

Minutes of the Conference Call of the Executive Committee of the World Anti-Doping Agency, 2 August 2000, Lausanne

The conference call commenced at 1.05 p.m. CET.

1. Roll Call

THE CHAIRMAN welcomed those taking part in the conference call of the World Anti-Doping Agency (WADA) Executive Committee (EC), and asked the Secretary to confirm who was participating.

MR SYVÄSALMI said that Messrs Feliciano Mayoral, Hein Verbruggen, Johann Olav Koss and the Prince de Merode had sent their apologies. The EC members participating were therefore: Mr Richard W. Pound QC (chairman), H.E. Ngconde Balfour, the Hon Denis Coderre, and Mr Mustapha Larfaoui; Ms Suvi Lindén and Senator Amanda Vanstone. Following recent elections in Japan, Mr Kitami was now representing Mr Matsumura(?) rather than Hachiro Okonogi.

MR SYVÄSALMI proceeded to read through the proposed agenda.

MR CODERRE wished to add a point about the independent observer (IO) at the Sydney Games.

2. Minutes of 20 June meeting

There being no changes or corrections, THE CHAIRMAN declared the minutes of the EC meeting on 20 June approved.

3. General report on activities since 20th June

- a) Offices

MR SYVÄSALMI reported that the three-member WADA secretariat had been in their well-located new office premises for 2½ weeks. At present, the ASOIF secretariat were "squatters" until they found their own office, and this was proving helpful in terms of daily contacts with the IFs. The Standards and Harmonization Committee had already met in the new office, as had the Legal Committee and the IO team. These premises would certainly meet WADA needs until the end of 2001.

THE CHAIRMAN had been there the previous week, and could confirm that the facilities were excellent for staff and visitors alike, with a 10-seat conference room.

- b) Status of agreements with IFs and tests performed

MR SYVÄSALMI said that 20 IFs had now signed drug testing agreements with WADA, and just over 600 tests had been conducted, with 560 pending in the following ten days. To have 2,000 or 2,100 tests performed before the Games in Sydney was thus a realistic target.

THE CHAIRMAN hoped that some agreement could be reached with FIFA whereby WADA relied on the federation's own out of competition testing programme, with WADA overseeing this and reporting on the process implemented. It was important that FIFA be one of the IFs agreeing to participate in this programme.

The FIG currently did not want to participate, which was quite a serious decision, and THE CHAIRMAN was trying to persuade the federation that this was not a good idea.

The ITF purported to be interested, but did not seem to be serious about it, and they were being asked to state clearly whether they agreed or not.

With the IWF, the issue had narrowed to whether it was WADA which picked the athletes to be tested or the federation itself. They had been told that, to comply with the agreement, it had to be WADA's decision.

MR SYVÄSALMI added that some progress had been made after the meeting of the WADA Legal Committee the previous Friday. One of the committee members was an adviser to the IWF, and the situation had now been settled.

THE CHAIRMAN continued that the FIVB still maintained that it was up to the national federations, not the IF, to handle doping matters, but WADA was trying to persuade the FIVB that it had some responsibility, and could make participation in the WADA programme a condition for NFs to participate in the Games.

MR SYVÄSALMI noted that the difficulties with the IHF were more of a practical nature, and there were no problems in principle. The same was true of the UIPM, and an answer from them was expected by the end of that week. The IBAF was more difficult, however.

THE CHAIRMAN suggested fixing a date, for example 9 August, and saying that WADA would issue a press release then identifying the IFs which were not taking part in the WADA out of competition testing programme. It would then be up to the IFs concerned to explain their actions.

MR CODERRE was happy to do this.

MS VANSTONE thought that, rather than leaving it to the IFs to explain, WADA should state in the press release what the IFs had told WADA, or leave it to the WADA President to respond.

THE CHAIRMAN would prefer the IFs to say what their explanation was, and WADA could then refute it.

MR CODERRE still wished to include in the text the IFs' reason for refusing to participate.

MR LARFAOUI urged the Secretary to continue talking to the IFs in the meantime, and perhaps one week was not enough to convince them of the importance of taking part in the programme.

MS VANSTONE thought that a week was plenty of time for the IFs to make up their minds. WADA had already been trying to persuade them for a month.

THE CHAIRMAN observed that the deadline was a pressure tactic to get the IFs to agree before anyone was identified; but he would prefer to try to reach an agreement right up to the deadline.

MR CODERRE wished to know how far the IOC supported WADA and in particular its role and work in Sydney.

THE CHAIRMAN replied that WADA's responsibility was separate from that of any of its constituent members.

DECISION

Talks to continue with the IFs not yet signed up to the WADA out of competition testing programme until 10 August, after which a press release will be issued listing the participating and non-participating IFs.

- FISA matter

THE CHAIRMAN explained that there had been procedural shortcomings at one regatta and training camp. Part of the tests were being done for FISA by the DFSC, and part performed on WADA's behalf. FISA had written a very strong letter complaining about WADA, and he had undertaken to respond to them as soon as he had a full report on the matter.

MR SYVÄSALMI added that a final report would be ready by the following Monday or Tuesday. At present, it seemed as if there might have been mistakes in certain procedures, although it was not clear how serious these were. The quality had apparently been below expectations, and the aim was to ensure, with the consortium, that this did not happen again. However, relations with FISA were generally positive, and they believed that WADA was doing its best to address the situation.

THE CHAIRMAN stressed that this was the only case of a problem with the tests conducted thus far. As it was not clear which tests were being conducted for FISA and which under the contract with WADA, they also had to make sure that WADA was not being blamed wrongly.

- Independent Observer report and ASDA visit

MR SYVÄSALMI reported that David Howman and he had visited the ASDA offices and laboratory between 17 and 20 July; had met many different people; had been given all the information they had requested; and had seen all the documentation they had asked for. This had also been a chance to hear an interim report on the *Positive* book and see a copy of the author's allegations. They had similarly been present for the launch of the voluntary athlete passport scheme in Sydney, presented by Ian Thorpe. A further visit to Sydney was scheduled for mid-August.

MR CODERRE asked whether any agreement had been reached with the IOC on the IOs.

THE CHAIRMAN replied that the IOC had accepted the concept of the IO and the knowledge that WADA was preparing that role, but there was no contract as such with the IOC.

MR CODERRE thought that one was needed to show that the IOC was truly supporting WADA.

THE CHAIRMAN promised to see if one could be got in place at the IOC Executive Board meeting in August.

MR CODERRE drew attention to the fact that, out of a seven-member IO team, there was only one woman. Furthermore, was there a professional ethicist on the committee?

MS VANSTONE was concerned about including an ethicist. In her experience, such people spent all their time telling everyone else what to do.

MR SYVÄSALMI observed that, of the proposals he had received so far, there had been none from Europe. He did however now have three women on the list, and had spoken to Mr Balfour's adviser about the possibility of approaching the head of the South African Anti-Doping Institute.

H.E. MR BALFOUR said that he was currently considering this.

THE CHAIRMAN thought that there would ultimately be a total of six women out of the 15 people on the IO team.

MR CODERRE suggested including Angela Schneider.

THE CHAIRMAN feared that she was in danger of becoming omnipresent. Moreover, what specific role would an ethicist perform in the competition testing process?

MR CODERRE thought that the expertise provided by a professional on that level would complete the whole process. He felt this to be important, but would follow the consensus decision.

- Committee meetings

MR SYVÄSALMI noted that the Ethics and Education Committee would be meeting with five IFs and ASOIF at the WADA office later that week, and he would give it the draft IO Code of Conduct for its comments. The Standards and Harmonization Committee would be reporting shortly with a proposal for the EC that WADA cooperate with IADA on organizing regional IADA training seminars. This committee had started discussing a new Anti-Doping Code, as had the Legal Committee. The latter had also discussed processes with the IDSC, observer arrangements in Australia and the athlete passport scheme. The pilot projects in Canada and Australia were being followed with a view to developing WADA's own passport.

MS LINDEN expressed the concern in Europe that the EC had not yet nominated all the members of the WADA committees, and asked to discuss this at the next EC meeting.

H.E. MR BALFOUR recalled Mr Larfaoui's point about African participation made at the previous EC meeting, and asked for an update on this situation.

MR SYVÄSALMI informed him that David Howman would shortly be contacting him for his opinion regarding the appointment of the chairman of the International Rugby Board's legal committee. All the committee chairs had taken Mr Balfour's point into account. Professor Ljungqvist, for example, had already appointed an athlete and a Latin American representative to his committee.

MS LINDEN asked that a list of names of committee members be presented at the next EC meeting, and a formal decision taken.

THE CHAIRMAN thought this a good idea. Either at the next EC meeting or the next Foundation Board meeting they would undertake a full assessment of the committees and see if the gaps had been filled.

MR CODERRE asked whether the next EC meeting would be by telephone, again, or be a formal meeting.

THE CHAIRMAN replied that, if necessary, the EC would meet in Lausanne on 27 August.

DECISION

A full assessment of the WADA committees to be made at the next Executive Committee meeting to see if the gaps in membership have been filled.

4. Permanent Site Criteria

THE CHAIRMAN asked the Secretary to introduce the draft containing the criteria to be considered, which had been distributed to the participants.

MR SYVÄSALMI introduced Mr Erkki Savolainen, who was a consultant and architect, and was listening in on the meeting with him. Mr Savolainen had been working with the Secretary on this draft. The basis for the project had been established at the Board meeting of 20 March 2000, during which it had been agreed that the siting criteria for WADA's permanent headquarters should be established, and that the site selection process had to be transparent, accountable, open and reliable. He had consulted with many experts before a final proposal had been reached in collaboration with Mr Savolainen. The documents distributed to the participants detailed two alternative solutions: a practical one and a so-called heavy one. The recommended alternative was the former. As had been decided at the Board meeting in March, the selection process would have two stages: in the first stage, applications would be sent to the NOCs and governments of all 199 countries having an NOC.

Discussions had also been held with some of the IOC's experts in bidding procedures. One good piece of advice received from them was that all applicant cities should be sent the selection criteria, so that all the cities were aware from the first stage of the process of what was required, even though they were not initially requested to provide any information on whether or not they met the criteria. The selected candidate cities would thus be better prepared to fill in the so-called Detailed List of Aspects, required in stage 2 of the process.

Regarding the timeline for the process, they were in a position to send out the preliminary application forms as early as mid-August, requesting the candidate cities to return them by as early as 23 October, which would allow them to have an EC meeting immediately prior to the Board meeting in Oslo on 14 November, to decide on which four or five cities it wished to recommend to the Board as candidate cities for the second stage of the selection process. The Board would decide on the candidate cities and also set up an evaluation committee at its November meeting. This would enable them to request the finalists to send their applications by the end of February 2001. Given that these candidates would already have been aware of the selection criteria, 60 days were considered enough for them to prepare their bids. The Board could thus take its final decision between late-April and, at the latest, mid-June, to allow the necessary six or seven months for the successful candidate city to work out the practicalities involved in preparing the permanent site.

MR CODERRE agreed with the criteria. He suggested using video conference and interpreting to avoid delegates having to travel long distances to meetings. His only quibble with the timetable detailed by the Secretary was the date for the final Board decision: it should be taken no later than the end of April.

MS VANSTONE congratulated the Chairman and the Secretary on their hard work, and hoped to see the process get underway as soon as possible. She agreed with Mr Coderre that April was preferable to June for the final decision.

MS LINDEN agreed with the timetable and with the need to take a final decision as early as possible.

THE CHAIRMAN proposed distributing the initial material together with the timetable to all applicants before the end of August. The final decision timetable could then be re-examined in November in the light of the applicants' response, and in particular the number of candidatures received.

MS LINDEN asked how the applicant cities would be whittled down to the final candidates between the EC meeting on 23 October and the Board meeting on 14 November.

THE CHAIRMAN replied that there would probably be some internal assessment of the relative quality of the applicants, and of whether it was necessary to appoint an independent evaluation commission to advise WADA on their respective merit. The EC would make the relevant recommendations to the Board.

Given that the procedure had been agreed, MR CODERRE believed that the Chairman and Secretary should be authorized to hire external expertise as appropriate.

MS VANSTONE agreed.

MR KATAMI asked how and when the criteria for selecting the permanent site would be decided.

THE CHAIRMAN replied that the criteria had been decided on already and were outlined in the document distributed. What still needed to be defined was the weighting of the criteria, a factor which would be subject to a recommendation by any consultant they decided to engage, or by the EC or the Board, as they saw appropriate.

MR SYVÄSALMI confirmed the Chairman's explanation. He would be more than happy to discuss the weighting of the criteria with Mr Savolainen and assess their needs with him. In any case, the evaluation and weighting would have to be decided on before the November Board meeting.

THE CHAIRMAN suggested that this would be the main task the EC would have to accomplish prior to the Board meeting. It should therefore come to the meeting with a proposal for consideration by the Board.

DECISIONS

1. Permanent site criteria outlined in report by Secretary approved.
2. Following timetable for selecting the permanent site approved:
 - a) application forms to be sent out to applicant cities in mid-August;
 - b) applicant cities to be requested to return application forms before 23 October 2000;
 - c) the Executive Committee to recommend final candidates to the Board on the basis of internal assessment and possibly external expert advice by an evaluation commission;
 - d) the Board to decide on final candidates and give these cities until the end of February 2001 to send their bids;
 - e) the Board to take its final decision on the permanent site between end of April 2001 and end of June 2001.

5. Draft Work Plan

THE CHAIRMAN asked whether anyone wished to make any amendments to the draft short- to medium-term work plan.

MS LINDEN thought that they should improve their document distribution process: she had received the documents for the conference call only 15 minutes before it had started. Although she thought that the work plan document looked good, she had clearly not had enough time to read it thoroughly. Regarding Finance and Administration, she hoped that by the next Board meeting, they could formally decide on how funding would be split between the sports organizations and the governments, and between the continents. Another option would be to settle on an estimate for 2002. This would help the governments, which needed time to decide on budget matters.

THE CHAIRMAN thought that this would be terrific. He had expressed this in somewhat indirect terms in the memorandum because he was not sure governments would be ready that early to decide.

MR CODERRE noted that the governments would get together at an IGCADS meeting in Oslo to discuss funding. He agreed that they should consider setting some targets in terms of funding.

MR SYVÄSALMI pointed out that the Board meeting had deliberately been scheduled in Oslo at the same time, to provide an opportunity for discussions with the governments.

MR CODERRE sincerely hoped that the informal meeting scheduled for Sydney would be more than a cocktail party, and could be used to lay the foundations for the Oslo discussions.

THE CHAIRMAN agreed with this comment, and noted that work would proceed along the lines agreed, subject if necessary to slight changes. Any major changes to the agreed work plan would, however, be discussed with the EC.

DECISION

Draft work plan approved.

6. Sydney informal Board meeting

THE CHAIRMAN noted that all efforts were being made to maximize attendance at the meeting: the best time seemed to be Friday 15 September, which was the day of the Opening Ceremony. He suggested that they should have lunch followed by a meeting on that date, for example between 12 noon and 2 p.m.

MS LINDEN would not be able to attend on that date, but she would send her representative.

MR LARFAOUJ would be able to attend if it was between 12 noon and 2 p.m.

MR CODERRE said that Canada would be there.

MR SYVÄSALMI noted that, unfortunately, the Regent Hotel was not available, but he would find a place for the meeting and lunch. He asked Ms Vanstone whether she could assist him to find a suitable location for around 50 people.

MR VANSTONE agreed to do this.

MR POUND said that they would send out a notice that the meeting would be held from 12 noon to 2 p.m. on Friday 15 September at a place to be confirmed.

DECISION

Notice to be sent out of informal Executive Board lunch and meeting to be held in Sydney from 12 noon to 2 p.m. at a place to be confirmed.

7. Next Executive Committee meeting, 27 August/October ?

THE CHAIRMAN asked the participants whether they thought they needed an EC meeting on 27 August. They had all agreed to pencil a meeting on this date into their schedules on the basis that it was always easier to cancel a meeting than to organize one.

MR CODERRE proposed that if there were matters that needed to be discussed, this could be done again by teleconference. Otherwise, they should aim to have a Board meeting in September.

MS VANSTONE agreed.

CHAIRMAN noted that the only reasons he could see for their needing to meet in August was if something went wrong with the status of the independent observer or with the IOC.

MR CODERRE said that they could settle any such problem by phone.

THE CHAIRMAN agreed.

DECISION

Formal Executive Committee meeting schedule for 27 August in Lausanne cancelled, to be replaced only if necessary by a teleconference.

8. Other business

- Book entitled *Positive*

THE CHAIRMAN asked Ms Vanstone whether she wished to say anything about the recently published book entitled *Positive*.

MS VANSTONE observed that the timing of the publishing, just before the Games, was extremely inconvenient as it would ensure considerable publicity for the book. The author had declined requests from the AOC and the Sports Minister's Office to participate in matters relating to the contents of the book. In late July, ASDA had offered to have discussions with him, and had agreed to pay any costs of his attendance, but he had so far not responded. ASDA and the AOC were holding their own separate inquiries and would report to the Australian Sports Minister soon. Prior to the allegations being made, ASDA had already been subjected by the government to various controls to ensure that it operated satisfactorily: a probity audit had recently been carried out by Deloitte's, which had concluded that ASDA had a high degree of independence and accountability. In total, there were now three inquiries being carried out (by the AOC, ASDA and the Sports Commission), but the author did not appear to be very willing to participate in any of them. This was not critical, as the inquiries did not just depend on what he had to say. The government was doing everything within its powers to have the inquiries move forward as quickly as possible. For its part it considered the allegations to be unsubstantiated and rejected them, but would like to see them objectively confirmed to be so as soon as possible.

- Validation by IOC Medical Commission of two tests for detecting EPO

THE CHAIRMAN noted that a conference had just finished the previous day in Lausanne during which the scientific validity of two tests for EPO detection had been discussed and, according to reports from the media, had been approved as reliable tests. He proposed that WADA should consult with Prof. Ljungqvist as chairman of its medical and research committee to obtain his view of this conference, which he had attended, and to assess what WADA's position should be with respect to these tests being performed in Sydney.

MR CODERRE thought that this kind of announcement on doping should be made by WADA itself.

THE CHAIRMAN explained that the conference in question had not been organized by WADA, but by the IOC Medical Commission, but that he had arranged for Prof. Ljungqvist to attend it on WADA's behalf. His impression was that the IOC would be prepared to use the tests during the Games and rely on them to apply sanctions. If it did that, WADA should also have some say in whether these tests were scientifically sound or not.

MR CODERRE stressed that WADA should impose itself in Sydney. As far as he was concerned, it was WADA which should have the last word on whether tests such as these were performed or not. WADA's credibility was based on the word *world* in its title, which indicated that it enjoyed the trust of the people.

MR BALFOUR agreed, noting that WADA enjoyed great public trust and confidence, and it should do something about issues such as this to maintain its credibility.

THE CHAIRMAN thought that there were two issues here: one was whether or not a reliable EPO test had been discovered. They had been reliant on media reports on this thus far, but would have to decide whether WADA agreed with the verdict of the IOC Medical Commission. The second issue was WADA's ability to impose itself: it was not in a position to impose anything on anyone at present. Instead, it had to try to build a consensus. This was one of the reasons why WADA had had to negotiate case-by-case with each individual IF, which were all entirely autonomous within their own sphere of activities, to try to persuade them to participate in WADA's programme. It was one of the

reasons why it had to reach an agreement with any organization, including the IOC, regarding the role of the independent observer.

MR CODERRE conceded that the Games in Sydney would take part during a transitional period, but he felt, nevertheless, that WADA was being sidelined. To be effective, WADA had to take a clear position. He suggested that they should hold a conference call on 27 August to decide on the feasibility of the two tests.

THE CHAIRMAN said that, with regard to the tests, all WADA could do was state that it shared the view or did not share the view that they were reliable. The responsible medical authority of the Games remained the IOC Medical Commission, which would do what it thought was appropriate at the Games. WADA would report on whether they agreed that the action and decision taken by this Commission were appropriate.

MS VANSTONE did not believe that WADA needed to recheck what had already been approved by the IOC Medical Commission, especially with regard to approving tests for detecting EPO, of which WADA was in favour. The appropriate thing for WADA to do was to state that it was pleased that the IOC had found a test that was considered to be reliable, and that it looked forward to the independent observer, as agreed by the IOC, playing a role in making sure that those tests were conducted just as properly as any other doping tests before and during the Games.

MR CODERRE agreed.

THE CHAIRMAN thought that WADA still had a responsibility to form a view, which it should form on the basis of the report it received from Prof. Ljungqvist. It should not give its approval lightly, given that there was a strong likelihood that the first 100 positive EPO tests would go legal.

MR CODERRE wished to make sure that WADA did take a position.

THE CHAIRMAN replied that WADA's position would most probably be that its own experts had confirmed that it could rely on the judgement of the IOC Medical Commission, and that as the independent observer in Sydney, it would report on those as well as any other tests.

MS VANSTONE noted that the tests still had to be approved from a legal point of view by the IOC.

THE CHAIRMAN agreed that it was important that they were aware of this. However, if he were responsible for the IOC's decision from a legal perspective, he would be prepared to risk legal proceedings in order to get out the message that it was prepared to take action.

MR SYVÄSALMI would ask Prof. Ljungqvist to give a written report as soon as possible, and would distribute it to the EC members.

DECISION

The Secretary to request Prof. Ljungqvist to prepare a written report on the IOC Medical Commission's decision to approve the two EPO tests, for distribution to Executive Committee members, and WADA to issue a statement on the basis of this.

- Complaint by Japan

MR KITAMI complained about the timing of the conference (it was 9 p.m. in Japan) and about the language barrier that made it very difficult for Japan to contribute effectively. Japan was under a great disadvantage when meetings were held by conference call, and to hold meetings in this way on a regular basis was unacceptable for Japan.

THE CHAIRMAN replied that all efforts had been, and would be, made to find a time that caused the minimum inconvenience for all the participants. He did appreciate the particular problems experienced by Japan.

MR KITAMI thanked the Chairman.

THE CHAIRMAN thanked the participants.

Draft 2 16/8/00

The conference call ended at 2.30 p.m.

FOR APPROVAL

MR RICHARD W. POUND, QC
PRESIDENT AND CHAIRMAN OF THE BOARD