

# Minutes of the WADA Executive Committee Meeting

6 March 2001, Lausanne

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The meeting began at 9 a.m.

## 1. Welcome

THE CHAIRMAN welcomed the members to the meeting.

There was a great deal of work to do, and much had already been carried out in preparation for the meeting. The necessary material had been sent to the members by e-mail more than a week prior to the meeting, and this manner of distribution was to be used in the future. He therefore advised that the members become familiar with the workings of e-mail.

## 2. Roll Call

THE CHAIRMAN noted that there were several alternates present at the meeting: Mr Rodney Swigelaar was representing Mr Balfour and Mr Crick was representing Ms Vanstone, who was taken up with parliamentary duties. General McCaffrey was also absent.

## 3. Minutes of the Executive Committee meeting on 13 November 2000

THE CHAIRMAN said that if the members had any comments or changes to suggest regarding the minutes of the Executive Committee meeting in Oslo on 13 November 2000, they should do so by the end of the meeting. If not, the minutes would be considered to have been approved as distributed.

### DECISION

Minutes of the Executive Committee meeting on 13 November 2000 approved.

## 4. Observers

THE CHAIRMAN noted that there were a number of observers present, who were most welcome. It was WADA's policy to allow observers to participate in the meetings. Those observers who wished to have their names recorded for posterity were requested to give their names to a member of the staff.

## 5. Working Committee updates

THE CHAIRMAN noted that there had been a number of committee meetings since the WADA Executive Committee meeting in Oslo, and asked the chairs of each committee to give a summary of the work that had been accomplished.

### – Health, Medical and Research Committee

PROFESSOR LJUNGQVIST said that he had been unable to attend the meeting of the Health, Medical and Research Committee because of a sudden infection. The meeting had been held one week previously in Lausanne.

He informed the members of the decisions taken by all but three of the committee members (who had been absent).

Invitations had been sent out for research applications to research groups around the world, and some priority areas had been identified. The deadline for the applications would be 1 April, following which the applications that arrived would be evaluated. A small group within the Health, Medical and Research Committee had been organised to look through the material first hand. The group included: Professor Freedman, who was an expert on growth factors; Professor Saltin, who was an expert on oxygen-carrying factors; and Professor Müller, who was an expert on endogenous factors. It had

been realised that the Health, Medical and Research Committee would have to circulate some of those applications for further review by outside experts, and he would welcome any proposal from Executive Committee members who knew of experts in their own countries who might be willing to help.

It had also been decided that a small, permanent ad hoc committee would be helpful throughout the evaluation procedure, so the Health, Medical and Research Committee asked for names of scientists in the related field who could be invited to work in what was probably the most important area of its work.

The Health, Medical and Research Committee had also taken on board the question of the therapeutic use of prohibited substances. When looking at the requests, those responsible were very strict and only rarely granted the use of such substances, but the issue had to be dealt with.

A group had been set up, consisting of him, Doctors Fitch and Wadler, and Professor Müller, to look into this issue and come back with the terms of reference and an explanation of the working procedures in order to deal with the problem.

In September, there was to be a workshop on gene therapy and performance enhancement at the Banbury Centre, Coldspring Harbour, in New York. This would be a very important workshop composed of around 35 people from the sports world and the gene therapy world. The issue of gene therapy was a very important one, and it was necessary to be prepared for when it arose.

The other major issue was work on the WADA list of prohibited substances for 2002, which had to be co-ordinated between all WADA's committees. The Health, Medical and Research Committee had had the idea of appointing some 10 people to make a start on the matter at the next meeting in Stockholm. He imagined that it would be necessary to meet a few times before it was possible to finalise the list. Could the Executive Committee agree to the idea of 10 knowledgeable people meeting to work on the idea?

PROFESSOR LJUNGQVIST gave an update on the EPO test status. The current situation was that the only accepted test was the blood and urine combination. The urine test was based on the difference found between artificially introduced EPO and human EPO. Unfortunately, it was believed that the pharmaceutical industry would be clever enough to produce a completely identical form of EPO in the near future.

All the accredited laboratories would be coming together that month at the annual laboratory heads meeting in Cologne to discuss the issues.

The IAAF intended to use the same method for EPO testing at the IAAF World Championships in Edmonton in August as had been used in Sydney.

The issue of food supplements had also been discussed, and it was firmly established that there were a great deal of food supplements manufactured and distributed around the world that contained banned substances (particularly precursors to nandrolone). He was sure that a number of those athletes who had tested positive had indeed ingested those food supplements without necessarily knowing that they did contain banned substances, but with the principle of strict liability it was for the athletes to know these things and take the consequences for their actions.

The IOC Athletes' Commission had issued a clear warning to athletes, and the Health, Medical and Research Committee would be issuing a further warning to athletes regarding the use of food supplements.

With regard to the list of banned substances as it was now, the IOC Doping and Biochemistry of Sport Sub-Commission had made a modification to the list to be valid as of 1 January 2001 and the Health, Medical and Research Committee agreed except on one point. This issue would be discussed under agenda item 8.

The next meeting of the Health, Medical and Research Committee would be in Stockholm in May.

MR VERBRUGGEN asked whether the workshop included a discussion of synthetic haemoglobin.

With regard to the problem of nandrolone, he understood the meaning of strict liability, but would not like Professor Ljungqvist to be in the shoes of an IF president who regularly had to declare innocent people guilty and then sanction them.

He thought that it was too easy to say that WADA had issued a clear warning. A warning was simply not enough and did not reach the right people. He did not have a solution, but a warning was

not enough. He was rather emotional about the matter, as federations were confronted with it on a day-to-day basis, and it hurt.

MR LARFAOUI said that he supported Mr Verbruggen, but wished to ask about the group that granted exemptions to athletes with regard to use of substances. There was a group in the IAAF to examine the issue, but the number of requests for exemption was increasing, as was the number of asthmatics. This was somewhat concerning.

MR REEDIE said that he had discussed the issue informally with Professor Ljungqvist. He had a letter from UK Athletics and its president which suggested research into levels of production in a sample that would indicate whether or not an athlete had been cheating as opposed to levels showing microscopic traces that would indicate that an athlete may not have been cheating. Were the limits currently allowed the correct ones? He would like to suggest that Mr Ljungqvist might consider encouraging such types of research.

THE CHAIRMAN thought that it was absolutely essential to have good peer review on any research projects that WADA funded. WADA had to be 100% credible in what it did. He hoped that the possibility of leveraging WADA's funds would be looked into.

He shared the concerns expressed regarding the therapeutic use of prohibited substances, and thought that the statistics coming from Sydney showed an astonishing number of very brave asthmatics competing. The numbers ought to be quite disturbing to WADA, and it should deal with the matter.

As far as medical ethics were concerned, the medical profession seemed to support and encourage the use of these prohibited substances. Something needed to be done in that area.

He wished to note that if any statements were to be issued by the various committees, they should be issued by WADA and not just the committee.

PROFESSOR LJUNGQVIST referred to the comments made about strict liability with respect to nandrolone and food supplements. There were convincing studies that showed that healthy athletes did not need food supplements, but they took them because others did. Any medication or food supplements should be prescribed by doctors, which would make the risk of positive cases minimal. There were athletes with long lists of supplements and no medical need for taking them, except in very special athletes, in special situations, and in very special sports.

Unknowingly taking a banned substance would automatically lead to an athlete being disqualified. What he was talking about when discussing strict liability was whether to impose any further penalty or not. This was why the athletes needed to be very careful, because if athletes tested positive at a competition, they would be disqualified.

With regard to Mr Larfaoui's comments about therapeutic use, strict care and authority had to be exercised. As long as the group was fully aware of the need to exercise this authority, then there would be no risk of misuse.

In response to Mr Reedie's comments about nandrolone levels, there were cut-off levels below which a case would not be considered positive. The cut-off levels had been checked by experts, and guaranteed that if an athlete was above the level then he or she would be considered to have taken a prohibited substance to improve his or her performance.

Regarding the peer review system, PROFESSOR LJUNGQVIST told the Chairman that the committee had such a high profile and individual expertise that any further contributions would be welcomed.

Yes, the fund was to support a project, on the assumption that other resources were made available for the project as well.

Asthma medication might be of some help in endurance sports, however there was a great over-estimation of the importance of this medication. An educational programme had been broadcast in his country about the matter, and it was significant that the applications for the use of asthma medication in Sydney had all increased, except in his country, where it had reduced by 50%.

Modern asthma medication was based on Beta-2 agonists, which were banned as there was a belief that salbutamol could have an anabolic effect.

With regard to doctors' involvement, FIMS had issued ethical guidelines several years ago, to be followed carefully by sports doctors, but there were people in every profession who did not act according to guidelines.

He would circulate the intended statement on food supplements, so that it could be issued by WADA.

MR CODERRE referred to the role of governments in connection with the labelling issue. He thought that, for the WADA meeting in South Africa, the governments should work together on the issue of labelling and include something on labelling in the Strategic Plan. There would be problems if WADA did not do anything about the matter. He was unsure which committee should deal with this, but truly believed that it was everybody's business.

DR VEREEN wished to add that, in the terms of reference of the Ethics and Education Committee, it had been suggested that the committee serve as a sort of institutional review board for WADA, to ensure that all the potential ethical issues related to any research projects that came out of the body were covered. It would also guarantee that WADA was fully aware of any projects that it fully funded or was associated with.

THE CHAIRMAN said that he had understood that the committee would include somebody like that.

PROFESSOR LJUNGQVIST pointed out that, when it came to the ethical evaluation of research projects, in the current climate, as soon as research involved human beings (or even animals), the projects were normally reviewed by the ethical boards at the university in question, so WADA would not take on anything that had not been reviewed by the local ethical board, but WADA might like to have further reviews carried out by Dr Vereen and his committee so that it could be absolutely certain that what it financed had been properly and ethically reviewed.

With regard to labelling, it was very important that governments took this issue on board. He had spoken to the British Sports Minister some time ago at the IAAF World Championships in Seville, and the British government had taken up the matter.

The issue of athletes training in artificial environments, that is high altitude chambers, to increase their oxygen consumption, had also been raised. This was an authorised method, however it was related to the EPO issue. There were three ways to artificially increase haemoglobin levels in the blood: living in artificial high altitude chambers in one's own home; staying in resort hotels in the mountains; and taking EPO. The first two methods were permitted, and the third was banned. How should the matter be dealt with? It was under the microscope of the Health, Medical and Research Committee, and was being looked into very carefully.

PROFESSOR LJUNGQVIST said that he had been requested to seek members for his committee from Asia and Africa. One of the leading international authorities on growth factors, Professor Irie, from Tokyo, was ready to join the Health, Medical and Research Committee. With regard to the proposal of Mr Mbanya, the endocrinologist from Cameroon, the Health, Medical and Research Committee had in vain asked for his CV and further documentation, so this was still a pending matter. His committee asked the Executive Committee to decide upon the membership of Professor Irie, and it would come back with a proposal regarding the African representative.

## DECISIONS

1. Report by the Health, Medical and Research Committee approved.
2. Executive Committee members to propose experts from their own countries who might be of use on a permanent ad hoc committee throughout the evaluation group procedure.
3. A further warning to athletes regarding the use of food supplements to be issued by WADA.
4. Request to accept Professor Irie as a member of the Health, Medical and Research Committee approved.

5. Health, Medical and Research Committee authorised by the Executive Committee to approve the membership of Mr Mbanya if satisfied by the contents of his CV and other documentation requested.

– **Legal Committee**

MR HOWMAN said that the Legal Committee had not met since the meetings in Oslo, however there would be a meeting on 21 and 22 March to discuss issues arising from the Executive Committee meeting that day and other matters that might arise from issues such as the site evaluation committee.

There were three points that the Legal Committee asked the Executive Committee to consider and positively respond to: conflict of interest; the essay competition; and membership to the Legal Committee (Annex 1).

The Legal Committee had pointed out the issue relating to the list of prohibited substances as it had been concerned that the IOC had introduced a list which would cause legal difficulties if adopted by the International Federations, simply because it had not followed its own Code. This would be discussed under item 8 of the agenda, but he had been very concerned that the matter would have legal implications for both WADA and the IOC's anti-doping policies.

Where the contract for the successful out-of-competition testing tender was concerned, he suggested that the Legal Committee be involved in the contracting of that successful tender in due course.

MS LINDEN was happy about the proposal regarding conflict of interest.

Where membership of the Legal Committee was concerned, she thought that it was very important to have at least two women in a committee, however there was still the problem of nominating members. She proposed that, from 2002 onwards, the parity principle be considered in order to avoid people getting annoyed about the issue. All parties should feel that they had been heard while nominating the committees.

She disagreed with the proposal concerning the member from Iran.

In looking for experts, she wished to see equality, which meant including more women in the committee.

DR VEREEN said that a draft of the WADA Ethics Handbook had been prepared, and it included a section on dealing with conflict of interest issues.

MR CODERRE thought that, with regard to responsibility, application of sanctions, customs and circulation of products, the Legal Committee should look into how WADA would operate, as well as how to establish a modus operandi between the governments, the International Federations, WADA and the IOC. The next meeting should include specific proposals on a means of operating, as there were several countries currently preparing legislation relating to these issues, and he thought that WADA should perhaps look to the European Convention as a guide.

The Legal Committee should also look into the question of liability regarding e-commerce and other issues that would be very useful in assisting Mr Walker to harmonise everything.

With regard to conflict of interest, he thought that WADA would have to address the issue in terms of who could vote for the permanent WADA site among other things. What should be the definition of a conflict of interest? Doability and logic needed to be discussed, and he therefore required a decision or at least a discussion on conflict of interest. He thought that all the members should be able to vote and consider the quality of the bids, because, if not, there would be very few people actually able to vote.

MR HOWMAN replied to Mr Coderre. His committee was involved in the Code, and was liaising with Mr Walker's group.

With regard to the issue of conflict of interest, his committee felt the need to increase the specificity to the Montreal Declaration so that people did understand when they could and should not vote.

The committee needed guidance concerning the issue of membership, and he agreed with Ms Linden about the need for policy and direction.

DR VEREEN said that, if it was decided that a full discussion on the issue of conflict of interest and a definition of who could vote was needed, then he had specific guidance (which he had offered earlier) to give to the members if they so desired. A number of guidelines could be presented to put some of the conflicts into context, some of which were absolute, others which were relatively grey, but a discussion could be conducted to help order these and come to some resolution. He would be happy to present them immediately for use in the discussion, or provide them to the relevant committee.

THE CHAIRMAN made a suggestion. It was not necessary to know immediately who could vote in the elections for the new site. The item could be put in place for the next WADA Executive Committee meeting, for which Ms Linden, Dr Vereen and Mr Howman could perhaps come forward with a recommendation based on the work done, their concerns and legal issues.

In the short term, there had been an ad hoc manner of forming the committees, and he felt it necessary to consider committee structure and staffing. Necessary factors were a limited size, proportionality and competence within that formula, so perhaps that mandate could also be expanded, and a proposal be prepared for the next meeting.

Was the proposal concerning Mr Jahangir Baglari from Iran withdrawn?

MR HOWMAN thought it would be best to wait regarding the proposal.

THE CHAIRMAN replied that the proposal would therefore be considered as withdrawn.

The idea of the essay competition was a good one, and was a good profile-raising opportunity.

MR WALKER thought that it might be a good idea to think of a title within the context of this competition. He proposed a topic such as *The Impact of Human Rights Legislation on Doping and the way in which doping is conducted*.

THE CHAIRMAN asked whether the Executive Committee agreed to the concept in principle. It would be left to the Legal Committee to propose the parameters of the competition.

#### DECISIONS

1. Report by the Legal Committee approved.
2. Essay competition authorised to proceed. Legal Committee to propose the parameters of the competition.
3. Proposal concerning member from Iran withdrawn.
4. Recommendation regarding conflict of interest to be made at the next WADA Executive Committee meeting by Ms Linden, Dr Vereen and Mr Howman, based on the work done, their concerns and legal issues. Committee structure and staffing also to be considered.

#### – **Standards and Harmonisation Committee**

MR WALKER said that the minutes of the meeting of the Standards and Harmonisation Committee were being posted on the WADA website.

At the IOC Medical Commission laboratory re-accreditation meeting in Lausanne from 9 to 11 December, there had been a WADA representative acting as an independent observer for the re-accreditation process. The Independent Observer report provided a lot of items for reflection. Such a person had been very useful, and the Standards and Harmonisation Committee would be taking up the issues at its next meeting.

Still on the subject of laboratories, the Standards and Harmonisation Committee was making progress with the provision of standard sets of reference substances, from two sources: the European Directorate for the Quality of Medicines, and the Australian National Reference Laboratory, the latter being particularly good for the provision of reference substances for anabolic and androgenic steroids.

The Standards and Harmonisation Committee was currently developing a process for the accreditation of laboratories under the WADA aegis. The OMADC already stated that laboratories

would be accredited by WADA, and the committee would do its best to provide WADA with the means to implement that decision.

As part of that, the committee considered that a continuous quality assessment control programme was necessary, with some kind of outside expertise. A programme which would lead to the means of doing this existed in the form of a project called Aladdin 2002. The first opinions of the laboratory experts on the Standards and Harmonisation Committee was that this was the kind of model that could well be the basis for this continuous quality control assessment. The programme was partly funded by the EU and was restricted not to laboratories in EU countries but to laboratories in Europe. He gathered that there were some problems in finding the finance necessary to run the project in Europe, but one of the wishes of the Standards and Harmonisation Committee was that the scope of the project be widened to include participation from laboratories outside Europe, for which at the moment there was no scheme of funding. MR WALKER noted that it was quite possible that, following its next meeting, the Standards and Harmonisation Committee would make a proposal to WADA on this topic.

The second major item was the Code, but this would be discussed under item 9 of the agenda.

Where sanctions were concerned, the committee had not been able to deal with the issue at its Oslo meeting. He did not think that the Standards and Harmonisation Committee would be making proposals on the harmonisation of sanctions as such, but it would be addressing more the question of how to reconcile and acknowledge different jurisdictions and different authorities to impose sanctions, and how it would be possible to make proposals through WADA for these different jurisdictions to be recognised and acknowledged by the various parties involved.

With regard to test result management, the committee had gone back to the drawing board. This was not an excuse for procrastination but was due to the fact that it had found that the test result management guidelines were so specific to the Sydney Olympic Games that they were not replicable in most other situations. With the help of ASDA, WADA would be making some more generic proposals which would be applicable in more situations. He hoped that this document would be an independent handbook for test result management protocols as well as becoming, in some form or another, part of the forthcoming code.

Among the Standards and Harmonisation Committee's next activities was the workshop in Cologne for IOC-accredited laboratories, at which MR WALKER and his colleagues would be giving a presentation of their work on the question of accreditation of laboratories under the WADA umbrella, and providing a dinner for the directors and deputy directors of the laboratories.

The next meeting of the Standards and Harmonisation Committee was to be in Strasbourg on 30 March.

There was a further IOC meeting of heads of accredited laboratories on 23 April in Monaco, however he was not sure whether WADA would be invited.

With regard to the labelling of food supplements, good progress was being made, especially by the Council of Europe, which had adopted a recommendation the previous year on all sorts of measures to reduce doping. One of the sections of that recommendation had dealt with labelling. Reports were already being received from member states and parties to the convention on progress being made at national level, and Austria, the Netherlands, Norway and Switzerland were already introducing legislation which went along these lines.

As far as hypoxic chambers were concerned, the Doping Convention Monitoring Group had adopted a statement a couple of years ago and stressed the dangers to health of these processes.

Regarding the membership and composition of the Standards and Harmonisation Committee, following the Oslo meetings, Mr Balfour had kindly provided the name of an African member, Dr James Sekajugo, from Uganda. The committee still hoped to find someone, preferably a woman, from South America, however. He agreed that a size limit was necessary, but there was also a need for some form of selective comprehensiveness (which meant widened at the sides but quite small in the middle). He hoped that, if there were to be a limit, it would take into account the needs of the Standards and Harmonisation Committee.

MR CODERRE said that he had met earlier with Mr Verbruggen, and they had both thought that they needed to reach an agreement between the International Federations and the governments. There was a need to build bridges in terms of legislation.

Where the issues of labelling, e-commerce and applying sanctions were concerned, a pilot project (which would be at his own expense) with the UCI and the Canadian government had been planned. It was scheduled to be implemented within six months, so that at the August WADA Board meeting some results could be given to WADA.

In autumn 2001, the Canadian government would be enacting some important legislation specifically regarding the anti-doping issue. It already had a policy, but was ready to make it law.

MS LINDEN said that Finland had been involved with the Netherlands in this kind of co-operation project to help the former Soviet states build up anti-doping infrastructures and policies. Maybe the Standards and Harmonisation Committee could think about anti-doping infrastructures for those countries that did not have any.

MR SYVÄSALMI said that this was exactly why the WADA Board had decided on the partnership deal with the IADA countries. WADA would be meeting the IADA representatives in two weeks' time to discuss how to deal with the issue in practical terms.

THE CHAIRMAN asked Mr Walker to advise him if it seemed that IOC co-operation was not being received.

It would be helpful if the Standards and Harmonisation Committee could deal with the Danish problem at the next meeting.

The ongoing quality control assessment was very important. It was one thing to identify the need, but quite another to propose a solution to it. Nevertheless, if WADA wanted to get anywhere quickly, it would have to find solutions to the needs identified.

#### DECISIONS

1. Report by the Standards and Harmonisation Committee approved.
2. Dr James Sekajugo from Uganda nominated as a member of the Standards and Harmonisation Committee. Aim to find another member, preferably a woman, from South America.

#### – **Ethics and Education Committee**

DR VEREEN thanked all those who had assisted the committee, which had been quite active.

There were five areas he wished to discuss at the meeting, the first being the completion of a WADA Code of Ethics. The committee had set forth to develop a draft and consult with and implement codes of ethics for an important set of identified groups. This Code of Ethics related to athletes, doping control officers, corporate WADA, coaches, sports physicians and sports scientists, and there was even a special section relating to conflict of interest and how to deal with deciding on some of the grey aspects of that issue. A draft of the Code of Ethics would be distributed towards the end of the meeting for members to comment on, so that the Code of Ethics could be adopted by the next full WADA Board meeting in July.

The next steps would be for WADA to consult with the IFs and the coaching associations to arrange some pilot testing of the code and the development of some ethics education materials to go along with it, so that it would become a part of how people thought and operated.

In the second area, research and background, the committee was developing a series of research papers to provide ethical analyses of the current doping code and current blood testing protocols. In addition, the Ethics and Education Committee would review the ethical challenges currently facing doping control and enforcement. The committee would make clear, in a paper, the identity of the ethical issues underlying doping bans and would identify ethical choices that WADA might face in the near term.

The Ethics and Education Committee felt that there was a need to be proactive.

The ethical issues related to the list of prohibited substances were part of what would be presented at the next WADA Board meeting, and the committee would provide a series of recommendations to further clarify that work.

The process included a world-wide literature review. There was a great deal of activity and much material outside, and the Ethics and Education Committee had taken it upon itself to come up with a document that would be useful to WADA, as previously mentioned.

The specific deliverables would be an annotated bibliography; the literature review; an analysis of the Anti-Doping Code; underpinnings of the list; and other discussion papers that might need to be generated as the Ethics and Education Committee interacts with other committees or any requests made by the Executive Committee or the full Board.

The third project concerned the educational content of the athletes' passport training diaries, and he wished to hand the floor to Mr Koss for an update.

MR KOSS thanked the Canadian government for providing the funds for the pilot project in Canada, and ASDA for contributing to the Sydney pilot project.

He presented the report on the Canadian study (Annex 2) which had been prepared by Dr Angela Schneider and Dr Robert Butcher.

With regard to the Australian model, 1,600 athletes had been targeted by the survey and 400 had replied. Approximately 85% of the athletes who had responded thought that the athletes' passport was a good idea. The major concern had been that the Australian athletes thought that they were tested more than athletes in other countries.

He would be happy to e-mail the results of the study to those who were interested.

MR KOSS went on to give an on-screen presentation of the current testing system, and then proposed a model involving an international passport (Annex 3) that would create an opportunity for WADA to know about every test being carried out all over the world, and also give it direct contact with the athletes, which was one of the most important aspects of WADA's work.

MS LINDEN thanked Mr Koss for his presentation, which was one of the best ideas she had heard, particularly since the scandal the previous month in Finland. Athletes would no longer be able to claim that they had not known that a substance was forbidden. The problem regarding the Finnish scandal was that the substance in question had not been forbidden in the Finnish anti-doping agency list, which had not been updated. The passport would be able to prevent such occurrences.

New passports (not necessarily involving testing) should be created for junior athletes and their coaches, so that education and information could begin with the very young.

This kind of passport system would soon be required in Finland among all Finnish sports federations.

MR CRICK said that Australia had been involved in a pilot study of the passport system, and had fully supported it. He wished, however, to sound a note of caution. This was a great idea, but from the point of view of the Executive Committee he would like to be assured that the results of the Canadian and Australian pilot systems had been assessed. It was necessary to make sure that WADA had learnt the lessons from the pilot studies and that it had a proposal that was realistic and could work.

Looking at all the arrows in the presentation, THE CHAIRMAN observed that they were talking about a huge project that, fully matured, would cost tens of millions of dollars.

He also thought that, before opening any tendering process, WADA would need to know exactly what it wanted to do, so that it could organise a realistic tender.

Why was it that WADA was the agency that would be responsible for advising athletes of a positive test? He would like further thought to be given to why that particular mechanism had been suggested.

DR VEREEN compared testing and test results to education. Testing occurred in a context, the whole concept revolving around the idea that WADA wanted to thwart doping. Testing and getting test results did very little to thwart doping in some ways, and the context of all this was education. WADA was involved not only in the testing but in the use of education to prevent doping.

THE CHAIRMAN said that he had a problem with it being WADA knocking on the door telling the athletes that they were guilty of doping. Why should it be WADA?

MR KOSS said that WADA would not deal directly with athletes in the event of a positive case and apologised if all the arrows on his diagram had been misleading.

He thanked Ms Linden for her comments and suggestions.

With regard to Mr Crick's comments, he would certainly try to show that the Australian studies had been taken into consideration. If Mr Crick or anyone else around the table could see any issues that needed to be addressed, he would be grateful to hear about them.

He wished to confirm that no tender would be sent out without a proper strategy and WADA approval.

MR CODERRE said that there were issues to consider regarding the framework and role of WADA, in particular money, application and the role of WADA in terms of respect of the application of its code.

He thought that the passport would undoubtedly become a tool for developing anti-doping in the directions of control and education, but he thought that WADA needed to define its role as an agency. If WADA did not control the passport, he would have a problem. IFs and governments certainly had a role to play, but he thought that WADA could not pay for everything, and if there were no answer as to how to define all the arrows on the presentation, this would say something about WADA as an agency and how it wanted to perform. If it was always going to be a money problem, there would be some political problems as well.

He thought that, before making any decisions, it would be a good idea to wait regarding the definition of the code and the role of the agency.

He was not sure that WADA did not have a role to play regarding discussion of results and relations with positive-testing athletes. This issue needed to be discussed.

Should WADA just be present to promote the Independent Observer Programme or should it provide skills and know-how to make a difference and be efficient?

What should be the role of WADA's Health, Medical and Research Committee with regard to the IOC and IF relations? This was politics with a capital P. The code and its application needed to be discussed.

MS LINDEN felt that, where the passport was concerned, it was up to the governments and the National Federations and Olympic Committees to build up a national system that worked. The governments should fund their own sports federations and anti-doping work. WADA should make recommendations, and then the governments should ensure that they provided the funds. The passport required co-operation between governments and sports federations, and was a very good example of what could be achieved through WADA.

MR LARFAOUI said that he was not against the passport idea, but agreed with the previous speakers about responsibility. Would the athlete benefit from the passport? Who should take charge of the passport? He agreed that it should be up to the governments, the National Federations and the National Olympic Committees.

MR MAYORAL pointed out that the roles of the NOCs, IFs and all the bodies involved in the matter needed to be identified before any decisions were made on the matter.

DR VEREEN drew to a close the discussion about the passport by saying that the US had already approached the Ethics and Education Committee for assistance to develop a passport specifically for athletes in the USA, with the intention of paying for it itself. Things might end up moving in the direction outlined by the previous speakers and addressing some of their concerns.

An e-learning internet project was being developed in collaboration with the Council of Europe. There would be a sub-committee meeting at the beginning of April to discuss the content of what would be available for athletes on the internet.

For the Olympic Games in Salt Lake City, a media education forum had been proposed at the previous Board meeting. The matter had moved forward to the point that there was a preliminary agenda for an international media education forum in Salt Lake City in September 2001, where doping issues would be introduced to educate the press, and his committee had already been working with SLOC (who were also contributing resources to the forum) on the matter. A draft budget had been reviewed and a further update would be provided once arrangements had been made.

The committee structure had been completed with the addition of a representative from Africa (Ismail Jakoet from South Africa). The committee had less than 15 members and was appropriately represented in terms of gender and regions of the world.

THE CHAIRMAN referred to the guidelines for sports physicians. He stressed that the focus should not be narrowed simply to sports physicians.

He reminded everyone that the WADA committees did not have a separate existence.

#### DECISIONS

1. Report by the Ethics and Education Committee approved.
2. Code of Ethics draft to be distributed to members for them to submit comments and recommendations before the next WADA Board meeting in July 2001.

#### – **Finance and Administration Committee**

MR REEDIE suggested taking the money/budget/accounts parts of the report under item 13 in the agenda, and went on to deal with the other areas covered by the Finance and Administration Committee which had been noted in the minutes of the committee meeting on 30 January 2001 (Annex 4).

With regard to the work of the committees, MS LINDEN suggested that the committees try to use modern technology as much as possible in order to reduce the high costs of the committee meetings.

MR CRICK commended the Finance and Administration Committee on the work it had been doing. The quicker all the systems could be put in place the better.

It had been very useful that the committee had prepared the minutes ahead of time.

MR MAYORAL asked about the government contribution to WADA.

THE CHAIRMAN replied that this would be dealt with under item 14 on the agenda.

The committees' sizes were to be dealt with by Ms Linden, Doctor Vereen and Mr Howman in the small ad hoc commission, as discussed already.

The tax status for WADA was a huge breakthrough for WADA, and the Swiss government's flexibility was greatly appreciated.

With regard to Mr Crick's suggestion, the chairpersons of the committees should time their meetings so that their minutes or reports could be available at the time of Executive Committee or Board meetings.

Ms Linden was right in saying that every effort should be made to minimise the costs of the work, and he asked the members to bear this in mind.

As for the issue of the Independent Observer function for all world championships, it was necessary to know how many championships there would be every year and what it would cost to provide an independent observer team. He recommended that the matter be put on hold until WADA had some sense of a financial model that would apply.

MR REEDIE was delighted to hear of the ad hoc group to develop and study the size of committees, and agreed that costs related to committee meetings should be minimized where possible.

He assumed that those who had been invited to join the committees would remain until the new structure was in place.

With regard to the Independent Observer function for all world championships, he took the Chairman's point that, every time there was a new service, somebody came along and asked for it, and the demand would increase, therefore increasing the cost.

He thanked Mr Crick regarding the in- and out-of-competition testing comment. It was accepted that the governments would have a non-Olympic sports obligation, but in the meantime WADA would cover Olympic sports when asked, and non-Olympic sports if asked, but on some form of cost-recovery basis.

MR LARFAOUI asked about the role of independent observers at world championships. Why would there be six independent observers?

MR REEDIE said that if an IF conducted its own in-competition testing at its world championships and was perfectly happy with how it carried this out, that was fine, but if it wanted an independent observer to tell the world that what it had been doing was correct, then that was what an independent observer would do. It was true that relatively few people would be needed to do this, rather than the large number of people at the Olympic Games.

MR SYVÄSALMI said that, with regard to size, there should be between two and fifteen independent observers, whose role would still be to observe and report, therefore increasing the athletes' and public confidence.

MR WALKER congratulated Mr Reddie and his colleagues, and suggested that they also consider other multi-sports events.

MR KOSS brought up a proposal from Mr Ctvrtlik regarding the recovery of costs incurred by members through travel for WADA meetings and time spent away from work.

THE CHAIRMAN said that this would be dealt with under item 17 of the agenda.

MR CRICK pointed out that the Independent Observer Programme in Sydney had come about because of a public perception of problems, and the option chosen to address the public perception, the independent observer role, had worked well. This did not necessarily lead to an automatic assumption that WADA had to play an independent observer role at every single sports event. If there were no problem, and if the relevant federation or organising committee were confident about its work, then perhaps there was no value added in having WADA go in and perform an independent observer role. He thought that it would be very much horses for courses rather than a blanket approach.

MR REEDIE replied to Mr Walker that the fact that regional games existed had been recognised, and these organisations were actually more likely to make requests than individual IFs.

He told Mr Koss that no specific indemnity issue had been taken into account.

#### DECISION

Report by the Finance and Administration Committee approved.

### **6. OOC Tender decision**

THE CHAIRMAN said that the mandate of the DFSC had been extended to the end of March 2001, and referred to the paper in the members' files on the out-of-competition service provider (Annex 5).

MR SYVÄSALMI said that unannounced out-of-competition testing was to be one of the priority areas dealt with by WADA.

He had visited the IFs together with the members of the DFSC the previous spring. He noted that 17 out of 28 summer IFs had had to adopt new rules and regulations for out-of-competition testing, and WADA had liaised with each of the federations. The DFSC had been of great assistance.

He was happy to note that the IFs were partners in this project, and their feedback had been taken into account when the tender document had been drafted. The need for world-wide co-ordination was one of the key points, and a comprehensive approach was one of the basic needs for that.

As a result, he believed that WADA had managed to facilitate the development of national anti-doping policies, which was of great importance.

The entire matter had been handled by the Legal Committee and the Finance and Administration Committee.

The aforementioned document detailed the next steps and the decisions requested.

Just for the record, MR HOWMAN said that the legal group had devised the updated tender document as a result of the Board's decision to ask it to adopt the Irish model, which had been done with management to make sure that the tender document was appropriate. The tender that had been received matched the tender document, therefore he had no difficulty in saying that the tender complied properly with the tender conditions, although there were some matters within this that still required negotiation.

THE CHAIRMAN pointed out that the Out-of-Competition Testing Programme was one of the principal activities that WADA would carry on. He wanted the members to reach some kind of a decision, but wanted them to be satisfied that they were reaching the right decision, and if there were any questions regarding the tender document, the reply to the tender or its contents, now would be the time to raise them.

MR CRICK declared a conflict of interest, as there was an Australian government organisation involved as a partner in the tender.

The tender document certainly did ask for estimates of costs according to three major categories. Was there a sufficient breakdown in those costs to make a sensible judgement?

There were references in the tender document to providing policy support and development. He raised the concern that the WADA Executive Committee and the Board should be the determinants of policy, and asked whether they were happy with the sort of advice that might be coming forward or what it might be costing in addition to the very good policy advising that was coming from the committees themselves.

MR LARFAOUI said that there were three bodies involved: ASDA, the Norwegian NOC and the Canadian Centre for Ethics in Sport. He had not understood what was being sought.

The Health, Medical and Research Committee was partly responsible for the out-of-competition testing. Reading the minutes of the meeting in Oslo, he noted that the body carrying out this work should be totally independent and sheltered from any potential conflict of interest.

How had the number of tests planned (8,000) been decided upon?

He proposed that WADA extend the contract with the DFSC until 30 June 2001, so that WADA could consult the IFs (who were WADA's partners) at the ASOIF Council meeting on 19 March. ASOIF's General Assembly was scheduled for 17 May. Nothing would stop WADA extending the current contract, and WADA would then be able to obtain the opinion of the IFs.

MR CODERRE noted that the Canadian Centre for Ethics in Sport, although part-financed by the Canadian government, was totally independent in its operations. Nevertheless, perceptions were sometimes construed to be reality, therefore he would not take part in this decision for the same reasons declared by Mr Crick.

PROFESSOR LJUNGQVIST responded to Mr Larfaoui. No, his committee had not been involved in the process. He had expressed some concern regarding the tender process. It was unfortunate that WADA had received only one offer, but major modifications had been made to the basic model for tender process, hence the single tender. He did not know why the requirement for costs for test result management had been introduced, and wondered why a criterion, the extent to which the tender was in a position to help build national anti-doping programmes, had been introduced. Thirdly, he had been surprised to read that preference should be given to tenders operating for or on behalf of non-profit organisations. This was a major restriction, as far as he could see.

Why was this not an open competition? This was an uncomfortable question, but it had to be raised, because when he looked at the costs, he became even more concerned, as the costs of a non-profit organisation seemed more expensive than any other company.

He seconded Mr Larfaoui and thought that the matter needed to be looked at more closely. The cost of US\$ 527 per sample was not correct: it was actually US\$ 750. For their federations, Mr Larfaoui and himself paid US\$ 500 per sample for collection and analysis. Why did a non-profit organisation cost so much more?

With 10 years of experience in the field with a business organisation working on a totally independent basis, he had the uncomfortable feeling that people around the table needed to clarify a conflict of interest.

He would rather see a new tender process that would automatically result in the extension of the present contract.

MR SYVÄSALMI said that he would not accept the idea that this had not been an open process. It had been an open tender, and the time limit had been respected.

He had tried to say that this was not a process with just sample collection and analysis. The IAAF and FINA had been conducting tests for 10 years, but there was a percentage of IFs without any rules in place.

The process had been an open one, and it had been examined by the Finance and Administration Committee as well as the Legal Committee. The requirement for an ISO PAS standard had ruled out a number of tenders.

It was up to the Executive Committee to decide whether the present contract with the DFSC should be extended or not.

MR HOWMAN confirmed that the tender had been proper, legal and open. The tender was not closed from a legal perspective.

The modifications made to the Irish model had been small and had been due to issues resulting from WADA's capacity to deal with the result management and ensure that the service provider would be able to provide WADA with a service that it could not cope with in the office.

PROFESSOR LJUNGQVIST accepted what Mr Howman had to say, but thought that the minor changes were in fact major ones, which did exclude those operating in the field from being able to put an application on the table.

Why had only non-profit organisations been able to apply?

THE CHAIRMAN thought that the changes had not been major ones, that the tender had been open, and that no-one had been excluded from applying. How had Professor Ljungqvist reached the reverse conclusion?

PROFESSOR LJUNGQVIST replied that his conclusion had been reached because organisations had not fulfilled the new requirements introduced in the tender that had been sent out.

MR SYVÄSALMI said that the exact wording in the document, *preference to non-profit making organisations*, did not exclude profit making organisations, which was why the Legal Committee had been able to accept it.

He thought that the whole process had succeeded in facilitating discussions about national anti-doping policies, which was significant.

MR REEDIE thought that, despite a genuine difference of opinion on a tender document, the members should try to look at the bigger picture: the success of WADA the previous year had been its Out-of-Competition Testing Programme, and he thought everybody deserved credit for doing that. He would have thought that the International Federations would be happy to know that an ongoing Out-of-Competition Testing Programme was to be run properly and well, and that their athletes could have confidence in the system. Also, if it were possible to say to the IFs that the people doing it were the people who had done it well for the year of the Sydney Games, he would have hoped that IFs would be comfortable with that, although he did accept that, at the next ASOIF Council meeting, it would be useful to have that statement behind them.

It was absolutely crucial to the future of WADA that the members decide to conduct the programme and get on with it as quickly as possible.

He had been uncomfortable with the round fee that had gone to the DFSC the previous year but had accepted it on the grounds that it had been important to start the programme. He, too, would like to sit down and negotiate with the DFSC and ask why, as a non-profit organisation, its costs were 50% higher than a commercial company, but that was a process of negotiation, and he thought that the tender should be approved subject to ongoing and downward negotiation of the price. There were a number of issues which it seemed the consortium would like to deal with which WADA could manage itself. For example, if it were a question of developing national programmes for national governments, then WADA should do it rather than the consortium.

Overall, it was better that WADA proceed with people in whom the IFs and athletes had confidence, but the price should be negotiated down.

MR VERBRUGGEN pointed out that it might be rather hard to negotiate the price down if the DFSC knew that there was only one offer.

MR WALKER agreed that out-of-competition testing was one of the crucial areas of WADA's work. It had been successful so far and had to be built on and continued. He had been struck by the wide range of duties which the DFSC had ascribed to itself.

His own calculations suggested that the average cost was US\$ 815 per test, even more than the figure mentioned by Professor Ljungqvist.

There was some confusion within the tender document because the DFSC had said that it would retain IDTM to provide exclusive sample collection services to the consortium. He thought that this was a non-profit consortium using a commercial organisation, and presumably there was an add-on cost.

He agreed with the thrust of those who said that it was vital that the WADA Out-of-Competition Testing Programme continue. He thought that it should focus very much on the IFs.

The Finance and Administration Committee had already developed some notions about cost-sharing, because he thought that the implications of 8,000 test programmes spread over two years were sufficiently significant to make it necessary to see what exactly the WADA programme should be doing, and the cost should be in relation to those necessities.

As for procedure, he was not in a position to make any proposals, but if the proposal from Mr Reddie were taken up, there would certainly be a further lapse of time before any contract could be signed. Whether that led to the postponement to a date nearer to that mentioned by Mr Larfaoui, he did not know, but it did seem to him that there were still some question marks which it behove WADA to try to resolve, despite the fact that Mr Syväsalmi's explanations had been very clear.

THE CHAIRMAN said that it was clear that the cost element of the tender had to be negotiated.

The dilemma was that it was essential for WADA to act in co-ordination and co-operation with the IFs, so he would not want WADA to impose a programme on the IFs if the IFs were not satisfied. This was what the IFs were saying, even though he did not like the idea of a veto. Could the members think about the matter before they decided? If they thought that the matter was so terrible that they could not live with it, then he would suggest putting off a decision until June 30 and extending the present contract. On the other hand, if they thought that it was not so bad, then maybe a decision could be made following the ASOIF meeting. He nevertheless thought that it would be central to the credibility of WADA and what it had tried to accomplish that the momentum gathered the previous year continue. If WADA were seen to hesitate or suggest that the previous year's work was now unacceptable to the major client group (the IFs), then he thought that they would have gone a long way towards shooting themselves in the foot.

He would not insist on the matter. There was an internal contradiction however. WADA was quite happy to extend the contract of the same group that had tendered, on the basis that the group was doing a wonderful job, except it could not accept the group on a go-forward basis.

THE PRINCE DE MERODE thought that the price was too high, and needed to be lowered.

He also believed that the process should have involved an invitation to tender rather than remaining with a previous contract simply because there had been no time to do anything else.

All the problems should be resolved by WADA as a whole. If the IFs were complaining, then they should be able to explain why they were not satisfied.

He thought that the Chairman had been right to suggest a deadline, so that there would be time to establish a viable procedure that was acceptable to all involved.

Above all, however, the work that had begun should not be stopped.

THE CHAIRMAN said that there had been an invitation to tender.

The agreement with the DFSC had been extended until 31 March 2001. It would be possible to identify, deal with and negotiate any IF problems before that date. If this suggestion appealed to the members, then maybe a working committee should be formed to deal with price and any shortcomings in the process that were perceived by the IFs. He suggested that the following make up the working committee: Mr Larfaoui, as an IF representative; Mr Howman, as a legal representative; Mr Reddie, as a finance representative; and Dr Vereen as a government representative.

He asked these members to complete the job by 31 March.

PROFESSOR LJUNGQVIST apologised if he had offended anyone, but what he had tried to say was that the introduction of what he saw as major new elements had discouraged many from applying.

He felt very strongly about the Out-of-Competition Testing Programme, as he had supported it so strongly from the start.

He was worried about the costs offered by the sole tender, and thought that a three-week deliberation period was too short.

THE CHAIRMAN said that 24 days gave plenty of time to identify the problems.

The only problems that had been encountered in the entire programme the previous year had related to IDTM.

It was in WADA's interest not to extend the present contract on an ad hoc basis beyond 31 March. If the members decided that this would not be possible, then they could stop and start all over again, but they would face a real disaster. There was every reason to get the issue resolved.

He proposed that the working committee he had suggested be authorised to reach a satisfactory conclusion. If they were satisfied, they would so indicate, and then WADA would be authorised to sign the contract.

MR SYVÄSALMI wanted to point out that there had been two complaints the previous year. One had been in written form from an IF, the other had been an oral complaint concerning IDTM.

Generally speaking, co-operation had been very good.

The IFs should think about the document in view of the fact that 11 national anti-doping agencies wanted to get involved in the programme.

THE CHAIRMAN proposed that the committee of four look into this matter by 31 March.

He wished to point out that he appreciated the fact that a thorough discussion had been held, and did not wish to discourage any such discussions at any time.

#### DECISION

A working committee composed of Mr Larfaoui, as an IF representative; Mr Howman, as a legal representative; Mr Reddie, as a finance representative; and Dr Vereen as a government representative to identify, deal with and negotiate any problems before 31 March in order to enable WADA to proceed with the signature of the out-of-competition testing contract.

### **7. OOC testing – IF status – for information**

MR SYVÄSALMI read out his report on the WADA Out-of-Competition Testing Programme (Annex 6). The statistics had also been included in the report, and it was important to note that the tests remaining would be carried out.

With regard to FIFA, THE CHAIRMAN reported that he had met the president and secretary general of the organisation, who were committed to signing the agreement and were giving active and serious consideration to requesting WADA to perform all of FIFA's out-of-competition tests.

MR CODERRE informed the members that, in collaboration with USOC and the Canadian Government, an agreement had been made with the NHL and NBA, and the Canadian and US hockey teams would be tested out-of-competition for the Salt Lake City Games. He commended the progress made and the work carried out towards bridging the gap between professional and amateur sport.

MR KOSS presumed that no tests had been performed for ice-skating because no agreement had been signed. Would these tests be performed in the summer?

MR SYVÄSALMI told Mr Koss that his assumptions were correct.

PROFESSOR LJUNGQVIST asked whether WADA would have a mechanism in place for result management.

MR SYVÄSALMI said that this depended on the Executive Committee and Board decisions.

The issue was linked to the whole need for WADA to develop a clearing house system, and if that system were in place, then WADA would not need to make sure that the result management was properly performed. This was being done by the IFs, and WADA's task had been to observe the process and make sure that the process had been conducted at the right time, in the right place and in the right way.

## DECISION

Out-of-competition testing status report approved.

### **8. Process for update of OMADC**

#### **A) OMADC List of Prohibited Substances, 2001**

Where the list for 2001 was concerned, THE CHAIRMAN said that the members were all generally aware that everyone had proceeded in the usual way, having forgotten that the Olympic Movement Anti-Doping Code called for a request to come from WADA to the IOC Executive Board, which would then amend the Code. The cart had come before the horse this time. The result was that there was probably no legal basis for any changes to be in effect. WADA had not yet asked the IOC Executive Board to amend the 2001 list to include the new prohibited substance. He thought that this should be done straight away, so that at the next IOC Executive Board meeting the list would be amended and then it would be effective three months later.

MR HOWMAN asked the Executive Committee to approve the two proposals related to the 2001 list which they could find in their files (Annex 7). He had a third proposal, which was that the IFs should be given immediate notice that the list circulated should not be adopted or followed by them because it would put their testing programmes at risk, and would also put the WADA Out-of-Competition Testing Programme at legal risk, so something had to be communicated to the IFs as soon as possible.

He proposed that the list recommended by the Health, Medical and Research Committee be recommended by the WADA Executive Committee to be adopted by the WADA Executive Board and then referred back to the IOC.

The Executive Committee would also have to make a decision as to how the IFs and NOCs would be notified. He recommended that WADA propose that the IOC notify the IFs and NOCs in writing by facsimile. He would prepare a draft text.

THE PRINCE DE MERODE did not know if the IOC Anti-Doping Code said anything regarding notification. He believed that the Anti-Doping Code stated that WADA was responsible for giving notification.

THE CHAIRMAN said that if notification was to be given as WADA determined, it seemed to him that the Executive Committee should determine that it would give the notification.

MR VERBRUGGEN pointed out that governments also worked with the IOC list, so the fax should be sent immediately.

MR HOWMAN asked the members to approve the third and final point: notification to be sent urgently by WADA to all the IFs and governments to ensure that they would not adopt the suggested list too early.

## DECISIONS

1. WADA Executive Committee to recommend that the 2001 List of Prohibited Substances and Prohibited Methods as recommended by the Health, Medical and Research Committee be adopted by the WADA Foundation Board and then referred back to the IOC.
2. WADA to notify the IFs and NOCs in writing of the above recommendation, by facsimile. Mr Howman to prepare a draft text.
3. Notification to be sent urgently by WADA to all IFs and governments to ensure that they do not adopt the suggested list too early.

#### **B) OMADC List of Prohibited Substances, 2002**

THE CHAIRMAN wondered how WADA could ensure that the 2002 list would be ready so that it could come into effect at the start of 2002. Work should begin early enough so that the Code could be

amended at the IOC Executive Board meeting in September and then come into effect as of January 2002.

THE PRINCE DE MERODE noted a number of problems. The 2001 list would come into effect as of 15 August, which was rather late.

Professor Ljungqvist was probably right to suggest that work should begin soon on the list for 2002, so that it could be ready to come into effect for 1 January 2002, although it would be even better if it were ready for the winter sports on 1 December 2001.

He supported the proposal to hold a meeting in May 2001 to start work on the 2002 list.

MR CODERRE understood the situation, but wanted to ask a question. In the future, what process would be used, and which list would be given priority, the WADA list or the IOC list?

THE PRINCE DE MERODE said that the IOC made the list, and then gave it to WADA for approval. The IOC had passed the list on to WADA on 14 December 2000, but had received no response whatsoever. If the process was to work in future, the IOC and WADA would need to maintain close contact. In the future, he thought that the WADA list (endorsed by the IOC Executive Board) would take priority.

With regard to the issue of terbutaline, it had been withdrawn upon the request of Dr Fitch, who had considered that it was an anabolic substance which could not be detected in the body and was also available in injection form, whereas formoterol was not available in injection form and was considered less of a problem.

He was perfectly aware of the problem of asthmatics, and there would be a symposium on 13 May on the matter. It had been noted that there had been 128 Australian asthma sufferers at the Games in Sydney, which was a very high number. Canada and the USA had had a far higher number of asthmatics than normal as well. There was evidently something not quite normal going on, and it was necessary to intervene. All the documents on the matter would be provided at the symposium, which would hopefully lead to a positive outcome.

PROFESSOR LJUNGQVIST felt that, from a medical point of view, the asthma question was grossly exaggerated. WADA should really concentrate on the real problems. Ephedrine had been the standard asthma treatment, and it was debatable whether it should be on the list. Then, beta-2 agonists had been brought in. The use of all these by inhalation was accepted but prior notice had to be given. Salbutamol had been said to have a possible anabolic effect. An ideal medication had come along several years ago, formoterol, which had an immediate as well as a long-lasting effect, which meant that asthmatics would need only that medication rather than two medications to work in the long and the short term. Therefore, the IOC Doping and Biochemistry of Sport Sub-Commission had proposed that formoterol be accepted. Should it replace some of the other medications, however? Terbutaline was a short-acting beta-2 agonist, allowed for inhalation, with no anabolic effect, which had been used for 25 years. His proposal was to add formoterol to the authorised substances but not take terbutaline off the list, as it was important for many asthmatics who had been using it for a long time. The matter should be discussed at the meeting in May.

In conclusion, he recommended the addition of formoterol by inhalation to the list of authorised substances, and to follow a programme for structuring the 2002 list, in co-operation with the IOC Medical Commission.

He hoped that the Executive Committee would approve the proposed ad hoc committee (Annex 8), which would hopefully meet in May so that there would be a list in place for 2002, later in 2001.

THE CHAIRMAN said that the Executive Committee would leave the issue of which substances to include on the list to Professor Ljungqvist's committee, with a view to having the proposals for the 2002 list ready by August.

The only thing that the Executive Committee needed to do was approve the proposed Ad Hoc Committee, made up of a maximum of ten people, so that it could meet in May. The possible financial implication, on the assumption of three meetings would be US\$ 200,000.

MR VERBRUGGEN thought that a basic discussion regarding the list was necessary, and the Ad Hoc Committee should include a medical specialist, a lawyer and a member of the Ethics and Education Committee.

MS LINDEN supported Mr Verbruggen's proposals.

PROFESSOR LJUNGQVIST listed the proposed members for the Ad Hoc Committee: himself, as chairman; Professor Segura, the head of the Barcelona laboratory and member of the IOC Medical Commission; Dr Ken Fitch, member of WADA and the IOC Medical Commission; Dr Pipe, from Canada; Dr Wadler, from WADA's own medical committee; Mr Richard Young; a member of the Ethics and Education Committee (to be nominated); and Dr Garnier. Nicki Vance would be assisting in the committee's work. Eight members had been proposed, and there was room for two more.

The Ad Hoc Committee would be as careful as possible when it came to spending.

MS LINDEN proposed that Professor Kuipers be accepted as a member of the Ad Hoc Committee.

PROFESSOR LJUNGQVIST agreed that Professor Kuipers, who was a former speed skater and an exercise physiology researcher, would be a useful member of the Ad Hoc Committee.

THE CHAIRMAN thought that the Ad Hoc Committee should also include an athlete. Did everybody approve the overall composition and a maximum budget of US\$ 200,000?

PROFESSOR LJUNGQVIST added that the committee would liaise with a wide range of colleagues, to ensure a broad input.

### DECISIONS

1. Ad Hoc Committee, composed of a maximum of ten people, to meet initially in May 2002 to review the 2002 List of Prohibited Substances and Prohibited Methods.
2. Maximum budget of US\$ 200,000 for Ad Hoc Committee approved.
3. Ad Hoc Committee to be composed of: Professor Ljungqvist; Professor Segura; Dr Ken Fitch; Dr Pipe; Dr Wadler; Mr Young; a member of the Ethics and Education Committee (to be nominated by the Ethics and Education Committee); Dr Garnier; Professor Kuipers; and an athlete if possible. Nicki Vance to assist in the work of the committee.

## **9. Development of WADA Anti-Doping Code**

MR WALKER declared a conflict of interest as the last five words on agenda item 9 (Annex 9) concerned him, but he had not been responsible for drafting them. In that case, he could declare, that he did not have a conflict of interest.

The paper set out the processes involved in the development of the WADA Anti-Doping Code. It was absolutely essential that the prior support of the stakeholders be obtained. The stakeholders included the IOC, organisers of major sports events, IFs, NOCs, athletes, the CAS, public authorities, government collectives and national anti-doping agencies.

He hoped that it would be possible to develop some kind of timetable whereby it would be possible to find out when the major gatherings of the various organisations would take place, to ensure that the process of consultation and feedback could be satisfactorily accomplished.

The development of a single WADA Code was quite a massive task, so he proposed forming a co-ordination group to bring the different elements from WADA together in one body, but also to be able to share some of these tasks in accordance with people's availability, knowledge and expertise.

With regard to the drafting, he thought that, after having found out where the major problems were likely to lie, this could be done relatively rapidly. It would then be necessary to consult on some drafts. The Anti-Doping Convention Monitoring Group had already formally expressed its desire to be associated with this process, and he imagined that there would be other bodies.

Towards the beginning of 2002, he hoped that WADA would be in a position where it had set out what it wanted to achieve and how it was going to achieve it. Then, during the course of 2002, the aim was to finalise a draft Code for entry into force at the start of 2003 at the latest.

THE PRINCE DE MERODE recalled that an International Olympic Charter against Doping in Sport had been created several years previously. This excellent work had been considered useless by

Judge Mbaye, who had produced a new code, which had been followed by an Olympic Movement Code. Today, WADA was preparing a new code. He hoped that this would be a case of third time lucky and that the WADA code would be permanent, as it seemed each new body arriving on the scene made a new code, so he advised caution and hoped that there would be no more changes after this.

MR KOSS confirmed that this work needed to be committed. Commitment was essential from the sports side and the IOC, and WADA should have the applicable code and the recognition that went with it.

MR CODERRE said that this time the Code should be successful. This was the start of a process that would bring good things, and everyone should collaborate.

The challenge was for everybody to be singing from the same song-sheet.

THE CHAIRMAN said that WADA's aim from the outset had been to adopt a single Code that would apply to the whole of the Olympic Movement and that would be acknowledged by the public authorities as well. He did not think it necessary to reinvent the wheel. The OMADC was really a variation of the IOC Medical Code. There were some improvements that could be made, but he did not think that it would be necessary to start from zero.

The hardest challenge would be to create a sense of urgency so that people would make decisions in a reasonable time so that the Code could be in place by 2003. He thought it would be a miracle if the Code were in place in time to be generally applicable for the Games in Athens, but he thought that WADA should aim to have all the preliminary work done by the end of 2002. The matter really needed to be kept on the front burner.

#### DECISION

Proposal to form a WADA Anti-Doping Code Co-ordination Working Group approved.

### **10. Publication of IO Report – Sydney**

MR SYVÄSALMI said that the report had appeared in November 2000 on WADA's website, and it was scheduled to be published by 31 March.

MR CRICK referred to the discussion in the minutes of the meeting in Oslo regarding blood testing and the anomalous EPO test results. The IOC report did not allude to these results at all, and he wondered if WADA intended to comment on them?

MR HOWMAN said that some comments had been made in relation to the Medical Commission report, including that very issue, so there were about four points made in the addendum to the WADA Independent Observer report which had not yet been published because it had to be circulated among the Independent observer group. The point concerned was a comment that there had been no data or information relating to EPO testing and the results that might have been received through the blood testing.

MR CRICK asked whether the IOC Medical Commission had any intention to follow up on the results. Comments had been made at the time of possibly handling the results in a certain way, but he did not know if that was still practicable, given the fact that the test had not since been developed any further, but he just wondered whether there was any subsequent action that the IOC planned to take, and if he was asking an appropriate question.

THE PRINCE DE MERODE said that there were no problems where these matters were concerned. There had been no anomalies in Sydney, the problem had been simply that the test had not been quite ready, as there had been difficulties in applying it. The procedure had been halted two or three times because the experts working on it had found obstacles which they did not think that they would be able to overcome, but then they had overcome them two or three days later. Therefore, it had been concluded that the test was an interesting and valid test, but that some time was needed and it should be performed a certain number of times before it became established.

It had been decided to validate the test definitively so that the IFs could use it as soon as possible. A deadline of approximately six months had been given for this, and Professor Segura was working with the Paris team to obtain a final validation.

Regarding tests carried out the previous year, the rules on the matter were very strict, and all the samples had been preserved for six months. He did not think that any subsequent action would be taken, since it was not known for how long the samples could be kept frozen, therefore it had been decided not to re-test the samples one or two years later to try to prove that an athlete might have been guilty of doping.

Although the validation process was currently going well, he feared that the test might not be completely validated by May. All the necessary guarantees were required before the IOC Medical Commission would validate the test so as to be able to recommended it to the IFs for their use.

In conclusion, he thought that the test was good, but what was needed now was time to get it ready, so that it could be functioning properly before the end of the year.

MR VERBRUGGEN said that the EPO test would be introduced at the UCI on 1 April. The Australian method would be used first for screening, then the French method would be used to confirm positive tests. These would then be given to the French and Lausanne laboratories. He realised that the UCI might be taking legal risks, which it would try to minimise as much as possible. The UCI would be happy to have definite IOC validation as soon as possible.

THE CHAIRMAN thought that an abnormal blood result not confirmed by the urine test would be made available to the IF for longitudinal or further study.

MR CRICK said that that had been his question precisely.

THE PRINCE DE MERODE said that all abnormal results had to be given to the federation concerned.

With regard to validation, a transfer of knowledge was needed, as all laboratories should be able to perform the same tests. This was essential.

PROFESSOR LJUNGQVIST told Mr Verbruggen that the UCI and the IAAF were working together and the IAAF would also be using the EPO test in Edmonton later that year.

The aim was to use the EPO test also in out-of-competition testing, but this had not yet been achieved, as it was all rather complicated.

He welcomed the UCI's proposal for further research, as this was a priority field.

MR CRICK expressed his gratitude to the Prince de Merode for his clarifications.

## DECISION

Report on the publication of the Independent Observer Report in Sydney approved.

### **11. Salt Lake City 2002**

#### **– Independent Observer update**

MR SYVÄSALMI said that a practical arrangement had been made with the IOC after the IOC Executive Board had invited WADA to act as the Independent observer at the Games in Salt Lake City. WADA already had a hotel and meeting rooms, and would be given accreditation as well.

There was a proposal for a team of approximately 12 Independent observers in Salt Lake City, depending on the site of the laboratory. There had been 15 in Sydney. There should also be one or two people to help with media relations, as the out-of-competition testing results would have to be announced as well.

The OCOG had been met and the meeting summary notes could be seen in the members' files (Annex 10).

#### **– OOC Testing Co-ordination**

MR SYVÄSALMI proposed that the Executive Committee authorise the Secretary General to recruit a panel of individuals with a range of doping control related expertise (doping control in general and/or specific areas such as sample collection, result management, doping control law and laboratory analysis), and that it authorise the Secretary General to formulate teams for specific Independent observer missions such as at the Salt Lake City Games in 2002.

The need for a panel of Independent observers was of course obvious, and WADA had already received requests to observe at some of the year's upcoming events. There had to be a well-trained team with no conflicts of interest, and a training programme should be in place well before the Games.

– **Media Forum**

MR SYVÄSALMI said that there had been already been a proposal from the Ethics and Education Committee, which he thought was a very good idea.

DECISIONS

1. Report on Salt Lake City 2002 approved.
2. Proposal to have a team of approximately 12 Independent observers, along with one or two people to deal with media relations, in Salt Lake City, depending on the site of the laboratory approved.
3. Executive Committee to authorise the Secretary General to recruit a panel of individuals with a range of doping control related expertise (doping control in general and/or specific areas such as sample collection, result management, doping control law and laboratory analysis).
4. Executive Committee to authorise the Secretary General to formulate teams for specific Independent Observer missions such as at the Salt Lake City Games in 2002.

**12. Strategic Plan**

THE CHAIRMAN said that in Oslo a working group had been established to start working on the Strategic Plan.

A draft had been put together, and had been included in the members' files (Annex 11).

He asked the members to go through all the documents with their own constituencies and get back to WADA so that all matters could be dealt with according to the action plan (Annex 12) that they had received.

WADA would like to receive comments from the working committees, the public authorities, etc. in the next five to six weeks, by 15 April 2001. It would then like to communicate the comments to the Executive Committee and Board members in the first week of May so that the Executive Committee could sign off on the plan at the next meeting in Cape Town, and then a Strategic Plan could be approved by the Board at the end of July or the beginning of August. This required some timely work and careful thought by everyone.

Mr Wade and Mr Crick had worked very hard to achieve the current format of the draft Strategic Plan.

MR CRICK mentioned the discussion the previous day on the issue of the difference between the strategic and operational plans and how the working committee had sought to combine them both.

THE CHAIRMAN explained that, in some larger organisations, a strategic plan would go to a board for approval, and upon approval, management would put it into effect. WADA, because it was small and new, had tried to merge both.

DECISION

Members to get back to WADA with ideas concerning the draft Strategic Plan.

**13. Financial management and balance sheet from STG**

MR REEDIE referred to the balance sheet that the members had in their files (Annex 13). There was a problem on page 2 under *Liabilities*. There was a figure which said *Fortune: SFr 5,000,000*. As he understood the situation, in Switzerland, when one established a foundation like WADA, a certain

degree of capital had to be made available to that foundation, and the agreed capital had been SFr 5,000,000, but that money had not actually been transferred into a separate bank account. This meant that, in the balance sheet, because there was a capital payment, there was a liability, and so there was what appeared to be a net loss. That was an accountancy term only, and he had asked the auditors to complete the WADA audit and comment in written form on the preparation of the balance sheet once they had finished auditing the IOC accounts.

With regard to expenses, he had been given a very detailed breakdown, and was satisfied that the accounting process had been correct and would expect it to be ratified by WADA's auditor.

There were substantial sums which allowed WADA to carry out its obligations, of US\$ 2 million on deposit until 9 April and SFr 1 million on an open deposit. The funds which were not being called for at the moment had been invested and were earning interest for WADA.

With regard to the Financial Plan (Annex 14), the members would see a very detailed breakdown of income, likely expenses, etc. This would be prepared on a quarterly basis so that the members would have a very detailed explanation of every cent raised and spent.

Where the Draft Budget for 2001 (Annex 15) was concerned, it had been decided to draw up an administration budget for the members' information.

He thought that US\$ 3.4 million should run WADA for the year, which left almost US\$ 11 million to be allocated. He did not believe that it was up to the Executive Committee or the Board to allocate those funds.

A possible allocation had been suggested for a certain figure for out-of-competition testing, research, education and special projects.

He thought that the Executive Committee would have to look at constant revisions of a budget, as he did not believe that committee chairs would be in a position to allocate precise funds.

Various committee chairs should go to him or Mr Syväsalmi to discuss what they would need.

There were sufficient liquid funds available to meet WADA's obligations.

The only figure that would change was that the last DFSC invoice had only just been received, therefore it had not been included in the present accounts, therefore the liabilities were likely to be slightly higher.

He was happy with the accounts; the problem at the moment was how to properly spend the funds that WADA had at its disposal and make them work.

THE CHAIRMAN asked whether anyone had any questions.

MR CRICK said that there was a superficial impression of the danger of being insolvent, and people might like some reassurance that WADA was not running the risk of being insolvent once the auditors had been over the accounts.

It was necessary to make sure that WADA had some parameters on what could be spent, and what leapt out at him were the huge disparities between the costs of the various committees.

MR REEDIE replied that he would be very happy to do exactly what Mr Crick had suggested once the accounts had been properly audited. A clear statement was needed from a Swiss auditor on how the provision of acceptance of a liability on the creation of a foundation in Switzerland actually affected WADA's balance sheet.

With regard to current spending, it would be necessary for the Finance and Administration Committee to go through what had been spent and see if the spending pattern was correct or not. There were also some start-up costs which he hoped would not recur in the current year. He would have thought that US\$ 3.4 million out of US\$ 14.5 was not a bad administration cost figure.

THE CHAIRMAN said that the so-called "fund accounting" could be discussed with the auditors, because then it did not look as though WADA was running a deficit or running out of capital. It was a very well known form of presenting financial statements for an organisation such as WADA

## DECISIONS

1. Financial management report approved.

2. Members to be provided with a clear statement on how the provision of acceptance of a liability actually affected WADA's balance sheet.
3. Fund accounting to be discussed with the auditors.

#### **14. Government funding update (AUS, CAN, FIN)**

MR CODERRE said that final decision should be taken at the WADA meeting in Cape Town regarding government participation in WADA.

MR CRICK said that the governments had made a very firm commitment to be a part of WADA on a fifty-fifty basis.

In terms of the overall funding that they wanted to pledge to the anti-doping cause, there were some issues about money paid in other ways by governments for anti-doping, and this would have to be worked through.

The issue was how governments would share the contribution, and a working group had been set up to work through various options for the ways in which governments would share the burden, which ranged from UN-type formulas to economic capacity to pay formulas to the degree to which countries participated in sporting events and the number of athletes they had, and various hybrids of these.

The aim had been for an agreed formula that shared the burden amongst those countries with a capacity to pay, or those regions that wanted to pay on a regional basis, and this would be decided upon in Cape Town.

There were connected issues of financial processes and future budget. A sensible approach was needed, and agreements on parameters of budget spending some years out so that governments could know what they were letting themselves in for in terms of future payments, but those issues were being worked through and it was hoped that they could be brought to conclusion.

THE CHAIRMAN said that he got nervous, not because of discussions on how to share the pie, but when governments talked about taking into account the money they already spent on anti-doping. What was being talked about was the governments' contribution to the fifty-fifty management of WADA. What was spent domestically was a different matter. Otherwise he thought there was an enormous credibility problem building up.

MR CRICK understood the Chairman's point.

MR CODERRE thought that the good faith and goodwill of the governments illustrated their commitment to WADA.

An action plan should be defined, however, as they were talking about money as well as resources and future actions.

MR KITAMI spoke about the governments' contribution. They would contribute and co-operate, as the accountability of the government to its people was important, but when the governments funded the activities of WADA they needed to clarify the benefits of such funding. This would make the government representatives' lives easier when they went back to the governments.

THE CHAIRMAN agreed that this was a valid point. He hoped that many advantages to the sport community and governments could be identified. It was in everybody's interests to have doping-free sport. This was good for sport, and it was good for society in general, as well as the member states.

#### DECISION

Government funding update approved. Governments to reach a final decision at the WADA meeting in Cape Town in June 2001.

#### **15. Permanent Site evaluation process update**

THE CHAIRMAN explained that the problem was that six candidate cities had been required to have their completed applications at the WADA offices by 1 March 2001 at 5 p.m. Lausanne time. One of the cities, namely Lille, had not met the deadline. The Executive Committee had to decide

whether or not Lille would be allowed to proceed any further or whether it was out of time or out of luck.

A representative from Lille, André Delpont, had come to Lausanne to explain why the application had not been received within the time limit called for in WADA's procedure. The Legal Committee would also give its view on the matter, and then the members could decide what should be done.

Mr Niggli was asked to explain the facts.

MR NIGGLI informed the members that Lille's candidacy had not arrived on time. WADA had asked for an explanation within 24 hours, and this had been provided as requested (Annex 16). It appeared that the fault lay with UPS, although UPS had justified itself by citing bad weather conditions.

WADA had been given no proof regarding the weather and traffic conditions cited in the explanation.

MR DELPONT introduced himself, explaining that he had been sent by the French national and local authorities to provide an explanation. He worked for APIM, the Lille Metropolitan Development Agency, which was governed and financed by the local government of Greater Lille.

On behalf of his agency, he wished to express his gratitude for being given the opportunity to present his point of view. He aimed to summarise the events and then present the legal aspects of the matter.

Firstly, Lille's candidature and his visit that morning had the full support of the Prime Minister, the Minister for Sports and the Mayor of Lille.

He had prepared a bilingual document to facilitate comprehension of the facts (Annex 17), and wished to underline certain points. UPS had been informed a long time in advance of the event, and the files had reached Geneva at 4.44 a.m. It had been possible to track the documents by using the internet, and once it had been realised that something had gone wrong, he and his colleagues had reacted immediately. WADA had been informed of the problems before the deadline of 5 p.m. and the documents had been sent by fax.

The reasons given for the delay included a snowstorm in Geneva.

The legal aspects were also significant. The main legal issue was linked to UPS. UPS had been chosen for its links to the sports world in its adverts as World Olympic Partner. Furthermore, UPS had confirmed that it often carried out similar kinds of work to that requested by Lille.

The type of contract made with UPS, UPS Express, covered Lille against any risk. The files had not been delivered before 10.30 a.m. and the parcel had been sent as a document with no commercial value which therefore did not have to undergo the alleged customs formalities, although this had not been the case.

If it had been thought that UPS was not trustworthy, the documents could have been brought by hand, as Lille was not very far from Lausanne.

The second legal issue concerned Swiss law and the notion of force majeure. According to Mr Niggli, it appeared that the definition of force majeure could not easily be applied to the case. He wished to point out the existence in Swiss law of accidental occurrence, which was a result of the coincidence of several events which individually did not constitute a case of force majeure, but together led to a similar consequence. In the case of Lille, there had been a series of events which fitted this definition: the snowstorm, the heavy traffic due to the Salon de l'Auto exhibition in Geneva, and the customs problems at the border.

The third legal point was that Lille had gained no advantage over the other candidate cities by handing in the files after them. The files sent the following morning had been exactly the same as those sent by fax at 4.45 p.m.

Finally, as a private organisation, WADA could interpret its own rules.

Besides the legal aspects, he thought that all parties were in a rather embarrassing situation. He understood that WADA would like to carry out the entire process transparently. He thought that the other candidate cities would like to win on their own merit rather than because of legal reasons, and Lille and France would like to be judged on their performances and not because of accidental occurrences.

In conclusion, his greatest wish was that Mr Balfour and the Evaluation Commission would visit Lille and that, following the visit, the best city would win. He appealed for a pragmatic solution to the situation. He thanked the members for their attention.

MR NIGGLI pointed out that Lille had actually faxed its document at 5.02 p.m.

From a purely legal point of view, Swiss law was indeed applicable to this matter, as WADA had a pre-contractual agreement, similar to that of an auction or a competition.

The essential facts of the matter were that: WADA had issued a clear competition deadline; WADA should respect its own rules; the application of the rules should also be adhered to in light of the fact that WADA had already eliminated other cities, although the nature of the problem had been different; force majeure, which was the only case in Swiss law enabling excuse for failure to meet contractual obligations, could not be applied to this case, as a snowstorm and heavy traffic did not really constitute an extraordinary occurrence.

Consequently, WADA could decide to eliminate Lille without running any legal risks.

It was also true, however, that it had been UPS that had not completed its task, and that the other candidate cities would probably not be at a disadvantage if Lille was brought back into the running.

Lille could be kept in the competition, however WADA should not exclude the risk that the other cities might contest the decision.

THE CHAIRMAN thanked Mr Delpont and asked him to leave the room so that the members could deliberate.

There were three possibilities: as a matter of strict law, Lille should be declared ineligible; WADA could decide that the remaining five cities had suffered no prejudice and keep Lille in the running; thirdly, WADA could consult the remaining five cities and be guided by what it heard.

MR LARFAOUI referred to the receipt of the document by fax. He had seen two times. When had the fax arrived exactly?

MR NIGGLI said that the file had started arriving by fax at 5.02 p.m.

MR LARFAOUI asked whether a document sent by fax could be considered official or not. Documents sent by fax were usually accepted nowadays.

THE CHAIRMAN pointed out that the document had still arrived too late.

MR NIGGLI added that the rules had stipulated that the files arrive by post.

MR CRICK said that he had received the impression that Swiss law stated that one should abide by the strict rules of the tender, but presumably it was within the power of one of the would-be contractors to make concessions that were disadvantageous to the other person, otherwise under Swiss law it would never be possible to forgive a debt. Surely a debt could be forgiven under Swiss law?

MR NIGGLI said that this was a possibility, but there was a need to treat all the participants fairly through a uniform application of the rules.

MR LARFAOUI said that he aimed to be objective, but should a case of force majeure not be taken into account?

MR NIGGLI said that a case of force majeure had to be proved, and WADA had been given no proof. In any case, a traffic jam or a snowstorm would in all probability not be considered a case of force majeure.

MR KOSS said that there would be a problem if the other cities challenged the decision to include Lille, so the cities should be asked to give their opinion. He recommended choosing the third option suggested by Mr Pound.

THE CHAIRMAN asked what would happen if one city said no and the other three said that they did not mind. This had been suggested as a possibility, not as a recommendation

MR SYVÄSALMI thought that the third option was not enough, as it would mean that WADA would have to go back and accept all of the original applicant cities

MS LINDEN supported Mr Koss's proposal to choose the third option, and if one city objected, then Lille should be eliminated for good.

MR CODERRE said that pressure should not be placed on the other candidate cities that had submitted their documents on time. The original rules should be respected.

The adults needed to be separated from the children, and it was not fair to ask the other cities to assume WADA's responsibility. WADA should apply the rules and respect them, therefore the Executive Committee should not accept Lille.

THE PRINCE DE MERODE agreed with Mr Coderre. WADA should take the decision itself.

He was surprised that Mr Delpont had not taken the train or plane to deliver the document when he had said that it would have been easy to do so. If one really wanted something, one would do the maximum to achieve it.

MR MAYORAL said that he did not want to exclude Lille; the same thing had happened to Barcelona and Madrid. He favoured bringing Lille back into the competition, as well as Barcelona and Madrid.

With his tongue in his cheek, MR VERBRUGGEN thought that WADA had spoken that morning about strict liability for athletes.

THE CHAIRMAN stated that WADA could not be faulted on a legal basis for applying strict rule. There could be no complaints of a legal nature if Lille were to be eliminated.

MR HOWMAN added that the Legal Committee had the advantage of a written opinion from WADA's legal firm in Lausanne, and it had given the same advice as Mr Niggli had done.

After listening to the discussion, MR KOSS withdrew his proposal to go with the third option.

MR CRICK said that he understood that WADA would be absolutely within its legal rights to exclude Lille, but this did not mean that it was under a legal obligation to do so. WADA should be making a judgement on what suited its interests.

His concern about excluding Lille was that it had been the courier service that had let Lille down, and this needed to be taken into account with some sympathy. The fact that the fax had been in English should be deserving of some points in Lille's favour.

He would not be inclined to be too strict on the legalities of the case.

MR LARFAOUI supported Mr Verbruggen's point of view.

THE CHAIRMAN asked the members to decide whether or not Lille should be eliminated.

MR KITAMI felt that the other cities had made an effort to submit their entries on time, so to avoid any unfairness, Lille should be ruled out.

MR CODERRE said that he wished to abstain from making any decision.

THE CHAIRMAN concluded that, since seven members had voted to eliminate Lille, against one vote in favour and one abstention, the Executive Committee of WADA decided that, because of its failure to submit its application on time as specified in the rules, WADA would not accept Lille's candidacy.

Mr Syväsalmi was asked to report on the evaluation process for the remaining five candidate cities.

MR SYVÄSALMI said that the minutes of the opening meeting had been sent to offer applications to all the candidate cities. WADA had also liaised with the cities on the process timetable and schedule for the Evaluation Commission visits, and the members had in their files the process timetable and schedule (Annex 18) for the site evaluation. WADA had also sent the cities practical information concerning the procedure, such as asking for recommendations for a conveniently located hotel to carry out the evaluation (at WADA's expense). There would be one joint working lunch per city, but all other meals would be hosted and paid for by WADA, and souvenirs of nominal value only could be accepted.

There would be confidentiality documents for each team member.

The composition of the team would need to be discussed, as WADA was still awaiting confirmation as to whether Mr Balfour could still be part of the Evaluation Commission.

Mr Aján had recently become president of his federation and had announced that he would not be able to carry out all the site visits. He thought that it was important that the same team visit all the cities, as they had to be treated equally.

A new member would therefore be needed to replace Mr Aján, and confirmation was needed regarding the South African representative. Mr Howman and Mr Besseberg had said that they would be able to participate.

There was also the matter of indemnities, which had been brought up by Mr Ctvrtlik.

THE CHAIRMAN said that an Olympic Movement representative and an NOC representative were therefore needed, and asked Mr Mayoral whether he would be willing to come forward.

MR MAYORAL replied that he would inform WADA the following day.

THE CHAIRMAN said that the representative did not necessarily need to be an Executive Committee member.

Would Mr Balfour be able to carry out the visits himself or would he have a delegate?

BALFOUR'S REP replied that an alternate would be suggested, and WADA would be informed of the decision by the end of the week.

MR LARFAOUI asked who this substitute would be. Surely it would have to be someone who was involved in the matter?

THE CHAIRMAN replied that it would either be Mr Balfour or his delegate.

MR VERBRUGGEN did not think that it was a good idea to have a delegate. It should be Mr Balfour or a different person altogether.

THE CHAIRMAN asked whether the members agreed to allow Mr Balfour to nominate a delegate, or whether they preferred to appoint another government representative for the purpose. At the moment, Mr Howman was the government representative, Mr Ctvrtlik was the athletes' representative, and Mr Besseberg was the IF representative, and Mr Mayoral would think about it.

MR REEDIE suggested leaving the original three members to do the job rather than trying to press-gang two other people into an arrangement which would have to be set up pretty quickly. Perhaps three enthusiasts would work very well together.

THE CHAIRMAN agreed that this would be a good solution.

DR VEREEN pointed out that some geographical consideration needed to be given to the matter.

THE CHAIRMAN replied that three different continents would be represented.

#### DECISIONS

1. WADA to announce that it had decided to reject Lille's candidacy on the grounds of its failure to submit its application on time.
2. Three members to make up the Evaluation Commission: Mr Howman as the government representative, Mr Ctvrtlik as the athletes' representative, and Mr Besseberg as the IF representative.

#### **16. Staffing**

MR SYVÄSALMI explained the document that the members had in their files (Annex 19) regarding staffing and the members of staff assigned to the various tasks.

#### DECISION

Report on staffing approved.

## 17. Other business

### – FIS Nordic World Ski Championships

MS LINDEN read out the letter she had written to the Chairman and President of WADA following the FIS Nordic World Ski Championships held in February (Annex 20).

After the first positive test result, she had publicly declared that the whole of the Finnish team should be tested, which had been agreed to. The tests had been conducted by WADA, and four additional positive doping cases had been found.

She recommended that a similar procedure be adopted in future at major sports events whenever there was a suspicion of large scale fraud attempts.

She had requested an explanation from the Finnish Ski Association and also the resignation of its leaders.

Due to the magnitude of the fraud, involving the coaches and both team doctors, an offence concerning possible abuse of government funding had been reported, since the ski federation received a substantial amount of government funds. An investigation working group of outside experts had been appointed, and she asked WADA to nominate a third member to the working group.

In the testing of the entire team, there were two important points that should be taken into account. First of all, all those using prohibited substances had been caught. Secondly, those clean athletes trying to succeed honestly could concentrate on performing without being burdened by doping suspicion.

The investigation should be complete around mid-May, and then the government would decide about sanctions.

This had been a very traumatic case for Nordic skiing, and she had noticed over the past few weeks that there appeared to be a very strong attitude problem in skiing, which was extremely sad. In the history of Nordic skiing, there seemed to have been a history of finding new methods to use.

Hopefully the truth would soon be obtained. The saddest thing was that two doctors had been involved in the affair as well.

THE CHAIRMAN thanked Ms Linden for bringing the Executive Committee up to date and offered his sympathy. WADA would be pleased to do what it could to help.

There was a difference between the national list of prohibited substances and the international federation list of prohibited substances, which was an area that should be looked into.

With regard to providing a member for the working group appointed to investigate the matter, WADA had in mind Mr Philippe Verbiest from the UCI, who had a great deal of knowledge about the problem.

### DECISION

Mr Philippe Verbiest nominated by WADA to form part of the working group appointed to investigate the matter of doping in the Finnish cross-country ski team.

### – Mr David Douillet

THE CHAIRMAN introduced David Douillet, the double Olympic gold medallist in the heavyweight category of judo from the 1996 and 2000 Olympic Games, and bronze medallist from the 1992 Games in Barcelona. He had expressed great interest in WADA's work. He had come to Lausanne to donate his kimono to the collection of important Olympic memorabilia at the Olympic Museum.

MR DOUILLET expressed his interest in WADA, explaining that he was a member of the *Commission de prévention et de lutte contre le dopage* (Commission for Preventing and Fighting against Doping) in France, which was an institution independent of the French Olympic Committee and the national federations, funded by the French Government, which gave the commission a certain amount of freedom and objectivity in its work.

There were two priorities in the fight against doping: repression and prevention, the latter being the most favourable in the fight against doping, as it appeared that prevention would provide the long-term solution to the problem of doping.

– **Indemnities for athlete members of WADA**

THE CHAIRMAN announced that there had been a suggestion to provide indemnities for the young athlete members of WADA to compensate for the working days they missed whilst away on WADA business. He proposed giving a maximum of US\$ 1000 per day for the working week.

MR REEDIE thought that caution was necessary regarding the initial level set for this kind of exercise. The indemnity suggested was substantially out of line with indemnities for other evaluation processes, and he suspected that this might have to be an element of negotiation with any particular individual concerned, but US\$ 1000 per day was a very high rate of return for an evaluation process.

THE CHAIRMAN suggested a starting level of US\$ 750 per day.

MR SYVÄSALMI said that he would try to negotiate a reasonable amount of money.

DECISION

Amount of money to be given to young athlete members of WADA whilst away from work for WADA business to be negotiated.

– **Italian problem**

THE CHAIRMAN brought up the matter discussed in Oslo regarding the letter sent by Mr Coderre requesting WADA to initiate a process to clarify the facts related to reports on athlete doping in Italy. In Oslo it had been decided that WADA would not undertake its own investigation of the matter, and the minutes had recorded this fact. [It had been proposed that *WADA ask CONI for a copy of the report (which was currently in the hands of the Italian legal system) when it became available*]. The minutes had not mentioned that WADA would write to the Italian authorities and ask the Italians for the result of their inquiry into the situation. He hoped to have the amended minutes at WADA's next Board meeting, and WADA would write to the Italian authorities in the meantime and ask for their explanation, so he hoped to have this at WADA's next Executive Committee meeting. ASOIF had also asked about the matter, and WADA would advise ASOIF that the matter was in progress.

DECISIONS

1. Amended minutes of the Oslo meeting to include the decision taken by the WADA Executive Committee to write to CONI and ask for a copy of their report on the matter of athlete doping.
2. WADA to write to the Italian authorities and ask them for their explanation on the issue.
3. WADA to advise ASOIF that the matter is being looked into.

– **Draft release regarding nutritional supplements**

THE CHAIRMAN said that Professor Ljungqvist had passed around a draft suggested release regarding nutritional supplements. He had one or two questions to ask Professor Ljungqvist.

The first paragraph said that *nutritional supplements were being increasingly used world-wide in the sports community although the sought-after benefits...* His inclination would be to take that part out, and say that they were being increasingly used, as the more that WADA said that they did not help, the more people would wonder why supplements caused such concern.

In the second paragraph, he would like a reference to the OMADC.

In the final paragraph, at the end, the phrase *which was one of strict liability* should be added to make the matter clear.

If those substantive points were acceptable, then the statement could be adjusted for form and then sent out.

## DECISION

Draft statement regarding nutritional supplements approved subject to the above proposed amendments.

### – **General McCaffrey**

MR SYVÄSALMI said that he had received a letter regarding General McCaffrey's change of address. General McCaffrey's office had changed, and he proposed that WADA send a letter to thank General McCaffrey for his contribution to WADA.

He also proposed that WADA send a letter to President Bush to express the hope that the established co-operation and efforts would continue.

## DECISIONS

1. Letter of thanks to be sent to General McCaffrey.
2. Letter to be sent to President Bush expressing WADA's hopes that the established co-operation and efforts continue.

### – **WADA documents**

MR LARFAOUI asked whether the documents for the meetings could be sent well in advance so that the members would have time to study them properly.

THE CHAIRMAN replied that every effort would be made to do so. The documents had been sent by e-mail for the current meeting a good week in advance.

## DECISION

Necessary documents to be sent by e-mail to members in advance of meetings.

## **18. Next Meeting**

THE CHAIRMAN informed the members that the next Executive Committee meeting would be on 1 June 2001 in Cape Town. There would probably be another Executive Committee meeting on 31 July and then a Board meeting on 1 August 2001. The location was to be announced.

PROFESSOR LJUNGQVIST recalled that the IAAF World Congress and World Championships would be taking place towards the end of July and in early August in Canada.

THE CHAIRMAN said that WADA would aim not to interfere with these dates if possible.

He thanked the members for their co-operation and declared the meeting adjourned.

The meeting adjourned at 5.17 p.m.

**FOR APPROVAL**

**MR RICHARD W. POUND, QC**  
PRESIDENT AND CHAIRMAN OF WADA