quite useful to everybody.

He kept reminding the members that the NADOs were responsible for about 85% of the testing numbers in the world and WADA should not neglect what needed to be done in the area of NADOs when addressing the federations, and that was another priority for WADA to look at when it went forward.

There had been some concerns over recent years with major games, in that each major games event organiser seemed to redraft all the rules in relation to anti-doping,

and it took a lot of work on WADA's part to come up with a document that was Code-compliant and practical, so WADA would provide a model of best practice for all major games organisers to ensure consistency in rules and in the transmission of results from those programmes.

Statistics was a topic that WADA had been looking at for about 18 months with the help of outside statisticians. He did not want to sound like a broken record, but WADA needed ADAMS to be mandatory if it was to get all the information that it required from all the ADOs and publish it in an appropriate fashion. WADA published laboratory reports and statistics, but should really be publishing from the ADOs. That was an aspect of the Code that WADA had ignored, and it was a breach, because ADOs did not supply their annual reports to WADA when the Code said that they should. WADA had decided that that part of the Code would not be part of its compliance programme, so it did not report it in compliance; however, he implored the members to think of making ADAMS mandatory, therefore adherence to that part of the Code would be automatic, and good and useful statistics would be provided on an annual basis.

He wished to talk about three laboratories. The laboratory in Malaysia had lost its accreditation and had appealed to the CAS. The hearing had been completed, and WADA awaited the decision. WADA would remove that item from the agenda, as there was no point talking about it until there was a decision. The Tunis laboratory had been suspended for a period of six months to allow it to undertake remedial work. It could be removed from suspension if that remedial work was conducted in a shorter term and signed off by the WADA team. The Turkish laboratory was presently subject to a disciplinary panel deliberation; he hoped that the deliberation would be completed in the early part of the following week, but it would possibly lead to a suspension, and it might engage the members in a circulatory vote, but WADA would have to wait for the disciplinary decision before deciding on that.

He had listed the think-tank outcomes in his report, simply to show the advantages of the meeting the previous year. The management had taken account of the matters that the members had asked it to take account of, and had delivered on many of them already, but he wanted the members to see what had been done and to comment further if they thought that WADA should be doing more.

WADA had renewed its contract for the provision of double-blind samples with the company in Barcelona. Another four-year contract had been signed. It was a big part of what WADA had to do with laboratories, but it cost money. WADA had engaged in discussions with DHL, the worldwide courier company, in the hope that it could use numbers and persuade DHL to reduce its costs for everybody. Those discussions had just started; some people had already said that they did not want WADA to conduct such discussions, as they already had private agreements in place at national or international level. If that proved to be the case, all he could say was that WADA had tried to cut costs by making a global effort. If it was not required, he asked the members not to come back to the table or any other table and complain about the cost of transport. What WADA could do for the whole world might be better than what anybody could do at a lower level, but he did not wish to engage in lengthy discussions if these did not produce something of benefit to the ADOs.

At the previous meeting, the members had talked about a process to be put into place for new signatories. WADA had said that any signatory from the sport movement would be referred to the sport movement for consideration. Two weeks previously, the International Rugby League Federation had asked to be a signatory. He knew the sport quite well and knew that there would not be any conflict, because it was a sport on its own, and had existed internationally for more than 100 years, but the policy meant that WADA had to refer it to the IOC and SportAccord. He thought that the rule should be rewritten slightly, so that it was a little gentler and, in situations in which WADA could see conflict, it would refer it; but, if it did not see any conflict, it could accept the signatories immediately. He would like to be able to do that going forward; he knew that Andrew Ryan agreed, because he had been put between a rock and a hard place upon

receiving the request, and had written back to say that he knew that Rugby League had been around for a while as well. As a former player of Rugby League, he thought that the President also knew a little bit about the sport. Other people thought that there was a conflict with Rugby Union, but there was not.

He would be happy to provide answers to questions or comments to his report.

PROF LJUNGOVIST thanked Mr Howman for a very comprehensive report as usual. He congratulated Mr Howman on the document relating to the sharing of anti-doping information and evidence; it had been necessary to structure such information in a document.

It was encouraging to see that 95% of the world's population was covered by the UNESCO convention, but he would like to see in a document the extent to which those signatories actually had proper legislation in place, particularly in terms of sharing information and having laws that allowed public authorities or law enforcement agencies to take action when sports could not.

Other matters relating to the IOC had been properly reported on by the Director General. As to the problems regarding Brazil and Russia in view of the upcoming Olympic Games, the IOC, assisted by WADA, and Mr Andersen and Dr Schamasch were conducting discussions with the two countries, and perhaps this should be raised at a political level by the sporting authorities, as the Sochi Olympic Games were approaching rapidly.

THE CHAIRMAN informed the new representatives around the table that the members were asked for questions and comments before asking the Director General to respond.

MR RICCI BITTI echoed what Prof Ljungqvist had said: the sports side would be interested to know that the UNESCO convention was progressing and covering all countries throughout the world, but he believed that it was necessary to know which countries had effective legislation in place, meaning having a NADO in operation. The table could present more information. The sports side had been very patient, as it had been asked to be compliant before the Olympic Games in Athens. Six years later, he believed that more information was needed from the other side. In this respect, he welcomed the efforts undertaken jointly by the IOC and WADA in developing the NADOs in key countries, especially in Russia, and he wanted to draw attention to the fact that the group working on this matter had to monitor legislation and the practical aspects, as a problem had been detected over the past week: there was a huge limitation, or prohibition, on transporting samples from Russia outside, and this had to be monitored, as it was a very important practical problem. He recommended going forward with this job; it was getting late, as the Olympic Games seemed far off but were not.

Statistics had been mentioned regarding the players' unions, and the problem could be a dangerous problem in many respects (legal and so forth) but, in his opinion, since the beginning, as a member of the WADA Executive Committee, WADA was the best body to issue statistics, and should find some way of collecting data from the laboratories and the ADOs, and then publish the statistics, as statistics were very meaningful, and were also a communication tool. Everybody was required to provide data, and data on doping were circulating all over the place. Data and accurate statistics could be the best tool for adjusting the programme in general. There had recently been the very trendy out-of-competition testing, although it did not appear to be as important as it had been some years previously, based on statistics, so he thought that statistics were very important and a way should be found to come up with accurate statistics, with some criteria and rules, and this was why he had been somewhat concerned about the answer to the ASOIF report, in the sense that Mr Howman had said that he welcomed the development of a business model, but he should not forget that each sport had invested a lot of money to address different problems. He did not know if a business model could be applicable to people who spent millions every year on tackling this matter, but he would be happy to discuss this.

The final point referred to ADAMS. He was a little bit concerned: he agreed that ADAMS should be mandatory, but on the other hand there were always delays in terms of applications, such as whereabouts. He knew that, when dealing with complex IT systems, time was a very elastic, flexible factor, but he would like to know when this would be made mandatory, as it would be necessary to be ready. He would like to expand on this later on.

MR REEDIE complimented Mr Howman on the very comprehensive report. He made a suggestion regarding the Russian and Brazilian situations. Most organising committees for the Olympic Games began to shake two weeks before the IOC coordination commission came to town. Thus far, for the past few editions of the Olympic Games, health and anti-doping matters had been handled perfectly reasonably by Dr Schamasch. He wondered whether, backing up Prof Ljungqvist's suggestion of doing it at a higher level, WADA might not ask the IOC if Dr Schamasch and somebody from WADA could go to the next coordination meeting, be it in Brazil or Sochi, to deal with the issue in considerable detail, at it would concentrate the minds of the organising committee, the city and the governments involved in the meeting. It was a powerful message and it might be more effective than going at a separate time. The suggestion was that WADA tag on to the health report with the anti-doping element at coordination commission meetings.

THE CHAIRMAN intervened and responded to the comment. Prof Ljungqvist and he had both indicated a willingness to attend both places with the IOC coordination commission, but that suggestion had not been taken up. They were willing, thought that it was a good idea and had made the offer the previous September but, in practical terms, had not received the invitation. WADA had felt that, if it were present at the same time, the shaking spoken about by Mr Reddie might be used to better effect at the political level by the presence of the President and Vice-President of WADA. He was willing. It might well be that Mr Reddie would need to see whether he might be able to assist WADA with the IOC.

MR REEDIE said that, if WADA had wanted to go and nothing had happened and the situation was worse, he would take this up with the IOC the following week in Lausanne and would find out if something could be done about this.

MR MACADAM thanked the Chairman for his words of welcome. In Canada, there had just been a federal election, so Canada was without a federal cabinet, but he expected that, hopefully by the following week, there would be a new cabinet sworn in and a new minister responsible for sport identified. He asked the Director General to speak a little more about the memorandum of understanding with the World Customs Organisation. In Canada, at the time of the Vancouver Olympic Games, there had been some experience trying to establish a relationship with the customs authorities, the organising committee, the IOC and the CPC, and he wondered if the Director General could comment further on the intent and objectives of the memorandum with the WCO.

MR MCQUAID supported what his colleague Mr Ricci Bitti had said about statistics and the requirement for statistics and the need for ongoing statistics as to the value of what was being done in the anti-doping programmes. His sport had been criticised heavily years ago for not doing enough out-of-competition testing; the situation had now been more or less reversed, and his federation was doing more out-of-competition testing than in-competition testing, and yet he was hearing information that the actual cost per positive of an out-of-competition test far outweighed the cost per positive of an in-competition test. Information like that would be very useful to the IFs and NADOs in respect of how WADA and the IFs and the sports movement planned their policies in relation to anti-doping.

The other question related to ADAMS and the idea of making it mandatory. He agreed that it should be made mandatory. Nevertheless, if that happened, what would the situation be with the systems that were still out there that were not ADAMS and in

relation to the interface with them? If ADAMS became mandatory, would it mean that everybody would have to take up ADAMS?

He appreciated being given the opportunity to bring up his next point, which was related to the Director General and WADA's work. He had a newspaper that had been published in Europe the previous day, and he gave a brief outline of an article contained within. A list of 200 cyclists who had taken part in the previous year's Tour de France had been leaked to the media. The list had been produced by the athlete passport unit in Lausanne following the first round of blood sampling prior to the Tour de France, giving the UCI the opportunity to target test. It actually listed athletes in an index from 10 to zero. The athletes at 10 and at 9 were the ones who had been targeted. That was something that the UCI had been doing since the beginning of the biological passport some three years previously for the three major races every year. This had been done the previous year for the Tour de France. The UCI had shared that information the previous year with the WADA Independent Observers, because they had had to see all of the information and the basis on which the UCI had been targeting athletes, and it had arrived in the media the previous day. It had caused a major lack of confidence in the system because, as everybody knew, one of the most important aspects of any anti-doping system was the confidence of the athletes in the system and the confidentiality of the system. This had now been broken. He had major problems within the sport with teams and riders threatening to take legal action. This would have to be dealt with. He was asking for WADA's public support of the UCI and an investigation into how this leak had occurred, as it was necessary not just from the UCI's point of view and the biological passport point of view, but also from the point of view of the future of the project, in which WADA, the UCI and others had invested a huge amount of money. It was a very unfortunate situation, but it was necessary to get to the bottom of how it had happened; otherwise, goodness knew what was going to happen.

MR ODRIEZOLA thanked Mr Howman for his very complete and comprehensive report. Taking into account the key role played by the director of the legal and finance department, he would like some clarification as to the consequences of the change in the Legal and Finance Department, such as whether it would be reorganised and whether plans had already been made, as the Director General had said that Mr Niggli would continue as Legal Director, but the written report stated "external general counsel". Could Mr Howman clarify the situation regarding the Legal and Finance Department?

As to some of the comments made previously, he shared the concern about some major countries organising very important events, particularly the Olympic Games, and had heard that the sport movement was terribly worried about that, but the situation had been known when these cities had been elected as venues for these major events, and the sport movement had not appeared to take this into account at the time.

Regarding making ADAMS mandatory, he agreed that it was the only solution from a statistical point of view, but he thought that it would present very significant legal problems in some countries.

THE DIRECTOR GENERAL responded to the questions and comments. He told Prof Ljungqvist that, regarding the situation in relation to a document for a presentation of laws that countries had for trafficking and distribution, WADA had partnered with UNESCO to engage Barrie Houlihan in this project. The members would recall that Mr Houlihan had provided a preliminary report a couple of years previously. WADA had been anxiously awaiting the final report, and the publishing date kept getting postponed. He had been told that this report would be available in the latter part of the year. WADA wanted it, as it needed it to share with Interpol and the WCO, as they could deal with issues only if they were aware of what went on in each of the countries in which they had members, so it was a vital project, and WADA was very anxious to have it completed.

A number of the members had spoken about Brazil and Russia, and WADA had written to the IOC specifically to ask that Prof Ljungqvist and Mr Fahey join the IOC coordination commissions at the time the commissions were visiting those countries, and

had been told in quite explicit terms "no". It might be necessary to write again to suggest that the Executive Committee had thought that it would be a good idea to write again.

He told Mr Ricci Bitti that he had commented on the laws already and agreed with the issue raised. Mr Ricci Bitti had raised another interesting issue, which was the question about which countries had NADOs and how they were working. Some of that information could be obtained from Mr Andersen's interim compliance report, but it was a good suggestion that WADA should perhaps start listing it in a separate way, country by country, to show where the NADOs were and the countries that were part of RADOs, and he thought that WADA would pick that up as quite a good idea. One of the matters that the management had in mind was to restructure, in order to have one individual primarily responsible for NADOs, to be a NADO liaison person, a little like Mr Donzé was the liaison person for IFs.

WADA had been equally disturbed about the transport issue out of Russia and had been working with Mr Ricci Bitti in relation to that actual problem. The law now provided for this to happen, so to see that it had not happened was very disturbing.

A number of members had mentioned statistics, and he wholeheartedly agreed. WADA would try to advance the project that it had as quickly as it could, but he had to say that WADA was reliant on the provision of statistics from those at national and international level. If everybody were on ADAMS, WADA would get that automatically. If WADA were asking for ADAMS to be mandatory, it would be raised during the Code revision period; it was not something that would be done in a hurry. At that stage, it could be raised, and WADA could address matters of concern to some people, such as the European data protection people and others, but he again emphasised that ADAMS was not the issue. ADAMS was a software program; the issue was the transmission of information. It was currently being done by many European athletes and would continue to be done. What WADA struggled with consistently was the issue of it being raised as a data protection issue when in fact that was not the issue. ADAMS was fine. When the Code had originally been written, with a section on the clearinghouse, WADA had been mandated to establish a clearinghouse, and had done that. It was called ADAMS, and it had cost WADA more money than Mr Reddie would have wanted, but WADA had spent it and was upgrading and improving it and, if it was not mandatory, WADA should probably stop spending any more money on it. He did not want to speak too strongly but, if WADA did not start getting this moving, it would look silly in terms of the provision of the clearinghouse.

The financial model raised by Mr Ricci Bitti was not something that WADA had thought would pertain to the larger federations; it was something for the smaller federations maybe operating on a budget of 200,000 to 300,000 dollars, most of whom complained that they might have 5,000 dollars for anti-doping, if that, and he thought that WADA should be of more help to that sort of federation.

He thought that he had dealt with Mr Reddie's query.

He told Mr MacAdam that the WCO worked in a similar fashion to Interpol. In other words, it was only as good as the substance provided to it by its members. It was a facilitation body, like Interpol. It was not an operational body. The WCO was happy to help WADA in the same way as Interpol. WADA gave it information and it spread it among the relevant members to see if it could get action or implementation. It was willing to engage with WADA on that basis. WADA was quite grateful, as it would then be able to cover situations that it had been unable to cover initially. WADA knew full well how well it worked in countries such as Australia, and hoped to advance that. It would need some work and WADA would need to go to the next congress and explain it to the members so that everybody understood what WADA was trying to achieve, so that was what would be done.

He thanked Mr McQuaid for the support regarding statistics. In relation to ADAMS, there were four countries in the world that used another system. In his view, sometimes

four could be outnumbered by 194 but, if WADA was going to be run by four, a different organisation would have to be operated. He thought that there would be some pressure on them to change but, in the meantime, as the members would see in the ADAMS report, WADA was continuing to work to see if there could be an appropriate interface.

The leak to the French media had been discussed with Mr McQuaid over the past 48 hours. He had already conducted an internal inquiry. This was a very serious matter. Any allegation of a leak of confidential material relating to athletes was a big problem. He could already tell Mr McQuaid and others that it had not emanated from that office or from members of the WADA Independent Observer team, but he agreed that it needed an investigation and he was happy to lead the charge on that and to say that WADA would conduct an independent inquiry as to the leak and engage an independent investigator to do it. This meant that the UCI would not be criticised for doing it itself and nor would WADA. It could be done independently, and he thought that WADA should move on that straight away. Unless there was any objection to that, he would ask permission to go ahead with that and would start the work that afternoon.

He told Mr Odriozola that life went on in the same way. Mr Niggli would not be leaving WADA and would still be a very responsible legal/financial individual within the organisation. He would simply be changing the venue in which he would be conducting his work and would be doing some of his work in a private capacity. He would still be reporting to the Director General on a regular basis and WADA would still be using his skill and expertise, but he would be in Lausanne, so it was more of a practical issue in terms of reorganising what would be done in Montreal, not a matter of worrying about losing Mr Niggli.

MR REEDIE asked the Director General not to write to the IOC; he would go and speak to the IOC. This was not a permanent addition to a coordination commission, this was one visit with a coordination commission at the best time. When would the ethics book by Mr Murray be published?

THE DIRECTOR GENERAL replied that the book funded by WADA and written by Tom Murray would be available by the end of the summer.

THE CHAIRMAN said that the Director General had indicated that, unless there were any objections to WADA engaging an independent investigator, WADA would proceed to do that in respect of the matter raised by Mr McQuaid. Were there any objections?

MR ROWE said that he had no objections but wondered whether there had been any thought given to a budget.

THE CHAIRMAN answered that, sometimes, one had to spend the money and WADA would find it within its budget. These things arose and there had always been a reserve, and Mr Reddie kept a careful eye on it. That was there for contingencies, and this was one of those occasions whereby WADA needed to act and it would be managed within the funds that WADA had and, he was confident, under Mr Reddie's supervision.

He thought that the Executive Committee could simply tidy up the issue relating to the requirement of WADA to consult with the sporting movement, SportAccord, the IOC, etc., in respect of applications for signature of the Code. His understanding when this had been discussed was that WADA was looking for assistance where a body arose that was in competition with a recognised body in a particular sport; it was not for WADA to decide who should be included or for that matter to put up a second body that might be in direct competition as a breakaway group. That was when WADA needed help. WADA should surely retain its independence and, on an issue such as Rugby League, which was a sport that had been very strong in his country, in fact, overall probably the strongest football code in his country, and currently there was talk of a five-year television contract involving in excess of one billion dollars, so it was not a small sport, when one saw those sorts of figures floating around, and it was totally different to the other forms of football, to the point that surely it was not necessary to consult with them. He thought that, when they sought to be a Code-compliant member of WADA, WADA did not really need

to go and see whether there was a conflict. There was not. If the members agreed, WADA would tidy the wording within its operations manual. WADA would not ignore the need to get advice and consult as and when there were any doubts about the legitimacy of a particular group or its application. If there were no doubts, he did not see the need to consult further. Were the members happy to go ahead on that basis? The decision had been taken on the previous occasion, and could be seen on page 30 of 51 of the minutes, which said "WADA to ask sports bodies seeking Code signatory status to provide verification of acceptance by the IOC or SportAccord". He sought the members' permission to amend that decision to read that, where there was any doubt in respect of conflict, WADA would ask the sports bodies and proceed with the rest of that decision.

MR RICCI BITTI thought that this was a very delicate matter. He thought that everybody around the table was in good faith and that no problems could arise from this amendment. He wanted to stress that sport, in particular professional sport, was a very evolving matter and it was sometimes very important to have the right to protect. For instance, in his sport, there were players' associations that were also governing bodies, so it was a very delicate matter and consultation was something that should not be eliminated. It was very important, not an approval, the wording could be studied, but he believed that there were lots of cases in which the top sporting authorities should be consulted and respected, as this could lead to a more successful programme. This had been the case in his sport. The Director General was aware of this. It was a very specific matter; he would neither open nor close it too much. Perhaps the wording could be studied, but he wanted to raise the point that it was delicate. It was not as immediate as it seemed.

THE CHAIRMAN said that Rugby League was not a member of SportAccord and it was not an Olympic sport, and he understood that Mr Ricci Bitti would have no objections to WADA agreeing with Rugby League. Perhaps the Director General could help with the wording.

THE DIRECTOR GENERAL suggested the following decision: "Where a body seeks signatory status and WADA sees that there is a conflict or a potential conflict with an existing IF, WADA seeks the opinion of the sport movement before proceeding any further with the signatory." That would cover any issue with which WADA thought that there was a conflict or a potential conflict.

THE CHAIRMAN asked the Director General to print that and circulate it, and he would bring it back on the agenda later on. Everybody would then be able to think quietly about it. He agreed with Mr Ricci Bitti that it was necessary to be sensitive. At the same time, it was silly to be consulting the IOC or SportAccord in some cases. Maybe he could adjourn the matter until a little later in the day.

He addressed the governments. He would dearly love to see a new ANADO that was focused on coordinating the role of anti-doping organisations, all of which were government-funded in the countries in which they existed, so he asked the public authorities to assist WADA as and where that might be possible, and also asked the public authority members to look at the document referred to by the Vice-President, 3.1, on coordinating investigations and sharing anti-doping information. It was a really easy read; if they had not read it, they should, and it gave some clear direction as to how to be more effective. Some good work had been done during the meetings of the lawyers, and a very user-friendly document had been produced. If the public authorities wanted to be more effective, they should not ignore that; they should take it up with their governments and see if they could get the message through to other public authorities.

He had been concerned for some years that the agenda of the player unions was to encapsulate sport and athletes within the workplace laws, which might lead to the ultimate outcome of "they will tell us when we can and cannot take samples". He indicated that, in his country, the debate was still ongoing as to whether train drivers should be tested for drugs or alcohol, or other drivers of heavy vehicles in the electricity industry, and it was being negotiated with the unions. It seemed to him almost

inconceivable that one could not have quality in the context of certainty and safety in the driver of a train carrying 600 passengers, but there was resistance to any random testing being done. He would hate to see sport being dragged into that sort of an arena. It was necessary to be alert and respect these organisations, but also recognise where sport sat, to a point whereby WADA could get its work done in the interests of clean sport.

#### DECISION

Director General's report noted.

### **3.1 Coordinating investigations and sharing anti-doping information and evidence**

THE DIRECTOR GENERAL said that both customs and the police, Interpol and the WCO had been involved in the symposium hosted by the Australian Government in late April in Sydney, which had culminated in the publishing of the document called Guidelines for Investigations and the Sharing of Information. A very high-powered group of people had been around the table, including representatives from law enforcement, customs, governments, IFs, NADOs and WADA. Those members who were aware of how documents were drafted could be a little cynical that, when there was a group of lawyers and police, etc., these kinds of drafting exercise were difficult. This occasion had actually been tremendous and he was very pleased with the end result. He was particularly grateful for the work done by the chief draftsman Jonathan Taylor. It would not be a model of best practice; the document would not fit within the WADP, but it would fit in terms of additional helpful guidelines that WADA could provide, and this was really for national-level agencies, but it also pertained to IFs, so the federations could see how the agencies could get information and therefore liaise either directly with the agencies or the law enforcement people themselves to see how they could benefit. There was a very good model, which had happened in 2003, at BALCO, in which the IAAF had worked alongside USADA and the law enforcement people, and information had been shared in such a way that athletes who had been found to have committed anti-doping violations had in fact been precluded from attending international events such as the Olympic Games in Athens. That document was now complete; he hoped that the members appreciated it. It had taken perhaps four years of hard work to reach that stage. WADA would publish it, distribute it among all ADOs, all governments, the entire stakeholder list, publish it on its website and would encourage those to whom it sent the document to read it carefully and start using it.

#### DECISION

Coordinating investigations and sharing anti-doping information and evidence update noted.

## **4. Operations/management**

### **4.1 Endorsement of Foundation Board composition for Swiss authorities**

THE CHAIRMAN referred to the requirement for the WADA Foundation Board to formally acknowledge the composition of the Foundation Board as contained in the attachment, and of course this was a recommendation that he hoped the Executive Committee could make to the Foundation Board the following day. He asked the members to turn to the list attached to the brief paper and support the recommendation on the basis that they believed that the list was accurate.

PROF LJUNGOVIST sought a minor amendment regarding the representative from ASOIF. Dr Tamas Aján was no longer an IOC member; he was an honorary IOC member.

THE CHAIRMAN said that the appropriate amendment would be made, as he would hate to mislead the Swiss authorities.

MR MACADAM noted that, depending on the timing of the notification, Canada might well have a minister appointed.

THE CHAIRMAN said that his understanding was that a minister remained a minister until a new minister was appointed, so technically this was correct. It could be amended at any time. Members came and went depending on elections, decisions of prime ministers, etc., so the amendment would be made as and when but, technically, the list was currently correct.

Did the members approve that the recommendation be made the following day?

#### DECISION

Foundation Board composition for Swiss authorities endorsed by the Executive Committee.

## **4.2 Strategic Plan**

### **– 4.2.1 Plan review**

THE DIRECTOR GENERAL said that he thought that it was important to note that this was the result of a considerable amount of work, not only by the management but also by two external independent experts, neither of whom had any relationship to the worlds of sport, governments or anti-doping, and they had been most helpful in revising the document from the 2007-2011 plan. It updated issues and the changes made reflected reality. He had a red-line version should anybody wish to look at it to see the actual changes but, once again, it emphasised partnerships and the rights of the clean athlete, and a greater effort had been made to ensure that the rights of the clean athlete were at the forefront, so the members would see the changes to the vision and the mission in that regard. This was regarded as an enhanced document with only some small changes in terms of substance as a result of that enhancement.

MR REEDIE suggested a change to objective three on page 10. If it was a strategic plan and WADA wanted to get UNESCO to tell it how many countries had effective anti-doping programmes, it seemed to him that WADA could have gentle wording in there encouraging UNESCO to do that because, strategically, if UNESCO gave WADA that information, it would be highly useful to WADA, so why did WADA not put it in the Strategic Plan?

THE DIRECTOR GENERAL said that he had no problem putting it in. That was not something that WADA could do; WADA relied on its partners to do that. WADA did not have a formal relationship with UNESCO; it was only an observer to UNESCO, and persuaded UNESCO to help it, so it was an area of persuasion rather than one of any commitment that could be required of UNESCO.

THE CHAIRMAN observed that the wording could still be brought in.

MR REEDIE said that he would do it under “performance indicators”, where the text actually stated “with UNESCO each year”. He accepted that the relationships were different, but the wording could be expanded there to refer to seeking UNESCO’s assistance to deliver to WADA what it wanted. He would leave it to somebody with much better English than him to put the words together.

THE CHAIRMAN pointed out that a lawyer would obviously be needed at this stage to get the wording right. WADA would endeavour to convey that message. Mr Reddie had suggested where it should go and it seemed to fit there.

MR ODRIOZOLA supported the proposal but said that he would like the principles of cost-effectiveness and efficiency to be taken into account, possibly under the section on core values.

THE CHAIRMAN understood that Mr Odriozola was asking for the term “cost-effective” to be used in terms of the objectives. How about putting it in under objective 8?

MR ODRIOZOLA agreed to the Chairman’s suggestion.

THE CHAIRMAN proposed adding “in a cost-effective manner” to the end of the objective. He did not think that that would be of any concern to anybody.

THE DIRECTOR GENERAL said that he thought that it would be more appropriate there than in the core values.

MR NIGGLI observed that he thought that this was already written under 8.1a.

THE CHAIRMAN said that he would be inclined to elevate it up to the heavy black at the top by just bringing it in there. One determined that one was cost-effective by consistently reviewing one’s activities, as 1a suggested. He would be happy to see it elevated. He knew that it was in there, but he did not think that any damage would be done by adding it into the objectives. This was done all the time anyway but, if Mr Odriozola wished for the words to be there, he was not sure it would change the way WADA was doing what it did.

THE DIRECTOR GENERAL said that he thought that it would be better to put it in the following document rather than in the objective itself. Perhaps this might be discussed.

THE CHAIRMAN wondered whether he should discuss the matter with the Director General. He felt that it might be possible to go a little further than putting it down in the subset. Would Mr Odriozola leave it to the Director General and the Chairman to convey the message in the most appropriate way?

MR ROWE said that he supported Mr Odriozola’s suggestion.

MR MACADAM wondered whether, in relation to objective three, which made reference to the role of the public authorities, specific reference to the investigations aspect might be dropped down as a strategy as opposed to being named in the objective; in other words, having the objective at a broader level, realising that the public authorities’ roles crossed a number of areas and that the specific reference to the investigative aspect should be a strategy as part of the action list.

THE DIRECTOR GENERAL said that he thought that this was an area in which WADA was making progress. This was the future of anti-doping. WADA was not getting that much traction from collecting and analysing samples, in the same way as it was getting traction and gathering evidence from enforcement agencies, so this had been highlighted or moved up as a result of that trend, and he thought that what happened in the coming months and years would verify that, so he thought that it was important to be up the top and not in the lower echelons. This was why it had been done.

MR MACADAM said that, obviously, the legislative approach was one tool, but there might be programmes and policies, etc., available to governments depending on the specific regulations within a jurisdiction.

THE CHAIRMAN supported the Director General by saying that Australia had legislation and was now looking at about 40% non-analytical results as against most countries relying upon the testing to get the positives, simply because there was, under legislation, a capacity to share intelligence with law enforcement agencies. He would like to see other countries consider similar sorts of arrangements and encouraged them to do so. The more WADA could do that, the less it would cost WADA. He asked the members whether they were happy to support and endorse the Strategic Plan with the proposed amendments.

#### DECISION

Proposed amendments to the Strategic Plan approved.

– **4.2.2 Operational Performance Indicators**

THE CHAIRMAN said that the Operational Performance Indicators were for the members to consider. He would be happy to take any questions or comments.

DECISION

Operational Performance Indicators noted.

**4.3 World Conference on Doping in Sport 2013**

THE CHAIRMAN reminded the members that the World Conference on Doping in Sport would take place in Johannesburg, South Africa, in 2013. WADA had not concluded a programme. The suggestion had been made that it would replicate the Madrid conference in terms of how contributions could be made and what the agenda might be, and of course it would be held in conjunction with the Executive Committee and Foundation Board meetings.

THE DIRECTOR GENERAL thought that, with the focus on money, the members should take note of the sentence in the document that stated that the South African Government would be hosting the meetings for WADA and therefore this would not be a cost matter for WADA in 2013. From time to time, he thought that the members neglected the fact that WADA was making savings and was being cost-effective and cost-efficient, but he was being told that WADA was not. This was a good example of WADA making significant cost savings in 2013.

THE CHAIRMAN invited all countries to do likewise and take WADA to their homes in a cost-effective manner. That point had been noted and clearly Johannesburg had gained the members' support for those reasons.

MR ROWE clarified that Mr Odriozola's point was not a criticism of WADA but more a representation to external stakeholders in terms of what was regarded as important, so he did not think that it should be taken as a suggestion that WADA was not in fact doing that at the present time. There were several examples, and the Director General had named one. The accommodation savings made were outstanding. He simply wanted to make that point.

MR ODRIOZOLA suggested that, regarding the World Conference on Doping in Sport, WADA safeguard appropriate interaction between the governments and sports representatives, as had been done in Copenhagen in 2003, for example, through a thematic approach, but it was important to maintain interaction between the two sides.

THE CHAIRMAN said that he welcomed suggestions of that nature. Obviously, WADA wanted the conference to be productive and interesting, and wanted as many people as possible to be there in order to spread the message, and having good content was clearly a key part of all of that, so he would be happy to hear any suggestions that the members wished to make.

PROF LJUNGOVIST fully agreed with Mr Odriozola, in that the format in Copenhagen had resulted in more interaction between the governments and the sports movement, whereas in Madrid there had not been much interaction. He would prefer to go back to the Copenhagen format as opposed to using the format employed in Madrid.

DECISION

World Conference on Doping in Sport 2013  
update noted.

## 5. Legal

### 5.1 Legal update

MR NIGGLI highlighted a few items in his paper, starting with some rather good news: the decision from the French State Council, the highest administrative authority in France, the supreme court for all administrative matters, including sports sanctions in France. This case had been launched by a union player, and FIFPro and EU athletes had gone to challenge the implementation in France of the whereabouts rule on the grounds that this was disproportionate and violated human rights. The decision reached in April was very good news: the claim had been rejected by the French court, which had highlighted a few extremely important points, that whereabouts did not violate the European Convention on Human Rights, and that they were proportionate to the objective of general interest represented by the fight against doping, which was also a very good statement. This decision confirmed two previous decisions in Spain regarding a cycling case in which a rider had challenged the whereabouts rule, at the time before there had been harmonised whereabouts and when the UCI had had a 24/7 requirement and the Spanish court had rejected that as being against the Spanish Constitution. Now another European country had taken the stance that whereabouts information was a constraint and required athletes to disclose some personal information, but it was proportionate to what WADA was trying to achieve. That was very important. WADA had been told by the players' union that it would appeal it before the European Court in Strasbourg and it was preparing the appeal. As Mr Howman had mentioned, these cases that went to Strasbourg were no longer against a party; they were against a state so, in this case, it would probably be the EU athletes or FIFPro against France.

The information on what was going on in Strasbourg was quite interesting, because there were currently only four cases pending in Strasbourg in relation to sport, not only anti-doping. There was none on whereabouts or data protection. All four cases were about the CAS, and they were challenges to the independence of the CAS and the relationship between the CAS and the IOC, and the way in which ICAS members were appointed, about the list of arbitrators, which was a closed list, and the choice offered to the parties in selecting the arbitrators, as well as a few points in purely procedural matters, such as how the witness had been heard or the way in which things had operated. There had been no decision. He had been told the previous week when in Strasbourg that there was a backlog of about 40,000 cases in this court. These cases might be dealt with as a priority as a lot of the backlog was made up of Russian cases, which might follow a different path. He did not know when there would be a decision; it took several years before anything ever came out of Strasbourg. As the Director General had mentioned, WADA would endeavour to liaise with the Swiss authorities, and would ensure that the CAS did the same to ensure that the Swiss would answer and defend the case and get appropriate briefing.

The other cases to which he wished to draw the members' attention related to the Athlete Biological Passport. The UCI and WADA had worked on cases together and presented them to the CAS, and they were very important as they set the basis for the passport and case law in relation to the passport. For one of the cases, Pelizzotti, WADA did not yet have the motivation from the court. WADA knew that the outcome had been positive and that the athlete had been convicted, but did not know the detail, so would wait. For the other two cases, the decisions regarding Cauchiolli and Valjavec were good decisions, because not only had the UCI and WADA prevailed, but they had also set a few principles that would be important. In particular, in the Cauchiolli case, the court had clearly stated that the passport was a reliable means of indirectly detecting doping, and that was very important, as it prepared the ground for using that as a disciplinary tool. In the Valjavec case, what was really interesting was the remark by the court on the relationship between whereabouts and passport information. WADA had already seen the way in which the experts worked on the passport cases by interpreting the results in the light of the athletes' whereabouts. Having the information was key to these cases as

one could see the logic in what the athletes were doing in relation to blood manipulation and different stages (competing, not competing, big competition arriving, training and so on), and putting them together gave a fairly clear picture of what was going on and, in the Valjavec case, in which the athlete had really tried to focus on the medical aspect and the excuse of having a medical condition that explained all the variations, the court had found that, when putting the athlete's programme together with the blood parameter, the athlete had been manipulating his blood for competition purposes. It was also very good in terms of data protection, as it explained why WADA recommended keeping whereabouts for as long as it kept passport data, as they went hand in hand, so the 18 months' deletion of whereabouts data that was normal practice was to be extended for those in the passport programme, as both were needed if it was to be done efficiently. That was quite a good result.

The other case talked about previously and which had finally been partly resolved was the Belgian case, Keisse, an interim decision from a Belgian judge basically saying that the CAS was the disciplinary body of the UCI. This was quite an extraordinary decision and WADA and the UCI had had to fight this. A lot of energy and money had been put into this case. WADA had had to seek an independent opinion from leading authors in order to correct the appreciation made by the judge. At the end of the day, the decision rejected the athlete's claim. The decision was not good; the motivation was very strange and he thought that the judge had just wanted to find a way out without addressing the issue that he himself had created with his first decision, but at least the outcome was that the CAS decision prevailed, and the suspension that went with it prevailed. There was still an action from the same rider on the merits which he might or might not decide to continue.

In Belgium, the Wickmayer-Malisse case was still pending. All of these cases attacked the system rather than actually concentrating on a particular case. This was not moving very fast, and nothing new had really happened since November.

Another case to which he wished to draw the members' attention regarded Alejandro Valverde, who had finally been convicted. He had appealed all of the decisions before the Swiss Federal Court, and all the appeals had been rejected, including the challenge to one of the arbitrators, so there were no more pending issues regarding Mr Valverde. He wished to make a comment relating to costs and the way in which costs were awarded by the CAS. In the Valverde case, WADA had received an award of 67,000 Swiss francs, which might appear to be reasonable but, on the other hand, the CAS had asked WADA to pay its costs for the proceedings of 46,000 Swiss francs, so the actual amount awarded to WADA had been 21,000 Swiss francs in a case that had cost WADA above 300,000 Swiss francs. There was no relationship between the award of costs and the investment WADA had to make to prosecute these cases, and that was really an issue. He had recently mentioned Valjavec. This had been complicated, involving an athlete claiming medical excuses who had probably forged medical documents. This had required a lot of work by WADA and the UCI to prosecute the case. The UCI had prevailed and had received 2,500 Swiss francs in costs. This was just ridiculous. WADA had raised this with the CAS on a number of occasions, and he did not understand why the CAS kept doing that. When dealing with athletes who had no resources, such as lower level athletes, that made sense, but not when one was dealing with professional athletes who were making millions and who were trying to evade the system. WADA would raise it with the CAS again.

The members would be interested to know that, in Spain, Operación Puerto was going to trial. This was no longer a doping case, but the Spanish public prosecutor had requested two-year jail sentences for a number of those involved in the case, and WADA would see what the outcome was.

Finally, he drew the members' attention to one unusual situation, case number 25 in his report. The case involved an athlete in South Africa who, after the whole saga of getting to the CAS and then having a federal court decision saying that the CAS had no jurisdiction and sending the case back to South Africa, was incapable of getting the South

African anti-doping agency to set up a disciplinary panel, so he was trying to get his case heard and seek justice, but could not do it. Finally, he had come to WADA and said that he could not get these people to decide on his case. After having tried to get things moving in South Africa, which had not happened, WADA had used the provision in the Code under Article 13.3 allowing WADA to bring cases directly to the CAS, to create a forum in which this case could be heard. WADA had informed the IAAF that it was doing that, should it wish to intervene, and would also inform the South African Athletics Federation. WADA did not really want to get involved; it had simply created the forum using that privilege, as he thought that it was only fair that the athlete be given an opportunity to get the case to trial. THE CHAIRMAN asked if there were any questions or comments.

PROF. LJUNGQVIST asked what the IF's attitude was in this South African case and whether or not they had tried to solve the problem on their own.

MR MCQUAID thanked Olivier Niggli for the report and indicated he agreed completely with him on the costs. He informed the members that there were legal firms that were assisting athletes going against the system, which was what was going on. It was ridiculous. WADA did not get decent costs. What had not been clarified was that there was strong evidence that Keisse had been used by a group of lawyers to beat the system. It was not so much the athlete himself, who was naively going along with what he was being told, but a group of lawyers who had actually been trying to crack the system, and that was what had been going on there.

MR NIGGLI said that the IF was taking some distance with this case. The athlete had been suspended for two-and-a-half years. He had served his suspension and was actually unhappy with the treatment that he had received and was probably looking at going after the South African Athletics Federation for not having given him proper justice. He thought that the IAAF would stay away from it and he would see what the South African Athletics Federation would do.

He agreed with what Mr McQuaid had said and did not feel the need to make any comments.

THE CHAIRMAN said that it was clearly continuing to concern WADA; nevertheless, WADA had to respect the fact that the CAS was an independent tribunal and WADA was frequently a litigant in that area and, therefore, had to be at all times at arm's length from it. That of course did not prevent WADA from having informal discussions, whilst focusing on what it had been set up for by the IOC in the first place, to be accessible, cost-effective (cost-effective in terms of being affordable to athletes, many of whom were virtually amateurs) and to give expeditious treatment to athletes. Those were the principles WADA continued to espouse in the discussions that it had and would continue to have. He told the members that they had knowledge of the members of ICAS and some interaction themselves and, within those bounds and that arm's-length approach, they should feel free to endorse the fact that WADA wanted the system to work, and it would not if it became a rich man's domain based on expensive lawyers and wealthy athletes. If they were the only ones who could get to it, then ultimately athletes would look to civil tribunals and WADA would find itself doing a hell of a lot more in other tribunals. The CAS had been of tremendous benefit to sport, but the worry was that it was drifting away and hopefully WADA could influence it to get back on track, for which he asked the members for their assistance.

#### DECISION

Legal update noted.

### **5.2 Interpol**

MR NIGGLI said that, regarding Interpol, the Director General had said that the WCO and Interpol were oversight bodies, but the relationship between WADA and Interpol had turned out to be very operational, which was very good news. Interpol had been active

in helping bring together law enforcement agencies needing to obtain information and discuss totally independently of WADA; WADA had not been involved in that. The officer at Interpol was making sure that appropriate communication could take place between different organisations, and that was good news in terms of the efficiency of the fight against doping in sport.

MR RICCI BITTI had a question that could relate to other fields of activity, such as corruption. Mr Niggli had said that the relationship between WADA and Interpol had turned out to be very positive. In what sense did Mr Niggli believe that it was positive, in terms of effectiveness and action?

MR NIGGLI told Mr Ricci Bitti that the main role of Interpol was to facilitate communication between the different law enforcement agencies. WADA had realised pretty quickly that there were a lot of agencies working on various investigations and that they were not talking to one another and would not talk to anybody else unless it was to people from the same background, and Interpol had been able to bring them together so that they could exchange information.

MR ROWE wished to outline an offer, noting that there was doping training to be undertaken, and before the launch of doping training in Colombia. ASADA had been conducting a number of courses recently, attended by Japan, Qatar, South Africa, New Zealand, Canada and Singapore among others, and it would be willing to help with any training that might be going on.

#### DECISION

Interpol update noted.

### **5.3 Conflict of interest policy**

THE CHAIRMAN did not think that it was necessary to ask Mr Niggli to comment on this point; nevertheless, the members were welcome to intervene if they wished.

MR ODRIOZOLA said that he welcomed the policy. He thought that maybe some specific situations in which conflicts of interest occurred could be simplified. The document could provide some examples, not of the sanctions, but specific situations in which, from WADA's point of view, it was evident that a conflict of interest existed, for example, a sponsoring firm, a commercial laboratory, or people working for those kinds of body.

THE CHAIRMAN explained that the two areas in which this was hit head-on were those of research grants (social science and other areas of science and medicine), where institutions made applications that might be considered by members of committees in education or science, and those people who had a connection to that institution ought to stand down and absent themselves. That was the sort of head-on situation. Everybody around the table had a conflict: some members represented sport and made decisions that affected a sport that they represented, others represented public authorities that funded NADOs, etc. Irrespective of that, the money in WADA's budget was allocated to somebody and WADA had to be sure that the decision was taken at all steps of the way by people who had absolutely no conflict whatsoever. He had no reason to suggest that this had been done wrongly in the past but, clearly, after the think-tank meeting the previous year, it had become obvious that WADA needed to have this codified for the guidance of all members and that was what this conflict of interest policy was all about. Did that help Mr Odriozola?

MR ODRIOZOLA said that he agreed completely with the policy; there was no question about that. He had only been suggesting that it could be more specific, giving some examples of activities in which inherent to the activities was the conflict of interest with WADA, for example, people working for sponsoring firms connected to sports or commercial laboratories producing doping materials and substances, law firms defending cases against doping, and things like that.

THE CHAIRMAN replied that the management would see if some sort of explanatory note might be attached to the document to focus people. This was something with which he thought everybody was fairly familiar, but he would see if an explanatory note might be drawn up.

MR ROWE congratulated WADA on this policy. He thought that it was an excellent policy and an excellent outcome from the meeting the previous year. As was normally the case with these things, when members were invited, there was normally an explanation that came with it and he had no doubt that WADA would be providing that when inviting members and indeed deputies to complete the statement.

THE CHAIRMAN said that he had always taken the view in the context of corporate governance that, if one had the slightest doubt, one should just say it and put it on the record, then nothing would come back to bite one. No harm was done by doing this. It usually had absolutely no input whatsoever, but the members should err on the side of too much information rather than too little. It was good corporate governance and everybody agreed with that. The WADA management would try to clarify matters with the explanatory notes that went with the document that would be sent to all of the members for signature. He sought approval for the policy pursuant to the documents in the files. In practical terms, in due course, this would come to each member and it would be an annual event, and he would ask that it be a standing item on the Foundation Board and Executive Committee agendas, taking about 30 seconds to deal with. He would simply ask if anything had arisen since signing the document that would bring the members into conflict, relating to the papers before them or any other matter, and he was sure that there would be silence around the table and that the members would then move on. It was a good point to continue to remind people that they must ensure that this governance programme was in place.

#### DECISION

Conflict of interest policy noted.

#### **5.4 Annex to International Standard for the Protection of Privacy and Personal Information – Retention Times**

THE CHAIRMAN asked Mr Niggli to comment briefly on the agenda item.

MR NIGGLI explained that this was the next step in the data protection work that WADA had been doing for many years. This was the result of work carried out with CAHAMA and the European Commission and the broad consultation that had taken place the previous year with all of the stakeholders. The idea was to have in place a document that set the maximum time for the retention of data per category of data, so it was a document that would become mandatory as part of the standard on privacy, and would help organisations to know when they had to delete this information. In the documents, the members should read "ADO" for "NADO", because this applied to all ADOs, including IFs. It had been made clear at the beginning that the deletion should occur every quarter, in order not to have to delete data every day upon arriving at the office; so, to make it practical, ADOs should review the data for deletion every quarter. It applied to all data, regardless of format (paper-based, electronic, etc.). Where the members saw the word "indefinitely", this did not mean that it was necessary to keep the data indefinitely. It meant that there was no requirement that the data be deleted but that, if the members decided to delete the data, they could do so. As a result of that morning's discussion, he would endeavour to send a cover note with the document that would probably clarify what he had just said to ensure that everybody understood. The document was for the members' approval.

MR ODRIOZOLA congratulated the WADA management and the CAHAMA, because this was proof that, even in the very difficult field of data protection, progress could be achieved when people worked together. There were still some matters to be resolved, but it was very clear that this was a very good step forward.

THE CHAIRMAN acknowledged what Mr Odriozola had said, and mentioned that the members had a letter in their papers from the chairman of the CAHAMA, Peter de Klerk, who was present at the Executive Committee meeting that day. He knew that this had been an issue, and the letter indicated just that level of cooperation to which Mr Odriozola had referred, and it did show that, constructively, outcomes could be achieved, even if they did sometimes take a bit of time.

This required a decision, that the Executive Committee consider adopting the retention time proposal, so that it would become an annex to the International Standard on the Protection of Privacy and Personal Information. He asked the members to support that decision with the minor amendments mentioned by Mr Niggli.

#### DECISION

Annex to International Standard for the  
Protection of Privacy and Personal Information  
– Retention Times approved subject to  
proposed amendments.

### **6. Finance**

#### **6.1 Government/IOC contributions**

MR REEDIE mentioned that it used to be that the finance report came before the legal report; he would no doubt work out why this had been changed.

Concerning the current state of contributions by stakeholders, there was an updated version dated 10 May to replace the version dated 20 April that was in the members' files, showing that, of 26,420,098 dollars invoiced, WADA had collected 17,923,164, which was about 68%. He would ask Mr Niggli later on if he could remember whether WADA had been ahead or behind the 68% figure the previous year.

Looking through it, there were one or two quite interesting non-payments. If WADA managed to get a cheque out of Washington soon, that would make the figures look pretty good. Looking at the Americas, if he were Brazil and were running the Olympic Games in 2016, he thought that he would pay his WADA subscription, so maybe he would have a word with the chairman of the organising committee when he saw him in Lausanne the following week. Looking at Asia, even more importantly, if he were the chairman of the PyeongChang bid committee, he would certainly not want to get into a heated contest for the Olympic Games without having paid his WADA subscription. Looking at Europe, he was hugely impressed that Belgium, which held the world record for not having a government, actually paid its WADA subscriptions on time. Maybe the Belgians had got it right. Also, Ireland had paid whereas Greece and Portugal had not. Watching the television, one could almost have a betting game on when the WADA European subscriptions were likely to be paid.

These were troubled times. That only reinforced the view that, when WADA budgeted, it budgeted on the basis of collecting 96% of invoiced subscriptions, and then tried hard to do better than that but, looking at the world as it had been for the past three or four months, there had to be a question mark that year on whether WADA would get above 96%. He asked Mr Niggli if he could remember the figures from the previous year at the same time.

MR NIGGLI replied that he could not remember the figures off-hand, but he was sure that the figures had been higher the previous year.

MR BAUM reassured the members that the US funds were ready to go, and would be sent to WADA in about a week's time subsequent to a funding agreement. The full amount would be paid.

PROF LJUNGOVIST said that he had raised this matter previously. Israel did not exist on the list of contributing countries. Was it exempt from contributions?

MR REEDIE replied that Israel was on page 5 of 6 in bold type, under Europe, and had paid its contribution.

## DECISION

Government/IOC contributions update noted.

### **6.2 2010 year-end accounts**

MR REEDIE informed the members that the accounts were presented and prepared by WADA in cooperation with its auditors, PricewaterhouseCoopers. WADA presented a finance overview at the beginning of the accounts; this was in a slightly different format to the one that had appeared in the original papers, simply because he had not had time to amend Mr Niggli's draft fast enough. The accounts were reasonably satisfactory. WADA had gone into 2010 expecting to run the agency at a deficit of around 1.1 million US dollars, and in fact the deficit was 642,000 US dollars, so it was a reasonable performance. Some of the benefits had come from a period in the middle of the year when the US dollar had strengthened against the Canadian dollar, but then it had decided to change its mind, although the end result was that it had helped a little in the publication of the final accounts. They were prepared under the IFRS, as he had said. He was perfectly happy with them and he suggested presenting them to the Foundation Board the following day for approval.

THE CHAIRMAN asked the members to approve that the accounts be taken to the Foundation Board the following day for approval.

MR REEDIE informed the members that, as part of a proper audit by an internationally renowned firm of auditors, WADA was provided with a detailed report on the year to 31 December. WADA had had it from PricewaterhouseCoopers. It dealt with the audit, significant findings (none), internal control systems (fine), corrected and uncorrected misstatements (fine), fraud and suspicion of fraud (none), quality of the application of the IFRS rules (fine), matters to be reported (none). It was pretty impressive that, at the end of a busy year, WADA got about as clean a report as it was possible to get; however, no matter how eminent the auditing firm, it had to find something, and it had actually found one misclassification of an available for sale investment (which must have been put in the wrong column) for 1,300 US dollars. He was pretty happy with that, and would take it and give it to the Finance and Administration Committee in July. He was sure that the committee would be happy with it. He assumed that the auditors would be present the following day to verify and speak to the accounts. The arrangement was that WADA would, probably around that time, put the audit contract out to tender on the grounds that it was good corporate governance that, every now and again, one should go into the marketplace. He had cleared it with the chairman of the IOC finance committee, which actually used PricewaterhouseCoopers as well. He would be quite happy to deal with PricewaterhouseCoopers at a reduction in its fees. Sometimes, that was what this exercise was all about, but he thought that it should be done as it made good sense.

Moving on to his favourite piece of paper, "Budget against actual" was the ultimately simplistic piece of financial accounting he got month by month from Ms Pisani showing exactly what had been paid in income and detailing every cent of expenditure. That time, when the final figures had come in, he had gone back to Ms Pisani with a list of questions just to clear why a number of figures were significantly different from those anticipated. Running through them quickly, on the income side, WADA was significantly lower on laboratory accreditation, and the reason was that WADA had been expecting an application from the Mexican laboratory and had therefore included the fee that it would be paying in that year's accounts, but Mexico had decided not to proceed with laboratory accreditation until a later date.

WADA had also not done as well on interest income. As most of the members would know, actually putting money in a bank and trying to get interest on it (hopefully the bank would stay in business to give one back one's money) was a bit of a challenge. WADA consistently kept its funds in very safe banks and made very safe investments,

and the end result was that it had paid a little bit of a penalty: it was about 10% down on the income interest that it would otherwise have.

On the expenses side, looking at departmental expenses, legal and finance always came first, which was perhaps why the agenda order had been changed, and WADA was substantially ahead of its budget. He had asked Ms Pisani, who had given him a breakdown for 2010 of every one of the 1,339,121.41 dollars spent on legal cases, and the big ones, including the Kesse case and all the stuff in Brussels, were effectively to protect the system, and he suggested that the chairman of the CAS be made aware of how lucky he was that somebody else was actually meeting the costs of defending the CAS's situation. These cases started on an anti-doping basis, but at the end of the day it was a direct assault on the arbitration system for sport and, if that assault won, WADA would be in terrible trouble, as what would happen after that was, without an international CAS, there would be a US judgement, a Canadian judgement, a Scottish judgement, an English judgement, a French judgement and a Swiss judgement, although probably not a Belgian judgement, and the whole thing would become almost impossible to run, so WADA was making a very substantial contribution to the continuation of some form of sanity.

WADA was a little higher on the purchasing of the source code for ADAMS. It was a little higher on the information and communication with the Athlete Outreach programme going to the Commonwealth Games in India. Those members who were familiar with what had happened at the Commonwealth Games and above all after the Commonwealth Games, when the authorities had been very slow to make the payments due, might understand that, if there was going to be an overspend, this was likely to be the country that would cause it. WADA was a little higher on the Athlete Outreach model. There had been an Education Committee meeting, which had been a bit dearer because there were two new members. The point he wished to make was that the members would see that, in practically every case, the expense budget had been met, and was right up to 92%, 93%, 100% and over, and that seemed to him to mean that the people who were running their budgets were fully engaged and there was not actually much slack around the organisation to take on more activities, and the members should bear that in mind as they moved forward to look at future rates of contribution. One of the huge problems that WADA had, and there was nothing it could do about it, was that it was paid in US dollars and spent an awful lot of money in Canadian dollars, so it was about 7% wrong on every salary it paid and 10% wrong when taking it down to Lausanne in Swiss francs, so currency movements, or this type of currency movement, affected WADA very badly and there really was not a lot that WADA could do about it because, if WADA turned around and said to its contributors that it had decided that it wanted them to pay in an entirely different currency, he suspected that it might get a couple of dusty answers. It was a fact of life, but it did not make life any easier.

He wished to apologise because he had previously mentioned a sum of 1,300 US dollars; in fact it was 1.3 million US dollars, but they had been moved from being current assets to being non-current assets. The error had been absolutely minor, but the amount was a bit higher than he had told the members.

#### DECISION

2010 year-end accounts approved for submission to the Foundation Board for approval.

### **6.3 2011 quarterly accounts**

MR REEDIE informed the members that the quarterly accounts were for the first quarter to 31 March. He never spent much time on this because, as the members could see from the rate of contribution payment, at the time of payment, WADA tended to take in large amounts of money and spent only 25% of its expenditure in the period, so

always showed a thumping surplus. Nevertheless, they were there for anybody who wished to look at them.

Again, for him, the interesting paper was the "Budget against actual", because it gave him a feel for what was actually happening in the current year and, looking at the budget against actual figures for 2011, again, looking at the income figures, interest income was slightly less than he would have wanted it to be, but that was a question of market rates. Certainly in his country there was a feeling that interest rates would go up towards the end of the summer and, if they went up, that was bad news if one had a mortgage but good news if one had money in the bank. One of the problems was again litigation. In the first three months of the current year, against a budget of 900,000 dollars, WADA had spent 420,000 dollars, and he had a breakdown of that as well, and much of it on this occasion related to the complexities of the case with the Malaysian laboratory. He was afraid that the reality regarding litigation was that, living in a world in which people were free to challenge what WADA did or WADA had the right to interfere in a case and challenge the decision, this was an expensive little hobby.

Nothing else worried him greatly. The programme development was way over where it would normally be at that time, but he was reliably informed that this was a timing issue, so there was just a much higher degree of activity in the first quarter and there would be slightly less expenditure on a pro rata basis thereafter.

WADA had also been much busier in the first quarter regarding sample collection and testing, so again that was reflected in the expenditure. For the first time in some time, there were noticeable recruitment and relocation expenses, because WADA had been bringing in some new members of staff and moving some existing members of staff elsewhere.

The one thing for which he felt he had to apologise and would was that, as WADA had negotiated its new lease, it had been faced with quite noticeable fees by those people who had advised WADA, of about 140,000 dollars, and he was afraid these fees had not been budgeted for. They had to be paid, but WADA would recover them over the long term, because the arrangement for the office was that WADA did much better; the landlord had wanted WADA to do the deal when it had and encouraged WADA to do so on the basis of payment from the landlord and an improvement in the rent figure. It had cost WADA some money to do that but it would get it back. For the moment, he thought that WADA was in reasonable shape and not much had happened that he had not thought would happen, perhaps with the possible exception of litigation costs being higher. WADA had put away 1.5 million US dollars as a litigation reserve; it must be getting to the stage whereby, if WADA received another unexpected blow that year, instead of running other expenditure down, it might need to use that reserve, but he hoped that WADA would not need to.

## DECISION

2011 quarterly accounts noted.

### **6.4 2012 draft budget – preliminary planning**

#### **– 6.4.1 Five-year budget forecast and cash projection**

MR REEDIE said that he had been asked to present to the Executive Committee and the Foundation Board a draft budget for 2012, and the committee had done it on the basis of a contribution increase of 2% and a contribution increase of 0% as had been discussed at the previous meeting. It also involved some assumptions on expenditure. None of this had been analysed in any great detail by the Finance and Administration Committee, which would meet in Europe towards the end of July, when clearly it would be going through this with a fine toothcomb to see what changes became possible. On the possibility of additional income, there had been a suggestion from a lady in the Council of Europe at the previous meeting that she knew of government funding in Europe that might be available to WADA but, despite several requests and a meeting

with her in Lausanne, thus far he had not seen any detailed suggestions of who had it and how much was available and how to get at it. The Finance and Administration Committee would also want, as it always did, to look at costs; but, going back to his previous comment that most of the expenditure budgets in 2010 had been up to the 98-100% level, there was not much margin. WADA could probably save some money at the margins. If Mr Niggli was living in Lausanne, it would be a lot easier to send him to Brussels for the day than it would be with him living in Montreal. He had only recently woken up to the fact that, if one kept one's mobile phone on all the time all round the world, one ended up with an absolutely enormous bill, and maybe WADA should be a little harder on how the staff used mobile phones. Nevertheless, those were only tiny savings at the margin of what WADA was doing. As had been pointed out by a gentleman called Gordon Farquhar, the BBC sports news correspondent, WADA was run on a budget of not much more than the salary of Wayne Rooney, a footballer for Manchester United, so WADA was not exactly overspending, and he thought that it was necessary to be cautious.

He would be happy to answer any questions that the members might have and looked forward to taking the 2012 budget to the Finance and Administration Committee. The Finance and Administration Committee had had another guess at exchange rates, and would assume an exchange rate of one US dollar at 97 Canadian cents and 1 US dollar at 0.95 Swiss francs. The committee had shown 0% and 2% increases in contributions, had assumed a 3% increase in salaries, assumed that science research and social science research would remain at the same level, would create a separate budget for capital expenditure, and the expenditure budget would now include depreciation costs, but the exchange rate impact on Canadian salaries was 7% and the Swiss impact on salaries was 10%. He used to say to Mr Baum's predecessor, Mr Jurith, that, if he could go back and sort out the US dollar, he would make himself hugely popular at WADA.

THE CHAIRMAN thanked Mr Reedie for the comprehensive reports. He asked the members to recognise that the budget was in draft form as requested; the work had to be done in detail by the Finance and Administration Committee, and that would occur in July, and a budget proposal would come back to the Executive Committee in September.

MR ODRIOZOLA said that he knew that Mr Reedie had given an excellent explanation of the difficulties involved in reducing expenditure, but the Executive Committee had asked WADA to produce for May a balanced budget option with a 0% growth increase. There was the option of the 0% increase but only in the income and not in the expenditure. In the 0% increase option, expenditure was actually 4.28% higher. He urged the committee to produce for the September Executive Committee meeting a 0% budget option that applied to income and expenditure and to present proposals for cutting costs before the Executive Committee meeting in September in order to realise the 0% growth option in the income and expenditure, so as to have a balanced budget, otherwise WADA would have a projected cash flow from 2011-2015 in which it would be, in four years' time, in a very difficult situation. He knew that it was very difficult to cut expenditure, but wanted some options or proposals as to how to do that and ensure a 0% increase in expenditure as well as in income.

MR RICCI BITTI said that he was slightly more concerned about the strategic issue for the future because, on the one hand, WADA did a lot with this money but, on the other hand, there was no possibility to increase the income. What was the assumption of the 2% increase in income based on?

MR REEDIE said that, in terms of looking forward to 2012, the committee had taken the 2% applied in 2011. As discussed at the previous meeting, he was very well aware that people were being squeezed. The Olympic Movement was being squeezed as well. The committee had applied 2% the previous year, and had thought that 2% was a reasonable figure. He would come back at the end of the discussion and do a little bit of crystal ball gazing into the future.

MR RICCI BITTI asked what WADA wanted to do in terms of priorities. This was really important. There were some items that were not predictable: legal, clearly, and ADAMS development costs. Those were the two that were foremost in his mind. Having said that, WADA could control the predictable, but WADA should really think about the money needed. At some stage, it would be necessary to ask what was needed to do what WADA wanted to do.

MR ROWE thanked Mr Reddie for the very comprehensive report and supported what the previous speakers had said. He raised a question in terms of options. There was the 2% and the 0% option. He wondered whether there was not another option that was worthy of some thought, and that was, given the movement in exchange rates, whether there was not another option that maintained the real rate of contribution as an alternative, so that, while it might result in movements in absolute dollars, it maintained the current contributions in real terms.

THE CHAIRMAN said that he wished to throw some thoughts into that particular area. In real dollars, WADA was effectively working on a budget of about 2006. Looking at cost of living in Canada at the moment, it was running at 3.3%, so effectively to do everything that WADA was doing currently, the members would want a 3.3% increase. Mr Odriozola had said that he was looking for 0% increase in respect of expenditure, and it had been presented on the basis that WADA's reserves were being used to maintain existing programmes. In other words, if WADA did everything it was currently doing, it would have to go into reserves because it would not be getting the additional dollars to do that, and if one started looking at real versus actual and the contributions made that year, in fact in actual dollars or euros, the members were being asked to give less than they were that year, because of the exchange rate. He acknowledged that the members were asking the management to focus on the programme and give them some options. He was always happy to hear what the members thought that they should be asking the committee and the management to apply some attention to. Were there any areas in which the members wished to make suggestions? The committee and the management could certainly make some suggestions back to the Executive Committee. He had not particularly thought about asking the members to travel in economy instead of business class, which might be a bit hard, so he would not ask the management to focus on that one, unless the members wanted him to. Those were additional thoughts that needed to be drawn out a little more in the context of the work that the members were asking Mr Reddie's team to do. Were there any further questions or comments?

MR REEDIE accepted Mr Odriozola's suggestion. One of the troubles that the Finance and Administration Committee would have had was deciding what expenditure it should cut, and as for those who wanted to take 5% off WADA's budget, he would be very pleased if they could give him some idea of what they thought WADA should cut, rather than leave him to do it. The Chairman was quite right; as the dollar depreciated, the actual cost to contributing countries went down. Dealing in euros, one would be down 9% or 8% effectively. He would discuss with Mr Rowe maintaining the real rate of contribution. He wondered whether Mr Rowe was suggesting that WADA take contributions in a different range of currencies, but that was problematical because the biggest single stakeholder was the Olympic Movement and its contracts were in US dollars, so it was difficult to tell the public authorities that WADA would be dealing in dollars with the IOC and different currencies for the other contributors. The issue was one that was beginning to stare WADA in the face. WADA had been pretty efficient at running this business and had been able to create the litigation and operational reserves and still had about 9.5 million dollars in unallocated cash. That actually allowed WADA to meet the surprise 1.5 million-dollar deficit, if it came up; WADA had been subsidising in each year's accounts and planning to do that by running down those figures slowly. The problem of having a zero increase in contributions meant that one would spend that money very quickly. If WADA had a zero increase in 2012, and a 2% increase in 2013, it would have used up all of the cash by 2014, so the end result of that was that, if WADA did that, the Finance and Administration Committee would come along and say, to make this work, WADA would need the members to pay a 12% or 13% increase in contributions to get it back to a

level budget. His guess was that, faced with that, most public authorities would be happier to have smaller rates of increase on a more regular basis, so that they did not have to come back and meet a rather large rise in contributions in any one year, always assuming that they could still afford to pay the European Union the 4.9% increase it wanted that year. He was asking the Executive Committee to consider modest but regular increases in contribution as a philosophy and, if anybody wished to say that it was important to take 5% out of the expenditure, he would be quite pleased to have an idea of what that 5% should represent. He would be happy to have the debate again the following day.

THE CHAIRMAN suspected that the debate would take place again the following day. He stated that what the Executive Committee had to face was that, if it sought to go with a 0% increase in expenditure, then the programmes that WADA was currently running would have to be reduced. If the members asked him realistically what WADA should be doing, he would reply that a lot more things were necessary and, if WADA had the money, it would, if one was serious about the fight against doping in sport. For example, there had been a discussion that day about interface between ADAMS and some other systems that four countries were using, and there were several ADOs using other systems, and there was no doubt that, if WADA put the appropriate resources or money into that particular exercise, rather than trying to do it internally, it might come up very quickly with the capacity to interface between other systems and ADAMS, but that would cost money and WADA did not have that money at the moment, unless it went into the reserves, which had been managed judiciously by Mr Reddie and WADA generally over the past few years. That was the sort of thing he wanted the members to understand. It was not necessary to make a decision then and there, and he appreciated the members' thoughts. If the members had further thoughts between then and the Finance and Administration Committee deliberations in July, they should communicate them. If they were embarrassed to say that a certain programme should be cut for whatever reason, they could do so at a later stage with whomever they wished to speak. All WADA was looking to do was deliver the most effective programme it could, and it would always cut its cloth to the level of dollars that the members wished to give. It did mean, though, that certain things would have to be stopped. He knew that, on an ongoing basis, scrutiny was given to how WADA could do things more effectively, and Mr Reddie had mentioned mobile phones, but that would not get WADA over the line. Of course WADA should look at mobile phones or anything else that might assist WADA with cutting costs, and that was an attitude and a culture that existed on an ongoing basis. He did not see any extravagance and, as a former finance minister who had had to try and make billions of dollars of savings each year, he had a pretty good eye for seeing when an organisation was splashing it around and he could certainly say that WADA did not splash its money around. He asked for more feedback and would no doubt get more the following day on a broader basis. The members should not be afraid to say something the following week or the week after if they had any ideas about how WADA could do things any better. He thanked Mr Reddie and Ms Pisani, who did a terrific job, and he did that in the context of the auditor's report. He could confirm that that report was as good as any he had seen, and that was testimony to the skill set being used in the Finance Department, led by Ms Pisani.

MR REEDIE added that it was an annual experience, which made it even better.

THE CHAIRMAN agreed that not much sleep was lost because of the outcome that WADA was constantly seeing, and that was good.

#### DECISION

2012 draft budget and five-year budget  
forecast and cash projection noted.

## 7. World Anti-Doping Code

### 7.1 Interim Code implementation and compliance report

MR ANDERSEN noted that the members had received updates on the compliance reports, and these were updates on those received by mail, as of 13 May, the previous day. The main changes related to the sports movement, where now boxing was suggested as being fully compliant, along with field hockey. Ice hockey now had rules in place. These were the summer and winter Olympic sports for IOC-recognised IFs. Cricket now had fully compliant programmes, as did polo and squash. There were some other minor improvements that had been taking place since the previous report. Monitoring was one of the key areas that WADA was required to undertake, as the mission statement stipulated.

He took the members back in time on the history of Code compliance reporting. The 2003 Code, which had come into force in 2004, had predicted that there would be a Code compliance report in 2006. The progress report had been tabled and approved as an implementation review, so no compliance report as such had been tabled. There had then been interim compliance reports tabled at every Executive Committee and Foundation Board meeting in the meantime, and it had been decided that an official compliance report would be tabled in November 2008. As the members would recall, the official compliance report tabled in 2008 had been deferred until May 2009. In the meantime, a revised Code had come into force on 1 January 2009; so, in May 2009, the compliance report had been tabled but had been deemed a past document, so there had been no decision on compliance or non-compliance at that stage. With regard to the 2009 Code, he had reported on every occasion at the Executive Committee and Foundation Board meetings, and it had been decided in May 2009 that the official Code compliance report would be tabled in November that year, which was what the report before the members was all about.

The members had two reports in their papers, two attachments to 7.1. One was the so-called dot report and the other was a summary of the dot reports. The green dot or black dot reports comprised two different forms of reporting. One related to the rules, regulations, legislation, etc., to view compliance with the Code in each of the ADOs. The second part related to the programmes, which included education, TUEs, result management and testing (in and out-of-competition testing). An additional element had been added by providing a summary report for each of the categories of the IFs and for each of the regions of the world, and this summary report had been divided into four categories: in compliance, in progress and not yet compliant, and there was a box for exceptional circumstances, to which he would get back a little later. Dealing with the rules section of the report, WADA had given every assistance to signatories to integrate the anti-doping rules in their systems, creating model rules for IFs, NADOs, RADOs and NOCs. With the help of the ANOC, WADA had created the so-called declaration for NOCs, which had been hugely successful since almost all of the NOCs had signed the declaration or had rules in place (there were only three or four NOCs that had not signed the declaration).

There were issues in terms of the rules system, since some countries and NADOs had rules in sport which could relatively easily be created, as they could be created for IFs themselves, but the issue where there was legislation involved created some issues and in some countries there was also legislation versus sports rules and a mix of the two. That was probably why there were still issues relating to some countries in the world in which legislation had to be put in place, and this took time. There had been external assistance in order to review all the rules and legislation, and WADA had also given assistance to those who had requested it, and he was sure that many of the members around the table could confirm that the dialogue with the WADA headquarters or the regional offices had been quite comprehensive over the past couple of months. There were still issues to be resolved in Europe and other parts of the world in order to get this on board because it had to be through parliament. For a couple of IFs such as basketball

and football, there were issues to be resolved in terms of the rules allowing players to train before the end of the period of ineligibility.

In terms of anti-doping programmes, he had mentioned the four areas, and WADA had been working very hard with all of its signatories in order to get those four elements in place. In terms of statistics, this had not been identified as a key area that needed to be in place but, of course, at the next crossroads, when deciding on the next round of Code compliance, the members could decide to include whatever issues they wanted.

The report before the members was the summary report. Looking at the last box, the exceptional circumstances, WADA had not put any of the IFs, countries or NADOs in it, but would of course welcome any signals from the Executive Committee as to how to deal with that category if it applied at all. There was an article in the Code, 23.4.6, stating that, "WADA shall consider explanations for non-compliance and, in extraordinary situations, may recommend to the IOC, IPC, International Federations and Major Games Organisations that they provisionally excuse for non-compliance". That was the category and he was interested in the members' views on the application of this.

He had tried to provide an update on how this had been progressed since May 2009, when the first interim report had been submitted. The members would recall that the 2009 Code had been adopted in November 2007, so stakeholders had had more than a year to implement this, and he showed the members where WADA had been with the rules and programmes in May 2009 as compared to the current situation. He had created categories for Olympic and non-Olympic sports, and each of the regions of the world. He would not dwell too much on each of the categories. For the first category, rules, the members would see on the screen that the red box was for non-compliant rules and the green box was for full-score five-dot compliant rules, and this had been the situation for ASOIF in 2009. The situation in May 2011 was that all summer Olympic IFs had rules in line with the Code. In terms of programmes, the members could see the situation in May 2009 and the situation in May 2011; the green box had grown and the red box had disappeared, and there was now a small yellow box remaining for international summer Olympic sports. The next slides showed the situation regarding international winter Olympic sports, rules, 2009 and then 2011, programmes, and recognised federations, and the members could see that there had been a considerable improvement in all of the categories. There was still some work to be done with the IPC and WADA had a good dialogue with that organisation. In terms of overall compliance, the members could see the picture for summer and winter Olympic sports (rules and programmes combined), IOC-recognised sports, SportAccord federations and the paralympic sports. On the whole, there had been huge progress over the past couple of years. As for the regions of the world, the members could see the situation regarding rules in Africa in 2009 and in 2011; there had been huge progress, although there was still some work to be done on the programmes. For the Americas, the picture could be seen on the screen, followed by Asia, Europe and Oceania. In terms of the overall situation for programmes and rules together, there were only two fully compliant NADOs in Africa, 28 in progress and 23 in the non-compliance category. For the Americas, the members could see the situation on the screen, followed by Asia, Europe and Oceania. In total, combining IFs and NADOs, WADA was monitoring 303 signatories, 94 (31%) of which were compliant, 128 (42%) in progress and 81 (27%) suggested as being non-compliant. The figures were there before the members. WADA had also been trying to do some sort of a comparison on the level in which they performed in sports, and WADA had taken the six most recent editions of the Olympic Games from Sydney in 2000 to Vancouver 2010, during which 3,545 medals had been awarded. Of the 48 NADOs, and of course this applied only to countries, or 46 NADO-compliant organisations, 76% had been awarded to these countries (2,685 medals). Combining the compliant and in-progress categories, 92% had been awarded to these NADOs. He was showing this to give the members a picture of the level on which Code compliance efforts had been triggered around the world. He did not think that there was that much left to do with the in-progress countries; there might be something on legislation or programmes, but WADA was looking at a possible 141 NADOs possibly being in line at the end of the year.

As he had mentioned earlier, WADA had been giving all possible assistance to the various organisations, the IFs and NADOs, including all departments at WADA. There was the online questionnaire that had been sent to all ADOs, WADA was using ADAMS actively, and there was a lot of information in ADAMS from which WADA could select information. WADA could not have done this without the help of its regional offices, which were crucial in the way in which WADA approached the NADOs in various regions of the world, as well as the RADOs, which were taking a lot of responsibility in terms of getting this up to speed, specifically that year. The IF relations office in Lausanne was liaising actively with IFs, and there had been a great deal of help and cooperation from ASOIF, the recognised federations and SportAccord in helping to reach the IFs.

In conclusion, there had been huge progress since 2003 and certainly since May 2009 to date; but, of course, there were significant improvements necessary and these would be made at every opportunity and, as the Chairman had mentioned, in November 2011 the official compliance report would be tabled and WADA would do everything possible to get as many stakeholders up to speed as possible.

THE CHAIRMAN asked if there were any specific questions at that stage. This was a progress report, as had been sought and directed by the members for all of the meetings.

MR MCQUAID said that, in the statistics that had been shown, he was particularly concerned about the NADOs, and the fact that there were only two in Africa and 11 in Asia and, considering how much time it took to get them to comply, what would happen at the end of the year and regarding the Olympic Games in London the following year?

MR REEDIE said that, looking at this, it seemed to him that, if the report was with this information but rather more, because more NADOs had come on board, and if WADA could say that all of the summer IFs were compliant, almost all of the NOCs were compliant and most of the major NADOs were compliant, the IOC would be able to say that this was fine vis-à-vis the Olympic Games in London. The fact that some NADOs were not compliant might not affect the decision that was taken in terms of eligibility and access to the Olympic Games. Was he correct?

MR RICCI BITTI said that the question was that one was either compliant or not compliant and sometimes non-compliance was the result of very small things. There could be a wide gap between the non-compliance of a NADO because there was no money to operate accordingly or no funding, and some IFs, and he did not want to advocate the IFs' failure but, in general, the reasons for failure were more bureaucratic. In the NADOs' case, there were many situations in which there was a lack of operation, and further investigation should be carried out, because the level of NADO compliance was too low, and he did not know the difference between the levels. It might not be important or it could be something very important, so this was another matter that should appear, and he asked Mr Andersen what he thought about that. It was very important as they were very close to an Olympic year.

PROF LJUNGOVIST answered the question raised by Mr Andersen with respect to what could be regarded as exceptional circumstances. His personal opinion was that it was very difficult to tell beforehand. He was afraid that it would be a little unwise to explain to non-compliant bodies what they could disregard, so it was wiser to see what arguments might be put forward for exceptional circumstances and see whether they would be accepted or not. As such, he would not be in favour of trying to explain this beforehand.

MR ODRIOZOLA stressed the fact that this report, as Mr Andersen had said several times, did not provide indications as to the quality of the anti-doping programmes. It was not a quality report, and WADA should continuously stress this aspect so that it was clear that it was not a quality report, particularly in November when there was to be a public statement on the report. He also asked for clarification as to the possible consequences of not having complete compliance, taking into account the fact that, in the document, when implications for WADA-accredited laboratories were referred to, the

eventual non-compliance of a NADO would have consequences on the accreditation of a laboratory based in the same country, and this was not coherent with what would be seen in point 10.3 later, in which independence between the NADO and the laboratories was being sought. Here, it was the opposite. If the NADO was not compliant, the accreditation of a laboratory based in that country could be eliminated, so he sought clarification on that.

MR ANDERSEN tried to respond from his perspective, which was that the Code compliance report was one exercise, but the work that his team had been doing had been not only to report but also to try to get as many as possible up to speed, and this was the focus: it was not the report on non-compliance, it was to assist and do everything it could to get as many as possible up to speed. That was what his team and management had been doing, together with the RADOs and regional offices. In terms of what more could be done, he encouraged everybody to push, because that was what the management was doing, pushing and standing on people's shoulders and sometimes maybe doing too much, so WADA also needed assistance from everybody around the table to encourage governments, regions of the world and sports organisations to step up these efforts in terms of Code compliance. As to the consequences, it was not up to him to decide on these. He was reporting facts. The green dots for programmes and rules were, as far as he could judge, the facts; then, it would be up to the members to decide on what the consequences might be and on what level they wanted to do this.

In terms of the laboratories, it was clearly stated in the International Standard for Laboratories that, in order for a laboratory to get and maintain accreditation, it was necessary to have a system that was consistent with the Code. He was just referring to what the Executive Committee had approved in terms of standards for laboratories, which clearly spelt this out.

THE CHAIRMAN wished to make a couple of observations. By the time November came around, he thought that the bar charts would have changed significantly. Mr Andersen had made a very valid point. WADA was a regulatory body. The charter stated that WADA had to report on compliance. He would find it completely unacceptable to see this deferred. WADA had not helped itself one little bit the previous time as an organisation when it had been due to respond at the end of 2007 and had kept putting it off, so WADA had actually reported on compliance after revising the Code, but had reported on the previous Code, and he did not want to see that happening again. WADA was about to start a review process that would lead to some changes (he would hope not as many as the previous time) being accepted at the end of 2013, and he did not think that it was at all feasible for WADA to be going through a review process whilst judging signatories on the Code that it currently had (he tried to fast forward), despite the fact that WADA would use its best efforts, and he would argue again that WADA was not a service department but a regulatory body and the custodian of the Code, and was obliged to produce the report for its stakeholders. He thought that the members would see in November that there might still be a bit of yellow and a slight bit of red, but a lot more green in the bar charts than they were currently seeing, and he also noted that Mr Andersen was extremely confident that all of the Olympic sports would be Code-compliant by the end of the year but, at the end of the day, WADA should report to its stakeholders. What those stakeholders did was a matter for them. For example, the Olympic Movement, having got that report, in the event that there was an Olympic sport that was not compliant, which he did not expect, might write to the federation saying that it had been told that the federation was not compliant and asking it to get this into order in three months, after which it would again consider the position, effectively putting more pressure on the federation. He believed that that was the prerogative of sport, or governments in a similar manner with NADOs. If he were told that his NADO was not Code-compliant, he would expect Mr Rowe to make this a number-one priority to shake the hell out of ASADA and bring it into line because of the embarrassment it might otherwise cause. He asked the members to help WADA on this and not leave it up to WADA alone, although it was doing everything that it could and would do continue to do so to bring the stakeholders into line but, in the end, he believed that WADA ought to

report, and he did not think that it was the end of the world if WADA reported on some who were not there, because sometimes that in itself was the catalyst to make them do things and, when WADA did what it did and sought to get them compliant, it also had to be respectful of the fact that some of these organisations were very small and this was not a priority. Nevertheless, the more WADA could get compliant, the better.

He needed to comment on the question of quality. In response to what Mr Odriozola had said, WADA had always printed at the top of everything that it produced in relation to this topic, and he thought that they could be seen again that day, the words, "The present document is not an indicator of quality; it refers only to a level of compliance required and all signatories are encouraged to aim for higher standards". Everybody knew that some organisations were better than others, and WADA could name them if it wanted, but tried to avoid doing that as it should not be demonstrating favouritism, but WADA would continue to say that this was no indicator of quality and he did not know that WADA would ever get to the point of actually starting to talk about best practice. He asked the members to help where they could. At the end of the day, it was up to the stakeholders what they did. He was confident that all of the Olympic sports would be Code-compliant when the time came, but there would be some that would not be Code-compliant despite everything that WADA did to help them get there. There would be another report in September to the Executive Committee and then, of course, it would be submitted in November, but he asked the members to think immediately about actually accepting the compliance report in November and not to seek to defer it, as he thought that WADA's integrity had suffered somewhat the previous time and he would not like to see that happen again. He knew that it was a sensitive issue, but everybody should keep trying and helping where possible.

#### DECISION

Interim Code implementation and compliance report noted.

### **7.2 Code review process and timeline**

THE DIRECTOR GENERAL gave advance notice of the Code review process, so that the members could see how WADA was going to undertake it. The management would review it a little bit if there was any comment in respect of it that day to see if there should be any tweaking, and then in the latter part of the year would be naming the Code review team. He was hoping to have a similar, if not exactly the same, team as in 2006 and 2007, as it made some sense to retain the drafting skills and style of those who had been involved in the initial Code, then the review and now another review. That would prevent all sorts of arguments between lawyers as to writing style. That was the intention. He had wanted to give the members advance notice of the review process. WADA would be reviewing the standards as well as the Code, but the first round would include just the Code, as there was no point starting to tamper with the standards until one could see what ideas people had in respect of the Code. He was open to any comments or suggestions and would see what he could report to the Executive Committee in September.

MR ROWE repeated a comment that he had made previously as to whether there was any value or any opportunity for the Executive Committee to have a discussion on themes or various aspects of the Code that were worth focusing on, for two reasons: firstly, to begin the discussion among stakeholders prior to the issue of the first proposed draft, and secondly, to assist WADA, if indeed it would assist WADA, in shaping some of the thinking it might be doing about what might be contained in that first draft.

THE DIRECTOR GENERAL said that he certainly would not mind having a discussion. The management would not be preparing a first draft until after the first consultation period. It was important to understand that there would not be a straw document; the first consultation would be wide and varied so that everybody's views came in. If the management went out there with a document stating the items that it thought needed to

be discussed, it would probably be doing itself a disservice, so he would prefer to do what had been done in 2006, which was to open it up for suggestions. WADA had received a lot already and he knew that there were a lot of bodies already preparing and that would have ideas for WADA and, during that first period, WADA would take them all into consideration and then provide the first draft. That was probably the best process.

THE CHAIRMAN noted that the discussion that morning, for those who were not representatives of the public authorities, had been that this might be a thought-provoking start. It did not have to be extensive or otherwise, but it might be a collation of the things that had been seen that there was most concern about. It might well be whether an A and a B sample were needed; in other words, throw that into a brief paper that was attached to but obviously qualified along the lines of, this might or might not be of concern, but these were some of the things about which constant suggestions had been made since the last review had been completed. It was in that context that more of a thought-provoker or starting point had been considered to be of some benefit at the discussion that morning.

PROF LJUNGQVIST said that one question related to the timeline. He was rather concerned about the fact that the second Code consultation phase would take place at the same time as the Olympic Games, which meant that the sport side would probably be focused more on the Olympic Games than on the Code review long before and after the actual Olympic Games. Could that be taken into consideration in the revised timeline? Perhaps the first consultation phase could be moved a month or two into 2011.

THE CHAIRMAN replied that this thought had occurred to the team and, looking at that, the first consultation phase was effectively over a ten-week period. Some work had to be done after the input came in, and that was why there was a gap. The second phase had been given four months to take into account that there was a month for the Olympic Games and the Paralympic Games. It had been initially thought that three months would be allotted, but an additional month had been built in. The third consultation phase, from December to March, was back to three months. To try and give those gaps for drafting and work, one needed the input, one stopped, the committee worked, and then the process started again, so that had been made a much bigger consultative period in recognition of the fact that the Olympic Games would be on at the same time. He did not know if his reply was satisfactory, but he wanted to say that the matter had been taken into consideration and that was why the timeline had been structured as such.

PROF LJUNGQVIST thanked the Chairman for the explanation, but he was afraid that the second consultation phase would be the most important of the consultation phases, as it was the first one in which there would be new proposals out there, and that was when all the stakeholders would have the first and best opportunity to come up with their own ideas and reflect on proposals presented, so he appreciated the fact that this would be covered by a four-month period, but unfortunately it would take place during a time of major competitions, so if it could be moved a little earlier, it would solve many of the problems.

THE CHAIRMAN asked how this could be possible if there was to be an even spread of work and drafting. He could not see how this could be done.

THE DIRECTOR GENERAL said that the issue was nothing to do with time but to do with reporting to the Executive Committee, because the Executive Committee was essentially the ultimate drafting group, so the management worked around the timing of the Executive Committee, and could push it out a little longer than 1 October and a little earlier than 1 June, as the Executive Committee meeting would be in May. Therefore, there were a couple of things that could be done to tweak. The WADA management would also look at commencing the first consultation period after the Foundation Board meeting in November. That was the idea, so that everything could be prepared. So, there were ways of tweaking it, but the members should recall that it was the Executive Committee meetings that were vital in this whole process, and Prof Ljungqvist would

recall from the previous time that a lot of work had been done in the Executive Committee meetings when the drafts had been prepared and discussed, and that was how the management would look at giving a little bit of time but making sure that it was ready for the November Executive Committee meeting.

THE CHAIRMAN asked the members to approve that a recommendation be made to the Foundation Board to approve the second revision of the Code in the manner outlined in the paper. In the meantime, the management would take on board the suggestions made.

#### DECISION

Executive Committee to recommend to the Foundation Board that it approve the proposed second Code review process and timeline.

### **8. Athlete Biological Passport**

DR VERNEC updated the members on the ABP. It was a new anti-doping paradigm but it tested biomarkers of doping rather than directly the prohibited substances or methods. The passport was really supposed to be an integral part of an overall anti-doping programme despite the fact that it could stand alone in certain situations. The haematological module had been operational with guidelines since December 2009; the UCI had been doing this for many years, as had some other organisations following haematological passports, but only the UCI and some others more recently had been following the WADA guidelines. Steroid and endocrine modules were still under development. The ABP was a valuable tool for target testing, but it was also a means in itself to determine an anti-doping rule violation, and this had been validated (as Mr Niggli had mentioned earlier) by the CAS and, since February, there had been three out of three passport cases upheld, all UCI cases, that very clearly validated the passport as a means to determine an anti-doping rule violation. The technical guidelines had been developed over a number of years, starting in around 2006, and had been published in December 2009. Recently, the management had decided to look at these again; it did not like to make too many changes to documents too often, but this was a complex and evolving field, so WADA had brought together a group of haematological experts in Lausanne in February that year to look at the technical guidelines. The experts had felt that the guidelines were quite robust and solid and really did not need much change, particularly since the CAS had upheld them. There would be some tweaking and the haematological expert group was looking at helping to guide some of the research that could actually improve the passport programme. In June 2011, there would be a meeting in Montreal of a number of key stakeholders, most of whom were already using the passport system, and some of whom were doing their own thing or only partially following all the guidelines. There should be some good discussion about administrative issues and processes, and WADA would try and take some of that and maybe make some changes to the guidelines during the course of 2011. An increasing number of ADOs were engaged in the passport programme. It was difficult to give exact numbers because, as the members could imagine, there were many different degrees of use of the passport: some were just starting to look into it, others had been taking blood samples but not really getting into results management. He would not attempt to show the members green, yellow and red dots, but this was something in which WADA was engaging with the ADOs on a regular basis to help them as they set up their programmes. There was already cooperation between anti-doping organisations, some of the IFs and NADOs, for example. They were essentially doing this on their own, but once everything got entered into ADAMS, this should be happening quite smoothly.

Speaking of software, he reminded the members that haematological data points were being taken and were then entered into the software to generate the person's own reference values, rather than what was typical in medicine, population reference values, so now it was possible to see if individual athletes were going off their own reference

values. The last slide was what was considered a normal passport, and this slide was an abnormal passport. The blue in the middle was the person's actual values, and the reds were the generated upper and lower normal reference values and, if the members looked on the bottom right, they would see that the reticulocytes, the immature baby red blood cells, were showing some kind of an awkward pattern, and the software could say that, if the notification number was 99.9%, it implied that there was really only a one in 1,000 chance that this type of a result was really the result of a normal physiological variation. From there, of course, it had to go to the experts for some further discussion. The software had been distributed by the Lausanne laboratory, and Pierre-Edouard Sottas had been part of that group, but was now working for WADA and the medical department in Lausanne, and all the software was now distributed by WADA. The software would be integrated into ADAMS; this was a very high priority item because the functioning of the passport depended to a large degree on everything being in ADAMS. Nevertheless, this matter was standing in line behind the athletes and the whereabouts programmes, so he could not give an exact date as to when this would happen, but it was certainly a very high priority item for his department. All of the ADOs had been alerted that they needed to be starting to use ADAMS and trying to clear up whatever data protection issues were still out there so that, once this started going through ADAMS, the software would probably no longer be available outside ADAMS.

The ABP management unit was modelled essentially on the programme of the UCI and the Lausanne laboratory, and the idea was that the experts would be associated with WADA laboratories and would be providing independent expertise, and there would be very fast real-time responses and information coming through ADAMS, going to the APMU associated with a laboratory, back and forth discussion with the experts, all remaining anonymous, certainly until the very late stages, and then from there it would be possible to ensure swift targeting responses for the abnormal profiles.

The steroid module was being worked on; it was still in the hands of the Science Department, which had been working hard for a couple of years on this. It was not going to be quite ready to go, but many of the things that WADA was working on with ADAMS and the APMUs would be things that would be key once the steroid module was ready. There were several other issues that had to be looked at, such as the medical aspects of it and some administrative and process issues as, once the steroid module was in urine, a deluge of data could sink some ADOs unless a very clear process was in place beforehand. The endocrine module was being looked at at the same time, and the Science Department was working with a WADA endocrine module working group and working with the IAAF to get some numbers, particularly with the IAAF World Championships in Daegu, which were coming up in late August/September 2011. The endocrine module was a blood module, and things such as testosterone, IGF-1, LH, FSH and so on would be looked at.

In summary, the passport, although still in its infancy, was being demonstrated to be another valuable tool in the fight against doping in sport and, although it could be a standalone programme, he liked to think of it as a bridge between many of the analytic and non-analytic programmes that ADOs used. It could assist and help target much better the actual analytical and would be working with intelligent testing. WADA continued to engage with anti-doping organisations to help them develop a cost-efficient programme that was apt and for their particular organisations. WADA was encouraging everybody to move into this slowly and intelligently, focusing on quality over quantity. He would welcome any comments or questions.

MR MCQUAID commented that the UCI had implemented the passport in its entirety. Dr Vernec was saying that there were other IFs and ADOs implementing a partial passport. What did he mean by that? If it was the case that they were not going through the full procedures, how would it work legally if they wanted to go forward and a decision were taken on the basis of partial information with experts or whatever?

Dr Vernec had said twice that the steroid situation was being looked into and the module would come. Did Dr Vernec have any idea as to when it might be available?

Dr Vernec had also said that the passport was being implemented into ADAMS. Did that mean that an athlete would actually be able to access his/her complete passport and see what the members of the Executive Committee could see on the screen in the charts?

Regarding finance and working with the ADOs to try and make it cheaper, he acknowledged that it was an extremely expensive tool for the UCI. The UCI needed it and it had it, but he thought that, for the sort of money it was costing the UCI, it would be very limited in terms of its attractiveness to other IFs or NADOs. Were there any other IFs implementing the passport in the same way as the UCI or talking about doing so?

MR MACADAM said that he would not pretend to understand all of this but his national ADO, the Canadian Centre for Ethics in Sport, did and had implemented this in Canada and offered to work with WADA and any NADOs to identify any operational challenges that they faced. He had been asked to pass that information on.

DR VERNEC responded to Mr McQuaid that, when he said partial programme, he meant that WADA had been recently trying to evaluate who was using the passport and the extent to which the WADA guidelines were being followed. Clearly, the UCI was and a lot of the guidelines had been developed hand in hand with the UCI. There were probably about five other IFs that were actually compliant and using the guidelines fully. They existed because, if one ever tried to go to court and seek an anti-doping rule violation, one needed to do everything as suggested by WADA: all of the pre-analyticals, transport and issues had to be done properly, with all of the i's dotted and t's crossed. This was why it was the ultimate model, and it was also why it had been effective and very helpful with the UCI, as the UCI had had a number of cases. He had not mentioned but did believe that there was a significant deterrent element once an organisation had a full passport programme up and running. He did not think that most organisations would come anywhere close to doing what the UCI did, for good reason, as it was a cost issue, and they would have to be implementing these things slowly and carefully, and trying to be as intelligent as possible in the way in which they implemented the programme. Some organisations had been doing their own variation of a passport programme for ten years and had not actually followed the guidelines. WADA was in discussion with them and many had moved elements or most of the parts of their passports to follow the guidelines, and for good reason, because they knew that it would be very important for them when they got to court.

As far as the steroid module was concerned, WADA was trying to avoid having guidelines coming out and then having to keep modifying and changing them so certainly this would not be happening until late in 2012. Nevertheless, some ADOs were already using the steroid module on their own. They were using some of the software to help them in targeting, so they did not have to sit and wait, but the full programme would probably not be available until late the following year.

In terms of getting the passport into ADAMS and when the athletes would have access to their information, exactly how they would get access remained to be seen, but most stakeholders had agreed that there would be a three-month delay before athletes would be able to look at their own blood values, just so that they could not carry out some minor manipulations and see what the ADOs were seeing, and there did not seem to be any discussion or problem with that in terms of rights to anybody's personal data. Three months to get back results was probably better than the time taken by the health system in Canada.

As far as cost was concerned, he thought that he had already addressed this matter. A number of IFs were already entering the passport programme, and WADA would probably be able to report better later to see exactly who was doing what out in the world.

As to the comment made by Mr MacAdam, he knew that Matthew Fedoruk at the Canadian Centre for Ethics in Sport had been a valuable supporter and would be part of the discussion group on 14 June.

PROF LJUNGOVIST said that the UCI had been a pioneer and should be commended on its work. With the assistance of the UCI, there would be a project for the Olympic Games in London, making it possible to harmonise the blood passport controls among four federations, the UCI, FISA, the ITU and the IAAF, and take some 350 samples for the purpose of identification in the blood passport. It was a way of encouraging more federations to come on board.

DR ELWANI informed the Executive Committee that the athletes thought that keeping information from them for three months was not commendable; some had said that this was their own information and they should know about it, and some had said that it might be a way of finding out about a disease that would remain undetected unless there was a problem with their passports. Was there a way of not giving all of the information but, if something alarming and health-related was seen in the profiles, reporting it to the IF and then the athlete?

THE CHAIRMAN thought that this was a reasonable request.

DR VERNEC said that the passport was not a health test or check; it was a doping procedure. There had been cases in which information had been relayed back to the athlete that had been helpful to the athlete but, in the main, this was not considered a health matter and most athletes saw their own physicians and went for their own check-ups.

THE CHAIRMAN wanted to know why, if he was an athlete and he gave a sample and information emerged that disclosed an illness in his system that had nothing to do with doping, that information could not come back quicker? If something showed up in the blood sample that indicated that something was wrong with the athlete medically, surely that information would be given back quickly rather than making the athlete wait three months.

DR VERNEC replied that the athlete would not be given access to the passport. WADA was in the process of developing the ABP documentation package for the experts which included indications regarding normal variations, suspicious results and possible pathological processes, and that information would be sent back to the APMU and then back to the athlete. That was a different process entirely.

THE CHAIRMAN said that he was not sure he had been given an answer.

PROF LJUNGOVIST said that this was a legal and a medical ethical matter. A doctor discovering something unexpected that could affect the health of the athlete had the responsibility to convey that message in the right way to the athlete, not necessarily to the athlete but, in practical terms, it would be information given to the athlete and the responsible team doctor at the same time, asking them to follow up anything that might have occurred or been seen during the course of a doping analysis. Dr Vernece was right that a doping analysis was not for screening athletes' health but, should something come up, the doctor or person analysing the sample had the responsibility to inform the relevant parties that something needed to be followed up.

MR MCQUAID understood what Dr Elwani was saying, and he understood the concern, but it was also necessary to understand that some of the people operating at a very high level in doping were operating with a team of people who were advising them and manipulating the situation and, were they to get immediate information on their passports, they would adjust their doping to suit that. His understanding of the way in which the passport worked was that the experts saw these profiles on a regular basis and, if a profile went awol for a pathological reason, the experts would spot it and start asking questions and, if it did not suit the whereabouts, they would say that this needed to be looked into, and then it would be reported back to the athlete.

THE DIRECTOR GENERAL said that he thought that there was a simple answer to the question. There was a very fine balance between athletes' personal information, which had to be made available to the athletes, and information that was then put into place through the process which would not be available to the athletes. WADA would address it; there were human rights and medical and legal ethics involved, and WADA had to respect all of those and would do so.

THE CHAIRMAN recounted that he had contracted legionnaire's disease about ten years previously by standing under a cooling tower outside a building in Melbourne. If he gave blood in a passport programme and Legionnaire's disease were discovered, he would not want to wait three months to be told. That was the sort of thing he thought Dr Elwani wanted to be dealt with – a simple message to be given to the athlete in the event of a health problem, nothing about the profiles and all the information that, for very good reasons, had to be kept away from the athletes so that it could not be manipulated, but something specific like that would surely be conveyed back to the athlete sooner rather than later, although he was reassured by what Mr Howman had said and he thought that he would leave it at that.

#### DECISION

Athlete Biological Passport update noted.

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

#### **9.1 ADAMS interface with other systems**

MR KEMP reminded the members that ADAMS had been a priority for WADA for some time, and certainly the enhancement of it had been a most pressing priority of late, and he was pleased to say that substantial progress had been made since the topic had last been discussed, and he was happy to present some of that to the members and also talk about some of the next steps before it went into full implementation. The presentation would be in two parts: the first, to discuss what some of the issues had been in the past with the whereabouts module in particular and what steps had been taken to address this, and the second, which would be an active demonstration of the proposed new system.

To provide some context, as the members would recall, prior to the 2009 Code and the IST, the whereabouts rules of various anti-doping organisations had been quite disparate: there had been different requirements for the provision of information, and it had been a challenge for ADAMS to reflect this. As there had been no standardised whereabouts rule, ADAMS had needed to be quite flexible to accommodate the different requirements of different programmes, and certainly the magnitude of different whereabouts programmes among the various NADOs and IFs had varied greatly. This had been an ongoing challenge. If anything, the revised International Standard for Testing 2009 had provided a solid foundation on which to harmonise how ADAMS was operationalising whereabouts. Before the 2009 IST had come into effect, the whereabouts module of ADAMS had been developed in consultation with a representative group of ADOs, including major event organisers, NADOs and IFs, as well as NOCs, all of which had been utilising or operating a whereabouts programme in one way or another. After 2009, the IST had come into effect relatively quickly and ADAMS had needed to reflect the changes rather quickly, and perhaps with some haste there had been the whereabouts module change to reflect the new rules. This process had been based primarily on ongoing feedback of the whereabouts module in ADAMS, but also of course looking at the technical requirements of the IST and trying to put them into practice in ADAMS. Since that time, feedback had been collected informally and formally on what was working well within the module and what was not working well and, in 2009, a formal review process had been initiated, resulting in more than 700 comments from stakeholders on suggested improvements to the system. Of note was the fact that more than 40% of the comments had related to the whereabouts module in particular, so

obviously this was a high priority and it had become very obvious to WADA that some change was required. The outcome of the formal review was that whereabouts was the key priority for ongoing ADAMS development.

Among the consistent and common recommendations received from stakeholders and athletes alike, foremost had been that the look and feel of ADAMS very much needed to be updated. The system had been developed in 2004 and had not undergone significant change in terms of appearance since that time, and certainly technology and web interfaces had changed significantly since that time. Therefore, it had been necessary to update the look and feel. Perhaps more importantly, it had been necessary to enhance the usability of the system, and in this respect he meant that athletes' intuitive way of providing whereabouts information needed to be addressed, so that they need not necessarily understand the complex rule, but merely had to be told by the system what they had to do to comply and do to provide whereabouts information. The team had tried very hard to address this issue in the new whereabouts interface. Also in the new whereabouts interface, the team had tried to address the idea of enhancing athletes' understanding as to why this information was requested of them, so as to improve the buy-in to the whereabouts programme as a whole, which in turn would improve athlete confidence in the system.

In terms of technical process, the team had tried to minimise the training required for athletes. Given that many ADOs had many priorities, WADA did not want them to spend an inordinate amount of time training athletes if they were not going to be using the whereabouts information provided for testing purposes. The team certainly wanted whereabouts programmes to be proportionate and, if possible, wanted ADAMS to support the athletes in complying with whereabouts rules in a constructive fashion rather than a punitive one, and he would be able to demonstrate some of the ways in which this had been addressed.

On the IT side of things, some of the existing best practices had been looked at, including online calendars and calendar interfaces online, things such as GoogleCalendar or Outlook, so that it became intuitive for an athlete, so that ADAMS looked like a system to which they were used and not something foreign. Within those 700-odd recommendations, there had been various specific technical items to address, and the team had also sought to improve the way in which the IST requirements themselves had been addressed, to improve some of the terminology, some of the consistency, and to address the disparate ways that many ADOs were operating their whereabouts programmes.

As a practical measure, WADA had first engaged an expert company to assist with the development of the look and feel, and this was also by chance the same organisation that had helped WADA with its own website, so there was a consistent look and feel in that respect. As he had mentioned, the team had tried to enhance how whereabouts was collected in the system in terms of usability with the IST, so that the information being collected was very clear and consistent with the rules and requirements.

The first step had been to develop a navigable interface, a prototype interface that could be played with and shown to anti-doping organisations and tested with athletes before it was transferred over to the main IT developers, who dealt with all matters related to the ongoing development of ADAMS. The team had now developed this interface, which had gone through several drafts and rounds of consultation with the testing group, comprising the IAAF, the Canadian NADO, the International Rugby Board, UK Anti-Doping, the ITF, the UCI and the ISF. It had also been important in the process to ensure that athletes were engaged, as they were the predominant users at the front end of the whereabouts system, and of course ADOs were benefiting from the information that they provided, so the team wanted to do everything possible to get good feedback from them to turn around the system for them, and he was pleased with the comments received in that respect. As a primary measure, the team had engaged its own athlete committee, comprising both former and active athletes, including athletes who had used ADAMS, and had received good comments from them, and the team had

asked some of the ADOs to liaise with their own athlete committees and their own athletes to provide feedback.

There had been multiple rounds of development of the prototype, and the team had presented the latest draft of the prototype module at the end of March to almost 200 ADOs and nearly 300 key individuals from IFs and NADOs who had attended WADA's ADO symposium in Lausanne, and the feedback at that time had been quite positive, although understandably most organisations wanted to see how it would work in practice. It was one thing to see this prototype and another thing to see it actually working and, in that respect, the team wanted to make sure that adequate time was provided for organisations to be trained in the system before it was fully implemented, so that any ongoing concerns could be tweaked. The prototype that the members were about to see was not a finished product, but he was quite confident about what had been done to date and looked forward to providing an opportunity to an expanded group of stakeholders to provide comments on the interface.

MR WEINSTOCK showed the members the current interface, the login screen and the homepage, which appeared once the user logged in. This was from the point of view of an athlete having to submit whereabouts on a quarterly basis. The first thing athletes were asked was to reconfirm and update their mailing address if necessary. This took them to another section of the site, where they could update the appropriate information. The next step related to whereabouts, starting with the whereabouts control panel. At this point, location information had to be provided, along with (once again) the mailing address, as well as overnight residence and training and competition locations, so certain information was duplicated here. It was possible to copy information from the previous quarter for those locations that remained the same, but a new location or training address would be entered through a screen such as the one before the members. The next step in the process involved populating the calendar, for which users would choose a location from the drop-down list, select the days to which it applied and fill in the data. A visual representation and monthly calendar format of location information followed this. To add additional location information, users would have to scroll down, select the location from another drop-down list, and move to another screen to provide additional information such as start time information and if they decided to designate this as a 60-minute time slot. Basically, there were several different screens, some of which looked the same, some of which looked different, to provide the same information, which could be confusing. The end result was a fully populated calendar. The next and final step to submit whereabouts was simply the submission but, before that could occur, a list of error conditions, indicated in red at the top of the screen, could appear, highlighting missing information, which the athletes would have to go back and submit. In this case, they would have to take a mental note or write down information, and then return to another screen and go to the affected day or entry to make the proper corrections and then ultimately successfully submit their whereabouts.

He showed the members the proposed interface, starting with the login screen. The team had refreshed the look and feel, and had used technology and techniques consistent with modern web design. The members could see before them the homepage, and the team had organised the different modules into a grid format, with the names of the modules as well as the status associated with each module, so, looking at whereabouts in the top left-hand corner of the screen, one could see the name of the quarter, and the fact that it was not yet submitted. A new module had been added to ADAMS, called the Address Book. This was a consolidation of all of the addresses used in quarters for submitting whereabouts. This was a centralised location, enabling users to maintain a list of location descriptors rather than having to re-enter the information each time. The members could see a sample screen for entering a new address. The next step was actually submitting whereabouts. The team had introduced a new piece called the Whereabouts Guide. This was an instructional component that gave the users step-by-step information about the whereabouts submission process, such as why it was necessary to supply information, how to do it and where to go to find additional information, so the first step was an introduction, and the second step was the mailing

address. Users simply had to select an address from their address book and click in a check box to confirm that it was their mailing address for the quarter. Following this, there was the actual population of the calendar. The users started out with an empty calendar in the monthly view, similar to what had been seen previously. To add entries, they simply had to click in a blank area, and a new dialogue would pop up enabling them to provide the relevant details, selecting the category, various information, such as start time, dates and 60-minute time slots. Once the entry was created, it appeared in the calendar, as could be seen on the screen. Users were also able to enter recurring entries, or multiple entries that would appear on several days, consecutive or arbitrarily during the quarter, through the similar type of dialogue. In this case, a weekly recurring entry would be created from Monday to Friday for the entire month. The result of all this was essentially a fully populated calendar but, before users could actually submit their information, they could view immediately on the screen any errors preventing submission. The members would see on the left-hand side of the screen the mini-calendar, a representation of every single day in the quarter. Those days that had no problem appeared in black, but those days with an issue appeared in red, and users simply had to take the mouse and put it over the number to receive an additional error message telling them exactly what the problem was and exactly what they had to do to correct it, in which case, they had to move back to the calendar, click on the appropriate entry and make the changes that were necessary. Alternatively, users could return to the guide and they could see a summary in terms of which requirements were met or not for the submission of whereabouts. A green tick box indicated that everything was fine and a red X indicated that there was an issue and was accompanied with additional information.

The team had also added some features to the interface, such as, for advanced users, preventing the Whereabouts Guide from appearing when they went into the whereabouts module each time, as well as a weekly view and a daily view, which provided additional and more detailed information. Finally, there was the filter, which allowed users to visualise their calendars with a selected category of information in order to reduce clutter and more easily identify whether certain requirements were being met. In this case, the members could see all the overnight residences.

MR KEMP highlighted a few of the things mentioned by Mr Weinstock. Foremost was the Whereabouts Guide, which was an additional element that had not previously been there. Much of the athlete acceptance of whereabouts programmes to date had been predicated upon the support received from their ADOs, the explanations received from their ADOs in terms of how to comply and why they should do so, and it was difficult for WADA to have direct access to athletes to be able to advise them in this respect, and so the guide was meant to be a rudimentary way of supporting athletes in complying with the requirements when they were not receiving direct support from their ADOs, which might merely have provided them with a user name and access. The team hoped that this would be a constructive way of assisting the ADOs with complying with the rules and improving their acceptance of the whereabouts programme as a whole. In terms of process and the development of the whereabouts module, the focus for the past short period had been to take into account all of the comments received, with particular reference to active users, active ADOs and athletes, consolidate their comments to see what was and was not feasible, and then the work had been done by the web design firm to get to the current stage. The current period was a transition period, involving the transfer of knowledge of the information that had been put together in the prototype to the existing service provider, which was now trying to integrate this work into the existing system.

He hoped that the final product would be available before the end of the year, and he specifically felt that it should be ready for launch by 15 November. The intention was to ensure that WADA gave all of the ADOs adequate time to train their athletes in the new system and provide them with whatever support resources might be necessary. In this regard, the team was committed to providing at least three months' notice to all ADOs about the specific date on which this would be launched. A great deal of thought had

been given to the date, and RTPs and the athletes obliged to provide whereabouts changed on a quarterly basis and, for the first quarter of 2012, most athletes would be advised of their inclusion in the pool in the preceding month, and the team wanted those athletes to see a brand-new system, but would need to make sure that it was available well in advance. Although athletes in the middle of submitting whereabouts during that fourth quarter would all of a sudden see a new module on 15 November, their supporting ADOs would have been advised in advance, so the athletes would be made aware of the changes in advance, and also, 15 November was well into the quarter, and the team expected that most of the athletes would already have provided their whereabouts for that quarter in the old system, so the changes would be less apparent to them mid-quarter and they might only need to do some minor updating, which was relatively easy in the new system.

The priority was the continued development with IT service providers, and also providing opportunities to ADOs and athletes to comment on the system. He was pleased that all of the comments to date had been very positive, but was very aware that it needed to deliver a product that was as actively appealing as it might be visually. The team was also committed to ensuring that it provided ADOs with resources to help with implementation, things such as user guides, quick reference, etc., but of course the team hoped that the guide would do much of this work for it.

MR ROWE thanked Mr Kemp for the informative presentation. ASADA had asked him to pass on its keenness to be involved in a future testing group should the team be looking to expand. As a read-only user of ADAMS, there were several things it had picked up on and would like to contribute. There were four compulsory components, and ASADA had told him that ADAMS was recording full compliance with only two of the four components being registered, and he wondered how that was being dealt with.

MR RICCI BITTI said that this was a very important tool for the progress of WADA's activities and he believed that, being close to the athletes, the credibility of the entire system was sometimes dependent on these things. He understood that developing a new system interface was difficult but he believed that WADA had to put as much energy and resources as possible into these modules. If WADA achieved this, it should tackle the political problem, which was making ADAMS mandatory. These were the steps he believed WADA should try to pursue. He did not know whether WADA had sufficient resources, but he recommended that this be considered a very high priority on behalf of all of the main users of WADA.

MR REEDIE supported the previous comment. The reality was that WADA had been talking about this for two-and-a-half years, and it was quite important that WADA now say that it would work and present the programme to get it working, giving a set of dates, information to the ADOs and the athletes, and going live on 15 November. His concern related to the next page, which dealt with the interfaces with SIMON and the other systems. If WADA did what Mr Ricci Bitti and he were suggesting, it seemed to him that WADA was probably saying that there would not be an opportunity to interface with other systems. Was that the case?

THE CHAIRMAN interjected that he had planned to deal with the interface issue separately, but it was relevant so he invited Mr Reddie to continue.

MR REEDIE said that if, as he suspected, this was the case, it was necessary to know it, assuming that WADA would not be able to develop interfaces with other systems because this was the big one, the one that most people used, and this was the one that WADA wanted to use and that the IOC would use for the Olympic Games in London. If that was the case, at the earliest possible moment, he would make this the statement that came out of the meeting, that WADA had cracked it, this was how it would work, and this was the timetable, and then WADA would have to deliver, and would not be able to say that a problem had arisen and push it back a couple of weeks. This time, WADA would have to deliver.

THE CHAIRMAN said that he could also see a budget request coming.

MR MACADAM said that he had been informed that this particular issue had a long and sordid history, but he did know that his US colleagues had a point of view on this and he asked them to chime in.

MR BAUM said that he had heard the debate and the conversation that morning. As the members knew, the USA was one of the four countries that had its own system. He completely supported the concept and idea of having one integrated system that worked together to develop statistics, and he could recognise the need for an integrated system and an integrated way of sharing information, but USADA had invested significant resources in partnership with WADA to try to develop an interface that would have the desired result of offering a system that would provide integrated statistics and information, and would like to continue to pursue that work. This was a difficult resource environment, but USADA was committed to continuing to invest resources and thought that it was pretty close to developing a workable interface. He understood that it was a difficult issue but USADA was committed to trying to make it work well with ADAMS.

THE CHAIRMAN observed that this brought the debate directly on to the second paper.

MR WEINSTOCK observed that, regarding the possibility that the new whereabouts interface for ADAMS would preclude the creation of another interface with other systems, this was not necessarily the case. The team had demonstrated what it would call the presentation layer, and this was how the users interfaced with the system, but there was another layer, called the business logic layer, as well as the data, and that sat further behind the scenes, and was somewhat independent of the first, so there could very well be a manual or interactive user interface, such as that proposed for the end of the year, that athletes used, alongside an automated electronic data transfer interface, for interchange with other systems such as SIMON or whatever might be decided in the end. Just to reiterate, it in no way pre-empted or precluded these other types of interface that were being proposed.

MR KEMP thanked Mr Rowe for his willingness to participate in any future testing. The team would be circulating the latest prototype at the appropriate time among all ADOs for their comments regardless of their current use, and certainly he valued comments from all stakeholders on an ongoing basis. He understood Mr Rowe's point related to the IST requirements, and there had been some correspondence with ASADA about that particular matter. Rather than trying to address that change in the current system, the team was seeking to address it in the new one, so that would be completely remedied with the new module. He encouraged all stakeholders to provide ongoing input, even on the current system, to ensure that all concerns had been addressed.

He thanked Mr Ricci Bitti for his ongoing support. The team valued the input received from the ITF, in the testing group as well as through athlete concerns, which the team was trying to address, and he was certainly hopeful that the new module would improve that support.

MR WEINSTOCK said that, while it was technically feasible to create these other types of interface, the team did not currently have the time, as all of its resources were invested in the development of the new user interface, which was very important and which would provide the most benefit to the larger population in terms of stakeholders.

THE CHAIRMAN concluded that the clear message from the Executive Committee seemed to be that this was a priority area. The efforts had been focused for that reason but, notwithstanding, there was a re-endorsement of that priority and the comments that were being made that day. He told Mr Reedie and Mr Ricci Bitti that, with big events coming up the following year (and Mr Reedie was correct, he could recall WADA slowing down a little in the lead-up to Vancouver in order not to confuse things), there had been some stop-start for good and valid reasons but, notwithstanding, it was probably time to find ways and means of nailing it sooner rather than later. The management would take that on board and re-examine the programme as it had been put to the Executive Committee. He was reassured by what he had heard and thought that significant

progress had been made and everybody appreciated that, along with the direction that had been given to WADA to get on with it and nail it sooner rather than later.

MR REEDIE said that he did not wish to prolong the debate, but it seemed to him that WADA should be saying that it would use its improved system through London, full stop. If that meant that some sports had to take their registered testing pools and do a little more work, that was a price that sport should pay, and then WADA could leave the developers of the interfaces to proceed with making the world perfect, but WADA should not hint that this would be possible for four sports before the Olympic Games in London; it should decide that this would work and it would work properly and that WADA would use it for the London Olympic Games and then develop it for the London Olympic Games with USADA and with everybody else the mix that WADA hoped would make everybody's life easier. If WADA hinted that it might be ready by November but that it would study and do more work on interfaces, it would actually just confuse people. He thought that WADA needed certainty.

THE CHAIRMAN said that he was a little unwilling to commit in the context of the request made by Mr Reddie; he thought that it was extremely sensible and reasonable, but he wanted to take it back and satisfy himself that any statements he made the following afternoon at four o'clock publicly were things that WADA would be capable of following up on appropriately, but it would be in the context of what Mr Reddie had asked.

MR REEDIE suggested that WADA could arrange the appropriate question.

MR WEINSTOCK reiterated that the team did not currently have the resources to work on something like this. Previously, effort and progress had been made but, unfortunately, the team had realised that a significant amount of work still remained in order to realise such an interface. There were numerous costs that were of concern in terms of infrastructure and ongoing maintenance and support; for example, if the team were to develop an interface to exchange data between ADAMS and other systems and then modify the way in which the data was stored in ADAMS, these interfaces then needed to be modified in consequence and it represented an ongoing and increased commitment by WADA in terms of maintaining ADAMS, so the team had to be careful about how it did that. He knew that he had talked about it and it had been mentioned previously that WADA had to look at the number of stakeholders using alternative systems, SIMON in particular; there were only four organisations, and there were others, but they seemed to represent the minority compared to ADAMS. WADA had to focus its efforts on meeting the needs of the majority stakeholders and, unfortunately, despite these requests and concern about the alternative interfaces, it was just not possible to make it a priority at present. If it was agreed that an interface was to be built, WADA had to consider not only the SIMON users, but also all the alternative system users in anti-doping and develop standards for data information exchange and implement something that not only SIMON but all of the other non-ADAMS users would be able to use. He could attest to the fact that, alongside the SIMON discussions, there had been numerous inquiries from other organisations about other systems and other interfaces, and it would be practically unfeasible to deal with them all separately. Some kind of organised effort was necessary to meet the needs of everybody.

Regarding the operational side of the proposed interface, MR KEMP thought that it was important to note that WADA did not want the multitude of ADAMS users to suffer from attention moving to the small number of users, but it could focus on identifying with the users of other systems, and it needed find out from them what it was about their system that was not in ADAMS in order to improve ADAMS in the long term for all users.

MR ROWE referred to a study to be conducted in order to investigate whether it was possible that one interface be able to meet the needs of any NADO (this was recommended in the paper), but he had heard from Mr Weinstock that there was no resource to do it, so he wanted some clarification as to what was meant by that. Did that mean that, if WADA had the resources available, a study should be done?

MR WEINSTOCK explained that he had been referring more to the resource to actually develop the interface; that was the substantial effort that would be required. He was simply saying at this point that, before developing or investing any significant resources, WADA should first carry out the study to make sure that the next step was successful. Whether or not those resources were available at that point, he was not sure how to answer; he did not think it was for him to decide.

THE CHAIRMAN said that he thought the answer was that WADA did not have the resources, and did not want to put existing resources into that exercise (2% was not enough). He thought that the reality was that WADA did not have the resources to put time into developing the interface, in light of what had been presented, getting there by November, etc., and the wish of the committee for WADA to set its sights on the basis of "it would" rather than "it hoped to", and that was where the resources had to go. He thought that there were real problems in terms of putting any resources into developing the interface. He understood what was being said and the suggested steps, but he did not think that anybody would want WADA to stop getting ADAMS up to speed without fail as the months ticked by that year. He heard what was being said, and WADA would have another go at this, but it was clearly a question of resources and everybody needed to understand that.

MR BAUM asked about the status of the development of the interface funded by USADA back in 2008. He understood that a model had been developed and tested. Would it be possible to characterise how much of the work had already been completed?

MR WEINSTOCK responded that it was his understanding that a significant amount of the development work had been completed but had been based on the whereabouts module back in 2008. In any case, there had been certain modifications to the whereabouts system since then, as additional development work would need to be done but, more importantly, testing had not been completed on the whereabouts interface. A certain amount of testing had been completed but, ultimately, there were several technical challenges in terms of making certain that ADAMS would be able to support the demands of the new interface, and that performance or capacity testing had never been completed.

MR REEDIE observed that, if one used the word "challenge" in Olympic speak, it meant it had not worked.

THE CHAIRMAN repeated that he heard what was being said and this would be digested afterwards.

## DECISION

ADAMS update noted.

### **10. Science**

#### **10.1 Penang laboratory**

THE CHAIRMAN informed the members that the CAS decision on the appeal by the Penang laboratory had not yet been handed down and so, under the sub judice rules, this item would be removed from the agenda.

## DECISION

Penang laboratory update noted.

#### **10.2 Research grant review process**

DR RABIN informed the members that the wish to review the research grant process had in fact been based upon several elements, in particular the wish to harmonise the research review process in science along with the review process established for social science research. There had been a lot of very valuable interaction with the colleagues in

the Education Department. At the end of the previous year, an independent law firm had conducted a review, called at the time an "audit on research probity", and concluded that there was a risk of conflict of interest in the current process, and that had certainly triggered some reflection, and also the desire to optimise the review time, and input by the Health, Medical and Research Committee members had been taken into consideration.

The document in question was fairly self-explanatory, but he wished to emphasise a couple of major changes. The first was the selection of the external independent reviewers, which was currently conducted by Health, Medical and Research Committee members who were selected in agreement with the chairman of the Health, Medical and Research Committee and proposed for time efficiency to be conducted by WADA, and probably more significantly the establishment of the project review panel, which would be a new panel, which would need to have an overall view of the grants submitted to WADA and allow a global ranking of the projects presented to the Health, Medical and Research Committee and, after review by the Health, Medical and Research Committee, presented to the Executive Committee. He also proposed that the process be started a little earlier in the year, meaning that, instead of starting in February and March, it would start in November, to allow for the sharing of information with the different panels. That was the proposal being put before the Executive Committee; if approved, the process would be implemented for the 2012 research grants, meaning that the process would start in November that year.

MR ROWE asked whether there had been any proposal for some guidelines to be developed to assist the review panel in its assessment, and whether there had been any proposal to evaluate after the first funding round.

DR RABIN responded that there were already guidelines and information and report sheets, which had been developed for the independent reviewers, so these already existed, and he would see if there was a need to amend the documentation with the new process; he did not believe that there would be a major issue, but this would be looked into with either independent reviewers or the project review panel. He had not quite understood the second point.

THE CHAIRMAN clarified that Mr Rowe had been referring to a post-review evaluation. In other words, Dr Rabin had spoken about moving up to approval by the Executive Committee; when the approvals were there and the first stage had been completed, was there a review stage on the approval meeting the appropriate targets?

DR RABIN replied that, on a couple of occasions, under the leadership of Prof Ljungqvist, some outcomes of research had been presented, and there was an ongoing review process with the Science Department and the proper expert groups on the outcomes of research and the way in which the research supported the science activities and anti-doping programmes, and he also planned to bring before the Executive Committee in September or November a thorough review of the outcomes of research over the past few years and what the research had delivered in support of science and practical anti-doping activities and programmes. This was something that was planned for the very near future.

THE CHAIRMAN asked for approval of the recommendations. He did not want to read them all out to the members, as he was sure that they had already read them.

#### DECISION

Research grant review process approved.

### **10.3 Recommendations from the Ad-Hoc Group on Laboratories**

THE CHAIRMAN informed the members that he would like to take each matter separately, as he did not think that it was appropriate to ask the members to give some blanket approval when there were ten recommendations on a huge range of subjects.

He wanted to run through the issues separately and would try to do so quickly, for everybody's sake.

DR RABIN said that Prof Ljungqvist wished to introduce the recommendations.

PROF LJUNGOVIST explained the background to the work, as it was under the umbrella of the Health, Medical and Research Committee, which had been asked in November 2007 to look into the laboratory aspects, in particular with respect to the WADA accreditation process or strategy following the adoption of the new version of the Code, and to re-evaluate different aspects related to the process. The group had held some meetings, one in person and two teleconferences, chaired by Mr Reddie, and recommendations had been made to the WADA Executive Committee in September 2008. However, a group had been reinstated by decision of the Executive Committee in November 2010 with a particular mandate, and that group had been working since then to review and discuss the laboratory issues arising through the process of WADA development, to consider technical and financial challenges, to develop future policies and to improve monitoring of laboratory performance. The group had been chaired by Mr Pound (he had been happy to just be a member), and comprised the laboratory chief in Montreal, Dr Ayotte, Dr Kono, from Japan, the ILAC representative, Dr McInturff, Dr Miller, from France, a member of the WADA Laboratory Committee, and Dr Saugy, the head of the Lausanne laboratory. The group had held one meeting on 2 February 2011, followed by a teleconference that had taken place only one month previously, to come up with the recommendations before the members. The topics discussed in particular had been divided into three main categories, relating to the ISL, general laboratory matters and general administrative and strategic points. The recommendations had been made for consideration by the WADA Executive Committee, the WADA Laboratory Expert Group and the WADA management, and all three documents were before the members. The Executive Committee matters would be dealt with at that meeting. The conclusions were the results of discussion at just one meeting. There had been some differences of opinion, but the majority of conclusions had been reached, and there had been no recommendations with respect to changing other decisions made by the Executive Committee; the recommendations were based on existing rules and decisions made by the Executive Committee.

DR RABIN thanked Prof Ljungqvist for the introduction. He emphasised that only the recommendations identified by the Ad-Hoc Group on Laboratories for consideration by the Executive Committee were being presented. The other recommendations for the Laboratory Expert Group and the WADA management could be seen in the members' folders but would not be discussed that day.

Starting with the first section, the recommendations related to the International Standard for Laboratories, and the first was what was referred to generally as the seven-day rule. As the members would recall, a rule had been discussed and incorporated in the new version of the ISL in 2009 that said that no more than seven days should elapse between the A sample and B sample analysis when required. In fact, what had been realised was that, in real life, the seven-day time-frame was found to be very impractical, not so much by the laboratories but more by the ADOs, which had to inform the athletes as to adverse analytical findings and agree on a date for the B sample opening. When looking back into ADAMS, it had taken only a few minutes to realise that only about 10% of the B samples were in compliance with the seven-day rule. The average was about 36-40 days that elapsed on average between the A and the B samples. The laboratories were currently being put in a difficult position. This had been reviewed by the ad-hoc group, and two recommendations were being made. It was obvious that not only the laboratories were involved in this process, and the issue of time between the A and the B samples should be reviewed, probably by the Code Review Team, and he would say, and it had been mentioned previously, that this should also come in the more global context of discussion about the need for a B sample, so there was certainly some sense in making this recommendation directly to the Code Review Team; however, there was something that was needed fairly quickly, and that was to fix

up the mandatory request for the laboratories to comply with the seven days, and this was not only a laboratory issue, but also a legal issue, as there had been some cases in which the athletes had been unable to attend the B sample opening, which had not been looked upon very favourably by the CAS. There had been a few cases in which the rights of the athlete had been considered not fully respected so, in a sense, there was certainly a possibility to resolve this by simply switching the "shall" to a "should" in the ISL, which would avoid having laboratories almost systematically in breach of the provision, not due to their responsibility but more due to the time taken by the process. The two recommendations were being put before the members, first to refer the A and B time-frame to the Code Review Team, and second to make a quick change to the ISL (for review in September or November that year), to replace the "shall" with a "should".

THE CHAIRMAN thought that everybody would agree with the two recommendations.

MR ODRIOZOLA said that he was not sure that it was a good idea to go through each recommendation separately, as he thought that the whole attachment was not standard in the way in which it was usually presented for Executive Committee approval, and he thought that more time would be needed and more input or insight from WADA in order to approve all of the recommendations. Maybe, if everybody agreed, one or two recommendations might be approved; however, in general terms, more insight and input were needed in terms of the consequences of some of the recommendations.

THE CHAIRMAN said that, having had the first one raised separately, and he had asked for a decision on the two recommendations to which Dr Rabin had spoken, it seemed to him fairly clear that WADA would continue to fail, as 10% were complying with the Code in the time-frame of the seven days between the A and B samples. What was being suggested was that WADA should establish a suitable time-frame but, clearly, this could be done in the context of the review, which would start the following year; nevertheless, in the meantime, WADA should not allow some athletes to be able to use this in the CAS as a means by which on a technical basis they could get off a positive, and that would be overcome if the word "should" went in as per the recommendation. He thought that this approval was necessary immediately. On some of the others, and he felt the need to go through them as they were not interrelated in so many cases, if Mr Odriozola wished to move for more time, Mr Odriozola would probably be making a good point, and he would be more than happy to encourage the Executive Committee to agree with Mr Odriozola, but he did think that it would be nice to tidy this one immediately to avoid having more cases that WADA might lose on technicalities because the laboratories were unable to comply with the seven days. As Dr Rabin had said, only 10% were complying with the seven days. That needed to be tidied up immediately. If Mr Odriozola did not mind, he sought approval of this recommendation immediately; he thought that it was fairly easy to support the two recommendations. Some of the others were not so easy, but this one was.

Were the members happy to support recommendations one and two?

If the members wished to defer for more news, information and further examination, he did not want to stop them, but he would prefer to go through the recommendations separately.

DR RABIN said that the next point was also ISL-related; it was about the independence of WADA-accredited laboratories vis-à-vis in particular their NADOs or sport ministries. This was a point that had been discussed quite regularly at the Laboratory Expert Group level for several reasons, and some were highlighted in the paper, such as why there could be some concerns about the independence of the laboratories, in particular the physical proximity, the laboratory staff involved in ADO activities, and the fact that sometimes laboratory staff were also members of ADO boards. This was certainly an element of concern, in particular in terms of possible exchange or perceived possible exchange of confidential information. This was not something new, because ISO 17025, which was also one of the norms that applied to the accreditation of WADA-accredited laboratories, raised the issue of integrity of results, and

the fact that laboratories should be in a position to provide such results without pressure from their authorities or their clients. This point had been discussed with the ad-hoc group, in particular in light of an informal survey conducted when meeting the laboratory directors about any form of pressure faced by the laboratories in the past, and it had been quite interesting to see, in response to a simple yes or no question, and they had responded completely anonymously to WADA, that nine out of the 35 laboratories had faced pressure recently or in the past from their authorities or clients, so it was not a theoretical element; it was a reality that had been put before the group. The ad-hoc group had come up with three recommendations, the first of which was that it was important to maintain a position of complete laboratory independence from the NADOs, and this was something that currently existed in the NADO cookbook or guidelines, but was not incorporated in the ISL rules, so there was a recommendation that this appear in the ISL rules. Also important to recall was the fact that there were two categories of laboratories, those that were WADA-accredited, and he was talking about maintenance of accreditation, and he would probably consider these laboratories in a slightly different category. The immediate issue faced was often in relation to laboratories that were seeking WADA accreditation and, without any particular reference in the ISL to the independence of the laboratories, there was nothing that could be done to enforce this when a laboratory approached WADA and there was a laboratory that was very close to a NADO or members of the laboratories were members of the NADO. Consequently, there was an immediate interest vis-à-vis laboratories that were candidate laboratories or in the WADA accreditation process, probably even more urgently, but also for consideration, the laboratories that were already accredited by WADA, so the recommendation from the ad-hoc group was to include a provision concerning NADO/laboratory independence, not only in the ISL but also in the Code, because it was not only about the laboratories; it was also about the environment of the laboratory. He completed his presentation by saying that there was wording proposed and approved by the Laboratory Expert Group in attachment 7 in the members' files.

THE CHAIRMAN asked the members to see this in the context that everybody would agree that this was desirable. Everybody would also acknowledge that, where there was this connection, it had come frequently from the decisions of independent governments to link, for budgetary purposes or otherwise, laboratories with ADOs, and each independent government had the right to remain independent on such questions. He could not deny, and nobody would try, that integrity was far more secure if there was this separation and independence, and what was being suggested was that the Executive Committee adopt or make that statement through these recommendations and again look to the practicalities of it through the review as to how this might be achieved. He thought that WADA had to point the laboratories in that direction if it was serious, as there had been numerous occasions upon which it had been brought to his attention that there was a level of collusion between sport ministries, laboratories and ADOs. If WADA wanted to ensure integrity, it had to break that nexus, and this was the start of a process that might achieve it. The members should bear in mind that this was not something that was being sought overnight; it was something that WADA sought to aim to achieve through the review process, but the principles were enshrined in the recommendations that were there.

MR RICCI BITTI fully agreed with the direction; his question was more practical. Who was assessing the level of independence? The principle was fine, but he saw many situations arising. He did not like rules that could not be enforced; that was his point.

THE CHAIRMAN said that there had been criticism levelled in one particular area in which boards overlapped. Members of an ADO board had also been laboratory members and, in such cases, one had to be suspicious. This was not a good practice. He did not underestimate the practicalities, and that was why he believed that an opportunity should be given to each country to put its case for consideration during review, but he would like to see support of the statement of principle contained within the recommendations. Were the members happy to do it along these lines?

MR ODRIOZOLA said that he completely agreed with Mr Ricci Bitti; the direction was good, but what was meant by complete laboratory independence from NADOs? The current situation was that most laboratories depended financially on their NADOs, so it was simply not realistic, and he did not think that there was a surplus of accredited laboratories. There were 35; one had been suspended and another five were on the verge of suspension. If WADA sought complete independence, half of them would disappear. It was very idealistic, but it was not realistic at all.

THE CHAIRMAN responded that, if that was the outcome, and he did not think that it was as bad as that, WADA would find that out. He did not know that anybody could deny the principle. The two bodies should not be in the same building if one was serious about protecting the rights of athletes. He understood budgetary processes, and governments had a right to lock together agencies that might not have any connection with one another, and they frequently did that, and then they locked together for funding purposes agencies that interacted with one another, such as laboratories and ADOs; but, if WADA made the statement of fact, it should then collect the evidence, and it would make a decision on that in the review process. The members could put the same arguments and they might well be convincing, but he did not particularly want to see a situation in which WADA was prepared to turn a blind eye to the same people running both organisations, in the interest of justice to athletes, and that was what the recommendations were seeking, a statement of principle and a damn good look at the practicalities of it before taking any further steps. He asked whether the members were prepared to support the recommendation. He was not saying that much would happen for a while, but WADA was making it clear where it would like to see things head.

DR RABIN said that the next question also related to the ISL. It was about the long-term storage of samples. The current minimum storage time as established under the ISL was three months and up to eight years, with a term of limitation. There had been very valuable discussions among the members of the group as to how to go between three months and eight years, as there were some practical and cost-related aspects, and the idea had been to incorporate the notion of intelligent storage, to recommend keeping samples of suspicious athletes beyond the mandatory three months, and looking at some of the ongoing investigations and the interest raised by some of the ADOs in retesting samples, at least in the collaboration phase with police forces to allow access to old samples of some athletes being targeted or suspected in some investigations, this probably made some sense. The decision had not been to provide a document, but the group had been made aware that there were some federations (including the UCI and IAAF), which already had the practical aspects of keeping samples for a fairly long time when justified, and the recommendation was that the WADA management get close to these federations and look at the practical aspects and establish guidelines to provide recommendations on which criteria should be established in order to select samples that could be kept for longer than three months and up to the term of limitation.

THE CHAIRMAN said that his immediate response to this was that this was very difficult to deal with given the information available. For example, what did it cost per year and how did one actually work out who the suspicious people were and so on and so forth? This needed to be expanded upon before the members made a decision but, if others were confident enough to proceed, they should let him know. Would they prefer more information?

MR ODRIOZOLA said that he would certainly prefer more information on the financial consequences of sample storage but, if everybody did agree, he would at least substitute the word "suspicious" for "targeted", as "suspicious" would be very difficult to accept in a lawsuit. "Selected" or "targeted" would be acceptable, but not "suspicious".

THE CHAIRMAN thought that that was a good point and could not argue with that. Was there a wish to proceed with this immediately, with the deletion of "suspicious" and the addition of "selected"?

MR MACADAM suggested the alternative of “suspicious samples” as opposed to “athletes”.

THE CHAIRMAN responded that he thought that it was the athlete who should be selected; he did not know. Was the suggestion for the sample rather than the athlete?

PROF LJUNGQVIST said that both were alternatives in his view. “Targeted athletes” or “suspicious samples”, and that had been the intention as he remembered it during the conversation held, so he would go along with either, but he was inclined to agree with the Chairman, that it was the athletes who were being looked at. Perhaps “targeted” was more neutral and correct, and did not make it necessary to explain who decided who was suspicious and on what basis.

THE CHAIRMAN said that this was where he was struggling. This information was not in the one paragraph given in the paper. No doubt the ad-hoc committee had had more information. This was why he was inclined to request further details but, if the members wished to proceed, he would be happy to do so.

DR RABIN said that the idea had been to collect the information from stakeholders who were already involved in this process, with the idea of establishing a guideline with criteria, and this could easily be reviewed in the future. The only question regarded the ISL, because WADA was currently modifying the ISL to prepare for the steroid module and there were some changes that needed to be made to the document and, if there were a recommendation that this principle at least be established, it would be possible to see whether there was a need to slightly adjust the wording of the ISL, which would be for review before the Executive Committee, and then develop in parallel some guidelines based on the experiences of federations that were already using the process and certainly some criteria to select either suspicious samples or selected athletes or both.

THE CHAIRMAN asked the members if they would be happy to support the recommendation with the amendment as discussed.

DR RABIN referred to the next ISL-related topic, about which there had been numerous discussions. There was a reinforced need to ensure that laboratories were involved in research activities. This was partially covered by the ISL. Reviewing the current situation, two areas had been raised by the ad-hoc group, the first relating to the 7% of the laboratory budget devoted to research, and a very particular point had been made that was probably more practical than anything else, which was to know whether the 7% should be considered as being from the laboratory budget regardless of external sources of funding that the laboratory received, or whether the 7% should also include whatever research money was given to the laboratory. In other words, if WADA were to give a grant to a laboratory, could the laboratory incorporate this into the 7% calculation of investment into research or not? Since the research budget and contribution of the laboratories was paramount to the system, this point had been reviewed by the ad-hoc group and he felt that the group had thought that the 7% should incorporate whatever external money was included in the calculation. This was just a point that the ad-hoc group had wanted to raise.

PROF LJUNGQVIST confirmed that this was the correct interpretation. What was important was not necessarily where the money came from but that the laboratories conducted research, because there were laboratories that did not have any research activities at all, and WADA would prefer to see ongoing research activity in accredited laboratories, and WADA money was just as valuable as external money in terms of research.

MR ROWE said he certainly supported the inclusion of external funding. In Australia, there was a separate anti-doping research programme and a significant amount of the funding found its way into the laboratory, but it was not the laboratory’s money initially; it came from another source, so he certainly supported the external application.

THE CHAIRMAN asked the members whether they were in favour of recommendation 7.

DR RABIN said that the eighth point was a point of discussion and, looking at scientific publications, which were certainly growing in the area of anti-doping research, which was a good sign of interest in that field, unfortunately sometimes some papers were of questionable scientific value, and were questionable about anti-doping programmes and the quality of the research programmes developed by WADA or its stakeholders, and there had been a very strong recommendation from the ad-hoc group that all the research teams receiving support from WADA should provide to WADA their publications before publishing them and also, when bad publications appeared in the scientific press, WADA should have the right to react to such bad science and bad publications. He believed that this was a very important and valid principle, but he was personally just a bit concerned about the resources that would be taken from the Science Department. If this were taken on board, the department would probably have to think about what other activity it would have to drop in order to face the additional workload that would come with this activity.

THE CHAIRMAN asked what was in the contract with research grants on the issue.

DR RABIN replied that publication by the teams was encouraged and WADA usually requested the right to be informed, first to receive the reports, but it was not mandatory at that point that the teams submit to WADA before publishing in scientific journals. WADA tried to draw a fine line, as it certainly wanted to encourage publications, but it wanted to make sure that the quality of publications, in particular by those receiving money from WADA, was met. He believed that there was room to further enforce the provision by making it stricter in contracts with the research teams that such information had to be submitted to WADA before publication.

PROF LJUNGOVIST agreed with Dr Rabin that this was an important issue and recommendation. There was a requirement that those who published reports having used WADA grants for their research should mention WADA's support in their publications. That increased the interest from WADA's point of view to be able to review before publication. This was a different society compared to some 20 years previously. There were currently more online publications without the necessary peer review beforehand, so there were reasons for being slightly more careful than in the past with the old-fashioned system, in which everything had been peer-reviewed and published in scientific journals.

THE CHAIRMAN admitted that he was surprised that WADA had no provisions in contracts to allow access to papers before publication for research that WADA had paid for, but he could not argue with what the group was seeking to achieve. He suggested giving some thought to a percentage of the scientific grant being retained for the purpose of peer review of the work. He did not know the amounts but, if 100,000 dollars were being given and the Science Department was worried about having the resource to review the work carried out, why not keep back 5,000 dollars for somebody to do that independently for WADA? It was just a thought for consideration, but Dr Rabin had mentioned that he did not know where he would find the resources if this were agreed to.

MR MACADAM said that he was curious as to whether the recommendation stemmed from a particular problem in the past about research quality, as it struck him that there two issues involved: one was the quality of the research but, if research was being funded independently, this should not be a form of research censorship.

THE CHAIRMAN responded that it was clearly stated that this was research that WADA had granted funds for, and not research done independently of WADA. Were the members happy to proceed on that basis?

MR RICCI BITTI said that it appeared to him that this was an issue for management and not an issue that the Executive Committee could make a decision on. Perhaps less money could be given to research and some could be retained, but this was a decision on which he did not feel able to contribute.

THE CHAIRMAN said that he had simply felt that WADA sometimes had to look at innovative ways of funding additional workload, and he would have thought that it was perfectly legitimate to see that as part of a grant in the contractual arrangements into which WADA entered. Were the members happy to support recommendation eight?

DR RABIN said that the next area concerned general laboratory points. There had been a lot of discussion in the ad-hoc group, and not only that one, but also the previous one, related to the number of samples analysed by the WADA-accredited laboratories and their maximum capacity, and he had taken advantage of the opportunity of meeting with the laboratory directors when in Dresden to collect some information from them directly. The information could be seen in attachment 3; in fact, this was very useful information in that the laboratories that had responded had indicated that there was certainly capacity for 65,000 urine samples or more with the existing laboratories, and this element had been important to factor in by the ad-hoc group in the general discussion of the distribution of anti-doping laboratories and the existing capacity of the anti-doping laboratories. WADA was far from having reached the full capacity of the existing laboratories to date. There was no particular recommendation, just some information that he believed was very important for the ad-hoc group and the Executive Committee to realise that WADA had not reached the full capacity of the current WADA-accredited laboratories.

He briefly mentioned that the mandatory methods would be covered in the next item on the agenda, and he continued with section 3, on general administrative and strategic points, just to indicate that this point had also been discussed by the previous ad-hoc group on laboratories and was a recurrent issue being faced in particular at the management level, as the management was very much aware of the current distribution of the anti-doping laboratories, and the slide immediately indicated that the vast majority, about 20 out of 35 laboratories, were located in Europe, and there was currently a very high analytical capacity in Europe, whereas in other territories, including Latin America and Africa, there was a very limited anti-doping capacity and a very restricted network of anti-doping laboratories. Looking at the laboratories currently in the accreditation phase, there had been a special effort made with Latin America, with laboratories in Mexico and Buenos Aires in consideration for the probationary phase, and the laboratory in Doha being developed to serve the Middle East region. WADA was certainly trying to address the development of the network of anti-doping laboratories. What was very interesting was that there were laboratories knocking, even banging, on WADA's door, in particular in countries such as Belarus, Bulgaria and Hungary, and the question raised by the ad-hoc group had been to decide whether these laboratories should be given priority or geographical and political consideration, in that RADOs under development might need to be considered in order to select the future laboratories to enter the probationary phase. The previous recommendation made by the ad-hoc group regarding highly qualified and highly equipped laboratories, probably a restricted number, and not a fixed number, of around 40 laboratories had been evoked, and the Executive Committee had recommended the selection of laboratories based on the need to develop a network in support of the development of anti-doping capacity. The ad-hoc group had not wished to make any particular decision, acknowledging the fact that there were some political elements to be considered, but the ad-hoc group believed that it was very important to evaluate different factors in order to decide which laboratories should be the future laboratories selected to enter the accreditation process, and deferred to the Executive Committee to make such a decision. This was put to the Executive Committee, and the members would see a list of the laboratories that had approached WADA, some of them quite insistently, to decide whether there was a need to select those laboratories based on political and geographical considerations, or whether there was a need to review this principle in the future in the way in which WADA would recommend some laboratories for the probationary phase and potential accreditation in the future.

MR REEDIE said that, having been chairman of the previous group, he had been absolutely delighted not to be in the second group, but it was actually ending up in the same situation faced by the first group all those years previously, which was that there

were all sorts of countries mad keen on having a laboratory (a bit like having an airline, a sort of licence to lose money), but the problem then had been that there might not be sufficient business in that part of the world to justify the effort and to maintain the standards of the laboratory and, if there was still a lot of slack within the existing laboratories, and not all of them were operating at full capacity, that situation still existed, and he thought that Mr Pound and the group had been very smart, saying that they did not know the answer, so they would pass it to the Executive Committee, and his guess was that the Executive Committee did not know the answer either.

THE CHAIRMAN said that he thought that it was necessary to send the management away for more information. He did not doubt that something would come back that clearly pointed towards South America and Africa as a priority but, notwithstanding, there had been a number of points mentioned to which the Executive Committee had not been fully party, and he thought that the management had to provide more background to all of this and more concrete recommendations and bring it back.

THE DIRECTOR GENERAL suggested that this matter might be referred to the Health, Medical and Research Committee at its meeting in September. That might be a more appropriate place for further consideration before bringing the matter back before the Executive Committee.

THE CHAIRMAN responded that he would be happy to accept the suggestion made by the Director General.

With regard to recommendation 9, did everybody agree that more emphasis should be placed on double-blind testing? He agreed with the Vice-President that this was desperately needed. He did not want to stop discussion, but the paper stated that the results from blind samples were not sufficient for maintaining or verifying the quality of laboratory routine testing and the recommendation was to put more emphasis on double-blind testing. It was necessary to have quality. This could well lead to laboratories getting into some difficulties, but WADA had to be satisfied that they were capable of catching cheats, and that was the only way of upping the ante to make sure that they were proficient and working to the outcomes sought by WADA.

MR ODRIOZOLA intervened to make two points. First, by approving recommendations 3, 4 and 5, the Executive Committee had introduced a contradiction to the ISL, because recommendations 3, 4 and 5 referred to maintaining "a position of complete laboratory independence from NADOs", but the ISL, as he had remarked under item 7.1, stated that "the eventual non-compliance of a NADO would have consequences on the accreditation of the laboratory based in the same country". Why, if it was completely independent from the NADO, should it pay for the sins of the NADO? If the laboratory had complete independence from the NADO, it should not be punished for its NADO being naughty. That was a contradiction in the ISL. He also wanted to know whether the WADA Laboratory Committee had positively reviewed all of the ten recommendations, because he did not know.

THE CHAIRMAN said that WADA had asked an ad-hoc committee to examine them. The Executive Committee was the ultimate decision-maker. Was Mr Odriozola asking whether WADA should have run them by the Laboratory Committee?

MR ODRIOZOLA confirmed that he was asking whether the Laboratory Committee had at least reviewed and agreed to them.

THE CHAIRMAN responded that he did not know.

DR RABIN clarified that, as had been explained previously by Prof Ljungqvist, three areas had been identified and a section had been presented to the Executive Committee (the recommendations), and there were some concrete actions that would go into the ISL, which would be reviewed at that time by the Laboratory Expert Group, and there were also recommendations going directly to the Laboratory Expert Group, so the ad-hoc group had made a distinction between what was going to the Executive Committee and what was going to the Laboratory Expert Group.

Regarding the second observation made, this was an apparent contradiction but there was no real contradiction because, when talking about the independence of the laboratory, this meant operational independence, which was something that could be assessed. The other element was that it was very important to have a proper anti-doping programme in place in a country before a laboratory was considered for accreditation or as a candidate laboratory in the WADA system, and this was very important because, in the past, countries had come to WADA saying that they needed a laboratory as an entry to an anti-doping programme, and WADA had clearly stated that the country did not need a laboratory but needed a programme in place, after which the laboratory would come. He believed that the contradiction, at least in WADA's operational activities, was more apparent than real.

#### DECISION

Recommendations from the Ad-Hoc Group on Laboratories approved subject to proposed amendments.

#### **10.4 Implementation of mandatory methods by laboratories**

DR RABIN informed the members that this item was about the status of implementation of mandatory methods by WADA-accredited laboratories, and he reminded them that the 2007 ad-hoc group on laboratories had been established and had submitted its recommendation to the Executive Committee in September 2008. Among the recommendations made and endorsed by the Executive Committee was the model of a limited number of highly-performing and equipped laboratories, which had led to a recommendation being made and approved to add three analytical routine methods to the methods used and applied by the laboratories: isotope ratio mass spectrometry (IRMS), EPO analysis and Hgh analysis. Such request had come particularly from the sport movement, which had complained at the time to the WADA management and the ad-hoc group that it was not always possible to know exactly which method was in place by which laboratory, and some of these methods, such as EPO analysis in particular, had been regularly requested by ADOs and some IFs, so it had been considered important to make sure that some of the methods were mandatory. At the end of 2008, after the Executive Committee had taken the decision about making the methods mandatory, WADA had informed the laboratories of such need and given them a two-year period from the end of 2008 to 1 January 2011 to implement the three mandatory methods. As part of the activities of the ad-hoc group, the status of implementation of the three methods had been reviewed on 31 March that year, and the ad-hoc group had recommended that the information be conveyed to the Executive Committee for review, and this could be seen in the members' folders. It was important to note that, of the 11 laboratories not considered to be compliant as at 31 March 2011, it was probably necessary to distinguish between those laboratories that were very close to being compliant, in particular those that had implemented the methods but needed to be registered in the scope of their accreditation, and those (about five) laboratories that were unlikely to complete this exercise in the coming weeks or months. The question had been raised, since there had been a discussion within the ad-hoc group, about the need to have more information on some of the methods, which could be collected in a period of 46 weeks, but the recommendation to review the status of non-compliant laboratories by the Executive Committee had been made by the ad-hoc group, bearing in mind that WADA had certainly collected information from those laboratories since 31 March, and WADA continued to monitor the development and implementation of those three mandatory methods in the laboratories considered non-compliant. The point had therefore been raised and, he emphasised that, when the documentation had been prepared and a recommendation made to review the status of the accredited laboratories that were not compliant, he was talking about a nine-month grace period from 1 January to September 2011 for those laboratories that had not implemented those methods. This point was for review and decision by the Executive Committee.

MR REEDIE commented that this had been struggled with years ago by his group and, at that stage, the idea had been that, if an ADO or body instructing tests needed rather more complex and higher quality analysis, it would direct tests to laboratories that could handle that and time would be given to those that were not as competent to raise the level until they became competent, and it looked to him as if most of the laboratories were making a pretty serious effort to become fully competent. He had a pretty clear feeling that suspension because they had not quite made it would be a pretty serious disappointment, if that was what was being suggested, and probably the only way to do it would be to extend the period and encourage them. If WADA was in the business of trying to get a proper coordinated series of laboratories on a geographical, businesslike or functional basis all around the world, he did not think that it helped itself very much by saying to the 11 laboratories that had come quite a long way that they were suspended because they had not quite completed the last step. The big problem was when they would do it. He could understand the situation but, on balance, WADA was better served by keeping laboratories that were competent but not quite fully competent in force rather than suspending them immediately, so maybe the answer would be to give them another six months. If this were done, how many of them would make it?

THE CHAIRMAN said that, if Dr Rabin were asked to give his best guesstimate of the current situation, he expected more than half of the laboratories to be there by September but was not so confident about a few others. He did not think that it would be 11 by September.

DR RABIN said that, out of the 11 laboratories, he was pretty sure, having been monitoring those laboratories on almost a weekly basis, that at least six of them would not have a problem implementing those three methods, so the question was more about the five others. Frankly, he believed that they had not started the process sufficiently early or had not been sufficiently active in terms of putting the resources behind the implementation of the methods. He believed that the question really was about five laboratories: the Czech Republic, South Africa, Sweden, Thailand and Turkey, and Turkey had been discussed earlier, so he would focus on the other four. Out of those, there were two that he believed would take a little longer (South Africa and Sweden) to implement the methods, probably beyond September. He had very little information from Thailand, so could not make any guesses. He thought that the Czech Republic laboratory would face a number of problems. He had gone to Prague and visited the laboratory and met the authorities but, unfortunately, had little hope that the laboratory would make it any time soon.

THE CHAIRMAN said that he had sympathy for the sentiments expressed by Mr Reedie, and he thought that everybody did. WADA had to find a way of getting them there rather than saying that they had fallen short at the finishing line.

MR REEDIE said that, on the basis of that evidence, there should be three cut-off periods, one for six of the laboratories on 30 September, a slightly longer one for the other two and, if there were two that were unlikely to make it at all, it was a question of saying that, if they did not tell WADA what they were doing, then WADA would have to stop the process. He looked forward to finding out why Sweden was at the bottom of the page.

THE CHAIRMAN thought that Mr Reedie was right. The decision requested was that the Executive Committee consider further action. The Executive Committee had considered further action. It seemed to him that, to keep the pressure on, WADA should ask them all to comply by the September date, at which time it would look at the status and consider further action. He did not know that different finishing dates could be given to different laboratories without them finding out, as they talked to each other. He thought that the more pressure WADA could keep up the better, so would it be possible to devise a programme that would keep the maximum pressure on them, on the basis that the matter would be reconsidered in September, at which stage Dr Rabin had indicated that he expected that there would be a great deal less than 11, and WADA might, at that point, in the information conveyed to them, imply that action might have

to be taken, depending on the status of each of the laboratories come September. He would prefer to see it done with the maximum pressure kept on all of them in a consistent way, so that there were no difficulties created. Therefore, in that recommendation, WADA should keep its powder dry as to what it might do in September, and perhaps it would be possible to end the recommendation after the words "Executive Committee" on the third line of the second paragraph. He suggested leaving the last couple of lines out and then deciding what should be done. Was everybody happy with that approach?

PROF LJUNGOVIST said that, since he had been addressed by Mr Reddie, he thought that he ought to respond, not on behalf of Sweden, as he was not involved with the laboratory. Perhaps he should not speak at all, as it might be taken as a conflict of interest, although it was not. He was happy with the outcome of the discussion, but wished to provide some further information, as this was one of the points on which there had not been agreement, and he had raised other matters, which had become increasingly important after some further discussions held with some chiefs of laboratories. The decision with respect to the mandatory methods had been taken after work conducted two, three or four years previously. Things had happened since then and would continue to happen. In a nutshell, he was not sure that the decision taken in September 2008 had been the best and in WADA's best interests. By way of an example, Hgh analysis was hardly being conducted by the WADA laboratories around the world. Why, then, make it mandatory for every laboratory? This was what had been done through the 2008 decision. There would be no competence to do it in any laboratories, in the worst case. There was a similar situation with IRMS and EPO, where limited numbers of samples were being analysed. The Swedish laboratory in Stockholm, he had been informed, had subcontracted the Oslo laboratory 450 km away to do the EPO analysis on samples collected for the Swedish laboratory, and those EPO samples were being analysed by the Oslo laboratory on behalf of the Swedish laboratory. This meant that the Oslo laboratory had the necessary critical mass to uphold its competence in carrying out the EPO analysis. If WADA decided to have all those EPO analyses conducted over the year distributed among all laboratories, it would run the obvious risk of having laboratories that would not be able to uphold the necessary competence. He was a laboratory person himself; he worked in a different type of laboratory, but he knew the need for critical mass in a laboratory to maintain the necessary competence. At the previous ad-hoc group meeting he had requested statistics, asking which laboratories were doing what. There had been no answer. A decision had been taken in 2008 without actually knowing what had been going on in the laboratories. He was sure that it might be necessary to re-evaluate whether this decision should really be upheld in the interests of WADA, in terms of maintaining the necessary competence. Some laboratories would always have it, but he doubted that 37 would be able to conduct an accurate analysis with all three methods, and other methods as well.

MR RICCI BITTI wondered how many tests were given to these people.

PROF LJUNGOVIST added that IRMS was not a cheap method; it required expensive equipment.

THE CHAIRMAN asked what the equipment was worth.

DR RABIN responded that the equipment for IRMS cost around 200,000-250,000 dollars, and specific skills and additional costs were required to run the IRMS equipment.

MR ROWE said that he thought that the Sydney laboratory spent some 300,000 dollars or more a year on this. He supported Prof Ljungqvist, who had made an excellent point, which was behind some comments he had made earlier that morning. It was important. The other issue was that, if one required all of these things to be done and then they were not done and became the subject of an accreditation tick or cross, one ran the risk of losing the other forms of competence. He knew that the Chairman had said that laboratories should not be barred from operating and asked whether it was

possible to segregate those things, so it was a fairly critical thing, not only to acquire the competence, but also to maintain the competence.

THE CHAIRMAN agreed that it was a difficult question. WADA had required that all do it. Some had invested and complied and others had not. WADA was now 11 short. It appeared that six would get there in six months' time. He thought that the additional information referred to by Prof Ljungqvist would be very helpful to the Executive Committee when it considered it in September, so the management might incorporate those points in the paper that it presented back to the Executive Committee in September.

PROF LJUNGOVIST said that it might be important to note that he had voiced his concerns at the ad-hoc group meeting and expressed his knowledge. The group had not fully agreed. He had recently met a number of laboratory directors, all but one of whom had voiced the same concern as to the effects of what had been decided at that time in terms of dilution of competence.

THE CHAIRMAN noted that WADA would proceed accordingly, and the Executive Committee would reconvene on the issue in September.

#### DECISION

Proposal regarding the implementation of mandatory methods by laboratories postponed.

### **10.5 CSCQ External Quality Assessment Scheme for Laboratories**

DR RABIN informed the members that, when the ad-hoc group had reviewed the point, the idea had been to have regional blood testing capacity. The interest in the ABP, in particular for the haematological module, meant that it was almost the victim of its own success, as there were now more than 20 laboratories that had implemented the analysis of blood variables, which had not initially been anticipated (WADA had been counting more on a regional capacity), so the cost of the EQAS blood testing was covered by WADA, and the budget had exploded, going from a little more than 50,000 dollars in 2009 to more than 100,000 dollars in 2010 and growing. In view of this situation, there were two main recommendations before the Executive Committee: either WADA should cap its contribution to the programme at 50,000 dollars per year and the additional costs would be covered by the laboratories, or transfer all the costs to the laboratories, either as a fixed cost or a real cost based on the production of the samples plus shipping. These were the options for the Executive Committee to decide upon.

THE CHAIRMAN said that it seemed to him that there were three options and not two. Options 2a and 2b were separate; they were not complementary.

MR MCQUAID said that, as he saw it, if WADA did this, the costs would eventually be paid by the consumer.

THE CHAIRMAN said that he was sure that this would be the case. As he understood this, these people did this at the cost price; they kept the costs to their costs and did not make money out of it. Was that right?

DR RABIN confirmed that CSCQ was a non-profit organisation, so it charged WADA for the cost of production of the samples only and shipping in addition to the cost of production.

THE CHAIRMAN concluded that CSCQ could not absorb it, as it did not make any money anyhow, so it was necessary to be realistic. It would pass it on, as Mr McQuaid had observed. The members should bear that in mind when considering which option to choose.

MR MACADAM said that there could be a blend of the two, with a transition period, during which WADA would pay for the first year and then eventually give notice to the

laboratories so that they would at least see it coming and would be able to budget for it in the future.

MR REEDIE said that there were about 22 laboratories, and presumably the number would go up as WADA accredited more and, considering 100,000 dollars divided by 22 going up, he was pretty strongly in favour of option two, as it was not actually very much money.

THE CHAIRMAN asked the members how they wanted him to put the questions.

MR ROWE said that he did not have an answer for the Chairman's question but wished to say that he would support 2a and the flat fee, which he understood from Dr Rabin's advice earlier that morning was around 5,000 dollars.

DR RABIN noted that the production of the 12 samples for each laboratory would be 2,500 dollars per year, plus shipping, which varied depending on the laboratory, but which was on average about 2,000 to 2,500 per laboratory, so it was below 5,000 dollars per laboratory per year.

THE CHAIRMAN said that, if he asked for a recommendation on 1, 2a or 2b, that would be the end of it if it was carried. He would like to hear alternative views to 2a rather than putting the question on 2a first.

MR MCQUAID supported Mr Rowe's proposal on the basis that it was the lesser of two evils.

THE CHAIRMAN asked whether there was general consensus there. Did nobody wish to argue in favour of any of the other options?

MR MACADAM asked about the timing. When would this take effect if the laboratories were asked to cover these costs?

DR RABIN responded that this would take effect the following year, in 2012.

THE CHAIRMAN understood that WADA would cover the costs until 2012, giving the laboratories adequate notice of more than six months to get ready.

PROF LJUNGOVIST asked whether the laboratories were aware that this might happen. Were they prepared for a decision from WADA?

DR RABIN replied that they were not yet aware but probably would be after the decision was taken.

PROF LJUNGOVIST asked whether WADA had conducted any discussions with them so that they were aware that this was on the table.

DR RABIN replied that WADA had not conducted any discussions with the laboratories.

PROF LJUNGOVIST concluded that it would come as a surprise to the laboratories.

MR ROWE said that the Australian laboratory had been consulted and supported option 2a. It sent out a good message as well, because those that had the higher transport costs were often in regions that were less well resourced, so it sent a good message to those regions that others were prepared to recognise that.

THE CHAIRMAN concluded that this was a form of cross-subsidising.

MR REEDIE observed that it could be the highlight of the press conference, as it would certainly gain worldwide interest.

MR ODRIOZOLA asked whether there was an option 2a and 2b.

THE CHAIRMAN explained that Mr Rowe was proposing that each participating laboratory pay a fixed fee; in other words, the total cost was divided by the number of laboratories (currently 22), bringing it to slightly less than 5,000, but the actual costs were dearer for some of the more remote laboratories than they were for those in closer

proximity, so there was a level of cross-subsidy to the poorer parts of the world, if he could describe it that way, which brought a little bit of equity back into the equation. He concluded that everybody was in favour of option 2a (option 2i as set forth in the paper).

MR FUJIWARA questioned the actual payment of the cost; for instance, if the laboratories sent the samples, WADA would receive an invoice and every time it received an invoice, a payment would be made to them. In other words, this would increase the flexibility of the laboratories and WADA could respect their flexibility. If that point could be taken into account, he would be most appreciative.

THE CHAIRMAN reassured Mr Fujiwara that the point would be taken into account.

#### DECISION

Proposal 2i regarding the CSCQ External Quality Assessment Scheme for Laboratories approved.

### **11. Standards and Harmonisation**

#### **11.1 Anti-Doping Organisation Symposium**

MR DONZÉ informed the members that they would find a fairly comprehensive report from Mr Andersen in their files. He wished to highlight a few key facts and make some observations about the 2011 Anti-Doping Organisation Symposium, which had been the fifth edition of the event, held in Lausanne at the Chuv university hospital. Firstly, the encouraging element of the symposium was its growing popularity. That year, there had been nearly 300 participants, a record number, with 192 anti-doping organisations represented, including 83 IFs, 73 NADOs, a number of major event organisers, including the IOC and the IPC and, during the first day, the entire WADA Athlete Committee had been present.

The second element he wished to highlight was that, some years previously, it had been decided to mix IFs and NADOs, providing a pretty unique opportunity for ADOs to share experience and cooperate, and of course WADA encouraged such cooperation between IFs and NADOs.

The third element he wished to highlight was that, as usual, WADA had factored in current trends and priorities in the fight against doping in sport to prepare the agenda, and in particular that year the need to use intelligence to foster quality programmes and continually challenge itself in terms of being more cost-effective. The theme that year had been pretty general, relating to new perspectives and developing approaches in anti-doping, but the presentations had been essentially based on the premise that it was necessary to make sure that testing and the fight against doping in sport were carried out in an intelligent manner. In terms of format, there had been plenary sessions with presentations given either by WADA representatives or representatives of ADOs willing to share their experience, and there had been a number of parts to the symposium. One had been about blood testing and the ABP and how ADOs could best use the tools. The second had been about investigations, and there had been an interesting presentation from the Interpol liaison officer who had come to Montreal some years previously to talk about his activities, and Mr Kemp had given practically the same presentation as the one that he had given earlier to the Executive Committee members on the new ADAMS whereabouts module.

On the second day, there had been a fairly extensive portion on information and education, and part of this had involved a presentation from Mr Koehler highlighting all of the material available to ADOs free of charge, in terms of awareness, information and education, and the presentation had had a significant impact because, in the weeks immediately following the symposium, there had been more than 25 requests from ADOs for the Athlete Outreach model or education material, and he stressed once again that such information was available free of charge from WADA.

Looking ahead, there had already been a debriefing on the ADO symposium, and WADA had received some formal and informal feedback from the participants which had been fairly positive overall, but it was always necessary to seek to further improve and respond to the widely varying expectations and levels of knowledge of the participants. WADA was already looking at a number of agenda items for the following year, and had started to consult. It was also looking at the format of the symposium. Some of the feedback from participants had included requests for more interaction and more opportunities to discuss and share knowledge and experience, so WADA was looking at organising plenary and also break-out sessions. The dates of the following year's symposium were being considered, along with an appropriate venue. WADA had already pre-reserved the Chuv for the following year. It was not ideal for break-out rooms and it was also rather small, as 300 participants pretty much filled up all available space. WADA was looking at the Palais de Beaulieu in Lausanne, which was of course a far better venue and was far more appropriate for such an event but, of course, it would also involve more cost and a greater budget for the symposium. That was what was currently being looked at. Work would continue on the organisation of the symposium. Mr Andersen or he would be more than happy to answer any questions the members might have.

THE CHAIRMAN said that all of the reports that he had received had mentioned that the symposium had been very successful, well attended and very productive.

#### DECISION

Anti-Doping Organisation Symposium update noted.

### **11.2 Blood collection**

THE CHAIRMAN said in advance of the presentation that he had found this one of the most disturbing papers he had read during the time he had been president. He added a bit of emphasis so that the members would pay some attention to what Mr Kemp was about to say.

MR KEMP remarked that he hoped that the Chairman was referring to the content of the paper rather than the quality.

THE CHAIRMAN clarified that he was referring to the information contained within the paper.

MR KEMP said that the members had the paper in their files and had hopefully had a chance to review it, but he wished to take the opportunity to characterise some of the highlights from that paper.

The members might recall that, at the November 2010 meeting, the low prevalence of blood testing in general among Code signatory organisations had been brought to their collective attention. At that time and currently, there appeared to be between 20 and 30 ADOs at most that were actively collecting blood. This did not mean that there were other ADOs not then relying on third parties to collect blood, but it meant that the 20 to 30 organisations had the active infrastructure in place to collect blood when necessary. The paper outlined some of the steps WADA had taken to try to expand and advocate the larger programmes, and also looked at ways to enhance this further. As Mr Donzé had just said, the ADO symposium in March had been an opportune occasion to discuss the priority of blood collection, not only to discuss why it needed to be done, but also to face some of the realities or practical challenges associated with blood collection, most notably challenges related to cost or export of samples, all issues that WADA was working hard to address.

In terms of statistics on blood collection, he was pleased to report that the preliminary laboratory figures from 2010 suggested a more than 100% increase in blood testing for 2009, with more than 13,000 blood samples having been collected and reported by accredited laboratories in 2010, versus a little more than 6,000 samples in

2009. He certainly hoped that this trend would continue, although, looking at it in more detail, the vast majority of those samples really came from expanded blood passport programmes, not specific types of blood analysis such as growth hormone, CERA or transfusion testing, so it was necessary to look in more detail at the figures made available by the laboratories, and in 2010 for the first time there would be a complete picture and report of the types of blood test that had been conducted. Therefore, going forward, the next step would be to determine who was doing that testing, when and what could be learnt from that information to make information available to all stakeholders on how their programmes could become more effective through expanded blood testing programmes.

Obviously, WADA was very strong in its advocacy of expanded blood testing programmes, and it was important to highlight why this was. Foremost, blood collection and analysis were identifying substances and methods that were extremely potent doping agents. Looking at substances such as Hgh and transfusions, these were detectable only in blood. Therefore, if an ADO was not collecting and analysing for these, there was a major gap in its anti-doping programme and a loophole that athletes could conceivably exploit. Also, not only was there a loophole in terms of enforcing the List but, obviously, this was an important deterrent aspect for any anti-doping programme, not to mention some of the practicalities of blood testing, that blood testing over urine collection was far less invasive, and it was certainly a faster process than urine collection, so there were other practical benefits as well.

Going forward, WADA would continue to be strong, but an effective programme was one that included blood testing, so WADA was in a position to try to support ADOs to build the necessary infrastructure so they had the capacity to test when need be, and it would like to be able to provide better guidelines and support to ADOs in the context of effective testing, not necessarily telling all organisations that they needed to do a large volume of blood testing that might be at the expense of other priorities, such as urine testing or education programmes, but rather supporting them in implementing an appropriate programme in their sport or jurisdiction and, in this respect, as WADA would be working on new guidelines and models related to effective testing in the coming months, he hoped to incorporate best practice for blood testing within those documents.

MR ROWE mentioned that he had been asked to pass on an offer from ASADA, which would be more than willing and delighted to participate in assisting with the preparation of guidelines. He did not think that ASADA had contributed terribly much to the increase, going from around 1,500 to around 1,500, but there was a wealth of experience and ASADA would be more than happy to pass that on and work with WADA.

PROF LJUNGQVIST said that this confirmed what he had said earlier about the reluctance among ADOs to conduct certain forms of analysis, such as the blood sampling for Hgh and the CERA analysis for the most recent generation of erythropoietin, so WADA had been very slow in reacting to this. The worst example of this was Hgh. He had mentioned it earlier, but since there were some new people around the table, he repeated that the first time he had come across the misuse of growth hormone among athletes had been in 1983 and WADA had not yet managed to make use of current analysis methods and persuade the sports community that this needed to be done, so he agreed completely with what Mr Kemp was saying, that there were gaps that should perhaps not be talked about too much.

THE CHAIRMAN concluded that this told WADA that cheats were getting away with it. Only blood testing would detect certain substances. It was not being done. His quick calculation, based on the figures, was that 2.15% of testing in 2009 had been for blood, and quite a bit of that was the ABP and, of the increase to 4%, quite a bit more of that 4% was the ABP, which was not specific. Going forward, WADA would have to take a very hard look at this. In the review, it seemed to him that what had to be considered was whether to mandate a percentage of tests for blood, as how else would WADA get an effective programme if blood testing was not being done? The question of mandating a percentage had to be seriously considered. WADA had to do more blood testing,

otherwise it would not be able to hold its head up and say it was catching the cheats. He thanked Mr Kemp for the timely warning. There were no recommendations to do anything immediately. He suggested to all of the members that they try to come up with ways of improving those figures and ensuring that more than the bare minimum of 20 to 25 ADOs were actually doing blood testing to ensure that the whole programme became far more successful. He asked the members to continue to talk about it in their constituencies. If there were any suggestions, he would like to hear them, and the management would continue to look at ways and means of improving the situation. Short of changing the rules and the Code, he was not sure how WADA would achieve much more.

## DECISION

Blood collection update noted.

### **12. Athlete Committee chair report**

DR ELWANI said that the WADA Athlete Committee had met on 22 and 23 March in Lausanne. The first day of the meeting had included participation in the anti-doping symposium and, on the second day, the committee members had met on their own. She was happy to give the members an overview of the meeting discussions on behalf of the chairman of the committee.

Regarding the ABP, the members strongly suggested that the WADA guidelines specify the sharing of the analysis of the blood profile with the athletes. Keeping blood analysis information from the athletes for three months as suggested by an ADO at the symposium would be wrong and ethically questionable. The passport should be promoted as a clean athlete tool. A universal passport would breed trust in the anti-doping system.

Regarding ADAMS, an overview of improvements on the whereabouts module had been presented, and four members of the committee had been involved in the focus group's work that past quarter. On the whole, the comments had been positive. Navigation, ease of use, flexibility and modern look and feel had been highly appreciated. It was suggested that the module be presented at the next IOC athletes' forum in October.

Regarding laboratories, a concern had been raised about the perception that WADA-accredited laboratories were not harmonised with analysis. The athletes felt that information about the laboratories was insufficient and, in order to help raise trust in the system, an awareness campaign should be considered.

Following a discussion about reported unethical behaviour by DCOs, the committee recommended that WADA standardise training programmes for DCOs and include an ethical code of conduct. Applying a harmonised approach would help instil trust in the anti-doping system.

"Say No! to Doping" was an awareness campaign that sought to engage sport and anti-doping communities in demonstrating their commitment to clean sport. The committee recognised the importance of the campaign and fully supported it. It was recommended that it be kept, and it should not be individualised to one athlete or a specific athlete ambassador.

The members had been asked to provide opinions on an issue that would also be presented to the anti-doping community for consultation: the need to continue taking two samples, the A and B. Science experts had expressed their views that both A and B samples were not necessary. The committee's points of discussion on the subject had been as follows:

Removing the B sample was a matter of trust and, if the athletes trusted the anti-doping system, there should not be any difficulties in doing so. Testing had greatly improved over the past two years. The paperwork was universal and the chaperoning

much better. One sample should be trusted. At the time being, there was peace of mind with having the B sample. It was about trust and making sure that everything happened correctly. The right to a fair hearing would be quicker and less complicated without the B sample. WADA needed to enhance laboratory accountability.

Mr Miller had presented the no-needle policy initiated by his team over one year previously. Needle injection had never been proven to have a needed benefit outside of a justifiable medical need. No child who had ever dreamt of being an Olympian should have to deal with needles unless he or she had a medical problem. Mr Miller and his team believed that banning any kind of needle use in cycling, or in any sport for that matter, could help in the fight against doping, as well as close collaboration with criminal investigators and the police. The members supported the no-needle policy.

There had been several occasions that year on which WADA had partaken in governmental meetings at which the heads of the European elite athlete group had been present. WADA had also asked to respond to queries from their president. Over the past year, they had become more vocal and organised with other athlete groups. The anti-doping topic seemed to be one of the latest levers that they were using to showcase their arguments. Some of the athlete members believed that WADA should not be engaging with the players' unions.

Members had raised concern about the CAS applying prohibitive additional fees to the standard filing fee of 500 Swiss francs when the appeal came from a national decision. Some fees had recently been as high as 7,000 Swiss francs. The committee wished to be updated on this matter.

The next meeting was scheduled to take place in October.

MR MCQUAID thanked Dr Elwani for her comment on the no-needle policy. By way of information, two weeks previously, the UCI had introduced this across the board as a regulation within cycling. He thought that, whether it came under the realm of WADA or not, it was something that should be widely promoted. Policing would not be so easy and, in this situation, the UCI was counting or trying to count on its good relationship with police forces. It went back to what had been said that morning about the close relationship with Interpol and police forces and anti-doping agencies and so forth, and he was hoping to get some assistance from police to do some searching at one or two points during the major tours, and ensure that the rule was respected. The team doctors had very much wanted and supported the rule; they did not want to be giving infusions and spending all of their time recuperating the athletes, as they preferred to look after the athletes' health, and sport needed to go back to that as well. It was something to be encouraged.

THE CHAIRMAN said that he was sure that the athletes would welcome that support

PROF LJUNGQVIST said that, further to what Mr McQuaid had been saying, he was sure that the no-needle policy also fell under the umbrella of WADA, in addition to the IOC Medical Commission and the entire sport community. There had been a discussion about that at the recent meeting of the IOC Medical Committee, and it was now being discussed in order to implement it for the Olympic Games in London.

#### DECISION

Athlete Committee chair report noted.

### **13. Education Committee chair report**

THE CHAIRMAN welcomed Mr Baum to the position of chairman of the Education Committee and looked forward to hearing his report.

MR BAUM gave a brief report. The Education Committee had met the previous week in Montreal. There had been nine outcomes from the meeting.

First, the committee had discussed the 2012 social science research grant programme budget, and the committee had agreed to recommend to WADA's Finance and Administration Committee that the budget for social science research be maintained at 400,000 dollars rather than increased to 500,000 as previously planned.

An overview of the outcomes of WADA's social science research grant programme had been given at the meeting, and the following recommendations made:

Research outcomes should be provided to NADOs so that they could be used to assist them with the development of their education programmes. In addition, an overview of the research projects in progress had been provided for comment so that they could be taken into consideration when looking ahead to the 2012 programme. The committee had been encouraged that an action plan had been developed by the department as a result of the outcomes of the 2010 Social Science Research symposium.

Other areas for potential additional targeted research had been discussed. The following areas had been suggested: why athletes said no to doping; impact and risks of using athlete role models as deliverers of education; and how to increase doping and sports-related social science research in other areas of the world. The committee had supported the concept for 2012 of funding a literature review as part of the targeted research programme. The committee had also committed to explore possible areas for the 2012 target research programme during the social science research conference call, which would take place in October 2011.

Regarding increasing regional representation in social science research, the committee had identified a need to put more effort into promoting research in Africa and Asia. The committee had also identified a need to increase efforts in South America, from both an education and a research perspective. Recognising the challenges associated with only accepting research reports in English and French in areas in the world in which these were not the official languages, the committee had suggested allowing researchers to include the cost of translating reports into English or French in their research budgets.

Regarding the young investigators' award, the IOC had agreed to promote the award with education contacts within Olympic Games and Youth Olympic Games organising committees.

In terms of working with schools, the committee had identified a need to work with NADOs to encourage more education in schools, recognising that NADOs should take the lead. The committee recommended that the Education Department define a strategic plan to find ways of engaging countries in integrating doping education in schools.

Regarding accessibility of material, the IPC thanked WADA for its involvement in regional games through its outreach and education programmes. WADA had been asked to consider how to make material accessible to athletes with disabilities, and to ensure that all materials continued to be culturally sensitive.

The committee supported the development of the learning objects repository, which would be some type of mechanism to have all educational materials easily available so that organisations could tailor that material to their own needs, and was committed to developing this repository.

Regarding youth programmes, the committee recommended that the Education Department look at creating an ad-hoc youth advisory group comprising young people between 18 and 24 years. The committee recommended making the youth zone section of the WADA website more dynamic and interesting for young people. The committee suggested developing an education app for smartphones, iPhones and Blackberries in the future.

MR ROWE wondered whether the report would be circulated.

THE CHAIRMAN replied that it would certainly be in the minutes.

MR KOEHLER said that the report would be circulated the following week to the committee for approval and then made public.

#### DECISION

Education Committee chair report noted.

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

THE CHAIRMAN gave the floor to Mr Fujiwara to make a statement in respect of the tragedy in Japan that had been witnessed from afar by everybody.

MR FUJIWARA thanked the Chairman for giving him an opportunity to explain what was going on in Japan. The Great East Japan Earthquake had hit Japan on 11 March, and he thanked the Executive Committee members for their expressions of concern and the letter from the Director General on behalf of WADA. He was truly grateful. After the disaster had hit, Japan had received kind and warm support from all over the world and the Government of Japan, working with the entire nation, was doing its utmost to ensure recovery. Minister Suzuki, the member of the Executive Committee, was currently engaged full-time in the disaster recovery efforts of the Japanese Government and had been unable to attend the WADA Executive Committee meeting himself. He had brought Minister Suzuki's letter to the President and had distributed the letter among the members. He wished to share the current situation on progress towards recovery in Japan. He referred to the document distributed and entitled "Current situation in Japan". He asked the members to look at pages one and two of the handout. The Great East Japan Earthquake had hit Japan with unprecedented force and Japan had received support from 146 countries and regions and 39 international organisations. Japan had received support from the US Navy and Marines, and also the Australian Air Force. Referring to page three of the handout, as a result of all the help received, two months after the disaster, the major transport networks within Japan, including Tokyo, with the exception of the small directly hit region, had been normalised. On page four, the members would see that Tokyo had not experienced major destruction of buildings as a result of the earthquake; therefore, hotel accommodation and services were being provided as previously. It was business as usual. On 10 May, the President of the IRB, Mr Bernard Lapasset, had visited Tokyo and emphasised that Tokyo was safe. The USOC President had also visited Japan on 22 April, and had reaffirmed that he found Tokyo to be safe. In Japan, there were many international sporting events and conferences planned in Tokyo as well as in various parts of Japan and, in July, the General Assembly of the Olympic Council of Asia was to be held in Tokyo. Regarding pages six to eight, measured data showed that the environmental radioactivity levels and tap water radiation levels in Tokyo and many other parts of Japan had been found to be at normal level or lower than the normal level, at the same level or lower than those in major cities of the world such as New York, Paris and Beijing. This was the situation based on current data. The ICAO, speaking on behalf of six international organisations, including the WHO and the IAEA, had stated that Japan was safe. He referred the members to pages 12 and 13. Japan had thus far given very strong support to the human resources development activities and projects conducted by the WADA Asia/Oceania regional office in Tokyo and, despite this major disaster, intended to continue to extend its full support to the anti-doping activities of WADA, working very closely as before with the director of the regional office. This was the commitment on the part of Japan.

THE CHAIRMAN said that Japan had WADA's strong support in all of the efforts that had to be made. He knew that the recovery and reconstruction efforts would take many years, but what Mr Fujiwara had indicated was very reassuring, particularly the assurance that Japan would not ignore the need to continue to fight against cheats in sport despite the difficulties being faced.

PROF LJUNGQVIST thanked Mr Fujiwara for the important information. As Chairman of the IOC Medical Commission, he thanked Mr Fujiwara for sharing the information and said that he had received questions from NOCs throughout the world. Were these data

currently confidential or would it be possible to share them with the NOCs out there? If it were possible, it would be very helpful.

MR FUJIWARA responded that the information was not confidential and therefore invited the Vice-President to communicate it to related agencies and parties.

THE CHAIRMAN informed the members that he would like to give the Executive Committee members an opportunity to hold an in camera session on a regular basis if they wished, and asked if anybody wished to have an in camera discussion. If so, a good time to do that would be immediately after the coffee break. If ever they wished to have that opportunity, they should never be afraid to approach him before the start of Executive Committee meetings.

Returning to a matter discussed in the morning, THE CHAIRMAN said that, on the previous occasion, as reflected in the minutes of the Executive Committee on page 38, WADA had taken a decision that read: "WADA to ask sports bodies seeking Code signatory status to provide verification of acceptance by the IOC or SportAccord". A couple of attempts to draft some extension of this had occurred, and the one sitting on the table for consideration was entitled "Tabled version 2", and that sought to allow WADA, where there was absolutely no doubt whatsoever, to proceed, or otherwise where there was the slightest doubt or a doubt, or where there was conflict or potential conflict that WADA saw, to proceed to get the opinion of the sport movement, expanded past SportAccord and the IOC to include the sport movement more widely, with the examples of ASOIF and AWOIF included, and that that be done before proceeding with the signatory process. He presumed that the members had all had a think or a look at that.

MR RICCI BITTI said that he was not comfortable at all. This was a substantive change and he thought that it would be necessary to go home and check. He was not worried in practical terms; nevertheless, he thought that consultation with the sport movement was necessary.

MR MCOUAID agreed with Mr Ricci Bitti. The Chairman had described it as an extension of the existing rule, but it was not; it was a complete change of the existing rule. Having sat at SportAccord and GAISF meetings, and having heard the International Karate Federation dealing with some other karate federation looking to come in, it was an extremely complicated situation and SportAccord had extreme difficulties at times in terms of its current members and new members seeking to come in. It was easy for him in the context of cycling as, if somebody came in looking for accreditation or recognition in relation to the Tour de France, it was an easy conflict to recognise and the UCI would be asked about it, but there were a lot of other situations out there in different parts of the world that were a lot more complex or vague, and he could see a lot of difficulties stemming from that.

THE CHAIRMAN said that he would not extend the discussion, as he was always reluctant to do something on the run. An attempt had been sought to get some clarification, and it would reduce the work that WADA might have to do in some cases, but the members were nervous; that was all he needed. He thought that the matter would be deferred and put back on the agenda for the next meeting, giving the members a chance to consult properly and give the matter further consideration.

THE CHAIRMAN thanked the staff for the preparation of the papers for the Executive Committee; the professionalism continued and was extremely helpful. He thanked the members for their contribution; their guidance was much appreciated by the WADA management team and staff.

## DECISION

Executive Committee – 17 September 2011,  
Lausanne;  
Executive Committee – 19 November 2011,  
Montreal;  
Foundation Board – 20 November 2011,  
Montreal;  
Executive Committee – 17 May 2012,  
Montreal;  
Foundation Board – 18 May 2012, Montreal;  
Executive Committee – 10 September 2012,  
London;  
Executive Committee – 17 November 2012,  
Montreal;  
Foundation Board – 18 November 2012,  
Montreal.

The meeting adjourned at 17:35 p.m.

## FOR APPROVAL

**JOHN FAHEY, AC**  
PRESIDENT AND CHAIRMAN OF WADA