

**Minutes of the WADA Executive Committee Meeting
20 November 2010
Montreal, Canada**

The meeting began at 9.00 a.m.

1. Welcome, roll call and observers

THE CHAIRMAN welcomed the members to the Executive Committee meeting, thanking them for the efforts they had made to come. He looked forward to working with them over the course of the coming two days. He noted an apology from Mr Fetisov, who had been part of a pre-meeting conference held two days previously with the Athlete Committee.

The following members attended the meeting: Mr John Fahey, AC, President and Chairman of WADA; Professor Arne Ljungqvist, WADA Vice-Chairman, IOC Member and Chairman of the WADA Health, Medical and Research Committee; Dr Rania Elwani, Member of the IOC Athletes' Commission; Mr Jaime Lissavetzky, Secretary of State for Sport, Spain; Mr Fujiwara, representing Mr Kan Suzuki, Minister in Charge of Sports, Japan; Mr Edward Jurith, General Counsel, Office of National Drug Control Policy, USA; Mr Craig Reedie, IOC Member; Mr Patrick McQuaid, President of the UCI; Dr Zakia Bartagi, representing Mr Labidi, Minister of Sport, Tunisia; 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 Gary Lunn, Secretary of State (Foreign Affairs and International Trade) (Sport), Canada; 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; 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, Javier Odriozola, Françoise Dagouret, David Kenworthy, Kaori Hoshi, Peter de Klerk, Takumi Inoue, Andrew Ryan, René Bouchard, David Gerrard, Louis Jani and Patrick Ward.

2. Minutes of the previous meeting on 18 September 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 accurate record of the proceedings?

DECISION

Minutes of the meeting of the Executive Committee on 18 September 2010 approved and duly signed.

3. Director General's report

THE DIRECTOR GENERAL said that he would go through his report with a couple of updates that were required as a result of his writing it three weeks previously.

There were now 150 signatories to the UNESCO convention, and there had been a press release issued that last week indicating WADA's pleasure at that milestone. WADA would not rest easy until the full 100% was received, and a full report on progress in that regard would be given the following day by Ms Jansen and Mr Marriott-Lloyd, who was present from UNESCO. He had been asked to talk a little bit about the voluntary fund, which consisted of about 3.2 million dollars managed by UNESCO. The regional directors were all very busy ensuring that applications were made from the developing nations in which there was a need for educational advance, and he was pleased to inform the members that Mr Swigelaar had represented WADA at the previous meeting of the voluntary fund committee as he had been unable to go, and there had been 19 approvals at the fund committee meeting in October, to be detailed the following day by Mr Marriott-Lloyd, but that was indicative of the hard work done by the regional directors in ensuring that applications were made and the fact that the fund was now more operational than it had been in the past. There would be another meeting of the voluntary fund committee in January, at which further applications would be considered. This was not money replacing WADA money; it was extra money going to the developing nations to use in projects at national and regional level, to develop anti-doping in general, not for testing or doping control, but for education and information purposes. He made that quite plain and told the members that they would have a fuller presentation the following day from Mr Marriott-Lloyd.

For the standing committees, the management had completed the necessary perusal of the nominations received. The committees would be tabled at the Foundation Board meeting the following day. For the new committees, there would be 50 people, 25 representing sport and 25 representing governments, so WADA had achieved that component of the requirements of the constitution. There were 31 male and 19 female representatives, and he had done a breakdown of the various continental representatives, most of whom came from Europe, but he would provide the details the following day. The expert groups, the TUE, List, Gene Doping and Laboratory groups, along with the other ad hoc committees that WADA had, would not be announced at the Foundation Board meeting. The reason for that was that they were annual appointments and the management had not yet ensured that those it wished to have on the committees for the following year had accepted. The Vice-President had agreed with the composition of the science groups, but the management now had to make the invitations. The management would publish them on the website prior to Christmas and would circulate them to all of the Foundation Board members.

The project update in relation to the NADOs in larger countries was before the members; WADA had really reached the end of the work it needed to do with Jamaica, so Jamaica would no longer be a country on the list. WADA had a lot of work to do with Nigeria, and had met the minister from the government in Delhi during the Commonwealth Games. Nigeria had unfortunately had three positive cases at the event, and that had fortunately stimulated a response, and WADA looked forward to a meeting with the government officials to ensure that what had been said to the media was put into place and a national anti-doping agency was established in Nigeria.

India had been observed during the Commonwealth Games, and was making progress but, as with any huge country, it was progress that needed to be monitored. WADA would continue to have India on the list; WADA had been blessed with an opportunity to enjoin the Australian anti-doping agency to help India, and that assistance was now being put into place.

Turkey was a country that had just responded to some of the requests from WADA over the past 12 months, and Mr Andersen would be going back to Turkey in early December to follow up.

That left him with Russia and Brazil, and the members would see two suggestions in his report: one, that WADA keep them on the list and make sure that they operate a NADO appropriately, but two, bearing in mind the important events that they both had coming up, particularly the Olympic Games, WADA felt that there ought to be a separate ad hoc group set up, so that matters in those countries could be addressed with the support of the IOC. He thought that the way forward would be for Mr Andersen and Dr Schamasch to form the basis of that ad hoc group going forward; he knew that this would be acceptable to the IOC and that it could work out how to achieve its goals going forward from there.

WADA would separately deal with the laboratory; that had been done in Vancouver and would be done at any site of a major event at which a satellite laboratory or improvements to be made to the existing host laboratory were required, but that was something he asked the members to address going forward, whether that was an acceptable way of looking at Russia and Brazil.

Looking at the report, he could say that the management had worked out the priority activities that had to be advanced over the coming year. Compliance was very important because the compliance report needed to be tabled in November 2011. The regional anti-doping organisations were the second priority, and the management was looking at individual strategic plans for each of the RADOs, with greater input from each of the regional offices in an effort to ensure that these organisations were maintained and sustained and delivering anti-doping programmes. The third priority was the passport, and the members would see a preliminary report from Dr Verneq in that regard, showing what WADA was doing and learning from what the UCI had done with its programme and what others were doing to make sure that WADA could advance them and enhance them with the obvious issue of cost in mind. The fourth matter was ADAMS (these were not necessarily in order of priority), and a report would be given on ADAMS. The fifth was the targeted countries, to which he had just referred. Those were the five high-priority activities that WADA had in addition to its regular activities, which in no way would be downgraded or downplayed; they would continue to exist.

The members should be aware, as he had been saying in comments in speeches to various organisations, that WADA was under a huge challenge from the underworld. The underworld was making bigger plays in sport in general, including in relation to anti-doping. WADA was aware of attempts to bribe doping control officers and to corrupt those working in laboratories. That was not where it ended, and WADA knew from the work it had undertaken with Interpol and other organisations that the underworld was increasing its influence in sport in general. At the same time, it was improving profits that could be made by trafficking and distributing prohibited substances. It was so easy to make a vast profit distributing steroids, growth hormone and EPO in countries in which there was no legislation to prohibit it that one would effectively be dumb not to invest in such an operation if for one dollar one could make 100 dollars, and there were people in many parts of the world who would love that sort of opportunity, so WADA had to keep that in mind when talking to government friends about appropriate legislation. The members would hear from the WADA representative at Interpol the following day on general activities, and that presentation would include an update on where Interpol was going and how it needed legislation in place to be able to do it better.

WADA had partnered with UNESCO in relation to a project that he hoped would be finished in the first half of the following year, showing country by country the legislation that was currently in place. He was not sure that he would be able to report on the project at the May meeting; it might not be until September, but it was in progress.

The second challenge was the black market for pharmaceutical products. About 25% of the world's pharmaceutical products were now dealt on the black market. It was the same people engaged as those engaged in the pushing of steroids. There was another issue in terms of the "sophisticated doper". Everybody knew about "dumb dopers", probably the vast number of those who tested positive. The sophisticated doper was becoming more sophisticated, with micro-dosing, manipulation, blood doping and other

methods being used that were very hard to detect. In some ways, WADA had been the author of its own misfortune, by introducing the passport and other techniques that had really driven sophisticated dopers to be more sophisticated. That was a challenge to WADA and all those agencies engaged in collecting samples and having them analysed by the laboratories. Then of course there was the issue of cost, and that had been talked about thoroughly in September, but it was a matter that the management had highlighted in the way in which it projected and went forward in activities. The management was aware that the members wanted it to look at cost-effectiveness and cost efficiency. The other thing the management knew that the members wanted it to do as it went forward was to ensure that it kept WADA's processes and rules simple. The old KISS slogan, "Keep It Simple, Stupid", was the way in which the management would be operating as it advanced.

The second part of the management report was that he was pleased to tell the members that Mr Fairweather had been replaced at the WADA Lausanne office with Mr Frédéric Donzé. There had been a large number of applicants, and it had been decided that Mr Donzé would be the most effective director to carry out the task. He would take up his position in Lausanne in the New Year; he had studies in Canada to complete before the end of the year, and so his work would begin there as of 1 February. In the , at the Lausanne office, the management had made sure that there would be people there looking after the needs of the IFs and the European office. Mr Sieveking would be there for a few weeks and Mr Torres would be going over there for a few weeks, and this would ensure that there was appropriate coverage during that period.

Since the report had been written, WADA representatives had been to two major meetings. The first was the ANADO meeting in Colorado. ANADO had been travelling with some difficulty in recent times, particularly in relation to its testing programme. It had some financial issues that needed to be dealt with, and had taken a decision in Colorado to split activities, so the financial component associated with testing services would not be part of the general activity. He looked forward to seeing what that actually meant and to working with the organisation so that it would become an effective, collective body, because WADA would certainly benefit from having a strong advocacy voice from ANADO, in the same way as it benefited from having that voice from the collective sporting groups, ASOIF, AWOIF and SportAccord.

The other meeting attended in recent weeks was FIFPro, which described itself as the world's strongest player union. He did not want to get into an argument about whether that was true or not, but it represented the football players of the world, and was representing them more and more as a union. He had alerted the members before to the progress he felt was being made by various players groups outside the IOC Athletes' Committee and other commissions around the world. These people were serious about what they were doing; they were looking increasingly at labour laws and collective agreements, and WADA had to stay in touch with them so that they were apprised as to what was going on in the anti-doping world. He knew, for example, that one of the groups was behind the challenges WADA faced in Belgium, and Mr Niggli would refer to those in his legal report. WADA had maintained contact, and FIFPro had appreciated WADA's attendance. He had been subject to about three hours of questioning, indicating the sorts of things that had to be addressed. He thought that FIFPro had been better informed and WADA would maintain a relationship to ensure that this continued.

The CAS had met the previous week. There was a new president of the CAS, Mr John Coates, from Australia, with whom the WADA President would be in touch quickly to ensure appropriate discussions, but he could mention the recent court decision in the Belarusian cases. The IOC had asked WADA to look at that decision and provide some after-the-fact opinion. He had provided that to the IOC. WADA felt that the decision was wrong and that the panel had reached a conclusion that was not consistent with the information that could be seen, but WADA had supplied the IOC with a full report in that regard.

With regard to the major leagues, the members had asked him to report more thoroughly, although he could report only to the extent that he could within the report. If the members wanted the management to engage in more direct and updated reporting on their compliance progress, he could do that, but it would mean necessary funding and budget, which WADA did not currently have. The WADA management was ensuring that the appropriate information was available for collective bargaining negotiations. Hockey, baseball and the NFL were all in discussions about their collective agreements. WADA had helped them in relation to such issues as blood collection, growth hormone testing and advances in relation to their testing protocols as opposed to WADA's. The WADA management would continue to do that but, if the members wanted it to heighten the connection that it had, bearing in mind that they were not stakeholders and WADA had no jurisdiction or mandate, then the members would need to tell him where and how to find additional funds to do that. In the meantime, the WADA management would continue to engage in the fashion that it had, which was reasonably regular meetings in New York or Montreal.

Regarding the Independent Observer missions, the UCI mission, and he was grateful to Mr McQuaid for the financing of that mission, which had been financed almost entirely by the UCI, had been completed and the report published. The team at the Commonwealth Games in Delhi expected to complete its report before the end of November, and it would then go to the Commonwealth Games Federation and hopefully be published before the middle of December. There was a mission in progress at the Asian Games in Guangzhou, and he expressed gratitude to the Olympic Council of Asia for meeting all the on-ground expenses for the Independent Observer mission and also the Outreach mission, which were taking place in China. WADA would hold a meeting in February in Montreal of the recent chairs of Independent Observer missions to look at changes to be made to protocols and processes. These included the form of report provided, and he had heard loud and clear from some of the recipients of those reports that they were too long, too complicated and therefore not of as much benefit as they could be, so WADA would look carefully at ways and means of ensuring that they were more concise, shorter and probably following a format that the members would be able to look at in May and either comment on or accept. That would be done with the Independent Observers.

In terms of research, the management had been asked to think of ways and means of how to ensure that topics that were required by the anti-doping movement in general were addressed in WADA's research projects, and one idea was that the management would go to the coalface so to speak, and talk to the IFs and NADOs and others to see what urgent issues needed addressing, and form a list for discussion by the members covering real science and social science at the May meeting or the September meeting. The members could therefore agree on matters that would go out as items of research. The members might wish to discuss the issue. It would probably not be possible to put it into place until 2012, but it was something that might be beneficial.

There was a comment in his report about the new lease and savings that WADA would make over the next ten years. These savings probably amounted to three million dollars, and the members would doubtless be pleased about that. They would see that renovations had taken place and had almost been completed. Those working in the building were very appreciative of the upgrade.

He had mentioned money that had gone back to Europe over a period of time, and he had done that because he had gone to the European Union ministers' meeting in Antwerp, and he had been asked to ensure that there be recognition of the role played by the European governments in WADA. One way in which such role could be recognised was that 32.5 million dollars had gone back to European institutions or laboratories over the past number of years, so the governments were probably getting most of their contributions back. Added to that was the fact that, through the testing programme, Europe had also received millions of dollars over the past few years, so that was also of some significance.

He had been asked by some to raise the issue of laboratories and the regions of the world that were not adequately served yet by laboratories. WADA had been confronted again by football, which had said that there were many samples being collected in Latin America that were going to non-accredited laboratories. They got positive results, they lodged an appeal, and the appeal was smacked down because they had not followed the FIFA rules and gone to an accredited laboratory. WADA had established an ad hoc group to look at the whole issue of laboratories again; that would come into effect over the coming weeks and would address the issue, but he needed to make sure that this was on the record.

The Strategic Plan was being redrafted; the management had taken account of the matters raised during the September think tank meeting, and would redraft the Strategic Plan and send it out to independent individuals to look at. It would take their comments on board and put a draft forward in May.

The members had agreed to fund Tom Murray to write a book as part of WADA's tenth anniversary project. Mr Murray was effectively half-way through the writing of that manuscript; he had an agent and had written 25,000 words and had another 30,000-odd words to go to complete the manuscript. He had been well received when delivering lectures on it, and was looking forward to its completion with the objective of having it with a publisher by the middle of the following year.

THE CHAIRMAN thanked the Director General for his report. On the issue of Russia and Brazil and the concern about their anti-doping programmes in light of the major sporting events going to both countries in the foreseeable future, he had had a discussion the previous day with the Vice-President and the feeling was that clearly the IOC had the responsibility for this but, to the extent WADA could assist, the coordination committee of the IOC might be expanded by some ad hoc additions to it from WADA, and he had indicated that, from his perspective, he believed it was probably necessary for somebody of the standing of president of WADA to be present in the discussions to elevate the debate to a level of minister in those countries in respect of getting some of the programmes in place that one might say there was concern about to say the least. In that regard, he had indicated to Professor Ljungqvist that he would certainly be willing to have the IOC consider him as a member of that ad hoc committee, and he hastened to add that, from a technical point of view, Mr Andersen should certainly be included in that particular arrangement. Professor Ljungqvist had indicated that he had also had some discussions in IOC circles, and he was willing as an IOC member and also as Vice-President of WADA to be part of such a group. The ball was therefore now back in the court of the IOC to give that some consideration, but he did seriously suggest that it was probably necessary because of what he had seen, and he had seen a need to have a political influence brought to bear on the decisions that were required to get better programmes in place, certainly in Russia, and he understood that there were similar sorts of problems in Brazil. He mentioned that for the members' consideration, and it would be formally conveyed back to the IOC in due course.

MR RICCI BITTI thanked Mr Howman for the report. He was very happy on behalf of the sports side to hear that close to 150 countries had signed the UNESCO convention, but he reiterated what he had said in May, which was that he would be very interested, since WADA was spending a lot of energy on compliance with the sports organisations, to know which countries had taken practical steps in terms of legislation. This was very important to really make progress. The NADOs were a vital part of the programme, together with the sports side, and the progress of the NADOs depended a great deal on the legislation. If WADA had the time and resources, he would like an assessment of the situation. This related also to the last point mentioned by the President.

His sport was facing difficulties getting testing equipment into some countries, and this was related to legislation. He cited Belarus, Russia, Kazakhstan and South America in general. The second problem also regarded getting samples out of the countries to test in the laboratories as required for consistency. He asked what WADA thought about this and what it planned to do, as this was a big limitation on international sports.

MR MCOQUAID thanked Mr Howman for his report. In relation to the other matters, blood testing and Hgh, the remark had been made that few ADOs were using the test for Hgh, and the company manufacturing the kits was possibly going to stop producing the kits. This disturbed him, as it was extremely important that the testing continue. He did notice that, in the item relating to major leagues, the NFL and the baseball league had started performing Hgh testing quite extensively. Would that ease the situation? If it would not, what should WADA do to ensure testing would continue?

MR LISSAVETZKY thanked Mr Howman for the excellent report. As to the major leagues, he wished to clarify for once and for all that, when this matter was discussed, it was related only to competitions that were held under the aegis of Code signatories. He agreed that some aspects were private; however, and he did not wish to cause controversy, in Europe, football leagues were also private, but they were signatories to the Code. He appreciated the progress made and asked Mr Howman to increase the level of contact if possible. Sometimes, it was not just a question of money, but also one of contact. He was concerned about Olympic sports and ensuring that, throughout the year, athletes were tested. There were private leagues in Europe, and this should be noted.

The second aspect was related to what Mr Howman had said in reference to the meeting in Antwerp. He appreciated the information and the funding of 32.5 million euros, but the general thrust of the discussion in Antwerp had related not to quantitative aspects, but rather to qualitative aspects. Of course there were good laboratories in Europe, but there should be a study to find out who asked for such help and whether Europe had benefited from this or not. WADA was doing an excellent job, and the distribution of funds took place in a competitive and rigorous fashion, for which he was grateful. The meeting in Antwerp had focused more on qualitative aspects. In some countries in Europe, it was not easy to ensure that domestic laws could encompass all of the WADA criteria. He had not been challenging the issue of funding.

In his country, there was a national research and development programme dealing with research into the fight against doping, and this was the case for other countries. Perhaps Mr Howman might be able to provide information on what countries carried out research and how much money they had spent over the past four or five years, and what they researched, because there were WADA funds as well as national funds. It might be a good idea to send out a message that not only WADA but also governments were spending a lot of money on research. He did not wish to cause controversy, but sought to clear up some issues.

MR JURITH thanked Mr Howman for the very informative report. He thought that everybody was concerned about the progress being made in Brazil and Russia in terms of getting ready for the forthcoming games. They might seem a while off on the calendar, but the reality was that the effort to get a sufficient anti-doping programme up and running was a very significant undertaking. While he recognised that this was primarily the IOC's responsibility, the Chairman's suggestion that WADA form an ad hoc group to assist with the process was a good one. He also reiterated the suggestion he had made at the September meeting that some kind of timeline be developed to measure progress in terms of Brazil and Russia becoming compliant with the requirements for hosting those games.

He had appreciated the comments about the underworld and the point made by Mr Ricci Bitti about states parties' compliance with their obligations under the UNESCO convention. The issues of involvement of corruption, illicit trafficking in steroids and pharmaceutical drugs that might have performance enhancing characteristics were clearly within the programmes of governments under their obligations under the UNESCO convention and more outside the responsibility of WADA. It might be helpful, particularly after the information provided by Interpol at the Foundation Board meeting the following day, that WADA sit down with UNESCO in terms of planning for the conference of parties meeting the following year, and put on the agenda a thorough discussion about the obligation of states parties to control this activity, and this went directly to Mr Ricci Bitti's

point about the obligations of states parties generally under the convention. UNESCO had developed a compliance mechanism, but it was a self-reporting requirement that really fell short, he believed, and, filling out that form earlier in the year, he thought that it was not particularly helpful in identifying the extent to which states parties were really complying with their obligations under the convention. Again, this was not a WADA issue, but WADA could impress upon UNESCO that it really needed to tighten compliance by the states parties, because only by having effective laws in place, whether these related to the control of doping, manufacturing, production and distribution of steroids and other performance enhancing substances or engaging in anti-corruption investigations and prosecutions, those were clearly the obligations of states parties and he thought that UNESCO needed to tighten its mechanism in that regard.

He did not wish to labour the point about the major leagues. The outreach that the management had undertaken to work with various professional leagues in the USA was the right way to go. He did not think that WADA should be expending a great deal of resources on worrying about the extent to which professional leagues, whether in the USA or elsewhere, that were outside the Code were Code-compliant. That was a silly exercise. Looking at Mr Andersen's report, he thought that WADA was on the right track to improving compliance by signatories to the Code. That should be WADA's primary obligation. Hopefully, some time in the future, the major leagues would join the club, but they were not currently members of the club, so the primary focus should be compliance by WADA stakeholders. That was critical, whether it was federations or NADOs or other signatories to the Code. He agreed with Mr Howman's point about the need for maintaining the relationship with the major leagues but not really delving into compliance issues. They had their own programme, and in some respects they were stronger than WADA and in other respects they were weaker.

MR FUJIWARA appreciated Mr Howman's excellent and comprehensive report. He wished to make two points, the first of which related to the UNESCO convention. In the Asian region, the Maldives and Turkmenistan had ratified the convention, bringing the number of non-ratifying countries down to 14. The Japanese Government continued to consider ratification of the UNESCO convention the most important element in advancing anti-doping activities in the region and therefore intended to continue working hand in hand with WADA's regional office in Asia and work with those countries that had not yet ratified the convention.

The second point he wished to make was that, in July that year, elections for the Japanese parliament had taken place, and a number of former elite Japanese athletes had been elected MPs. Among the new MPs, Ms Ryoko Tani was a judo gold medallist at the Sydney and Athens Olympic Games, and he had had an opportunity to discuss the matter of advancing sports in Japan with her. Ms Tani had commented that, with regard to doping testing and whereabouts information collection and out-of-competition testing, she would like the authorities to listen to the athletes. One of the conclusions of the think tank meeting had been the need to give importance to the comments of the athletes and also advance social science research, and he urged WADA to give consideration to the interests of the athletes when carrying out anti-doping activities.

MR ROWE informed the members that, in the past few days, IADA had met and identified research as one of its priority areas for the coming year and, under the guidance of Norway, it intended to identify a range of areas in which the NADOs and government representatives believed that there were research needs that needed to be met with the idea of feeding that into WADA for information, so the timing appeared to be quite appropriate given what Mr Howman had said in his report.

PROFESSOR LJUNGOVIST thanked Mr Howman for the paper, which he had received recently with respect to the investigation of the outcome of the CAS case regarding the two Belarusian athletes at the Olympic Games. How could the CAS reach such a wrong decision? This needed to be looked into in his view. Had there been insufficient or erroneous information given? Were the witnesses not clever enough to give the right information? Was there a need for information and education somewhere for witnesses

appearing before the CAS? Or was it a completely wrong decision despite the fact that the right information had been given? That seemed highly unlikely. It was necessary to see whether there was a need for education for those people brought to the witness stand in relation to important matters such as this one.

He was very worried about the credibility of the fight against doping, related to the fact that people were not analysing for Hgh. As Mr McQuaid had said, this was a substance for which the first proof he had had of the use of growth hormone dated back to 1983, when it had not been genetically engineered and had been available only in very limited amounts. It was now readily available and being used, probably quite widely, and to have a fight against doping in sport in which one of the most widely used and quite efficient steroid-like substances was not even being analysed for put the credibility of the whole anti-doping fight at stake. It was necessary to realise that. He did not have a solution, but it was necessary to look into solutions. Should it be made mandatory? It was analysed for at the Olympic Games and other important events. It was obviously a substance that should be analysed for primarily out-of-competition, as it was an out-of-competition drug used for the purpose of improving the muscular strength of the body. This needed to be addressed as a high priority matter.

He appreciated the conversation about the need to look into what legislation was really around. He had recently given a presentation on behalf of WADA at the ANOC meeting and, for the first time, Mr Vázquez Raña had organised a convention and invited many sports ministers from countries he rarely came into contact with, and to many, this question had seemed to be new. When he had raised the matter of the need for legislation for the purpose of assisting the fight against doping in sport, it had been a new message for many, and that had been surprising and disappointing. He agreed with Mr Jurith that this was probably a matter for a separate conversation within the UNESCO framework to come up with greater compliance on the matter.

MR ROWE added that, at the IADA meeting that week, another issue relevant to Mr Howman's report had been discussed, and it was to be a priority for IADA's work over the coming year. That was to have a discussion and try to tease out the views of governments involved in the group on the anti-corruption issue. That was a piece of work for which Australia had put its hand up to lead.

MR REEDIE commented briefly on what Professor Ljungqvist had spoken about regarding educating witnesses. It seemed to him that WADA might want to educate arbitrators a little better and have them fully compliant with scientific cases. As he understood, there was a process under way in the CAS to try to improve that system, and perhaps produce a specialist group of arbitrators who would deal with science cases and, when WADA was singing from the same hymn sheet with the CAS in the future and could encourage the new president of the CAS to do that, that might help things.

THE DIRECTOR GENERAL said that several people had raised the issue of UNESCO and legislation, and the answer that Mr Jurith had given was probably what he would have said. WADA would talk to UNESCO and Mr Marriott-Lloyd would be there the following day, but UNESCO would be holding the second conference of parties in Paris from 14 to 16 November. That was an issue for UNESCO to address in terms of compliance. WADA had agreed with UNESCO to carry out the research he had mentioned, and had engaged Barry Houlihan to do that. Mr Houlihan had prepared a preliminary report that had been a little too simple for WADA's needs two years previously. This would be an update that WADA hoped to have in hand half-way through the following year. Mr Jurith was right: this was not a matter for WADA to be engaged in from a compliance perspective. The second part of the issue was that legislation being discussed related only to trafficking and distribution of prohibited substances. It was not about anti-doping in general or the way in which the NADOs conducted their activities. This was an extra component that the governments had agreed that they would look at and take responsibility for under the convention.

Mr Ricci Bitti had also mentioned issues relating to sample collection and transport. The previous day, WADA had received a copy of the new law in Russia, signed off by Prime Minister Putin, indicating that Russian laws in relation to the collection and transport of samples out of the country could now take place. Mr Andersen had the full details and could provide the legislation and the accompanying correspondence. Russia had certainly addressed the issue it had said it would.

He told Mr McQuaid that he was very disturbed by the lack of blood collection and growth hormone analysis, and that was something that had to be stopped. There was a paper that dealt with blood collection in general, but the members' views as to how this could be strengthened were required, so he appreciated the UCI's support in that regard.

He understood that Mr Lissavetzky did not want to cause any controversy in relation to the major leagues. WADA would continue its communication with the major leagues, because it was better to be in discussion than sniping at them in the media. Over the past six months, what had been done had been very fruitful, so WADA would continue to work in that area. He knew very well that some of the players from the major leagues were engaged in international competitions and, when they were involved in international competitions, they were under the jurisdiction of the international federation and the rules that WADA had in place were being followed. It was only when they played in the major leagues themselves when they were not subject to the same rules, and therefore they could be banned by the IF yet still compete in the major league. That was the area of tension. WADA would continue to work on this and he would continue to report on progress. The private leagues referred to by Mr Lissavetzky in Europe were actually under the control of the IFs so, although they might be private to a degree, they were still controlled by the IFs. That was the same with many other private leagues around the world. Gaelic football was a good example in Ireland. It did not even have an international federation because nobody else around the world understood how to play the game! Nevertheless, it was under the Code because the government funded the sport and it had therefore agreed to align itself with the Code. There were several other good examples.

He understood what Mr Lissavetzky had said in relation to the Antwerp meeting. The WADA representatives of course had been told to leave the room during the discussion about WADA, so had not been privy to the discussion after he had made his presentation. He was grateful to Mr Lissavetzky for explaining the emphasis sought. WADA was using Europe more than any other continent in the world in terms of expert groups and would continue to do that because the expertise that had been built up through Europe's earlier engagement in anti-doping and the European convention was very important to WADA. The point made about national research money and the amount spent around the world was something WADA had in mind and Dr Rabin had convened a meeting of people conducting research the previous year, to liaise so as not to duplicate projects, but also to publish. WADA would continue to bear that in mind as it went forward.

He thanked Mr Jurith for his erudite observation about UNESCO. WADA would leave it to governments to make those steps to tighten compliance. Ms Jansen and Mr Andersen had spent a long time with UNESCO trying to improve the compliance report and take advantage of the information WADA received. WADA was committed, happy to help, and spent a lot of time trying to help.

He told Mr Fujiwara that WADA thanked Asia/Oceania for the advances made over the past few months in terms of ratification. The number of countries in that region that had ratified over the past six months was quite significant. The observation about the athlete voice was well heard, and WADA was trying to engage its athletes more and more. Regarding whereabouts, WADA was having the athletes look at its advances before putting them into place. WADA would continue to take advantage of the information it could get from the athletes.

He thanked Mr Rowe for the information about the IADA meeting and the range of issues. He looked forward to working with IADA in the area of research and anti-corruption, as well as in any other way in order to benefit from government expertise.

He told Professor Ljungqvist that he was worried about the Belarusian case from a legal point of view and, as a lawyer, he might have conducted the case slightly differently, but there were several points within the letter sent to the IOC that would indicate that improvement going forward might be helpful. The panel had got it wrong, but he could not tell whether the panel had got it wrong because it had not got all the information. One aspect that he would comment on, for example, was that the laboratory director from Beijing had not been at the hearing in person. That was a risk that one took, as one could not brief the individual and did not know who was sitting at his/her shoulder, and one was subject to interpretation. He thought that it would be wise that those sorts of witnesses be present in the future. That was just one suggestion. He had other suggestions and would be happy to share them outside the meeting room. WADA had been asked by the laboratory directors to educate them in giving evidence. WADA had offered such assistance some years previously but had not had the resources to follow it through. WADA did not mind providing evidence training to the laboratory directors. It was something that would take a couple of days, as they would have to be put individually in the witness box and subjected to pretty strong cross-examination, and so on. WADA would be happy to do that and he thought that it was one way of helping. There were other tactics involved from a lawyer's point of view, and he would be very happy to work with any lawyer prosecuting a case to give information that might help advance it, and that included, and he remembered his days as an advocate (which seemed to be disappearing into the blue yonder), making one's arguments depending on the judges before whom one was appearing and, if one went into a courtroom and saw a different judge, one might have to change one's argument, as judges were human beings with backgrounds that had to be appreciated. That was another thing that was always looked at from a legal perspective in relation to tactics.

Professor Ljungqvist was right about growth hormone, and he thanked Professor Ljungqvist for representing WADA at the ANOC meetings, which had been significant and illustrated precisely the point that Mr Ricci Bitti had made and that Mr Jurith was trying to answer.

Mr Reddie had mentioned educating the arbitrators. He had gone to Kenya to the latest CAS arbitrators' meeting to educate them. WADA had been planning to go to the next CAS arbitrators' meeting, which had been cancelled at the request of the then president. He would think that the new president might have a similar meeting. WADA would be very happy to attend and educate.

DECISION

Director General's report noted.

3.1 Ethical Issues Review Panel report – Anti-doping research by elite athlete preparation institutions

THE CHAIRMAN asked that the members support the decision required that, in view of the content of the attached report, the Executive Committee consider adopting the recommendations of the WADA Ethical Issues Review Panel so that they became a policy decision of the agency. This related to an issue that had arisen in Australia and a further review of it by the Ethics Committee.

DECISION

Recommendations of the WADA Ethical Issues Review Panel adopted.

3.2 Think tank review

THE DIRECTOR GENERAL said that he had outlined in the paper a series of issues and ideas to which the members had contributed in September, and the WADA management was now looking at ways and means of incorporating as much as possible of those ideas in activities and strategies as it went forward. Just as he had reported in his report on how WADA had dealt with the outcome from Oslo, the management would report in May on how it was dealing with the outcome from September.

DECISION

Think tank review noted.

3.3 Executive Committee meeting location – September 2011

THE CHAIRMAN indicated that those present at the public authorities meeting that morning had expressed some views on this, focusing to a large extent on the fact that to go to Lausanne would cost money. Subsequent clarification had occurred to the point that he could indicate that, with the support of the IOC, should the members decide to proceed with this meeting away from Montreal and in Lausanne the following September, it would be cost neutral, so there would be no expense to WADA. With that in mind, he invited the members to ask questions and make comments.

Without wishing to labour the point, MR JURITH wanted to reiterate for the record some of the concerns expressed by the governments that morning, cost being the major one, referring to the discussions about costs at the September meeting. It was important to recognise that Montreal had been selected as WADA's headquarters and, if the notion of the meeting was to do outreach, he did not know how WADA would increase its outreach footprint by having an Executive Committee meeting that was closed to the public in Lausanne. It seemed a bit contradictory. Also, he saw from the Director General's report that, since May, WADA staff had participated in at least 24 events around the world, and the period in question referred only to the period from May to October; therefore, if the rationale for the September meeting was outreach, he was not too sure how a meeting of the Executive Committee in another city forced that objective. Nevertheless, having said that, if it could be made cost neutral, it should be kept in mind.

MR LUNN thought that it was important to reach out; he loved having everybody in Montreal, but he thought that this was a good idea to reach out and step outside Montreal from time to time, especially bearing in mind the fact that the meeting would be cost neutral. Even though the meeting would be closed to the public, he did think that WADA's presence would be noted and that this would be positive for the organisation.

PROFESSOR LJUNGOVIST said on behalf of the Olympic Movement that, not surprisingly, he supported the idea of going to the IOC's home city for the 2011 meeting.

MR LISSAVETZKY supported the position put forward by Mr Fahey. He thanked the IOC for suggesting a meeting in Lausanne. If it were to be cost neutral for WADA, he would support the proposal. WADA should thank the IOC for its proposal and also thank the WADA President for his future activities.

MR REEDIE said that the word "guarantee" was not often used in financial transactions, but he guaranteed that it would be cost neutral.

THE CHAIRMAN said that the principle ought to be enshrined in the decision, and that was that, on that occasion, the proposal was to go to Lausanne in September 2011, clearly on the understanding that there would be no additional expense to WADA, and that, should this matter come up on other occasions, the cost neutral issue must always be the major factor in deliberations. He asked the members to indicate that the September meeting would be in Lausanne.

DECISION

September 2011 meeting of the Executive Committee to take place in Lausanne.

3.4 Say NO! to Doping!

THE DIRECTOR GENERAL said that this was in the part of the agenda that it was as it was an agency-wide programme and a campaign that was not limited in any respect. WADA was ensuring that the campaign would be part of all the activities that WADA undertook in 2011. The members would see the following day that the programme would be an influential part of all WADA presentations and activities undertaken when attending conferences and events. From that point of view, it was a simple agency-wide message; it was something that Mr Koehler and his team had started successfully, and WADA was embracing it and adopting it across the board.

THE CHAIRMAN asked the public authority members, in their deliberations, to recognise that he could not imagine the downside of governments adopting this and as many sports as possible in individual countries. This programme sent out such a strong and good message to the youth of any nation. It was a good message for sport, with sports saying to parents that their principles were that doping would not be tolerated. There had been some terrific support from major sports at the peak level, and he knew that WADA would love to see this spread a little further.

MR ROWE said that a lot of effort had been put into harmonising doping control and result management, and he wondered whether similar efforts had been put into harmonising and coordinating education. There would obviously always be areas in which there would be differences, but it also occurred to him that there was an extensive education campaign in his country, but it used different catch-cries and tag lines, and he wondered whether some greater consistency might be obtained. Maybe this had been thought of and rejected for good reason; he did not know.

DR BARTAGI said that, to harmonise all those educational messages from WADA through sports organisations and governmental authorities, her government had adopted the same message, "Say No! to Doping", and had put it together with its own slogans and educational material, and it was a good idea to harmonise this activity.

THE DIRECTOR GENERAL said that the concept of harmonising education was a huge issue, but it was more in the area of the Education Department, and Messrs Koehler and Lunn could talk about that later on. The harmonisation of the campaign, which he would separate from education itself, in the way Dr Bartagi had spoken about it, was exactly what WADA was trying to achieve. It was simple; it was just a label. It was a bit like the Play True label, so he hoped that the outcome to which Mr Rowe had referred would actually be achieved.

DECISION

Say NO! to Doping! update noted.

3.5 Designation of Latin America Regional Office assets

THE CHAIRMAN asked the members to take a decision. The laws of Uruguay required bodies such as WADA to have a resolution passed which allowed certain things to remain in the country should the organisation depart. To comply with those laws, WADA had to seek the support of the Executive Committee for certain items, which were outlined, to remain in the country and be given perhaps to a sporting body, as determined by the national sport authority and the NOC. The items were not of great value; nevertheless, to comply with the law, the resolution needed to be passed.

THE DIRECTOR GENERAL pointed out that this was not just a question of legislation; it was to allow WADA to attain the status of a non-profit organisation in Uruguay, which

made the whole administrative approach much easier. If WADA did not do this, it would lose the status that it was seeking to achieve.

DECISION

Recommendation regarding the designation of the Latin America Regional Office assets approved.

4. Operations/management

4.1 World Conference on Doping in Sport 2013 – host city

THE CHAIRMAN said that there had been a request that morning at the public authorities meeting that the management provide an outline of the three cities remaining. The decision would be made the following day. What the members had to decide was whether or not they wished to take a recommendation to the Foundation Board meeting the following day. If it was the wish of the Executive Committee not to give a particular recommendation, that was an option that the members could certainly consider. The members might wish to see the Foundation Board decide without any suggestions from the Executive Committee. He certainly would continue to remain neutral on the matter. If there were a recommendation from the Executive Committee, it would be provided to the Foundation Board meeting the following day. That did not preclude a discussion or requests for clarification. The process the following day would require an examination of the roll. There would be 34 people present the following day who would be eligible to vote; there would be some representatives around the table who would not be entitled to vote. Secondly, the members had to decide whether they would like a secret ballot or a show of hands. Thirdly, this would be an exhaustive ballot, which meant that one voted for a city and the city with the lowest number of votes would drop out. Ultimately, it could occur in the first round that the city with the majority of votes was selected. That was the procedure for the following day. Of course, it would be necessary to appoint scrutineers. Having said that, perhaps the Director General might give some idea of the appraisal the management had made in terms of the individual bids.

MR RICCI BITTI asked about procedure and the official representatives.

THE CHAIRMAN said that the official representatives would be entitled to vote, but there would be some people sitting around the table the following day who were not the official representatives. The Foundation Board members had the capacity to appoint an official representative to be a substitute when they could not attend. The following day, there would be people present to whom WADA would give the courtesy of allowing them to sit around the table but who were not official representatives of the Foundation Board members and were therefore ineligible to vote. It appeared that there would be 34 of the 38 votes, but four people around the table who were not official representatives would not be able to vote.

THE DIRECTOR GENERAL noted that there was a letter on the table from Slovenia indicating that it was withdrawing from the bid. Three cities remained in contention: Dallas, USA, Johannesburg, South Africa, and Sochi, Russia. The management had followed exactly the same process as had been followed when evaluating the bids for the 2007 conference, for which there had also been a number of bids at the time and WADA had provided a similar report, and he could recall being asked to provide further information to the Executive Committee on that occasion. It was not surprising that the members were seeking more data or clarifications. All three cities had complied and answered the questionnaire given and had promised to deliver. He had no problem from a technical point of view on delivery. The form of delivery varied from city to city; there was one bid, from Sochi, which was relying on a building that had not yet been completed. He was not in a position to be able to say to the members that the building had been inspected. That was just the situation. All of the cities had agreed to meet the

running costs of the conference. In addition, two of the cities had agreed to provide additional coverage. The bid from Johannesburg had agreed to cover all hotel accommodation costs and return flights for WADA Executive Committee and Foundation Board members, so that was a significant contribution. There would be a reception for all those there. The Sochi bid had also offered to meet accommodation costs for all WADA Foundation Board members and the management team. WADA had allowed all of the cities to put in bids and make additional proposals, but had not advised each of the bid cities as to what the other had offered. They probably knew by now, as they would have seen the report. That was the position. The rest of the paper was relatively straightforward, because the one issue that had been learned, with gratitude to Spain, was that these conferences were successful only if one had an appropriate venue, and WADA would need sufficient seating for 1,500 to 2,000 people, with university-style seating. Many conference facilities could offer plenty of room, but not sufficient room for a table and microphones for each of the delegates. Each of the three bid cities had offered such seating. It was very difficult to start saying what he recommended, because he did not think that this was his job. It was his job to make sure that the material gathered was compiled and presented. The members had been advised of the additional offers made by the cities he had mentioned. He had not gone to the Dallas bid city representatives and told them what the other two cities had offered, as he had not believed that this was an appropriate thing to do. From his point of view, he was very happy to be able to come to the Executive Committee and say that there were three very good bids, each of which had to be assessed according to what the Executive Committee and Foundation Board members wished to address.

MR REEDIE said that he had brought Copenhagen to the market for the second conference and, although there had been another expression of interest, he had certainly brought Madrid to the market. He had done that because, as these conferences got bigger and bigger, they represented a potentially enormous cost to WADA, and it seemed to him that those costs should be met as far as possible by the host city, which would benefit from the fact that it had a worldwide conference in its city, and Copenhagen had benefited hugely, to the extent that, years later, it had run a very successful IOC session in the same building. Madrid had been outstanding in terms of facilities and above all the investment from Madrid, or Spain, had been significant. From that point of view, if the Executive Committee decided to make a recommendation the following day, he would be very happy to stand up and make a recommendation on technical and financial reasons because, if WADA was facing a complicated financial future, he thought it had to be pretty careful that the total amount of money that it was prepared to put into the conference was limited; therefore, it needed the assistance of the host city.

MR LISSAVETZKY said that he had one question. Would there be a presentation by the cities, and would there be nominations?

THE CHAIRMAN replied that the intention had been not to ask the bid cities to make a presentation. Having said that, it had been kept a little bit flexible, because there had been some suggestions that Sochi representatives might turn up in some numbers and endeavour to present information and participate in a lobbying exercise over the weekend to get support, and if that appeared to be of a nature that excluded a similar exercise being conducted by the other two cities, it should be within WADA's capacity to adjourn the decision until the next time it met. He did not know if there were Russians in town or not; he had not seen them, but there was still time! WADA had certainly not invited the bid city representatives to come and make a formal presentation with videos and speeches and so on.

THE DIRECTOR GENERAL added to what Mr Reddie had said. It was very obvious that the best economic bid came from Johannesburg. He had to make that quite plain. The members would see the cost of the conference to WADA when it had been held in Madrid, and WADA had budgeted for its normal fees of 210,000 dollars; these would actually be paid by South Africa, so there were 210,000 dollars to the good in relation to what WADA

had had to spend in 2007. From a purely technical approach, they were all okay; from an economic approach, Johannesburg was by far the most financially attractive bid.

MR RICCI BITTI asked whether the Chairman believed that it would be better to go with the recommendation or not. The point had been raised, but he was not sure what the general feeling was.

THE CHAIRMAN repeated that did not wish to influence the outcome, but there was something that resonated when one suggested going to a continent like Africa, because WADA was a world body and should try and move around a little bit. The headquarters were in North America. The previous conferences had been in Europe. Some might argue that Sochi was only just in Europe. He simply made the comment. He was quite happy to see whatever the Foundation Board wanted.

MR JURITH wished to make a couple of comments about the Dallas bid. The three prior conferences in Lausanne, Copenhagen and Madrid had been in Europe; the Dallas bid was obviously from North America and, in terms of WADA wanting to extend its footprint around the world, the Dallas bid clearly helped to do that. The bid was very technically sound, in accordance with the requirements, and it was supported strongly by the USOC, USADA and the city and state of Dallas, so he urged the members to keep that in mind.

MS BARTAGI said that, from a security point of view, WADA needed commitments made by the governments in order to have a successful conference so, financially speaking, the members knew which government was in a better position to assist WADA, and the conference must have the greatest impact on anti-doping activities in the region involved. These points should also be covered.

MR LISSAVETZKY said that, from a logical point of view, there were three candidates from three continents, and the public authority members would seek to defend the city in their continent. At the CAHAMA meeting, the European representatives had decided to support Sochi, the European representative. He would speak in favour of Sochi. If the IOC had chosen Sochi as the host city of the Olympic Games, it was logical to hold the conference there too. Russia was playing an important role. Johannesburg was a wonderful city, South Africa was magnificent, and Spain had won the Football World Cup there. There were three great proposals from a technical point of view. It was undoubtedly important to look into costs. There were other reasons as well that needed to be taken into account. He did not mind which way the Foundation Board voted, in a secret ballot or by a show of hands. He would respect the decisions made by his colleagues. He had read the bids and the three candidate cities were excellent. It was up to the Foundation Board to decide.

PROFESSOR LJUNGOVIST said that this was just a personal feeling, but he believed that the Foundation Board did not have that many decisions to take alone, as many decisions were taken by the Executive Committee. Was the Executive Committee not interfering a little unnecessarily if it gave a recommendation to the Foundation Board rather than letting the Foundation Board decide totally independently of any recommendation? His personal preference would be to leave it to the Foundation Board to decide.

THE CHAIRMAN sensed that what Professor Ljungqvist had just said reflected the mood that was developing, that the Executive Committee should not go forward the following day with a recommendation.

MR REEDIE said that it was not often that he disagreed with Professor Ljungqvist; he thought that this was a Foundation Board issue, but he thought that it should receive advice from the Executive Committee, which had looked at the issues in detail, and the Executive Committee should make a recommendation for all practical reasons. He would be happy to do so. He thought that what Mr Lissavetzky had said was both logical and useful. The Executive Committee was there to look in detail at the projects before it, make a recommendation to the Foundation Board and let the Foundation Board take it

from there. The Foundation Board could say that it did not wish to accept the Executive Committee recommendation and wanted to consider all three candidates, on the assumption that the paper was in front of every Foundation Board member.

MR LUNN stated that he thought that the facts should be put before the Foundation Board without making a recommendation. Somebody should present the facts relating to all three cities and then the decision should be left up to the Foundation Board as opposed to telling the Foundation Board members how to vote.

Having seen Switzerland, Denmark and Spain host the conference, DR ELWANI thought that WADA, as the World Anti-Doping Agency, should be present not only in Europe, and should consider other continents. That was a point that could be raised.

THE CHAIRMAN asked the members whether they wished to make a recommendation to the Foundation Board. On the basis of the result, he asked for a motion on the recommendation.

MR REEDIE said that he thought that the Executive Committee should recommend that the conference should go to Johannesburg. WADA was in North America on a regular basis and had already been in Europe for conferences. This appeared to be the most commercially sound bid, and it would go to a different continent and, if the Foundation Board did not wish to live with it, then there would be a process.

MR LISSAVETZKY asked about abstentions. He would not vote against Johannesburg because the project was excellent, but he wished to defend European interests, and Europe wanted to support Sochi. If the majority wished to vote in favour of Johannesburg, that was fine, but Europe supported Sochi, and it was up to the Foundation Board to decide. He had thought that, rather than a recommendation, there would be debate. There should be a possibility to abstain. The most sensible method would be to make arguments in favour of or against the cities, and then the Foundation Board should vote; there should not be a formal recommendation.

THE CHAIRMAN said that, for the record, the Executive Committee would explain that the vote just taken had shown that the majority of the Executive Committee members supported the recommendation. It was clear to everybody that, as individuals, they would be free to vote and speak as they saw fit. The majority of the Executive Committee members had indicated that they believed that this should be the recommendation to be made. He thought that there should be a secret ballot the following day to avoid any embarrassment. He would seek that motion from the floor the following day.

MR RICCI BITTI said that the facts clearly indicated that WADA should go to Johannesburg.

THE CHAIRMAN affirmed that the facts were there. The most beneficial option financially was Johannesburg. Whilst the majority supported that recommendation, in no way did that tie the hands of any of the Executive Committee members from speaking in favour of a different city the following day and voting as they saw fit.

DECISION

Proposal to recommend Johannesburg as the host city of the next World Conference on Doping in Sport to the Foundation Board approved by the majority of the Executive Committee.

4.2 President and vice-president

THE CHAIRMAN said that this was a matter for the Foundation Board to decide upon the following day. When this particular matter arose, he would vacate the chair and ask the Vice-President to take the chair in the context of putting the motion for his endorsement by the Foundation Board. He did not know that this was necessary at the

Executive Committee meeting. He would be happy to hear any discussion. Professor Ljungqvist and he had indicated their willingness to proceed to the second three years or second half of their entitlement, and of course that required the endorsement of the Foundation Board.

MR LUNN spoke on behalf of the Government of Canada to express his appreciation for the great work done by Mr Fahey and Professor Ljungqvist in their positions over the past three years and, obviously, he would continue to support them, but they deserved to be congratulated.

MR JURITH echoed Mr Lunn's comments. He would support Mr Fahey and Professor Ljungqvist when the recommendation was made to the Foundation Board the following day.

MR LISSAVETZKY said that, as far as Europe was concerned, the representatives at the CAHAMA meeting had decided to support the proposal that the President and Vice-President continue. He would personally be delighted to see Mr Fahey and Professor Ljungqvist continue and he thanked them for their work.

MR ROWE added his support to Mr Fahey and Professor Ljungqvist and congratulated them on their work. He looked forward to that continuing over the next three years. Australia would be happy to continue the arrangement to support the fact that the President was from a long way away and therefore incurred some additional expense to WADA.

MS BARTAGI said that Africa also supported the President and Vice-President and hoped that they would continue the good work they had started in the fight against doping in sport.

MR RICCI BITTI agreed with what the previous speakers had said and thanked the President and Vice-President for what they had done and what they would do over the coming years. Professor Ljungqvist was a sort of institution.

THE CHAIRMAN joked that it was always good to work with an institution. He thanked the members for their very kind remarks and hoped that there would be no dissension the following day.

DECISION

President and Vice-President update noted.

4.3 Executive Committee appointments 2011

THE CHAIRMAN said that the members had an amended sheet before them.

THE DIRECTOR GENERAL informed the members that the management had been advised that morning that the representative on the Executive Committee from the Oceanian governments would be the Australian minister, so there would be only one hole to fill and that would be declared following the Asian intergovernmental meeting, to be convened prior to the Foundation Board meeting. By the following day, the full list of those to be on the Executive Committee for the following year would be available. He sought approval from the Executive Committee as to the composition and process.

THE CHAIRMAN informed the members that the decision required was that the Foundation Board appoint the members of the Executive Committee for 2011 and appoint the nominated person from Asia when determined later that day and notified the following day.

DECISION

Executive Committee appointments 2011
approved.

4.4 Foundation Board

– 4.4.1 Memberships 2011

THE CHAIRMAN said that he thought that the process was fairly straightforward and was in accordance with the WADA statutes.

MR ROWE said that the term for one of the members from Oceania for the Foundation Board concluded on 31 December that year. Did the management need the nomination? He wished to advise the meeting that the nominee would be from New Zealand.

PROFESSOR LJUNGOVIST informed the members that Ms Angela Ruggiero, the hockey player from the USA, would follow on from Mr Popov as the representative of the IOC Athletes' Commission.

THE CHAIRMAN sought the members' endorsement.

DECISION

Foundation Board nominations approved.

– 4.4.2 Endorsement of composition for Swiss authorities

THE CHAIRMAN informed the members that WADA was required to notify the appropriate authorities in Switzerland as to the decision taken by the Executive Committee. Did they agree that such information be conveyed to Switzerland?

DECISION

Endorsement of composition for the Swiss authorities approved.

5. Legal update

THE CHAIRMAN drew the members' attention to a couple of letters on the table before them, which were a response from the CAS and its secretary general, Mr Reeb, to the letter that had been sent to the CAS, and then a subsequent reply to that letter from Mr Niggli. He asked the members to have a look at those letters, which were pretty unsatisfactory to say the least. Mr Niggli had clearly encapsulated the feelings of all of the members in a subsequent letter, but it did indicate clearly that WADA had a bit of work to do to make the CAS work, and he asked the members to keep that in mind.

MR NIGGLI said that there were some items that had evolved since he had written his report. He referred first to item five, a decision received recently from the Swiss Federal Court on one of the appeals by Alejandro Valverde, challenging the CAS decision on the grounds that one of the arbitrators, Mr Ullrich Haas, was not independent because he had been the chair of an Independent Observer mission at the Athens Olympic Games in 2004 and because he had been involved in the drafting of the Code as part of the Code project team. The Swiss Federal Court had rejected the arguments and rejected Mr Valverde's appeal, which was good news. It was a very thorough decision; it was quite unusual for the court to write 40 pages and provide such detailed reasoning. This would be useful for other CAS matters in terms of dealing with the independence of arbitrators. In particular, the court had highlighted the fact that it considered that all arbitrators on a panel, be they chairpersons or the arbitrators appointed by the parties, should be equally independent; therefore, the notion of a parties arbitrator, which existed in some jurisdictions, was not something that the federal court would accept. In other words, if an arbitrator claimed that he or she was the arbitrator for the athletes or the federation, this was not something that would be acceptable, and he thought that this was good news.

On item six, this was the first time that WADA had challenged a case in France before the Conseil d'état. WADA had not received the final decision, but at least it knew that

the Conseil d'état had accepted WADA's jurisdiction to appeal cases in France. That was an interesting precedent, as it now meant that, even though national cases could not be brought to the CAS under French law, at least there was a way of appealing something in France.

Item 11 had been resolved and a two-year sanction had been handed down to the player.

The same applied to item 15; the player had been given a two-year sanction. This was an interesting case, the first case in which WADA had had to advance all costs, because this had been a decision taken at national level so, under the new CAS rules, WADA had had to front the costs. Neither the player nor the Spanish football federation had paid; therefore, WADA had had to advance the costs for all three parties, amounting to about 30,000 Swiss francs before even starting the case. The player had been given a two-year penalty, but WADA did not know how the costs would be divided as this would be the subject of a subsequent decision from the CAS. He had to say that he found it extraordinary that the football federation, which had in fact recognised in the course of the proceedings that the way in which it had applied Spanish law in the first instance had been wrong, had refused to pay and partake in the proceedings. He did not think that it was normal that a federation with the means and the resources to partake had relied on WADA to front the costs.

Case number 18 was a complicated case in Cyprus. At the end of the day, the trainer had been given a four-year ban, and two players had also been banned. This had been followed by the Cyprus NADO writing to FIFA asking what FIFA was going to do about the team, because the team had won the championships and, with two players from the same team having been convicted, there should be some sanctions against the team under FIFA rules. A letter had been sent to FIFA and FIFA's position remained to be seen.

In relation to item 19, Mr Cañas was still litigating in Europe but WADA had now been accepted as a party to the case. WADA had made a formal request and this had been accepted by the European Court of Justice, and the deadline to fight the brief was mid-January.

Case 14 was a very disappointing case. The rider in question had been sanctioned for two years by the CAS, and had not appealed the decision by the CAS; therefore, the CAS decision was definitive. The rider had then gone back to his own country, Belgium, and gone to the Belgian court to ask it to set aside the CAS decision. In the first instance, the UCI and WADA had argued against that, on the grounds that the Belgian courts had no competence; once there was a CAS decision, the only way of challenging that was to go to the Swiss Federal Court, which was the legal position under the New York Convention, and that had been upheld by the court of first instance in Belgium, and therefore dismissed. But then the rider had appealed in Belgium and an extraordinary decision had been handed down a few days previously, allowing the rider to ride until April, from a judge who did not want to take a definitive decision on competence, but who thought that, in the interest of the rider, the rider should be allowed to ride until a decision was reached and, in order to reach that outcome, had given a reasoning in his decision that the CAS was not an arbitration institution but a disciplinary body to which the UCI had delegated its disciplinary power. This was science fiction, and WADA was facing that and had to deal with it. It would deal with it, but it was actually very worrying to see that sometimes such things that were blatantly wrong from a legal point of view could occur. The really important thing was that it was clearly said that this had an impact only in Belgium; therefore, there was a CAS decision for the rest of the world preventing the rider from competing, but in Belgium there would be no choice but to abide by this very strange decision.

On the matter of data protection, there had been a meeting on the fringes of the Council of Europe and CAHAMA meetings the previous week in Strasbourg. Discussions were ongoing. Comments on retention time had been received and compiled, and that

had been discussed with WADA's European friends, who would come back in February with comments. There was still an outstanding duty on the part of the European Commission to formally recognise Quebec as being adequate in terms of European law. It was an administrative decision and everybody hoped that the Commission would deliver sooner rather than later, and the Council of Europe was trying to coordinate some form of letter signed by NADOs to Ms Reding, who was the commissioner in charge of the matter in Brussels.

Finally, there had been discussion on the matter of publication of decisions, which would also require further work, notably in Europe, and would be part of the ongoing discussions.

Regarding the CAS, the Chairman had highlighted the correspondence. Obviously, WADA had been disappointed by the answer received from the CAS, because he thought that all those lawyers had taken part in the working group meeting in a constructive spirit. The aim had been to get some good ideas in order to minimise cost, increase speed and make things work as well as possible. WADA's concerns remained, and this had been conveyed to the CAS. A new president had now been elected, and he hoped that this would improve the discussion. The decision from Belgium was a good example of the CAS being under attack because, whilst this particular decision was wrong, it was important that everybody ensure that the CAS was as good as possible in order to avoid such attacks.

THE CHAIRMAN said that he did not propose to allow that additional correspondence from the CAS to be circulated at the Foundation Board meeting the following day. The Executive Committee clearly needed to know the nature of that but, in his view, it was disappointing that the CAS had not appeared in that Keisse case in Belgium which had been an attack on the CAS and its authority, and that was a shame. WADA had encouraged the CAS to do so, but it had chosen not to partake in that case, and WADA was effectively endeavouring to have the decision of the CAS upheld, but it had now got to the point of considering the authority of the CAS anyhow, and there was now this science fictional legal interpretation that it was a disciplinary body.

MR REEDIE referred to the two Spanish football cases (15 and 16). He was pleased to see that legislation was being changed in Spain that would resolve the appeals issue. That was extremely good news. As far as the payment made by WADA was concerned, he asked his friend Mr Lissavetzky if he would lift the telephone and speak to the world champion football association and ask it to direct this very modest amount of money that had been paid by WADA on its behalf in the direction of WADA, as he thought that it was wrong that WADA should pay at all, and there should be some contribution towards the expenses. It was a very modest amount of money, but there was an element of principle in there.

MR LISSAVETZKY responded that the associations in question were independent, so he had no mandate in relation to the Spanish football association. He could convey what had been said but could not give any orders. He was present at the Executive Committee meeting as a representative of Europe and anything that was bilateral should be tabled elsewhere. He was speaking on behalf of Europe. The federation was a private entity. If WADA wished him to talk to the president of the association, he could do so, but he had no executive authority. This should be absolutely clear

THE CHAIRMAN said that he thought that it had been Mr Reddie's intention to ask Mr Lissavetzky to have a conversation rather than suggesting that Mr Lissavetzky had any authority. He understood that Mr Lissavetzky might be prepared to have a conversation. In the same context, whilst focusing on Spain, the last bit of item 16 indicated that a change of legislation would remedy this particular issue and should take place in the coming weeks. Was that legislation close to being concluded?

MR LISSAVETZKY replied that he had not realised that specific countries would be talked about. He was not sure that he understood the question. The situation in Spain was similar to that in France. He believed that the matter was being resolved in France.

In Spain's case, he was having discussions to solve a problem that had not been contemplated in Spanish legislation, which was very similar to French legislation. Spain had been working directly with the anti-doping agency. It was a country that had anti-doping legislation. Spain had adjusted as much as possible as France had done. The publication of cases was something that had been achieved but about which WADA was not aware. Other countries did not have this provision. With regard to this specific case, Spain was making an effort. This was not a whim; there were some countries that were struggling with their resources and legislation, but sometimes it was very difficult to have all the viewpoints expressed from a legal point of view and to ensure harmony between European legislation and the WADA Code. In this specific case, there would be an appeal law and this would be resolved. He was awaiting a response from Mr Simonelli, who was supposed to be meeting Mr Odriozola that afternoon or the following day.

THE CHAIRMAN said that he had wanted, in the context of recent weeks, to know if there had been any further progress there. He knew that work had been going on for some considerable time. He had not wished to criticise; he had simply been asking for an update.

PROFESSOR LJUNGOVIST said that there was a provision in the 2009 Code that allowed for a four-year suspension following a serious doping offence. Had that ever been exercised? He could see one case involving at least two banned substances that would meet the requirements for a four-year suspension. There were others involving anabolic steroids that also met the requirements for a four-year suspension. People were asking him where the cases were and his answer had always been that he did not know of one.

MR MCQUAID referred back to the exchange of correspondence between WADA and the CAS, and commented on the tone of the exchange more than the content. He would be rather concerned about the tone, particularly in relation to the CAS response to the WADA request as such, and he appealed to the President to meet the new president of the CAS (it would not be necessary to travel too far), and perhaps between the two of them they could set the ground for a better collaboration between WADA and the CAS.

THE CHAIRMAN responded that he intended to meet with the new president at the earliest opportunity. This correspondence would clearly be in his briefcase and would be the subject of discussion.

MR REEDIE said that he had warned the new CAS president the previous day that Mr Fahey would be on the telephone.

MR RICCI BITTI noted that he thought that the CAS had been subject to a great deal of criticism in terms of consistency and quality. It was in everybody's interest to have a good CAS; therefore, it was necessary to be constructive. He agreed with Mr McQuaid. The exchange of correspondence showed that it was necessary to work together. In the interests of WADA and sport in general, it was necessary to have a good CAS. Perhaps this exchange should become more positive and more constructive. He recommended being as constructive as possible, especially in view of the change of presidency, the board, ICAS and so on.

The second remark was about the Cañas case. This player had stopped playing three years previously. Did Mr Niggli think that Mr Cañas was going ahead with his own money or that there was an interest group funding him? It was a typical case. Mr Cañas had stopped playing some time ago and, despite being a good player, he was unlikely to have a lot of money or the will to lose more money. There were some cases behind which there might be interest groups.

MR JURITH said that there were two threads running through this discussion that to some extent threatened the arbitration system. He echoed what Messrs McQuaid and Ricci Bitti had said about the need to reach an accommodation with the CAS; obviously, that was critical. The role of the CAS in the process was important to how the disciplinary and sanction system worked and this needed to be fixed. He was sure that

the President would be able to accomplish that. The larger point, and this went to the earlier discussion about the role of UNESCO, was that there was a system of arbitration and process on which WADA relied to enforce the Code. If athletes were allowed to go outside that system to their civil courts, WADA ran a real risk of that system being undermined, and would lose uniformity, which was the foundation of the WADA Code. As an American, he could totally understand the motivation of many people to exhaust their legal remedies; however, governments in turn had an obligation to look at what their laws allowed; if one agreed to arbitration, that was the legal remedy barring some outrage in the process, and to allow people to go outside that process really undermined what WADA was all about. This was another issue that should be taken up with UNESCO in terms of looking at national laws because, if this continued, and WADA allowed these additional remedies to be used, the uniformity of the system could unravel.

MR NIGGLI made a general remark about the CAS. WADA was really willing to have a discussion with the CAS if the CAS would speak to WADA. That had been the purpose of the letter. Mr Pound, who was now chairing a strategy committee within the ICAS, had been invited to the meeting to be part of the discussions, and Mr Reeb had been invited but had not attended, so WADA was still open to having dialogue with the CAS, but the CAS needed to be open to having dialogue with WADA. WADA was not defending its own interests; WADA had simply gathered professionals who were experiencing the CAS on a regular basis to try to ensure the greatest possible efficiency.

He believed that Professor Ljungqvist was absolutely right. There had been very few four-year sanctions. One of the reasons was that this provision applied only to those cases that came from samples collected as of 2009. Recently, in a passport case being brought by the UCI to the CAS, a four-year sanction had been requested. This would happen more and more, but it took time and WADA would also look into those possibilities when it appealed.

Mr Ricci Bitti's question about who was funding Mr Cañas was a very good one. He was pretty convinced that Mr Cañas was not funding his case. There had been lawyers trying to create precedents at the European level, and this could be seen in other cases. He was pretty sure that the Keisse case was not being funded by Mr Keisse and that the other cases in Belgium at the moment, in particular an appeal by a group of volleyball and basketball players, were totally funded by the unions behind them. He did not have evidence unfortunately, but he was pretty convinced that, for a number of these cases, the funding came from elsewhere, with an interest for those providing the funding to try to create some precedent in European law to breach the system and then bring the case into the context of labour law or other arenas. Members should not forget the Bosman case, which had taken football by surprise and created a huge problem in Europe, as there were currently some attempts to obtain the same results by using anti-doping as just the means to an end, but the threat was far greater than that.

In response to Mr Jurith's comments, he thought that there was a very good convention called the New York Convention, and obviously American citizens had had this concern long ago, which was why the convention had been drafted, and it really dealt with the matter raised. Under the convention, once one had had recourse to arbitration and there had been an arbitration award, one was prevented from going to the civil courts, and the civil courts should not entertain a request from somebody who had been convicted by an arbitration decision and therefore decline jurisdiction, which was what the Belgian court had done in the first instance but had not done in the second instance, against all legal logic. The tool was there. Many countries had ratified the New York Convention, so it was not an issue in the vast majority of countries, but one could always get a judge who would try to twist facts in order to avoid applying things. That was where the concern lay.

THE CHAIRMAN reaffirmed in relation to the CAS situation that he had been with Mr Howman to meet with the former CAS president in Switzerland to endeavour to ensure constructive dialogue and an understanding as to how to best serve the WADA Code and sport by the affordable, accessible and expeditious system of justice that the CAS had

always been designed to deliver. A similar meeting had been held in Vancouver that year with Mr Reeb, and WADA had put a number of points to the CAS and had got some answers, which had subsequently been reversed. The context of the concern expressed by WADA had been the costs for national federations, except when acting under delegated authority from an international federation, and that of course had meant that other bodies using the system had been paying fees of some extraordinary amount. WADA had been told that this had not been the intention but knew very well that it had been the intention, and the then president's words had been fairly hollow from the practice that had followed, so WADA was open to dialogue and would continue to be, and he would go and see the president at the earliest possible time in Sydney and take these matters up with him, and would continue to try to get the outcomes that everybody wanted. It came down to the following three words: affordable, accessible and expeditious. This was not currently happening.

Without wishing to put Mr McQuaid on the spot, he presumed that the Kaisse matter was of some concern to the UCI in the sense that the decision had been taken and now the judge on an interim basis was saying that the man could ride. That was only in Belgium. He presumed that the UCI would not condone this rider being involved in any event outside Belgium.

MR MCQUAID replied that the UCI would insist that the CAS decision stand outside Belgium, but it was taking a big risk because a figure of 100,000 euros had been put in there in the eventuality that the UCI might lose an appeal on it.

THE CHAIRMAN thought that a letter from WADA to the UCI might just assist. This judge had indicated on the interim award allowing the rider to continue to ride until he considered whether he had capacity to even make a decision in April, and God knew what that decision would be in April, that there would be a fine of up to 100,000 dollars on the UCI should it choose to ignore his order. This was what Mr McQuaid was referring to. He would chat to Mr McQuaid about how WADA would cooperate with the UCI. He appreciated that the CAS decision was the UCI decision and the UCI would ensure that it would stick everywhere apart from Belgium.

MR MCQUAID informed the members that this particular rider was a six-day rider, and the six-day season ran from November to March, so this gave the rider the full season and, by the time the judge made the decision in April, the season would be over anyway.

DECISION

Legal update noted.

6. Finance

6.1 Finance update

MR REEDIE mused that, on past agendas, money had been talked about before legal matters. He wondered whether there was any significance in the change of order on the agenda.

A lot of the points had been dealt with by the Executive Committee at its previous meeting and, ultimately, a budget for the following year would go before the Foundation Board the following day for approval.

DECISION

Finance update noted.

6.2 Government/IOC contributions update

MR REEDIE informed the members that the collection rate was moving ahead well. As at 19 November, WADA had been up to 98.47% of total contributions, which was good. There were several countries that had yet to contribute, with two significant ones in

Europe, one of which surprised him hugely. In Hungary, the president of the NOC was also the president of the country, and he would have thought that WADA should be able to ensure payment somehow. Having just been informed that this was a done deal, he informed the members that Greece had yet to contribute. Greece in particular had been facing very severe financial problems. He had written to the president of the NOC, who had been sympathetic but had said that he would not forward the money himself on behalf of his government, but would take the matter up with the Greek Government. The collection business was proceeding well.

DECISION

Government/IOC contributions update noted.

6.3 2010 quarterly accounts (quarter 3)

MR REEDIE informed the members that the quarterly accounts for the nine months to 30 September 2010 could be seen in their files. Though WADA still had a profit, the profit was much smaller than in previous quarters as WADA collected less money and expenses carried on in the normal way.

Much more interesting, as always, was the second attachment in the members' files, which showed the budget against actual calculations. With Ms Pisani's assistance, he had been able to go through this almost line by line and find out where WADA thought it was going to be at the end of the year. There were some pluses and some minuses. Despite the appeal minuted so carefully at the previous meeting, when he had asked Mr Jurith to do something about the exchange rate with the US dollar, he was afraid that Mr Jurith had thus far been unsuccessful and, in fact, this was a pretty significant item as far as WADA was concerned. The initial 2010 budget had had an exchange rate of 1.08 to the dollar; this had been reduced to 1.04 to the dollar, and the Canadian and US dollars were now almost at parity. This meant that WADA was about 4.5% wrong on almost all salaries across the board. He had to say that this was a significant item. He did not think that that was going to change between then and the end of the year and in fact had no clear indication that it was going to change at any time in the future.

He had gone through the budget against the actual figures and projected them forward. The contribution element for income was running marginally ahead of where he had thought it would be, so that was actually quite good news. Laboratory accreditation and reaccreditation was running noticeably behind where he had thought that it would be. WADA was not going to collect as many accreditation or reaccreditation fees from laboratories as he had expected. Montreal International, God bless it, paid WADA in Canadian dollars, so was actually ahead of the game, and WADA benefited in a small way from exchange rate interest. WADA was going to be about 80,000 dollars light on interest payments. WADA worked extremely hard on trying to make sure that it was in the right currency at the right time, and took good advice from its advisors, principally in Switzerland, which would explain the item further on which showed that financial expenses were a little higher than he thought they might have been. This was because WADA asked its advisors for advice regularly, and had tried as best it could to get interest return up to the original budgeted figure of 630,000 US dollars, but he thought that WADA would be closer to 550,000, so that was pretty much a statement of the level of interest rates that were available all around the world, without taking risk, as WADA did not take risks on public authority and Olympic Movement money. The audit and consulting fees would be about right. WADA was slightly ahead on intergovernmental meetings and would be slightly less on sports meetings. WADA was a bit ahead on Independent Observers. The Tour de France effort had not originally been budgeted; WADA was due a contribution from the UCI, but it would be a little over budget, and it had also attended the FIFA World Cup (he had not got that one right either). WADA would be a little higher on that side. As far as he could see, the other good item as far as he was concerned was the Standards and Harmonisation Department where, under the Code review, the allocation given to the department would not be met in full, so WADA actually reduced expenses under the Code section. There were some smaller

items involving regional offices and what-not that were not of any huge significance. He thought that the 2010 figures would end up pretty close to the amended budget that had been approved in May. That led him to believe that there was no convincing argument for changing the draft budget that would go to the Foundation Board the following day and came up under item 6.4.

DECISION

2010 quarterly accounts noted.

6.4 Budget 2011

MR REEDIE informed the members that the papers repeated the Strategic Plan and Operational Plan explanations provided to them in May. These would go to the Foundation Board, and involved a very detailed statement of why he thought expenses were as they were, and then there was the draft budget, which was in exactly the same form as that presented and approved by the Executive Committee in May to go to the Foundation Board. He could not see any particular reason to change that at the moment. He had undertaken to come back with some suggestion as to how to move forward for the future. He would like to go to the Foundation Board the following day and seek approval of the budget with a contribution increase of 2%. If that were accepted, he would be perfectly happy from a finance point of view to say that, in 2012, there would be no increase in contributions. He did not like a financial situation whereby there was never an increase. Anybody who never had a routine increase in income was heading for trouble in the long term but, in these exceptional circumstances, particularly for governments, and also the Olympic Movement, if there was no increase in 2012, it did give WADA that little bit more time to plan its operations in 2012 to take account of the fact that there would not be any contribution increase at that time.

He asked the Executive Committee to approve the recommendation to put the draft budget to the Foundation Board seeking that modest increase in contributions from the public authorities which would be matched dollar for dollar by the Olympic Movement, and then to say that it understood the pressure and that there would be no similar increase in contributions in 2012.

MR LISSAVETZKY congratulated Mr Reddie, who was a true professional. It was very easy to approve everything. Europe of course had supported the 2011 budget and he wished to say that, in 2012, there should be zero growth because of the economic situation. Mr Reddie had Europe's support for 2011. He thanked Mr Reddie for his efficiency and objectiveness.

THE CHAIRMAN noted that only a decision on 2011 was required. The sentiments about 2012 had been taken on board. He was sure that the Finance and Administration Committee would consider the discussion in respect of the growth for 2012. The recommendation to go to the Foundation Board concerned the 2011 budget only.

MR REEDIE thanked Mr Lissavetzky. It was encouraging, particularly in Europe, when governments were prepared to commit, because there were some real horror stories, particularly in his country. Life was not currently simple. It was probably only fair to indicate the following day that, in 2012, it was projected that the Finance and Administration Committee would be able to come to the Foundation Board with a budget for that year with zero growth.

THE CHAIRMAN said that the sentiment could certainly be expressed; the resolution, however, should be restricted to 2011.

DECISION

Recommendation to put the proposed 2011 budget to the Foundation Board approved.

6.5 Appointment of 2011 auditors

MR REEDIE informed the members that he would like to propose that WADA reappoint PricewaterhouseCoopers for 2011. The Finance and Administration Committee thought that it would be a good idea and good financial practice to put this business out to tender some time in 2011 before appointing auditors for 2012. This had a slight sensitivity to it, which he would like to discuss with the IOC, because PricewaterhouseCoopers was also the auditor for the IOC. It was a highly professional and very good firm, but WADA should every now and again get its service providers to look at what they were doing for it and, who knew, they might sharpen their pencils.

MR RICCI BITTI thought that this made a lot of sense because, in some countries, there was a law stipulating that one could not retain a company's services for more than five or three years. WADA should not be obliged to be with one company and not another, even if it was very satisfied.

THE CHAIRMAN thought that it was good corporate governance to test the market from the point of view of cost and skill. Usually what occurred was that different personnel were allocated as WADA's particular managers, and in that way one overcame the difficulty of familiarity, which was why those laws had been designed.

DECISION

Recommendation to appoint
PricewaterhouseCoopers as WADA's auditors
for 2011 approved.

6.6 Combination of WADA scientific and social science research budgets

MR REEDIE said that he had read this matter with great interest. He had listened to the idea that it might make some sense to put two budgets with the word "research" in them together without thinking much about it but, as soon as he had begun to read it, he had thought that this would be a disaster and then, right at the end, he had seen that the recommendation was not to combine the two. He agreed.

THE CHAIRMAN asked whether anybody disagreed with Mr Reddie. The conclusion was that the two research budgets would not be combined.

DECISION

WADA scientific and social science research
budgets not to be combined.

7. World Anti-Doping Code

7.1 Measuring Code compliance

MR ANDERSEN said that the document in question had been put forward to the Executive Committee in September. It would be put forward to the Foundation Board the following day for adoption. As he had mentioned in September, the rationale was obviously to have direction for the WADA management when assessing the Code compliance report. It would be put forward to the Foundation Board the following day for adoption.

THE CHAIRMAN said that the matter had been looked at before and there had been a discussion on it at the previous meeting.

MR RICCI BITTI fully agreed that the binary method had been very limited and the new system was much better, but he recommended being transparent in order to interact with constituents. WADA should be clear about how many green dots were required before an organisation was deemed to be compliant or not. The second point was that WADA should give feedback on what was necessary in order to become fully

compliant. He thought that some interaction was missing. He recommended approving this because it was very good for transparency.

MR ANDERSEN said that, with regard to the criteria, there was a new paper for item 7.2 before the members and it said very clearly in the explanation for rules and programmes that five dots meant that one was in line and four dots meant that one was not in line. The same applied for the programmes: four circles required progress, meaning that five dots were needed in order to be compliant. He took the point that this should be clarified in the introductory note to the tables themselves.

Regarding feedback, that was the plan for the following year: to specifically advise stakeholders directly and in writing that these were areas that needed to be improved upon in order to become fully Code-compliant. There would be direct and individual feedback to the stakeholders.

DECISION

Measuring Code compliance update noted.

7.2 Interim Code implementation and compliance report

THE CHAIRMAN said that he had asked Mr Andersen before the meeting had resumed what the difference was between the document in the members' files and the new one on the table. Mr Andersen had pointed out that this was a moveable feast and was updated virtually on a daily basis. The one that was on the table was very up to date so it had a few more dots in it from a compliance perspective compared to the document that had been prepared a few weeks previously and was in the members' files.

MR ANDERSEN stated that the document had quite a few more dots in some cases, but also fewer dots in others, showing that it was a living document and was based on information that WADA gathered mainly through the online questionnaire that had been developed, but it also relied on information obtained through ADAMS and the contacts that WADA had in the IFs and NADOs, so the paper on the table was updated as of the previous day, and should be the guiding document.

At the outset, one of the big dangers of providing such a document was that, when WADA suggested that a signatory become Code-compliant, this could lead to complacency on the part of the signatory. By this he meant that, when all the boxes were ticked by a signatory, the signatory might feel that it had done its job and needed to do no more. Nothing could be further from the truth. It was important to stress that the Code compliance issue and measurement of Code compliance was based on minimum requirements; it was based on the articles of the Code, and the management was reporting to the Executive Committee and the Foundation Board on where it considered the stakeholders were in the light of those articles. The Executive Committee had just endorsed the criteria on how the management was directed to measure those elements in the report. It was important to stress that quality was something different. This was meeting the minimum criteria, but quality would have to be assessed. This was an interim report, and might be changed. Things might be added or taken away based on new information that the management might obtain. The management had drawn up the proposal before the members to the best of its knowledge. There would certainly be discussions on a specific signatory. He would expect these discussions to be taken outside the meeting. He would be happy to discuss matters with signatories and correct any mistakes. When reviewing 200 national systems and some 80 IFs, there would obviously be considerations that would have to be taken into account. The management would certainly communicate with each of the signatories as to where they were. It would outline where it thought there were holes. This had been done in terms of the rules but would also be done in terms of the programme. He hoped that the report met the members' expectations as expressed at previous meetings. The picture was clearer in that it gave the members an idea as to where the various stakeholders were, whether they were fully compliant with the Code or whether they needed to enhance parts of their

rules or programmes and, as the members would see, the rules and programmes had been split in the proposal that was before them.

MR MCQUAID said that he might not have fully understood this but, as the ASOIF representative, at a previous meeting, ASOIF had been down to two sports that were non-compliant (cycling and basketball), but now, if he read the report correctly, about 14 sports were non-compliant. Was this right?

MR REEDIE said that his interest was in the small NOC area, and it was really to ask Mr Andersen how much effort was going to be required to get the information from them to take a decision on compliance, to find out whether they had the programmes that they should have for compliance purposes, or whether Mr Andersen was going to use information or certification from the RADOs to provide that information. He was intrigued because there was a whole range of quite large countries with a long way to go and lots of small countries with a long way to go, which he would expect to find, so it was a question of how Mr Andersen was going to do this and how long it was going to take.

PROFESSOR LJUNGOVIST asked how much this was theoretical deskwork and how much was practical. For instance, because of the problems in Russia, it had recently been decided to have a special ad hoc committee, yet it had green dots everywhere. How could that be? Many countries that did have full programmes seemed not to be in full compliance with respect to the rules. Was that related to legislation in the country that prevented them from having the perfect rules? What other components or reasons were there for the absence of green dots in countries with fully-fledged anti-doping programmes?

MR JURITH had been about to make the same comment about Russia as Professor Ljungqvist had, so he would not repeat that. The hockey federation appeared still not to be in full compliance. The issue had been discussed in Stockholm the previous November. In a number of these situations, WADA really needed to bore in a little further as to why there were these long-standing issues of non-compliance.

MR LISSAVETZKY said that Europe welcomed this new approach to presenting the compliance report. It represented progress. Perhaps it needed to be further developed. Had Mr Andersen thought about explaining the causes of non-compliance? It was also important to know whether such data were confidential, as they were not public data.

MR RICCI noted that he was also intrigued about Brazil, which had five dots for rules and none for programmes. He wanted to know about the situation. He was certainly curious.

MR ANDERSEN responded to what Mr McQuaid had said about summer sports. Reference had been made previously in reports mainly to the rules. All of the federations had been declared in line with the rules, although there had been issues with FIBA and the UCI. These had now been resolved but, as could be seen in the report, the management had now split the programmes from the rules at the request of the Executive Committee. In that respect, and based on the information obtained from many sources, the main source being the online questionnaire, the management felt that there were 14 sports that did not have the full score. In responding about whether these organisations would know whether or not they were compliant, he thought that they would, as WADA was in constant contact with them and they would know exactly which area they needed to improve on. Of course, the information was available at WADA and, if anybody was interested in any of the 280 organisations, he knew why all of the dots had not been filled in for each of them. It would be possible to obtain specific information upon contacting the management.

Regarding the NOCs and what Mr Reddie had said, he thought that these were pretty well off in this respect, and he was talking about the NOCs for which there was a NADO in the country. Some 195 either had rules in place or had signed the declaration, which meant that they were obliged to fulfil all of the requirements in the Code. Some 10 to 12 NOCs had yet to sign the declaration. The NOCs were therefore well off. The issue

would be in those countries in which there was no NADO, and that was where the RADOs came into play, and would assist to get them up and running.

In response to Professor Ljungqvist's concern about Russia, he thought that, when mentioning this at the outset of his intervention, it should be noted that these were minimum requirements. WADA was not giving A or A+ grades. It was saying that the organisations had passed the minimum requirements for becoming Code-compliant. It would be extremely difficult for WADA to carry out the full exercise of qualifying each of the stakeholders. Russia having five dots on the programme and on the rules did not necessarily mean that it had a quality programme, and that was important to stress. The same applied to Brazil with its full score on rules, but not on the programme. Brazil actually had rules on the anti-doping programme within the NOC; it was conducting tests, but he did not know how many, because there had been no response to the online questionnaire, and that was why this was completely blank, but WADA had received rules from the NOC and these were in line. There was some additional information to be provided about Brazil, as it was setting up a NADO that would be independent of sport. The legislation relating to this had not yet been adopted by the parliament, but WADA was working quite closely with government officials via the regional office in Latin America in order to advance that. Both Brazil and Russia were a high priority.

Regarding the question about ice hockey, he told Mr Jurith that it had been a while, but the federation would have rules passed during its congress in February the following year. The proposal that would be put before the congress (the only way in which the federation could change its rules) would be passed but, before this was done, it was difficult to give the federation the full score on the rules, but this was just a formality and it would be in place early the following year.

He told Mr Lissavetzky that WADA would submit the reasons for non-compliance to each and every signatory. It had done this for the rules, and would also do so for the programmes.

MR JURITH said that he did not wish to labour the point about Russia but, looking at the Director General's report, he quoted the following: "During his visit, the WADA President reinforced the necessity for Russia to have an independent and credible anti-doping system in place as soon as possible." Dots were easy, but he did not know how, if there was a concern that the present programme in Russia was neither independent nor credible, WADA could award a pass. Obviously there was a concern that Russia was not meeting that minimum threshold; otherwise, the President would not have gone there and made such a statement.

THE CHAIRMAN responded that those words came in relation to the area of quality. After his discussions with various people from laboratory through to government officials and RUSADA, the anti-doping agency, there had been doubt in his mind that the independence was true independence. As to a credible programme, he had seen no evidence to suggest that there was testing being done outside Moscow. Russia was a pretty big place. It was in the area of quality. Russia had an anti-doping agency that complied with the rules and had people that every other anti-doping agency that worked well had, but in its programme had it been extending out to a point whereby one could have confidence? Was there independence between the ministry, the laboratory and the anti-doping agency? All of those were matters that were of general concern but, at the meeting in Vancouver with the minister, the minister had promised WADA a number of things, and these had included passing laws to allow DCOs into the country and the ability to get out again (visas), and to take samples out of the country. WADA had now received a decree that indicated that this law had been passed, and it had all the right words in it in the English translation. Russia had the law that it had said it would deliver by the end of the year. It had actually happened. Russia had passed legislation including criminal offences, so it was really the standard, the quality, that one would say gave reason to believe that there was no quality programme there, and that was what the words in his view came to, and that was where the work had to be done.

MR JURITH said that he understood what the President was saying but, in light of that, to say that the programme was in full compliance was totally undermined by those concerns. He mentioned the fact that Russia had just passed those statutes or those new decrees. Obviously, this report had been printed before that had happened. How could the Executive Committee sit there and say that the programme was in full compliance?

THE CHAIRMAN said that the information had not been in the original copy sent out to the members; he thought that the dots been put in very recently. It was only very recently that Russia had received all the dots. When the original papers had been sent to the members, Russia had not had all the dots, as the decree had not been passed. It was very hard to say that Russia did not comply. As Mr Andersen had been at pains to say, Russia had been given a pass mark. That was not to say that it was a very good grade. That applied to everybody. If the Executive Committee were to start talking about the quality of the programmes, there would probably be a lot more discussion around the table when somebody made an evaluation as to who had a good programme in place versus a not so good programme. It was very hard on the technical side. WADA had a standard. If one got over that standard, one got a pass mark; it did not mean that one was all that good. The members should bear in mind that this was an interim report.

PROFESSOR LJUNGOVIST said that he did not question the work that had been conducted by Mr Andersen, and he fully understood that it had been totally in accordance with the guidelines issued by the Executive Committee with respect to judging compliance, but his concern was that the example given showed that perhaps the compliance report did not reflect the reality that the Executive Committee wanted it to reflect. Perhaps the criteria were wrong when such a result could be obtained for a country that was of major concern to WADA yet got full marks on a compliance report.

THE CHAIRMAN thought that the Executive Committee would be opening a can of worms if it went down to the question of grading or rating them on the basis of quality above the minimum threshold, because that was what the members were now asking the management to do. He thought that everybody who had been associated with anti-doping for a long time would be able to say that various countries did a better job than other countries, but he would never want to see that in print, because the moment one made that kind of assessment one was simply waving red flags around to the point whereby one invited conjecture and argument on whether one should be rated an A, B or C and where the pass mark might be a D. Different levels of quality above that threshold should not be discussed. At the moment, all that the report showed was the threshold. The members would really get into the nitty-gritty and the deep mud if they were to start to rate the quality of the individual organisations. That was his concern.

PROFESSOR LJUNGOVIST clarified that he had not been asking for a grading or a rating; he had been questioning whether WADA was using the right criteria for establishing compliance. He did not question the quality of the work carried out by Mr Andersen and his team, but it did not reflect reality. WADA would not have appointed the ad hoc committee if it did not have significant concern with respect to the actual reality of the anti-doping programme in the country. In conclusion, therefore, he was not requesting a grading or a rating, but rather a review of the criteria, which might not be the right ones in terms of reflecting reality.

MR RICCI BITTI said that this brought him on to another concern. He fully agreed with what had been said. He did not want to prolong the discussion. This document was a very serious document; unfortunately, it had two problems. The first problem was the criteria required, as some members did not feel comfortable about some countries. The second problem was communication. He came back to the issue of confidentiality. It was unavoidable that one would judge with this document, so confidentiality was another big problem. This was a technical document, but it was not easy to tell somebody that it was a confidential exercise and was very neutral and based on WADA criteria. In his country, it was said that, when something was confidential, everybody knew about it.

THE CHAIRMAN asked the members to look at the cover page and number two again and see the criteria there. What had been said about Russia was that it did testing, had result management, had an education programme and TUEs; therefore, it would get some dots. How well Russia tested and educated, etc., was the conjecture. He understood what the members were saying. Professor Ljungqvist had suggested different criteria. He would be happy to hear what the members might suggest, but he was worried about getting to a level whereby WADA would only up much more conjecture and would find itself discriminating against different bodies that probably did not deserve to be marked that way. The reality was that it was human nature; when one got something like this, one immediately went to one's own area of interest. One looked at one's country or sport. It was a bit like when a political book came out in his country. He would go to the bookshop, look up his name in the index and then turn to the pages in which he was quoted and, if he thought there was a decent quote, he would buy the book. Otherwise, he would not. One tended to act from a personal point of view. That was understandable. Nevertheless, there had been a lot of discussion on how to give a clear indication of the constant monitoring that was going on. The audit was due the following year, and that was when WADA would decide who was compliant and who was not. In the meantime, this was a progress report; however, the members should not try to pin it down to a level of quality that might simply throw up more questions than it answered. Nevertheless, if the members had any thoughts about how to further refine the report within what he was trying to communicate to them, he would be more than happy to listen to some suggestions, and he was sure that Mr Andersen would be too.

MR ANDERSEN said that he would be the first one to be happy to raise the criteria, but it would mean (and the members should be aware of this) that there would be far fewer countries and IFs that would meet the criteria, and they would therefore be deemed non-compliant the following year. Putting the bar high would create difficulties in terms of compliance. It was up to the members. He would do what they asked him to do, but to increase the criteria and add to what the members had wanted him to put forward meant that the bar would be raised and the numbers that were compliant would be reduced. It was a balance. In terms of confidentiality, the report would be put to the Foundation Board the following day, and everybody, including the press, would have access to it, so it would not be confidential.

THE CHAIRMAN noted that, as Mr Ricci Bitti had said, if it was confidential, one could rest assured that somebody out there would have it. In that context, his comments on certain countries would be far more circumspect if this sort of debate were to occur the following day, for obvious reasons. This should be left open. It had been an extremely difficult exercise, certainly from the day he had arrived, trying to get the original audit done. It had eventually been done two years late. There had been a feeling that WADA should find a way of getting everybody compliant rather than marking people as being non-compliant. On that occasion, it had been decided that it would be necessary to constantly monitor it and the Executive Committee had felt that an interim report should be provided at every meeting. It had then become a question of how to give a clear outline or a clear indication without taking up copious pages of words to understand just who was where and what, and so a simple table had been designed, and Mr Andersen had tried to keep it as simple as possible, but it was fair to say that he was looking to get this particular obligation that WADA had understood by all. There was a lot to do. Mr Howman had indicated in his report earlier that it was one of the priorities, and the management would do its utmost to see that, by that time the following year, there were plenty of dots as opposed to blanks, and that required everybody's support but, if it were complicated too much, there would probably be a lot more blanks. Were the members happy to go forward on the understanding that, if they got a brainwave, they would be listened to?

MR REEDIE said that, the previous time this had been attempted, WADA had not got it right, and had ended up with a compliance system that had simply not worked and, as far as the IFs were concerned, it had been a question of out-of-competition testing. That had been resolved by rewriting the Code, making it an obligatory part of compliance, so

it was much better. The only way that this would be done would be on this basis, that this was the bottom base standard for basic compliance. Then, in 2013, WADA would have to use the next Code to decide what kind of compliance WADA wanted, whether it wanted to rate competence of countries or sports, and it was dangerous as, when a similar kind of exercise had been done with the laboratories and WADA had started by rating laboratories, it had found half-way through the process that all it would do was rank one laboratory as the best in the world, in which case it would get all the business. Therefore, WADA had gone back to saying that one was either compliant as a laboratory or one was not. He understood the sensitivities and the points that had been made, but it was a communications issue. This was the benchmark, and it was at the bottom level. As it went forward, the world had to decide whether it would want the benchmark raised and, if it did, what elements it would like to include in the raised benchmark. That was a long debate to be held in relation to the next Code review.

MR ROWE said that Mr Andersen had said that some of the gaps were there because the IFs and governments had been unable to provide the information (perhaps it had been submitted and had not been up to standard), but he had also heard Mr Andersen say that some of them had not submitted the information. What percentage of the dots was attributed to the fact that the information just had not yet been provided? There might well be many other dots to go in.

MR ANDERSEN replied that he did not know the percentage, but the paper featured a box that clearly stated that the WADA compliance online survey had not been submitted to WADA. Nevertheless, he did not have the percentage.

THE CHAIRMAN referred to the column with ticks and blanks.

MR ROWE said that some had not got ticks but had green dots and vice versa, so he was rather confused.

THE CHAIRMAN pointed out that the ticks indicated that the survey had been responded to.

MR ROWE responded that there was one without a tick and yet it had green dots.

MR ANDERSEN explained that, as he had also mentioned, the paper was being based on the online survey, information from ADAMS and information received from other sources in order to assess the situation. It was not only the online survey, but also all kinds of other information obtained.

MR LUNN said that he agreed with Mr Reddie. If this were a communications exercise, and the report was going to be released the following day, obviously it would be a public document; listening to the people around the table who were maybe confused or did not understand, it would be critically important the following day that there be a strong communications plan and that WADA release a communication and explain the intentions of releasing this. He completely agreed that it had to be done, but the management should make sure that it issued a strong communication. It was not completely reassuring that there was no good understanding of what this was. Again, it was about communication.

THE CHAIRMAN said that he would stress again the cover page, which started off by saying that "the present document is not an indicator of quality", so he was not sure how this could be communicated more. It was an interim report; the management had been doing these, and was just presenting it in a way in which it hoped was user friendly. It showed that there was a way to go and everybody had work to do between then and the following year to ensure that there were very few blank spots. He would do his best to try and get that message across and the management would have a think about that overnight. This report was really for noting, as it was an interim report, and there would be a further interim report in May. Crunch time would come in November 2011.

DECISION

Interim Code implementation and compliance report noted.

7.3 Code signatories – sports bodies seeking Code signatory status

THE CHAIRMAN told the members that the paper in question sought guidance from the Executive Committee. From time to time, WADA found that certain bodies approached it and sought recognition from WADA, and WADA had no clear understanding as to whether or not they were an appropriate body or whether they were a body established in conflict with another sporting body.

MR ANDERSEN confirmed that the management was seeking guidance from the Executive Committee, as the Chairman had said. The starting point would be that the management would accept all the requests for Code acceptance, but he was seeking guidance on how to deal with the matter.

THE CHAIRMAN said that he would be particularly interested to hear from the sport representatives on this.

PROFESSOR LJUNGOVIST said that this had been looked into by the IOC and its recommendation was that WADA accept Code signatory requests only from IFs that were IOC- or SportAccord-recognised federations.

MR MCQUAID supported what had just been said. The sport side would be very concerned if WADA were to recognise breakaway groups or groups involved in a conflict with a federation, as this would cause major problems for the IFs in particular.

THE CHAIRMAN pointed out that the difficulty that WADA had was that it did not necessarily know what was a breakaway group, which was why the question was being asked.

THE DIRECTOR GENERAL said that there was another issue, and he regretted having to raise sports such as Gaelic football again, but this was not a member of an IF but wanted to be recognised as being Code-compliant. He was not sure how sports such as Gaelic football or sumo wrestling should be dealt with.

MR MCQUAID said that Gaelic football was not in conflict with any IF either.

THE CHAIRMAN responded that that was presuming that it was not Northern Ireland versus the Republic of Ireland when there was an application from Gaelic football. That was the difficulty. One took people at face value when they wrote in saying that they represented a sport. It was very simple to say that, if they were with the IOC and SportAccord, that was fine, but then there were other bodies that were not members of either and were not likely ever to be members. There were sports in his own country with breakaway organisations that claimed to represent them. WADA did not want to make a mistake and was simply seeking some guidance.

MR REEDIE said that the problem was that, if one was not careful, any form of recognition by a successful international organisation conferred a status on the applicant, which WADA wanted to avoid. He thought that the way around this was simply to ask whether there was a conflict, certainly as far as the IOC was concerned, and the answer would come back very quickly from the federations and then WADA could go ahead. Hopefully, it would require one e-mail exchange to crack it.

THE CHAIRMAN said that, going forward, WADA would ask anybody approaching it to give verification of acceptance by the IOC or SportAccord and, in the absence of such acceptance, WADA would certainly ask the two bodies itself. If the applicant was not likely to become a member of either of the two organisations, WADA would ask whether there were any other similar organisations that claimed to represent the sport in question. WADA would be cautious, but the IOC and SportAccord would certainly be part of the programme in the future.

DECISION

WADA to ask sports bodies seeking Code signatory status to provide verification of acceptance by the IOC or SportAccord.

7.4 Blood sample collection

THE CHAIRMAN told the members that the paper regarding blood sample collection had been referred to earlier in Mr Howman's report, and there had been some comments by a few people which he fully supported: that, if WADA were to walk away from an appropriate level of blood samples, it was simply not doing what it should be doing. Nevertheless, the paper did not give an answer; it simply said that WADA needed to address it. He would have preferred to see some recommendations to deal with the issue immediately, and he had said that earlier during the week.

MR MCQUAID said that the issue had been discussed that morning by the sports representatives and he agreed that there were no recommendations, but one thing that had been discussed and which could be a recommendation was that WADA would conduct a negotiation with the one or two main transporters of blood around the world to try to come to an arrangement overseen by WADA whereby, by economies of scale, costs could come down, as cost was a major factor in blood transport and blood testing and, if WADA wanted to encourage the use of blood testing, it would have to try and find ways of limiting the costs to federations.

MR RICCI BITTI supported what Mr McQuaid had said, because blood testing was extremely important, especially for certain vital substances such as Hgh, but he had to underline that there was a big debate on the sports side because of the cost. Many people asked him when the urine steroid module in the associated guidelines of the ABP would be officially issued because there was a lot of consideration about cost. Cost was a huge factor, in terms of testing and transport and permission to transport across borders, and so it was a very huge problem at the moment.

THE CHAIRMAN said that WADA would certainly have a good look at how to coordinate the issue. There had been a discussion over the course of the past few days about, for example, ANADO, the Association of National Anti-Doping Organisations, which had most of the ADOs in it and was probably the body that did more than anybody else in collection and distribution. WADA had some difficulties, as it did not keep record of who did what where. WADA certainly got laboratory results, but that was when everything was over. The objective was fine. WADA was not looking at economies of scale by going to courier companies and asking for a price to transport X number of parcels per year to laboratories. That was what WADA wanted to achieve to get the price down; he was just not sure if WADA had the means to find out exactly but, perhaps with the assistance of ANADO, and maybe even IADA, it might be possible to collate that information, and WADA would see what could be done to progress it, but it was a useful suggestion and everybody agreed with the objective.

The interesting thing was that, when WADA had finally started to get dialogue going with major league baseball, after all of the criticisms levelled at it, it was the one doing probably the most blood testing anywhere in the world, which was a surprise to him, but credit where it was due. It was known that a significant number of tests was being done in cycling, as the UCI had undertaken the ABP programme. If one took those away, it really showed how sparse the blood testing was and that WADA was therefore not achieving the outcomes that everybody wanted to achieve. He suggested that the Executive Committee might like to see a very strong recommendation, and that percentages of testing would make it easier, but also it was necessary to make sure that it was happening. WADA would need to send out a strong message when the paper came back in May but, in the meantime, he urged each of the members to spread the message.

DECISION

Blood sample collection update noted.

8. Athlete Biological Passport

DR VERNEC said that, as the members all knew, the Athlete Biological Passport programme had been developed to monitor individual athletes' variables over time to facilitate the indirect detection of doping rather than by the traditional methods whereby specific doping substances were tested for. Over the past six months, WADA had been in regular contact with a number of its stakeholders, in particular the UCI, which was well acknowledged as a leader in the pilot for the haematological module. WADA was reassembling a group of medical and scientific experts and was planning to meet some time early in 2011 in order to continue to refine the ABP guidelines. The goal was to improve the effectiveness of the programme in a number of ways, including more intelligent testing and looking at research to augment the power of the ABP software algorithms and, in all of this, WADA was very well aware of the concerns and need for cost containment, transport of course being part of that equation. Another big part of the next process was the software, which was leased from the Lausanne laboratory but would be integrated into ADAMS, and that would increase efficiency enormously. This was a high priority item, although it was competing with whereabouts and ADAMS, and it was scheduled to be completed hopefully by mid-2011.

The Science Department had been working very hard to establish the external quality assurance programme, EQAS, specifically for the ABP, with 20 WADA-accredited laboratories and a few more on the way and, as had been heard previously, there were some non-WADA-accredited laboratories, which if they fulfilled the criteria might also come on board to expand the possible network of laboratories, and one of the goals of that would be to decrease transport costs. There was also the ongoing work on the steroid module of the passport. The technical aspects of the laboratory reporting were being finalised and, following this, the steroid module would be integrated within the technical guidelines. The date for this would be somewhere in the middle of 2011. This did not necessarily mean that the steroid programme would be up and running and used, as there were other issues that would have to be addressed over the next year or two to make sure that the module was functioning well. In summary, WADA was continuing to look at ways to improve the ABP along with its experts and stakeholders. He planned to report more fully in May at the next meeting of the Executive Committee.

MR RICCI BITTI asked for confirmation of the date of release of the urine steroid module.

DR VERNEC replied that the objective would be to release it in mid-2011. At the same time, other things were being done such as making sure that, when it was ready to go, the software programme in ADAMS would already be up and running for the steroid aspects of it, so there were things being worked on simultaneously.

THE CHAIRMAN asked whether the members were happy to note the report.

DECISION

Athlete Biological Passport update noted.

9. Anti-Doping Administration Management System (ADAMS)

MR NIGGLI said that this was an update from what he had reported in September. He was happy with the progress of the work being conducted. WADA now fully owned the system, meaning that it owned the source code. This was a priority. WADA had heard the athletes at their latest meeting and WADA was addressing whereabouts and the interface with the athletes as a priority. The good news was that a very good team had been put together to work on ADAMS. A chief technology officer had recently been appointed to work hand-in-hand with Mr Kemp, who had experience from the field, so

WADA combined the IT expertise with requirements from a user point of view. There was a developing company doing the work on the pure IT programme, and WADA had also involved a Web company that would work more on the design and interface to ensure that the system would be more user-friendly. He was very hopeful and optimistic that the next version would be a great improvement. As for the target, he had learned that he should be cautious about dates, but he was hopeful that, by the time of the next Executive Committee meeting, the athletes' one and potentially two releases would have occurred in ADAMS, and he knew that training on new developments was about to start with the testing group, which included a number of athletes. It was all going in the right direction. In the meantime, ADAMS worked well, and was increasingly used. It had been fully implemented at the Asian Games, and had worked very well. In Europe, there were only four countries remaining within the EU that did not use the system, meaning that all of the others were using it, which was very good news, and recently Spain had managed to convince its data protection people that they could use the system and it would be implemented soon. This really was an effective tool. WADA was trying to correct deficiencies, but it was working increasingly well.

MR MCQUAID asked about interfacing for NADOs that did not use ADAMS.

MR RICCI BITTI said that he was concerned about the flexibility of ADAMS. His federation had used ADAMS from the beginning but had had the feeling that the whereabouts programme was to facilitate out-of-competition testing. It had been said that perhaps in practice it might be possible to solve the problem of not releasing the in-competition whereabouts but, with ADAMS as it currently was, this was not possible, so what was Mr Niggli's view about the future in terms of flexibility of the system? This would be welcomed by the top athletes in his sport. He did not think that it was a big problem in practical terms, but it would show that WADA was listening to the athletes, and ADAMS was currently a very rigid system. He wondered whether it might be possible to incorporate this request.

MR ROWE conveyed some information given to the people who had attended the IADA meetings. Some research had been carried out by one of the members and presented to the others, and it had reaffirmed the situation that athletes were having difficulties with ADAMS, which was of no surprise to anybody, but it had also indicated quite a worrying feature, if it was consistent across the board (he repeated that this had been the findings in one particular country), and that was that the general attitude of the athletes having been exposed to it, and their general confidence in the overall anti-doping regimes had declined as a result of their experience, so it had had a somewhat negative impact on the athletes' confidence in the system, which was quite a harmful outcome if indeed this was true across the board.

MR NIGGLI replied that there were four NADOs in the world that were using another system. WADA had undertaken to look into it but, in terms of priorities, the first one had been to make the system more user-friendly for the athletes; the whereabouts module was the top priority, and WADA was not currently diverting resources into the interface problem. The other thing with the interface problem was that the system would continue to evolve and, each time it evolved, it would be necessary to evolve the interfaces and deal with new technological problems. This would be looked into, but the members should bear in mind that there were four countries using SIMON, and the first priority was to fulfil WADA's promises to the athletes as soon as possible.

In response to Mr Ricci Bitti, this was a rule issue and not an ADAMS issue. If the rule were changed, the system could be changed pretty easily. He thought that this could be worked on as soon as there was an agreement on how to deal with the matter of in-competition whereabouts; the system could be adapted to reflect that fairly easily from a technical point of view.

In response to Mr Rowe, he had to say that he did not think that the system had reduced confidence in the system at the UCI, where all of the riders were using the system. There were some issues, and these had been recognised a long time ago. It

was stretching things a little bit to say that, simply because ADAMS was not perfect, the whole system should be called into question. Hopefully, when the new system came out, confidence in the system would go up again, but he was aware that WADA would improve at least the athlete interface.

MR RICCI BITTI said that his people, both legal and operational, had said that ADAMS as it currently was would only upset out-of-competition testing whereabouts. This was critical.

THE DIRECTOR GENERAL said that WADA was working on the issue that Mr Ricci Bitti was talking about. There had been a meeting with many of the tennis people some months previously, and there was a way of dealing with it and he would talk to Mr Ricci Bitti about that after the meeting.

MR ROWE clarified that he had not been suggesting that this was the case across the board, but an indication in one country of a relatively small survey of the importance of getting it right and, if the impact did spread further, then it just underpinned the importance and the priority.

THE CHAIRMAN said that it was fair to say that this had not got to the level WADA had wanted it to reach as quickly as WADA had hoped. It had been necessary to take some decisions one year previously; WADA now had a lot more control over it than it had previously had. WADA no longer had the distractions of such things as winter Olympic scores, and he thought that there was currently a little bit of clear air to the extent that, the next time the Executive Committee met in the middle of the following year, there was every belief that WADA would have a much more acceptable and workable system without some of the kinks that were still there and had been complained about in the discussion so, looking forward, WADA had every reason to be confident.

DECISION

ADAMS update noted.

10. Education Committee report

MR LUNN said that he would be quite brief. He began by offering his best wishes to his colleagues from the USA as they took on the chair of the Education Committee in the New Year. He knew that they would do a great job. The members had heard earlier about the "Say No! to Doping!" campaign, an organisation-wide campaign, which was fantastic. At the previous meeting, members had been presented with very encouraging examples of stakeholders that had been involved, including the International Hockey Federation, FIFA and the International Archery Federation, and other IFs had expressed interest in adopting this programme. It was a fantastic programme and everybody involved in it should be congratulated. In terms of educating efforts and engaging with youth, the Play True Generation had been officially launched at the Youth Olympic Games in Singapore and had been a great success. Canada had very much appreciated the support in chairing the Education Committee over the past six years as it passed the wand over to the USA. He concluded by saying that he wished to extend his appreciation to Mr Koehler and his entire team, as they had done a great job for WADA and deserved many thanks.

DECISION

Education Committee report noted.

10.1 Social science research projects

MR KOEHLER informed the members that he would provide an overview of how far WADA had come with the social science research programme before getting into the issue of actual funding for 2011. There were primarily two objectives for social science research: to encourage social science research in the field of anti-doping, and to provide evidence-based information for the development of education programmes, not just

WADA education programmes. Along with that, there were three main priorities: to encourage social science research in the field of doping behaviour, risk factors and protective factors; to evaluate anti-doping interventions; and to improve social science research in doping prevention. There had been 34 projects funded since 2005, just over a million dollars had been allocated to the programme, and the majority of funds and projects had come from the Americas and Europe; one of the objectives was to expand to other regions, and he would talk about that later.

Looking at the progress report from the 17 projects received to date, he had wanted to bring them all together and look at the five Ws and one H and try to dissect more information on what had been learned thus far. Why was anti-doping education so important? Research had shown that detection and deterrence were not enough, so simply testing athletes would not solve the problems of doping in sport. Backhouse had indicated that focusing on rules and compliance was not the answer, and athletes were not going to buy into a system that said that if they did it they would get caught. There were also data showing that the level of knowledge and attitudes among athletes needed to be improved and further education needed to be carried out. The biggest deterrent for athletes was not getting caught, but more the moral, ethical and conscious effects and knowing that internal strife was one of the main reasons for which athletes did not use doping substances. It had also been shown that there was not enough education in certain countries. Young athletes really needed intervention and to be empowered to make the right choices.

Who should be targeted for anti-doping education? Research had brought up four profiles. The first was the athlete and, looking at the athlete, the profile was that those athletes who were low-task and high-ego were more likely to be doping, and those athletes with perfectionist tendencies were also more likely to be doping, and that was where prevention efforts should be focused. There was research showing that males were more prone to doping than females, but this research needed to be further expanded upon. Another area that needed to be looked at in more detail was the sanctioned athletes, to find out why they had made those choices to dope, and research was currently being conducted in this regard. More needed to be known about coaches, doctors, media, parents, managers, and sports psychologists. Looking at coaches, for example, one of the interesting things that had come out of the research was that coaches played such an important role; they motivated athletes, and those coaches who had not embraced anti-doping education were more likely to have athletes who doped, so the coaches needed to be strong anti-doping advocates to deter the athletes. Another interesting aspect was doctors. Athletes surveyed by one research programme in particular showed that most physicians were not aware of anti-doping rules and regulations, and the athletes had a lack of confidence in going to their doctors. This was one of the reasons for which the sports physicians' tool kit had been designed.

Looking at the "What?" question and information, there were four main areas, including what WADA be giving the athletes. WADA should be giving them information, which should be mainly focused on elite athletes, but the key was to give them relevant information because, if they did not relate to it, they would not accept it, so it had to be relevant. Information was not enough and more was needed. Education itself was one of the strongest things that WADA could do to prevent doping. Looking at forging athletes' values, WADA needed to foster doping values and change or develop behaviours. This was where the majority of focus needed to be placed for doping prevention.

The issue of health consequences was a tricky one. Some were going out talking about the risks for health, but research had shown that health consequences alone could not be given, as they needed to be combined with other efforts, and it was necessary to give athletes the moral reasoning behind this. Health consequences were simply not enough. The strongest deterrent for athletes was ethical considerations, knowing it was wrong, and that was why the focus had to be on youth.

When should intervention be considered? There were particular moments of vulnerability with all athletes, and current research focused on when athletes were more likely to dope, and when WADA should be educating them. One option would be when they returned from injury, as they were more likely to use substances. During a change in clubs and environments, athletes were more likely or potentially more likely to use substances. When athletes moved from club level to a higher level, they were again more likely to potentially use performance-enhancing drugs. When they failed and did not reach the next step having tried and tried, they were also more likely to use substances. These were just a few of the areas on which WADA needed to focus. Youth was of course a primary area.

Looking at where education should be carried out, obviously all sports should be focused on but, given the limited resources, WADA should also be focusing on pure strength and pure endurance as a major factor.

In terms of locations, WADA seemed to always focus on one location, at events, but research was showing that a multi-tiered approach was necessary. WADA needed to be holding events, and it needed to be present at schools, and parents needed to have the information. From a demographic point of view, more education was needed in developing areas. There was very little research from Asia and Africa, and there was a need to expand into those areas.

Looking at how to implement prevention techniques, Backhouse had indicated that it was necessary to focus on certain areas of prevention techniques, and programmes needed to be targeted at specific populations, so one could not take one programme and give it to everybody. Some had suggested one standardised approach, but some of the research had concluded that this was not possible and it needed to be tailored. It needed to be interactive and it needed to have developing core life skills so athletes were aware of what they were doing. It needed to be long-term; education needed to be ongoing or at least have booster sessions to reinforce the values taught. The techniques followed the multi-level idea, permeating all areas in order to be effective. There needed to be improved methodology work in the field and it was also necessary to focus on improved longitudinal studies, holistic approaches, globalisation, and understanding the whole idea of drug rejection from other fields.

MR KOEHLER wanted to provide some information on the social science research symposium held in Seoul, Korea, at which WADA had brought together experts from around the world. The symposium theme had been to develop capacities and priorities to advance the fight against doping in sport. There had been over 60 participants representing all continents, and the symposium had been hosted by the Korean Anti-Doping Organisation. Some of the key outcomes of the symposium were that there was clearly a lack of social science research being done by anti-doping organisations. It had been suggested that WADA should keep its research priorities and provide information to countries on how to start their programmes, and that each country should focus on its own research areas. Furthermore, it had been suggested that WADA needed to promote ongoing and long-term studies as opposed to short-term studies with no follow-up. Given the limited resources available, it had been suggested that it was necessary to focus on high-risk areas. It was necessary to look at developing a buddy system to encourage multinational research. It was necessary to change national attitudes about the importance of social science research. Countries needed to realise that social science research itself was an education tool, and other agencies, such as health and drug control agencies, could be partnered with to obtain funding for social science research. It had been suggested that WADA should take on an advocacy role to promote the importance of social science research in countries throughout the world. There had been a suggestion to consider developing a database to enable researchers to access information, collaborate and share research concepts, and on which information on other research projects was posted in order to know what funding was available out there. Other areas to look included embedding researchers at multisports events to give good access to athletes from different countries, promote cross-cultural research and make

good use of resources. Reaching 2,500 athletes at one event would be good use of resources. A grant programme for developing countries should be considered, to provide mentoring and assistance, and a buddy system in order to help them develop the right criteria and methodology to carry out research. It had been clearly stated that the WADA programme was not sufficiently marketed and that not enough people were aware of it and the funds available and that, for research, outcomes needed to be simplified and practical, and others should be encouraged to develop programmes. It had also been mentioned that it was necessary to raise the profile within universities of the importance of social science research. One of the biggest barriers with social science research was language; unlike peer research in science (for which English tended to be used), social science research was carried out in the language of the country, meaning that surveys and reporting were done in the language of the country, so it was necessary to find ways of overcoming the language barriers. Finally, it was necessary to have more of a connection between researchers and ADOs so that, when reports came out, the researchers would be working directly with the ADOs to give the information and find practical ways to use it and implement it in programmes.

Moving on to the 2011 social science research projects, the call for proposals had been sent out on 17 March 2010, the deadline for applications had been 14 July, and WADA had received 25 applicants from 21 countries. The actual research projects recommended for funding were in the members' papers, but he would go over them briefly.

The first project, the Bodin project, looked at understanding and preventing doping among young athletes in Spain and France. It was an interesting project as it covered three sports, two countries and three aspects (historical, legal and psychological), identifying the potential risks of engaging in doping that young athletes could face as their performance improved, as they moved to the next level to seek better results.

The Education Committee also recommended approving the Pfister project on anti-doping policies and reasoning, why not to dope and why there was a need for diversified prevention strategies. The project actually sought to explore further the variables linked to doping behaviour, the positive approach to anti-doping, and providing more information on how to be more effective in the approach.

The next project looked at the determinants of intentions of doping among young people, the empirical study of prevention and intervention in adolescence, looking at using the findings from a previous project but focusing on youth and looking at how to be more effective in interventions.

The Boardley project also looked at moral disengagement, specifically with bodybuilders, and learning about the psychological factors of an athlete moving away and refusing to take responsibility for using substances.

The Connor project was another one about which there had been some fairly good debate within the Education Committee. This built upon research conducted fifteen years previously, the Goldman Dilemma, which involved asking athletes whether they would take a drug that guaranteed them a gold medal but also kill them within five years. This was an extension to see how much progress had been made since the initial research findings. There had been some issues raised about methodology and questions, but the researcher had addressed those.

The Woolf project was another project looking at the perceived norms and the whole idea of the perceived use of steroids as a predictor of actual use, and whether that was a reason for athletes to use prohibited substances.

The Moran project looked at preventing doping in sport, and it really looked at investigating the attitudes and perceived role of high performance coaches. The importance of coaches in the fight against doping in sport had been discussed, and the idea was to look at the relationship between the attitudes of coaches and doping practices.

The Dimeo project was important as it covered an area in Africa, in Kenya, and looked at doping behaviour, causes and prevention among elite Kenyan athletes, looking at what information was available on anti-doping education in Kenya.

The Guissou project looked at doping behaviour in Burkina Faso; again, this was another area in which WADA did not have a lot of information, and this was important to understand the attitudes regarding doping in sport in the major sports communities throughout the country.

The Manfredini project had initially been quite large, and the committee had scaled it down to only half of the project, and it again went to what Mr Rowe had mentioned, customer satisfaction of the athletes in terms of anti-doping, and how to make sure that the athlete/customer was satisfied with the approach to anti-doping.

Two targeted research projects had been recommended by the committee. One looked at team dynamics and the pressures on athletes in teams and team sports, whether or not being part of a team was a deterrent and how that affected the whole anti-doping world when it came to team sports.

The second project was a collaborative effort with science, looking at the prevalence of doping, trying to get a better understanding of the numbers, and creating a standardised tool to understand what was going on in the field and what the percentage was.

For 2011, WADA had introduced the Young Investigators' Award, and four projects would be awarded (at 2,000 dollars) to Master's degree students who had studied anti-doping, and in February the final results of the four projects would be available.

In general, the Education Committee was recommending funding ten projects valued at 307,000 dollars, two targeted research projects valued at 100,000 dollars, the Young Investigators' Awards, valued at 8,000 dollars, and minor administration costs of approximately 5,000 dollars, for a total of 420,625 dollars.

THE CHAIRMAN asked whether anybody wished to comment or ask questions about the various presentations.

MR ROWE thanked Mr Koehler for the report. He asked for an outline of the plan on the targeted research projects.

PROFESSOR LJUNGOVIST congratulated the Education Committee and Mr Koehler on the encouraging information. Mention had been made of the time when athletes were at risk of engaging in doping and when education would be particularly important (young athletes, coming back from injury, changes in environment, etc.). He did not have hard data, but he suggested, based on the IAAF's experience, that there was a further stage in their careers when athletes seemed to be at risk, and this was when they had reached a peak and noticed that they were on their way down, but wished to continue in sport. That seemed to be a risky period for them and they felt the need to resort to artificial "life support" aids. He suggested looking into this in future discussions.

Mr Koehler had mentioned the Young Investigators' Awards. How were the recipients identified?

MR LISSAVETZKY congratulated Mr Lunn on his six-year chairmanship of the Education Committee and Mr Koehler on his presentation. He strongly advised against duplicating research work.

MR REEDIE noted that, in August that year, the first Youth Olympic Games had been held in Singapore and, in the middle of the village, there had been a whole central area in which the entire culture and education part of the IOC's intentions for the event had come alive. He thought that it was fair to say that quite a lot of people had been a bit cynical about whether or not this would work and, to his and their surprise, it had worked brilliantly well. The WADA Play True Generation booth had been in a prime position in the middle of that, and he had been to visit it several times. It had been very effective.

From the education point of view, the efforts undertaken in Singapore had worked extremely well.

On the assumption that the Executive Committee approved the projects, and his remark would also apply to the science report, WADA reported regularly on the whole range of activity and how much money had been invested, and the one thing missing was actually being told what matured each year. He would like to see some reporting on what projects WADA had funded and how they had matured. He was doing it from an interest point of view as opposed to a finance point of view; he had had this argument previously with the scientists, who told him that all science was valid, whilst he said that only the science that worked was valid. He would debate that again later on. Nevertheless, he really did think that WADA was investing very substantial sums of money and actually never told people the results of the research. He would like to see that. He was not sure whether this should be done under the social education element or the science element. It might be a communications issue. WADA should say that one of the things WADA did each year was bring to fruition a whole range of projects. WADA could leave the rest of the world to decide whether or not they were worthwhile, or maybe the WADA members would want to know, but he thought that WADA missed a real chance telling people the effective results of the investment made.

MR ROWE expanded on what Mr Reddie had just said. He would also be interested to find out about how the research funded had been applied in order to have an understanding on what had been done and who had used it and to what effect. In terms of something that Mr Lissavetzky had said about duplication, the Bodin, Moran, Tsorbatzoudis and Woolf projects all complemented social science research undertaken, so they were not duplicating research. It was pleasing to see that research was being undertaken that was complementary.

MR KOEHLER said that a call for proposals would be issued for targeted research in the first instance for the team sport project and, if WADA received nothing, it would target an expert in the field. For prevalence, it had already put together a team that would start working together with WADA, so they would not be left on their own but would be working together to develop the methodology along with science.

Regarding complementary research, this was one of the things that had come out of the WADA symposium and the one in Europe the week after, that having research duplicated in other countries was not a bad thing.

Looking at the Young Investigators' Award, the call for proposals was the same as that for the open research so, in 2011, this would be advertised on the WADA website, and a notice would be sent out for young investigators to apply; WADA would then look at the applications, bring it down to a certain number and finally select four.

He would welcome information on the database about which Mr Lissavetzky might be aware so as not to duplicate.

He told Mr Reddie that he had discussed the need to raise the profile and get information out with Ms Masse and a communication plan was being put together to raise awareness.

WADA was preparing a report (again, a simplified report) to say how WADA had used the research and how it would recommend that other people use it.

PROFESSOR LJUNGOVIST added a comment in relation to feedback to the Executive Committee and the Foundation Board about the outcome of the use of research money. A comprehensive review had recently been given to the Executive Committee and the Foundation Board, and he asked Dr Rabin when this had been. He thought that it had been a year ago.

DR RABIN confirmed that such report had been given one year previously.

THE CHAIRMAN thanked Mr Koehler for the extensive and comprehensive report. He thanked Mr Lunn for acting as chair of the Education Committee and, as Canada moved

away from chairing the committee and the USA took over, noted WADA's appreciation of the efforts of Canada. He thought that the driving force of all that had been a person currently sitting behind Mr Lunn, Mr Bouchard, who had been actively involved in WADA's work and had done a tremendous job. Everybody respected Mr Bouchard's wisdom, commitment and support, often on matters that had nothing to do with education. Mr Bouchard had been given a promotion, but had agreed to remain with WADA until the end of the year to fulfil his obligation. On behalf of the Executive Committee, he wished Mr Bouchard the very best of luck with his new challenges and thanked Mr Bouchard for the commitment he had made to WADA. He asked the Executive Committee to acknowledge that effort with applause.

THE DIRECTOR GENERAL sought formal approval of the social science research projects presented.

DECISION

2011 social science research projects approved.

11. Status of Penang laboratory

MR NIGGLI referred to a matter under item 11 in the agenda. The Penang laboratory had decided to challenge the decision taken by the Executive Committee to revoke its accreditation and was now litigating before the CAS. The litigation had been suspended for a period of time but had recommenced, and therefore, given that WADA was now in the process of litigation, he thought that item 11 should be withdrawn from the agenda as it would be inappropriate to have a discussion during a pending case. This would not be discussed further.

DECISION

Status of Penang laboratory update noted.

12. Any other business/future meetings

THE CHAIRMAN said that he wished to raise a matter that was not before the members in their papers, and that was the issue of conflict of interest. After the discussion held initially at the think tank meeting on the Friday prior to the Executive Committee meeting in September, it had been brought to his attention at the conclusion of the Executive Committee meeting that there were a number of matters relating to current conflict of interest procedures that were deficient. When he had examined the particular issue, it had been very clear to him that there were a number of matters that required attention sooner rather than later. He had requested that the management seek the advice of competent lawyers in this particular area, and that had been done, and again the report received indicated, in respect of a number of decisions taken, and that applied to grants generally and other areas, that WADA did require a conflict of interest policy and code in place. As a result of that and an extensive discussion with the Vice-President, he could indicate that the way forward was that WADA would have a conflict of interest policy before the members at the May meeting. It would also have a register of interest form, which would require anyone who might have a conflict of interest to make a declaration and to declare before every discussion if there was any matter in the agenda that required them to notify others present of an interest in connection with that matter. It would also require updating on a regular basis. He told the members that this was an issue that had concerned him somewhat; he had moved to ensure that WADA obtained the appropriate advice, which indicated that WADA needed to fix things, and WADA had that in hand and the members would see the fruit of that effort at the May meeting for their consideration and approval, and that would apply to all issues that WADA dealt with from the point of view of the Foundation Board, committees and senior management. It would not be specific to any particular area. Unless there were any questions, he simply wished to notify the members that action had been taken

since they had last met.

MR MCQUAID informed the members that, before he started criticising, he would like to congratulate Mr Howman on the fact that the New Zealand All Blacks had beaten Ireland 39 to 18 that evening.

He wished to comment on press declarations made by WADA staff in relation to IFs and the work that went on, and also on leaks. In relation to the first point, he spoke not as the president of the UCI, although most of the points he would make were related to cycling and the UCI, but as a representative of the summer Olympic sports, which were very important members of the anti-doping movement. The feeling in ASOIF was that, as WADA was the service provider to the sports movement, it should act at all times in that vein. Recently, in an interview in relation to the Armstrong investigation, Mr Howman had been quoted, when speaking more specifically about doping problems in cycling, as saying, "I think that's a matter for the sport to address. Our job is to make sure that the anti-doping programme is okay. If after that we still find people who are cheating, they have to sit back and say, 'What do we do now?'" He found that comment unacceptable.

THE CHAIRMAN said that he would be happy to have these discussions on specifics with the management, as he had offered, and was more than happy to allow any member of the Executive Committee to raise a matter in general terms, but perhaps the matter could be dealt with generally, without going to actual quotes or actual issues or incidents. Mr McQuaid had made a point on principle and he asked Mr McQuaid to stick to the issue rather than make comments in particular.

MR MCQUAID continued that there had been comments made, and he was talking in a general way, about, for instance, the UCI and what the UCI had been doing which were completely unacceptable. For instance, SportAccord had conducted a recent investigation into the amount of funds being put into anti-doping by the IFs. Some were putting in as little as 50,000 euros per year. The UCI spent something in the region of 5.5 million euros on anti-doping. Therefore, any comments made in relation to the UCI and the UCI's fight against doping in sport should be fair and supportive of the work that the UCI did. He found that this had not been the case of late. Likewise in relation to the situation regarding Alberto Contador, and he was talking about the principle of a case that was ongoing and comments made by WADA staff directly about the case, which was still ongoing, which he thought was wrong. All athletes deserved due process and, even though the media frenzy had come about because of a leak, the WADA staff should not have got itself involved in discussing elements of it, particularly elements that would not even be admitted as part of the case, and that had happened over the past couple of weeks.

In relation to leaks, and the UCI had complained many times about leaks from within the system, and again he spoke on behalf of the athletes and the federations, which were entrusted with the system and needed to believe that the system was credible and just. There had been a leak in the Contador case towards the end of August whilst the UCI and WADA had been working together on that case. There had been two leaks, one that clenbuterol had been found and one a week later giving details of plastic residues found in the samples. This had led, naturally, to a media frenzy. The athlete might be innocent or guilty, but he deserved due process and, because of that leak, he had not been given due process. That week alone, there had been a leak in the UCI result management process of that case. The UCI had provided the file to the Spanish federation to judge the case and, within two days, a report within that file had been quoted in the press by a journalist claiming to have read the report. Despite the fact that people other than the Spanish had been aware of the report, he had written to the Spanish federation immediately, highlighting its obligation under the rules to handle the case in a confidential way, and had asked the federation to give him the contact details of everybody to whom the documents had been passed on for the process to take place. He had received the letter from the federation the previous day with the details and he would follow up with the individuals. He had the impression that WADA said that leaks

would happen, but WADA took the situation of leaks far too lightly without giving them due importance. For instance, having spoken to one member of the WADA staff at a conference, he had been told that the member had been surprised that the leak had not happened earlier. WADA needed to treat these leaks seriously. It was very difficult; he was not asking that WADA set up a private investigation to find out who was responsible but, at least one could find out about the people who had been aware of the information and write to them and tell them that, under results management, confidentiality was important to the credibility of the system, understanding and credibility of the athletes who believed in the system, and therefore it should not happen. At least if the people involved were aware that WADA was concerned and doing something about it, it might reduce the leaks.

THE CHAIRMAN said that Mr McQuaid had felt the need to raise the issue and he would give such right to any member of the Executive Committee but he assured the Executive Committee that, when the matters had been raised with him, he had indicated that he would examine both issues thoroughly. He had examined both thoroughly and had spent many hours poring over press releases and asking many questions in respect of it all. He was always open to suggestions as to how to improve security in respect of WADA's information in its system and respecting the rights of athletes. It had been his experience that, more often than not, the athlete provided the information the moment he or she got it, and frequently conducted the case in the media when WADA was incapable under the Code and did not engage because it could not. He simply said that it was impossible to cover leaks, but he was always open to suggestions about how WADA might. In that regard, Mr Howman had spoken about an ad hoc committee looking at the issue of laboratories and how WADA might manage the laboratories from a number of perspectives, not the least being their connections with anti-doping agencies, and one of those was security, and WADA would look at it from that point of view. To the extent that one had the capacity to seek explanations, he assured the members that, where there was a valid reason to remind somebody or seek an explanation and highlight the need for confidentiality, WADA would always act in that regard and write an appropriate letter. In respect of the issues of WADA making comment, he was satisfied from everything that he had seen (and, if Mr McQuaid could show him to the contrary, he would be happy to look at it again) that the comments had been made generally but attributed, as was often the case by journalists, to a specific case. That was something that was very difficult to avoid. It was impossible not to answer and not to give general terms, but he had found nothing specific to the case, and those same comments had appeared in the media two weeks prior to the media symposium in question, so he would be happy to explore and go over that detail with Mr McQuaid at some stage. He was satisfied that there was a clear understanding about the need for confidentiality in WADA for it. He took Mr McQuaid's concern seriously, and he and the management team would work as constructively as possible to see if they could avoid some of these difficulties. This particular issue had certainly occupied a great deal of his time and, going forward, he would try to overcome these difficulties if that was at all possible. He did not propose to open this up for discussion unless there was a burning need by anybody to say anything further.

He thanked the staff for the preparation of the papers for the Executive Committee; the members were well served by the high standard and professional approach of the staff.

DECISION

Executive Committee – 14 May 2011,
Montreal;
Foundation Board – 15 May 2011, Montreal;
Executive Committee – 17 September 2011,
Lausanne;
Executive Committee – 19 November 2011,
Montreal;

Foundation Board – 20 November 2011,
Montreal;

The meeting adjourned at 3.15 p.m.

FOR APPROVAL

JOHN FAHEY, AC
PRESIDENT AND CHAIRMAN OF WADA